


# Sex Workers/Sex Offenders: Exclusionary Criminal Justice Practices in New Orleans

Feminist Criminology  
2015, Vol. 10(3) 211–234  
© The Author(s) 2014  
Reprints and permissions:  
sagepub.com/journalsPermissions.nav  
DOI: 10.1177/1557085114541141  
fcx.sagepub.com  


Susan Dewey<sup>1</sup> and Tonia P. St. Germain<sup>1</sup>

## Abstract

Until 2012, the New Orleans criminal justice system forced persons convicted of certain prostitution offenses to register as sex offenders under an antiquated (1805) statute that criminalizes oral or anal sex in exchange for compensation. This article explores attitudes and beliefs that enabled Louisiana's misuse of the sex offender registry against primarily indigent African American street-based sex worker women and transgender individuals. Findings presented here derive from a feminist interdisciplinary (cultural anthropology and law) methodological strategy that included qualitative ethnography, quantitative examination of Louisiana's 64 parish-specific sex offender registries, and legal/policy analysis.

## Keywords

sex work, prostitution, sex offender registration, intersections of race/class/gender, legal issues, political/state crime

The lingering injustice, resulting from over 20 years of discriminatory enforcement of this law at police and prosecutors' whims, will now finally come to an end. The State of Louisiana will now finally bring its conduct into compliance with the Constitution and the court's prior rulings. This is an unqualified victory for Black women, poor women, and LGBTQ people who fought back against injustice and won.

—Andrea Ritchie, cocounsel in *Doe v. Jindal* and *Doe v. Caldwell*  
(Louisiana Justice Institute, 2013).

---

<sup>1</sup>University of Wyoming, Laramie, USA

## Corresponding Author:

Susan Dewey, Gender & Women's Studies, 102 Ross Hall, 1000 E. University of Wyoming, Laramie, WY 82070.

Email: sdewey3@uwoyo.edu

This article draws on findings from a mixed methods study to analyze the means by which the New Orleans criminal justice system employed Louisiana's arcane "Crime Against Nature by Solicitation" (CANS) statute<sup>1</sup> to convict sex workers and consequently force them to register as sex offenders. It examines how CANS' application disproportionately affected African American women and transgender individuals, leading the Louisiana Supreme Court, in 2012, to deem the law unconstitutional and, in 2013, to mandate the removal of convicted sex workers' names from the sex offender registry (*Doe et al. v. Jindal et al.*, 2012; *Doe et al. v. Caldwell et al.*, 2013). Following an exploration of the complexities involved in public policy and legal debates surrounding U.S. criminal justice responses to street-based sex work, this article employs qualitative interview findings to elucidate four discriminatory forces African American women and transgender individuals face in New Orleans. The impact of these forces worsen dramatically as a result of sex offender registration following a CANS conviction: gender-based violence, and exclusion from employment, housing, and family and community. Subsequent analysis draws upon quantitative data gleaned from Louisiana's sex offender registry, which comprises 64 parish-specific<sup>2</sup> jurisdictions, to establish the overrepresentation of African American women and transgender individuals. Findings presented indicate that these four types of sociolegal exclusion function to deepen, formalize, and legitimize discrimination against African American women and transgender individuals.

## **The Law Is Only as Good as the People Who Enforce It: CANS and Criminal Justice Responses to Street-Based Sex Work**

They [the criminal justice system] call it "crimes against nature" but it doesn't mean you had sex with a child, it could be oral sex in a car with a man. It's unfair to the woman that's trying to start over. It's gonna force her back into circumstances that she don't wanna get back into. You can't find nowhere to stay, your people not takin' you in, you just got out of jail, you have no job, what else can you do? So you go back to the familiar, and that's it. It's hard. (Latasha, personal communication, August 2012)

Latasha, a mother of three who was struggling with crack addiction and homelessness at the time of her CANS conviction, became a felon and a sex offender prior to the legislative change. As a 45-year-old former New Orleans street-based sex worker,<sup>3</sup> Latasha is just one of 230 women who, prior to the 2013 Louisiana Supreme Court decision, registered as a sex offender following a prosecutor's decision to charge, and a court's decision to convict, her with CANS, a felony offense, rather than the misdemeanor charge of prostitution. This was true of a full 80% of women listed on the sex offender registry of Orleans Parish and neighboring Jefferson Parish. Some of the tasks women like Latasha were required to undertake following a CANS conviction included providing law enforcement officials with their full contact information, which was made public on the sex offender registry, carrying state-issued identification that reads "sex offender," paying hefty registration and other fines, and restricting

themselves to living in certain areas (Louisiana R.S. 15:542). These legal stipulations, as Latasha observes, virtually ensure that individuals who had received a CANS conviction as a result of their involvement in prostitution continued to struggle with finding housing, employment, and faced stigma, marginalization, and potential violence within their communities. As registered sex offenders, female and transgender sex workers face the same felony charges, limits on their personal freedoms, and moral opprobrium as those who have raped, kidnapped, and otherwise inflicted severe violations against another person's bodily integrity.

CANS is an antiquated statute adopted in 1805 outlawing "unnatural carnal copulation," which comprises oral and anal (but not vaginal) sex (Louisiana Statute 14:89.2). These activities became connected to the sex offender registry in 1996 under circumstances unique to Louisiana. Sex offender registries are still a relatively recent criminal justice practice that emerged as part of the Wetterling Act, which was amended in 1996 to require public disclosure of sex offender registrants' names and addresses, and again in 2006 to extend the minimum period of sex offender registration to 15 years (U.S. Congress, 2006). This federal legislation clearly targeted violent sexual predators with a history of harming children, rather than women who, like Latasha, have engaged in street-based sex work as a survival strategy while addicted and precariously housed. Yet in 1996 Louisiana legislators opted to apply the sex offender registry requirements to the crimes against nature statute (Louisiana RS 15:540), becoming the only U.S. state to require people convicted of crimes that do not involve minors or sexual violence to register as sex offenders.

Prior to the 2012 and 2013 Louisiana Supreme Court rulings, individuals convicted under the CANS law had to carry state-issued identification, such as a driver's license, with the words "sex offender" printed below their name. They were required to pay a US\$60 annual registration fee as well as fees ranging between US\$250 and US\$750 to print and mail postcards featuring their name, address, and photograph to their neighbors every time they moved. Like any registered sex offender, CANS offenders who failed to register and pay these fees were guilty of a separate crime that carried penalties of up to 10 years in prison (Louisiana R.S. 15:542). Individuals with a CANS conviction had their names, addresses, and convictions appear in newspapers, in an online sex offender database, and at public sites such as schools and community centers (Louisiana R.S. 15:542).

In March 2012, in response to *Doe et al. v. Jindal et al.*, the legislature passed Louisiana House Bill 141,<sup>4</sup> which ensured that prostitution and CANS offenses shared the same penalty—no more than a misdemeanor conviction. The judge in that case ruled that the sex offender registration requirement under CANS violated the Equal Protection Clause and ordered the state of Louisiana to cease and desist from placing any individuals convicted of CANS on the registry and to remove the plaintiffs from the registry within 30 days. Prior to this ruling, law enforcement had a choice between charging accused sex workers under the prostitution law, which was a misdemeanor, or under the centuries-old CANS law, a felony. The result was that people convicted of the CANS felony were forced to register as sex offenders and those convicted of prostitution were not. Yet the removal from the registry only applied to the nine plaintiffs

in the case, meaning that women like Latasha remained on the registry and could have been required to continue as registered sex offenders for 15 years from the date of their first registration (Louisiana R.S. 15:544).

To purge the names of all CANS offenders from the sex offender registry, a federal class action lawsuit, *Doe et al. v. Caldwell et al.* had to be filed. On June 12, 2013, *Doe et al. v. Caldwell et al.* was settled and Louisiana removed from the sex offender registry approximately 700 individuals who had been required to register solely because of a CANS conviction. Analysis presented below examines the impact of sex offender registration-related discriminatory forces following a CANS conviction on African American women and transgender individuals, including gender-based violence and exclusion from employment, housing, and family and community.

### Sociolegal Research Context

*Doe et al. v. Jindal et al.* exposed how the New Orleans criminal justice system used the CANS legislation to deliberately target African American women and transgender individuals, two populations already suffering from multiple forms of sociolegal exclusion. New Orleans, which has some of the nation's highest rates of poverty, crime, illiteracy, and generalized economic deprivation, lost 30% of its population subsequent to Hurricane Katrina's massive destruction (U.S. Census Bureau, 2012a), which only compounded the steady reduction in stable jobs in shipping and related industries that had been ongoing since the 1970s (BondGraham, 2007; Frailing & Harper, 2007). Researchers generally concur that Hurricane Katrina disproportionately negatively affected African Americans living in poverty by exacerbating previously existing racial and socioeconomic inequalities (Barnshaw & Trainor, 2007; Hawkins & Maurer, 2012), access to affordable or subsidized housing (Bullard & Wright, 2007), and notions of personal and community safety (Hawkins & Maurer, 2011), issues often only further compounded for sex workers.

Louisiana women are among the poorest in the United States, the least likely to have health insurance, and more than 40% of female-headed households in New Orleans live below the federal poverty line (Jones-Deweever & Hartmann, 2006). Median household income in New Orleans is US\$37,325, a full US\$15,437 less than the national average (U.S. Census Bureau, 2013a, 2013b), and less than half of New Orleanians, opposed to 70% of Louisianans, own their homes (U.S. Census Bureau, 2012a, 2012b). Rates of crack and heroin use (as well as drug-related sex markets) are equivalent to New York City, which is nearly eight times New Orleans' size (Dunlap, Johnson, & Morse, 2007).

These problems are systematically embedded in a political culture, long predating Hurricane Katrina, that not only seems to absolve itself of responsibility for its less privileged constituents, but to actively target them. As Louisiana Republican Congressperson Richard H. Baker observed in the wake of the most destructive storm in the state's history, "we finally cleaned up public housing in New Orleans. We couldn't do it, but God did" (Long, 2007, p. 3). The speaker's use of the phrase "cleaned up" with reference to the massive destruction wrought by Hurricane

Katrina on Louisiana's poorest communities is symptomatic of the embedded nature of a broader discriminatory culture mirrored in CANS-related law enforcement practices.

Increased scrutiny of these law enforcement practices and mobilization toward legal reform of the CANS statute, particularly the sex offender registration requirement, came in the wake of increased federal government scrutiny of the New Orleans Police Department (NOPD). Just days after his inauguration as Mayor of New Orleans, Mitch Landrieu (2010) wrote to U.S. Attorney General Eric Holder to request that the U.S. Department of Justice's Civil Rights Division engage in a full investigation of the NOPD, noting,

I have inherited a police force that has been described by many as one of the worst police departments in the country. This assessment is made based on several indicators including the number of violent crimes, incidents of rape, and malfeasance by members of the police department. The force itself has been dealt a demoralizing blow with the investigations, indictments, and resignations stemming from incidents in the days following Hurricane Katrina. It is clear that nothing short of a complete transformation is necessary and essential to ensure safety for the citizens of New Orleans. The police force, the community, and our citizens are desperate for positive change.

In response, the U.S. Department of Justice Civil Rights Division conducted a full investigation of the NOPD, reporting in 2011 that

the NOPD has long been a troubled agency. Basic elements of effective policing—clear policies, training, accountability, and confidence of the citizenry—have been absent for years. Far too often, officers show a lack of respect for the civil rights and dignity of the people of New Orleans. (p. v)

The report resulting from the Department of Justice investigation also found that NOPD officers practiced unrestrained discretion in making decisions about who to arrest, and “failed to take meaningful steps to counteract and eradicate bias based on race, ethnicity, and LGBT status in policing practices” (U.S. Department of Justice, Civil Rights Division, 2011, p. v). This bias actively manifested in CANS, which the same report referred to as “a statute whose history reflects anti-LGBT sentiment” (U.S. Department of Justice, Civil Rights Division, 2011, p. x).

These police behaviors resulted in racial profiling of African American women and transgender individuals as part of “a pattern or practice of discriminatory policing in violation of constitutional and statutory law” (U.S. Department of Justice, Civil Rights Division, 2011, p. xi). Such policing practices relied on an arresting officer's individual professional judgment with respect to detaining an individual on prostitution or CANS-related charges. Findings from both the U.S. Department of Justice report and our own research strongly indicates that CANS-related policing consequently took the form of bias-based profiling, in which an officer decides whom to stop, search, or arrest based on racial or gender stereotypes, rather than reasonable suspicion or probable cause.

## **Research Method**

The interdisciplinary research team, made up of a cultural anthropologist and a legal scholar, began preliminary research in December 2011 as part of a broader project investigating belief systems about sex work and sex trafficking among criminal justice professionals, sex workers, social service providers, and social justice activists. The research examined occupation-specific beliefs, perceptions, and practices among these groups, particularly in terms of legal distinctions between sex workers as individuals who voluntarily participate in criminalized behavior and hence face prosecution, and sex trafficked persons as those who have been victimized by a third party and hence have entitlement to social services and legal protections.

Qualitative research comprised interviews with participants from four groups, defined as follows: (a) criminal justice professionals, any public sector employee sworn to uphold the law; (b) sex workers, those who self-identify as having traded sex or sexualized intimacy for money or something of value at some point in their lives; (c) social service providers, those paid to assist low-income or otherwise marginalized individuals with receiving government or charitable benefits and facilities, including food, shelter, health care and housing; (d) social justice activists, who engage in harm reduction-oriented efforts to enact what they believe to be positive changes for particular communities. Data collected included 20 total semistructured interviews with participants from each group. Interviews were audio-recorded with permission and detailed field notes were taken when permission to record was declined. Two of the criminal justice professionals and all five of the sex workers interviewed did not permit recording. Data analysis employed methodological triangulation of interview transcripts, field notes from interviews and observation, legal documents, news reports, and materials produced for dissemination by social justice groups.

The coinvestigators undertook a quantitative analysis of all 64 parish-specific sites of the Louisiana sex offender registry, which the first author compiled from May 31 to June 2, 2013 by reviewing the 10,919 individual sex offender webpages that the Louisiana State Police's Public Safety Services had posted for each of the state's parishes (Louisiana State Police, Public Safety Services, 2013). The coinvestigators first disaggregated the number of sex offenders by gender, then by the number of female sex offenders with CANS convictions, and noted the racial background of the female CANS registrant. The particularly high number of female sex offenders registered solely as a result of a CANS conviction in Orleans Parish and neighboring Jefferson Parish resulted in a detailed review of all 360 female sex offender registrants with CANS convictions in these two parishes, disaggregating for gender, race, other criminal convictions listed, as well as whether the court had convicted the individual of an aggravated offense. Quantitative analysis clearly demonstrated the overrepresentation, in Orleans and Jefferson Parishes, of African American women and, to the extent that it is possible to do so without a clear statement of an individual's gender identity, transgender persons.

## Qualitative Findings

### *Sociolegal Exclusion*

CANS-related practices in the criminal justice system actively functioned to deepen, formalize, and legitimize the social exclusion of African American women and transgender individuals. Our qualitative findings indicate that a set of discretionary criminal justice practices directly enabled four specific forms of CANS-related sociolegal exclusion: gender-based violence and estrangement from housing, employment, and family and community bonds.

Throughout the United States, discretionary process generally begins with a police arrest report, which summarizes the events leading up to the arrest and numerous other details, including dates, times, and locations involved. The arresting officer sends the report to a prosecutor, whose job is to initiate and prosecute criminal cases, who then decides what, if any, criminal charges to file. The prosecutor will decide whether the case should be charged as a felony or a misdemeanor and follow appropriate procedure to file with the trial court or grand jury, or to determine that the matter does not warrant further attention. Speedy trial laws typically require prosecutors to make this decision quickly.

Prosecutorial discretion refers to the fact that under U.S. law, government prosecuting attorneys have nearly absolute powers. A prosecuting attorney has power on various matters, including those relating to choosing whether or not to bring criminal charges, deciding the nature of the charges, plea bargaining, and sentence recommendation (Melilli, 1992); this is also the case in Louisiana (Dickerson Moore, 2000). Prosecutorial decisions regarding whether to file charges and at what level may be influenced by factors beyond the specific facts of the incident described in the police report.

Some prosecution offices adopt policies on certain types of crimes, often in response to community pressure (as is often the case with street-based sex work) and these policies may dictate the prosecutor's approach in any given case. An office, for instance, may decide to always file street-based prostitution arrests as misdemeanors. Prosecutors may also be influenced by their own political ambitions, and in Louisiana district attorneys are elected officials and can view their position as a stepping-stone to higher office (State of Louisiana, 2013).

Public opinion or important support groups often impact a prosecutor's decision making; for instance, a prosecutor may file charges on every prostitution case, no matter how weak, to curry favor with local storeowners concerned about the high level of visibility that generally accompanies this particular crime. One organization engaged in legislative advocacy echoes this view in noting that

efforts to reform criminal justice policies are politically perilous—no office holder wants to be labeled “soft on crime,” and measures to make crime policy . . . mayors, police chiefs, legislators—even Presidents—love to take credit for safer streets and are loath to tinker with a winning electoral formula. (Leadership Conference on Civil and Human Rights, 2013)

Standard New Orleans criminal justice policies on CANS strongly reflect such concerns about public perceptions on crime. Shortly after taking office, New Orleans Police Superintendent Ronal Serpas publicly stated, "prostitution is a crime of addiction and violence," thereby explicitly linking transactional sexual exchanges to carjackings, robberies, and other violent crimes (Monteverde, 2011). Such a stance further enabled discriminatory policing practices with respect to CANS by increasing the amount of police attention focused on these activities.

Interviews conducted as part of the research corroborated this stance as an articulation of a broader "tough on crime" policy. An attorney with years of pro bono experience representing sex worker clients offered Dewey a rather ominous view of why NOPD favored CANS-related arrests over misdemeanor prostitution arrests:

They would instead arrest people for crimes against nature, which is a felony, which made for a better arrest as far as the state was concerned. When Harry Connick was the district attorney that was his standard policy, that if there was any suggestion of oral sex at all in the transaction they would charge it as a crime against nature and not as prostitution because the felony would stick . . . it used to be that essentially they would send out "blow job patrols" and there were a couple of cops whose only job was to solicit blow jobs, and the problem with vice cops is that they become crooked themselves, and then take advantage of the people who they're arresting and soliciting from, and it's a very, very dirty thing.

Likewise, a retired New Orleans criminal district court judge told Dewey that because the law required an actual sex act to take place to prosecute an individual for CANS, "you had law enforcement people who would in fact engage with these women in these acts and arrest some and not others." He attributed this to what he termed "a hard-nosed notion in terms of prosecution" that adversely affected not only law enforcement officers who engaged in such acts but also the criminal justice system more broadly. As a Louisiana law enforcement officer told Dewey of his experiences on patrol, "sometimes you feel like you're just spinnin' your wheels out there. Vice is always the lowest on the totem pole and down here it's all political because politicians and other people are all tied up in drugs, prostitution."

Such cynicism among criminal justice professionals underscores the complexities involved in prosecuting CANS-related cases, including the reality that a prosecutor's decision-making processes may be influenced by his or her sense of what justice requires. Prosecutors are supposed to both enforce the law and "do justice," which occasionally means that a prosecutor decides not to prosecute a case (or file less severe charges) because the interests of justice require it, even if the facts of the case might support a conviction. Conversely, a prosecutor might decide to increase his or her department's reputation with a "law and order" public by increasing the number of felony convictions for political reasons and reap the financial benefits from a law enforcement system that makes budget decisions based on crime and conviction rates. Higher criminal conviction rates can mean more money, more staff, and greater political influence for prosecutors and police. Hence manufacturing felony convictions



against middle class marijuana users would produce political complication, but targeting marginalized and indigent African American women and transgender individuals generally would not.

The primary responsibility of a prosecutor is to seek justice, which can only be achieved by the representation and presentation of the truth (National District Attorneys Association, 2009, p. 11). For instance, the Orleans Parish District Attorney's (2013) mission statement notes that it exists to "represent the interests of the State of Louisiana, advocate for victims of crime, protect public safety, and uphold justice in an honest and ethical manner." Law is only as good as the people who enforce it, and police and prosecutors become successful in their careers by enforcing the law rather than protesting a discriminatory status quo. Internal systems of "self-policing" have evolved, including internal affairs investigative departments for police and prosecutorial ethical compliance, but these can fail in a systemic manner, as so clearly shown in the Department of Justice investigation of the NOPD.

The discretionary powers conferred by this system may cause police officers and other criminal justice professionals to rely on race or gender expression, resulting in skewed policing practices systematically exercised to disadvantage New Orleanian African American women and transgender individuals. This is not to imply that prosecutors are by and large prejudiced, but as with police activity, prosecutorial judgment is shaped by a set of self-perpetuating racial and gender assumptions that have disproportionate impacts, even if their intent is to be race-neutral or gender-neutral. Prosecutorial decision making, in tandem with police tactics in Louisiana, have contributed to the criminalization of race and gender expression in four specific ways that have had a devastating impact upon New Orleanian African American women and transgender individuals.

### *Gender-Based Violence*

Sex workers, transgender individuals, and queer community members all face considerable discrimination and stigma in the Southern United States as part of what American Studies scholar Robert Goss (2009) terms a "cultural homophobia" supported by mass media, jokes, and other pervasive social practices that directly enable or excuse violence (p. 274). Likewise, Performance Studies and African American Studies scholar E. Patrick Johnson's (2008) examination of oral histories collected among gay African American men in the South led him to argue that despite the community resiliency and creativity displayed by the men in his research, "the South is still a place where hate flourishes and manifests itself in senseless violence" (p. 546). A review of hate crimes statistics gathered by the Federal Bureau of Investigation led The Southern Poverty Law Center to conclude that LGBTQ individuals "are far more likely than any other minority group in the United States to be victimized by violent hate crime" (Potok, 2010). Likewise, women who engage in sex work experience far higher rates of victimization than their non-sex worker peers (Salfati, James, & Ferguson, 2008), which may lead some to infer that these acts of violence also constitute hate crimes.

The environment that directly enabled the criminal justice system to engage in these approaches to policing African American women and transgender individuals is informed by moral and cultural, as well as law and order, concerns. A retired New Orleans criminal district court judge interviewed by the first author felt that such practices undermined individual civil rights and put the state in the business of legislating morality. Policing those engaged in sexual practices deemed morally abhorrent by the state, he explained to Dewey,

goes back to those religious notions in terms of when we really truly believed that there was something morally wrong with that kind of behavior and as the bulwarks of morality we had to in fact stop that behavior and the way to do that was put people in jail for it.

The CANS statute exemplified this approach.

Throughout the United States, street-based sex workers face higher rates of violence and homicide than sex workers in other venues, and especially in comparison with non-sex workers (Dalla, Xia, & Kennedy, 2003; Romero-Daza, 2003; Salfati et al., 2008). Transgender individuals have reported being the target of sexual and physical abuse by NOPD officers as a result of their gender expression (U.S. Department of Justice, Civil Rights Division, 2011). As an individual explained to Dewey with reference to the members of a transgender advocacy group,

We've had members that were involved in sex work that have had police officers approach them for sex and then threatened with arrest if they didn't perform, so in terms of force and coercion that's certainly something that members have identified. We've started doing a survey of young people and we've only surveyed so far 15 Black transwomen under 30, but 15 out of 15 had been stopped by an officer and asked for sex or for a sexual favor of some sort. And this is rampant: last year there was a police officer that was actually charged because he approached an undercover officer for sex.

Social justice activists have argued that the almost complete discretionary powers held by police officers and prosecutors in making such a potentially devastating decision about another person's life results in both outright and more subtle forms of discriminatory policing against African American women and transgender individuals. As civil rights attorneys and activists Joey Mogul, Kay Whitlock, and Andrea J. Ritchie, who served as cocounsel on a CANS-related federal court case, note, "normative sexualities and gender expressions, alone or in combination with markers of race and class, have also informed the manner in which different instances of similar conduct are interpreted" (Mogul, Ritchie, & Whitlock, 2012, pp. xvii-xviii). The director of a New Orleans LGBTQ rights and advocacy organization echoed this point in an interview with Dewey, describing the New Orleans police practice of using gender expression as probable cause for stopping an individual, particularly in areas of the city with a reputation for street-based sex work:

So walking to the store, for example, you could be stopped. We had a young woman who was stopped not too long ago and her bag was searched and the officer found cash that was not a

large amount of cash, it was just cash that was not in a wallet, and said that “because you just threw your cash in your purse without putting it in a wallet, it’s clear that you’re engaging in sex work, prostituting.” We have had officers say, you know, “you’ve got more than two condoms along with cash in your purse and, you know, this is sort of evidence enough.”

Likewise, the Department of Justice’s report on its investigation of the NOPD noted that “African Americans, ethnic minorities, and members of the lesbian, gay, bisexual, and transgender community reported harassment and disrespectful treatment, and being unfairly targeted for stops, searches and arrests” (U.S. Department of Justice, Civil Rights Division, 2011, p. ix). The report further observes that “transgender women complained that NOPD officers improperly target and arrest them for prostitution, sometimes fabricating evidence of solicitation for compensation,” and specifically mentioned the sex offender component of CANS legislation (U.S. Department of Justice, Civil Rights Division, 2011, p. x).

A cisgender female sex worker who had lived in New Orleans her entire life explained to Dewey that forcing transgender sex workers to self-identify as “male” on the sex offender registry also constituted a form of violence. She expressed surprise that, once she became a resident of a bohemian New Orleans neighborhood known for its sexual diversity, she began to receive the postcards disclosing some of her neighbors’ sex offender status:

When I first moved here, I kept getting these postcards, with pictures of transwomen, notifying me that they were sex offenders. And it took a long time before I understood what this was all about—I kept thinking, “are there that many transwomen molesting children?” Then I realized, they’re being forced to publicly identify as men who live as women, and that in itself opens them up to all kinds of threats, even here.

The threats the speaker mentions can be overt, such as the risk of potential violence, or more subtle, such as limited or lack of access to legal forms of work.

## Employment

African American and transgender women, like all New Orleanians, can struggle to make ends meet in an economy where, with a 7% statewide unemployment rate, jobs are plentiful but largely confined to the tourism-generated service sector; indeed, Orleans Parish has the highest unemployment rate in Louisiana (Bureau of Labor Statistics, 2013). What economic growth does exist is restricted to the low-wage service sector, which derives at least part of its tourism-related income from the city’s reputation as a space for the libertine experience of physical pleasures in all forms (Long, 2004; Schafer, 2009; Stantonis, 2006). As one sex workers’ rights activist describes the experiences of many people of color “. . . you can party in New Orleans all night long, but you can *only party* in New Orleans, and even that is limited based on who and where you are in the city” (Piano, 2011, p. 213).

This spatial regulation of African American women and transgender individuals, which the speaker glosses as “who and where you are” also applies to the ability to

obtain a service sector job in the city's restaurant and entertainment-based economy. This is part of a long-standing trend stemming from the restructuring of the oil industry and the relocation of major employers such as Amoco and British Petroleum in the late 1980s and early 1990s (Frailing & Harper, 2010). An estimated 65,000 people left New Orleans subsequent to the job losses sustained by such massive changes to the oil industry (Souther, 2007, p. 811). These negative economic trends, coupled with the natural disasters caused by Hurricane Katrina and the 2010 Deepwater Horizon oil spill, disproportionately negatively affected African Americans, who were already the city's most vulnerable economic group (Lyons, 2011).

Social justice activists and sex workers alike told the first author that restaurants and other tourism-related entertainment venues hesitate to hire those who do not self-present as cisgender. An activist aligned with the transgender community noted that

A lot of our transgender women have said that they don't feel that they can get a job that is like a typical kind of service job in New Orleans, because they've attempted to go and been just turned away or told that they're not hiring, which they've said feels based upon their appearance and their gender expression.

Yet for individuals with CANS convictions that mandate sex offender registration, the difficulties in obtaining even poorly paid service sector work can be nearly insurmountable. Deon Haywood, Executive Director of the group that spearheaded the move to end mandatory sex offender registration for individuals with CANS convictions, observed that

Some of these women will be turned down for jobs at Burger King and McDonald's because people think, "Oh, you're a sex offender and we have too many children coming in here." Some will carry around their paperwork so they can explain why they have this charge. It's . . . our modern-day scarlet letter. (Piano, 2011, p. 209)

A sex worker interviewed by the first author echoed these concerns about the "scarlet letter" of sex offender status, voicing her concerns that individuals who sometimes supplemented a service industry job's meager wages with income from sex work would lose even that limited opportunity to earn money legally. She uses the example of the French Quarter, New Orleans' most heavily touristed area and consequently the home of most service industry jobs:

Last year there were two women charged with it [CANS] in the French Quarter and the judge banned them from the French Quarter after that. One of them had a legit job in the French Quarter and wasn't able to go back to work, and it gets you thinking about the ways that someone's movement is limited and people are forced into this cycle of criminal justice involvement and poverty and et cetera et cetera when they're limiting the way that people can walk and be safe, particularly to their job.

The Department of Justice report on its NOPD investigation also highlighted this issue in its observation that "for the already vulnerable transgender community, inclusion

on the sex offender registry further stigmatizes and marginalizes them, complicating efforts to secure jobs, housing, and obtain services at places like publicly-run emergency shelters” (U.S. Department of Justice, Civil Rights Division, 2011, p. x).

## *Housing*

Those convicted of CANS and forced to register as sex offenders can face stigma and discrimination while seeking housing. It is a bitter irony that a city home to some of the United States’ most unique historic architecture also has some of the grossest housing inequalities. As anthropologists Rachel Breunlin and Helen Regis (2006) note, “since the beginning of the city’s history, poor and working-class black New Orleanians have been forced to live in ecologically and economically marginal land” (p. 746). The tourism-dominated economy relies at least in part on visitors’ desires to see the ornate balconies and low-roofed Creole cottages in the French Quarter and Marigny neighborhoods, resulting in urban planning and redevelopment policies that privilege a small economically privileged and largely White percentage of the city’s population (Souther, 2007).

Individuals convicted of CANS and forced to register as sex offenders face daunting odds in locating housing, particularly as a consequence of post-Katrina housing redevelopment efforts that have further deprivileged already disadvantaged communities. Such redevelopment efforts included the destruction of four public housing communities—a total of 5,000 homes—that had experienced little storm-related damage to make way for higher cost housing (Finger, 2011). Rental costs have doubled or tripled in some parts of New Orleans since Katrina (Quigley, 2005), as part of an economic and spatial restructuring that clearly represents “commitments to the subtle replacement of an ethics of public care with an ethics of private profit” (Adams, 2012, p. 190).

Access to affordable housing is even more complicated for African American women and transgender individuals; indeed, many U.S. street-based sex workers are already marginally housed or experiencing homelessness, a factor that leads to engagement in transactional sexual exchange in the first place (Duff, Deering, Gibson, Tyndall, & Shannon, 2011). As one transgender rights activist explained,

We’ve had people that have been stopped for being in a known prostitution area, which is also an area where there is the lowest rent. For a lot of our young women who are marginally housed or homeless or kind of pillar to post, a lot of them will stay in motels, and the cheapest rent is along Tulane Avenue, which is also what police officers will call “a known prostitution area.”

Individuals who have a criminal record of prostitution offenses struggle to find housing due to background checks (Lazarus, Chettiar, Deering, Nabess, & Shannon, 2011); likewise so for all who bear the “contemporary scarlet letter” created by electronic criminal records relatively accessible by almost anyone, including prospective landlords (Murphy, Fuleihan, Richards, & Jones, 2011). Yet sex offenders face unique challenges in finding housing due to legal prohibitions on their living within 1,000 feet of a school, child care

facility, public park, recreational facility, or library (Louisiana Revised Statute 14:91.2). For instance, a staff member and former street-based sex worker at a shelter for women experiencing homelessness expressed frustration that her facility, by law, had to turn away women registered as sex offenders because of a CANS conviction. As she explained to Dewey,

If a woman has crimes against nature [a CANS conviction resulting in sex offender registration] we cannot accept her because we have kids on the second floor. And we know it's not that she had sex with a child, but that she got into the sex thing [sex work] cause of homelessness, bein' hungry, havin' to take care of kids, tryin' to find shelter, to pay for drugs. Mainly survival. Some women look at it like that, it's a job, they get paid, they go out and do it. It's a survival thing, they have to work, but people judge you all the same.

### *Family and community*

All African American women and many transgender individuals convicted of CANS and forced to register as sex offenders belong to communities that disproportionately bore the social burdens of the Katrina disaster. Two out of three African American homes flooded, as compared with one in four White or Latino/a homes, and one in three Asian homes (Campanella, 2007). Uneven and sometimes discriminatory rebuilding efforts have resulted in a situation which social work scholars characterize as "rebuilding black poverty" due to the lack of efforts to address the structural racism that enabled such massive destruction to take place (Hawkins & Maurer, 2012). This structural racism directly informs the limited life choices that lead some African American women and transgender individuals into sex work (and, in the case of CANS convictions, onto the sex offender registry) in the first place.

Limited social safety nets, such as financial support, housing, and other community bonds are limited by redevelopment efforts "based on who can afford it, not necessarily who was most affected by the disaster based on flooding levels or social vulnerability" (Finch, Emrich, & Cutter, 2010, pp. 199-200). African American women in Louisiana earn the least of any U.S. group, with a median annual income of just US\$19,400; likewise, only 27.2% of African American women have managerial or professional jobs in comparison with 65% of White women. New Orleans college graduation rates among women are similarly disparate, with just over 16% of African American and 50% of White women finishing a university degree (Jones-Deweever & Hartmann, 2006). In such circumstances, family and community resiliency comprise critical components of everyday survival, particularly around the sharing of scarce resources. Sometimes, as reported by one of the street-based sex workers in a focus group carried out by Dewey, rejection by these social networks can have a devastating impact:

The hardest thing, I think, that we face is when you come out of jail, the women are forced into the workforce and they have not worked. Or women who don't have an education, 10th grade level, then they quit. It's hard with a high school diploma. You know how hard it is without it? Then young women who become homeless and have these four or five kids, you know, no family members to help them, or three or four

fathers in the family, domestic violence is involved, and sometimes that's enough to push you into drugs. Tryin' not to feel, tryin' not to be responsible, because sometimes it can be overwhelming.

Women Dewey spoke with who had been involved in sex work as a means to support a crack addiction also spoke of stigma that alienated them from families and communities of which they had once been a part. In their view, addiction took priority over these bonds:

Crack cocaine is very expensive and it's a bad habit to have, and when you're doin' crack you're not working, you don't care about nobody. You don't got a job and you do need money, and when the money that you did have run out that's [sex work] about the only thing that's left, unless you gonna steal, you understand. You don't want to admit it to your peoples but sooner or later they find out and they gonna judge you. Now when you add bein' a sex offender to that mix, what you think is gonna happen?

Positioning women with CANS-related sex offender registration as permanent community exiles as a consequence of their sexual behavior, this speaker underscores the power of stigma to divide, or even sever, family and community bonds.

The formation of community bonds is also a critical survival strategy for African American women and transgender individuals, who may form their own communities in direct response to exclusionary homophobic cultural practices that some scholars have found to be pervasive in the South (Barton, 2011; Howard, 2001; Sears, 2001; Wills & Crawford, 1999). Yet, like cisgender sex workers of color, transgender individuals report that discriminatory policing, particularly of bars and other community spaces where transgender persons congregate, disrupts or threatens their sense of safety and well-being (U.S. Department of Justice, Civil Rights Division, 2011).

## **Quantitative Findings From Louisiana Parish Sex Offender Registries**

Analysis of sentencing discrepancies derived from all 64 Louisiana sex offender registries demonstrates that Orleans Parish disproportionately issued CANS convictions to African American and transgender sex workers relative to the size of these populations. Our review of parish sex offender registries clearly indicates that Orleans Parish systematically issued CANS convictions to African American women, such that 80% of Louisiana's female sex offender registrants reside in Orleans and neighboring Jefferson Parish.<sup>5</sup> African American women, who make up 30% of New Orleans's population, comprise 80% of Louisiana's total number of sex offenders registered as a result of a CANS conviction.

A review of the sex offender registries for each of Louisiana's 64 parishes clearly underscores the highly localized nature of CANS prosecutions. Indeed, 43 of Louisiana parishes, a full 67.18% of the state's total number, have no sex offender registrants with a CANS conviction.<sup>6</sup> Six parishes, 9.37% of the total, had just one female sex

**Table 1.** Female Sex Offender Registrants Solely Because of a CANS Conviction, by Parish.

All other parishes	Orleans	Jefferson
46	144	52

Note. CANS = Crime Against Nature by Solicitation.

offender convicted of CANS,<sup>7</sup> 10 parishes, 15.62% of the total, had just two women registered for this offense,<sup>8</sup> and 2 other parishes had three and four.<sup>9</sup> In some cases, the sex offender registry entry for CANS-convicted women in parishes other than Orleans and Jefferson indicated the conviction of the registrant in Orleans Parish, but because sex offender registry entries did not consistently note place of conviction it has been omitted as a variable in analysis presented here.

The total number of women in Louisiana parish sex offender registries was 465, a full 230 (nearly 50%) of which must register solely as a result of a CANS conviction. Of these women, 132, or 57.39%, registered in New Orleans. Jefferson Parish, which surrounds Orleans Parish and encompasses many New Orleans suburbs, had 52 female sex offender registrants (22.6%) whose only reason for registering is a CANS conviction. Hence, 184 women, 80% of the total number registered as sex offenders solely due to a CANS conviction, reside in Orleans and Jefferson Parishes and likely received their CANS conviction in New Orleans. Eleven (23.91%) of the 46 women featured in Table 1's "All Other Parishes" column registered as sex offenders in East Baton Rouge Parish due to their residence there.

Yet these statistics appear even more striking on further analysis. There were a total of 891 registered sex offenders in Orleans Parish, 270 of whom registered solely as a result of a CANS convictions, and 144 (53.3%) of whom were women (see Table 1). 108 of these women were African American (75%), and 36 (25%) were White. The 2010 U.S. Census data indicate that 206,871, or 60.16%, of New Orleans total 343,829 residents self-identified as African American, 32.98% as White,<sup>10</sup> which seems to indicate that African American women were overrepresented, and White women underrepresented in CANS convictions (see Table 2 and 3). Curiously, the Orleans Parish sex offender registry did not include any racial or ethnic categories other than "Black" or "White," even when registrants had names, phenotypes, or physical features clearly associated with particular ethnic or racial groups. For instance, light-skinned women with identifiably Latina or Asian names consistently had "white" next to the category marked "race" in the Orleans Parish sex offender registry, while darker skinned women had "black" listed.

Orleans Parish's 270 sex offender registrants with CANS convictions also comprised men and individuals with male legal names, a list of feminine aliases, and photographs displaying a cis-female<sup>11</sup> self-presentation that may indicate transgender identity. Sex offender registries, like many other government and law enforcement databases, do not acknowledge transgender persons with a separate gender identity category and instead classify individuals as either male or female based on other government identification or records. This practice is highly problematic for those interested in using data derived from the criminal justice system as a means to document



**Table 2.** Female Sex Offender Registrants Solely Because of a CANS Conviction in Orleans Parish, by Race.

Orleans	
African American	White
108	36

Note. CANS = Crime Against Nature by Solicitation.

**Table 3.** Orleans and Jefferson Parishes, Percentage of Population by Race and Female Gender.

Orleans		Jefferson	
African American	White	African American	White
60.4%	34.8%	27%	66.7%

Source. Retrieved from <http://quickfacts.census.gov/qfd/states/22/22051.html>.

Note. Female persons constitute 52% of the population in Orleans Parish and 51.4% of Jefferson Parish. In Orleans Parish, 95.2% of the population self-identifies as African American or White; others self-identify as Hispanic or Latino (5.3%), Asian (3%), two or more races (1.4%), American Indian or Alaska Native (0.4%), or Native Hawaiian or other Pacific Islander (0.1%). In Jefferson Parish, 93.7% of the population self-identifies as African American or White; others self-identify as Hispanic or Latino (13.1%), Asian (4.1%), two or more races (1.5%), American Indian or Alaska Native (0.7%), or Native Hawaiian or other Pacific Islander (0.1%).

policing and sentencing practices with respect to transgender individuals. As with the limited categories with respect to race, this reflects the rather narrow identity categories envisioned by at least some criminal justice professionals.

We identified 18 persons in the Orleans Parish sex offender registry with male legal names who self-presented as cis-female, with highly feminized self-presentation markers such as long, elaborately coiffed hairstyles (excluding braids or dreadlocks, which were common for people of all genders), makeup, long, elaborate earrings, and, in some instances, the use of one or more female aliases. Using this method, transgender persons constitute 6.66% of those who must register as sex offenders solely due to a CANS conviction, but it is possible that there were many more transgender persons in the sex offender registry who did not self-present in this way. This sort of silencing in criminal justice recordkeeping reflects broader, and very problematic, ways of thinking about gender identities.

Not including the individuals with male legal names who self-presented as cis-female (“MNCF” in Table 4), Orleans Parish had 108 registered male sex offenders with a CANS conviction, comprising 37.7% of the total CANS registrants. Fifty-three of these individuals, 49% of the total, registered solely because of a CANS conviction; 38 of these men were African American. The remaining 55 men, 50.92% of the total, had convictions for violent sexual crimes in addition to the CANS charge.

**Table 4.** Orleans and Jefferson Parish Sex Offender Registrants Solely Because of a CANS Conviction, by Gender and Race.

	Orleans		
	Male	Female	MNCF <sup>a</sup>
African American	38	108	18
White	15	36	0

Note. CANS = Crime Against Nature by Solicitation.

<sup>a</sup>This acronym refers to those with male legal name whose gender self-presentation was clearly cis-female. Notably, such individuals *only* appeared in the Orleans Parish sex offender registry.

Forty-one men had dual sex crime and CANS convictions involving violent sex crimes,<sup>12</sup> making these cases 37.96% of the total for men with CANS convictions. Eighteen men, 16.6% of the total, had multiple charges for violent sexual offenses in addition to the CANS conviction, and 17 had committed these offenses against juveniles or children. Sixty-two men, 57.4% of the total, received convictions for committing aggravated crime against nature,<sup>13</sup> a conviction received by only four women, just 2.7% of the total number women with CANS convictions; none of those with male legal names who presented as cis-female received this conviction.

Disaggregating the quantitative data by race strikingly demonstrates differences in sentencing practices for those with male legal names and a cis-female self-presentation. Every person with a male legal name who self-presented in their photograph as cis-female is African American; 87 of all the male sex offender registrants with CANS convictions are African American. When those with male legal names who did self-present as cis-female are considered as part of the total number of African American men, this figure rises to 105, or 83.33% of the 126 total individuals with male legal names who had CANS convictions.

Similarly, disaggregating the quantitative data by the gender of registered sex offenders solely with a CANS conviction produced the most striking results: 144 African American women, or 97.91% of all women sex offender registrants in Orleans Parish, registered solely as a result of a CANS conviction. All the 18 individuals, or 100%, with male legal names who self-presented as cis-female appeared in the sex offender registry only because of a CANS conviction. A total of 53, or 49% of the total, male sex offenders registered as a result of a CANS conviction. We can reasonably conclude from this data that women and individuals who may be transgender are grossly overrepresented in the sex offender registry as a consequence of CANS convictions.

## Conclusion: Implications for Criminal Justice and Feminist Practice

Our findings suggest that feminist scholars and practitioners working within what sociologist Elizabeth Bernstein (2010) has termed “carceral feminism,” which she describes

as “a shared commitment to carceral paradigms of social, and in particular gender, justice and to militarized humanitarianism as the pre-eminent mode of engagement by the state” (p. 45) might view the CANS convictions and its resulting discriminatory impact as a cautionary tale. Taking note of the numerous instances in which a simultaneous desire on the part of U.S. legislators, policy makers, and the public to take a law and order or “tough on crime” approach made easy targets of sex workers, women of color, poor women, and transgender individuals—just the groups that many feminists seeks to champion. Such policies’ reliance on simplistic moral judgments fails to account for the negative structural impacts caused by systematic discrimination against members of particular sexual, racial, or class groups, thereby directly reducing the rights of sex workers, particularly sex workers of color, to be present in public space.

Sex offender registration virtually guaranteed that CANS-convicted African American and transgender individuals would stay homeless, or marginally housed, and engaged in sex work due to the lack of other opportunities available to them for the 15-year mandatory registration period. In New Orleans, law enforcement’s engagement in racial and gender profiling of African American women and transgender individuals stemmed from an arbitrary set of criminal justice practices that enabled unconstrained discretion in who police arrested and prosecutors charged. Law enforcement used gender expression and race as probable cause for stopping a person on suspicion of soliciting or intent to engage in prostitution and freed individual police and prosecutors to use their own attitudes and beliefs to make decisions about arrests and charging at the misdemeanor or felony level, thus policing morality instead of enforcing the law.

These criminal justice practices resulted in a sociolegal regime that actively targeted African American women and transgender individuals by formalizing their exclusion and effectively denying them full citizenship. As such, the case of CANS legislation and mandatory sex offender registry in New Orleans powerfully underscores the potentially life-altering consequences of using law as a catchall solution to particular social issues and ignoring the unintended consequences of misguided policy.

### **Declaration of Conflicting Interests**

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

### **Funding**

The author(s) received no financial support for the research, authorship, and/or publication of this article.

### **Notes**

1. “Crime against nature by solicitation is the solicitation by a human being of another with the intent to engage in any unnatural carnal copulation for compensation” (Louisiana Revised Statute 14§89.2).

2. "Parish" is synonymous with "county" elsewhere in the United States. Louisiana has 64 parishes, each of which is typically divided into wards that number between 5 and 10; as with counties in the rest of the United States, parishes each have their own sex offender registry. For more on the development of parish governance in Louisiana history, see Scroggs (1913).
3. Throughout this article, we use "sex worker" to refer to a person who exchanges sex or sexualized intimacy for money, drugs, or other tangible object of value. For the sake of clarity in our discussion of legislation, the term *prostitution* will be used to refer to the criminal offense committed during the illegal exchange of sex for money.
4. This act amended Louisiana Revised Statute 14§89.2 to equalize the Crime Against Nature by Solicitation (CANS) statute with prostitution by no longer requiring an individual convicted of CANS two or more times to register as a sex offender unless the solicitation is aimed at a minor. Those convicted two or more times of CANS, as with prostitution, may be fined between US\$250 and US\$2,000, jailed for 2 or more years, or both (Anderson, 2011; *Doe et al. v. Jindal et al.*, 2012).
5. The coauthors did not have access to New Orleans Police Department (NOPD) prostitution arrest data disaggregated by race, which would have been an ideal means by which to examine whether African American women are equally overrepresented. We strongly encourage future researchers to explore this avenue of inquiry should the NOPD make these records public at some future point.
6. The following parishes had no sex offender registrants convicted solely of CANS: Acadia, Allen, Assumption, Beauregard, Bienville, Bossier, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Jackson, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Point Coupee, Red River, Richland, Sabine, St. Helena, St. James, St. Landry, St. Mary, St. Martin, St. Tammany, Tensas, Union, Vernon, Webster, West Baton Rouge, West Carroll, West Feliciana, Winn.
7. Jefferson Davis, Lafourche, St. Bernard, Terrebonne, Vermilion, Washington.
8. Ascension, Avoyelles, Caddo, Calcasieu, Iberville, Lafayette, Livingston, Plaquemines, St. John the Baptist, Tangipahoe.
9. Rapides, St. Charles.
10. "2010 Demographic Profile: New Orleans" Retrieved from <http://www.census.gov/popfinder/>
11. Gender studies scholars Kristen Schilt and Laurel Westbrook (2009, p. 440) define "cis-gender" as "individuals who have a match between the gender they were assigned at birth, their bodies, and their personal identity. Use of this term acknowledges that everyone has a gender identity and that "male" and "female" do not constitute default "normal" categories in opposition to, for instance, transgender."
12. These convictions included sexual battery, forcible rape, aggravated rape, and simple rape. La.Rev.Stat. §14:43.1 defines sexual battery as nonconsensual sexual touching of a person, sexual touching of a person younger than 15 years of age by a person older than 17 years of age, or sexual touching of person incapable of resisting due to mental incapacitation, advanced age, or disability. La.Rev.Stat. 14:42.1 defines forcible rape as nonconsensual anal, oral, or vaginal sexual intercourse when a victim is incapable of resisting due to force or threats of physical violence or intoxication. La.Rev.Stat. §42 defines aggravated rape as nonconsensual anal, oral, or vaginal sexual intercourse with a victim 65 years or older or younger than 13 years of age, who is unable to resist due to force, disability threats, use of a weapon, or multiple offenders. La.Rev.Stat. §14:43 defines simple rape as nonconsensual

anal, oral, or vaginal sexual intercourse with a victim incapable of resisting due to an intoxicating agent, unsoundness of mind, or belief that the offender is her husband.

13. La.Rev.Stat. §89.1 defines an aggravated crime against nature as a crime against nature committed when a victim resists and is overcome by force, is prevented from resisting by threats of bodily harm, use of a weapon, mental disability or intoxication, or when the victim is younger than 17 years of age and the offender is at least 3 years older than the victim.

## References

- Adams, V. (2012). The other road to serfdom: Recovery by the market and the affect economy in New Orleans. *Public Culture*, 24, 185-216.
- Anderson, E. (2011, June 28). Gov. Bobby Jindal signs bill to equalize penalties for soliciting crime against nature with those of prostitution. *The Times-Picayune*.
- Audrey Doe et al. v. Bobby Jindal et al., 851 F.Supp. 2d 995 (E.D. La. 2012)
- Barnshaw, J., & Trainor, J. (2007). Race, class, and capital amidst the Hurricane Katrina diaspora. In D. Brunsmas, D. Overfelt, & S. Picou (Eds.), *The sociology of Katrina: Perspectives on a modern catastrophe* (pp. 91-106). Lanham, MD: Rowman & Littlefield.
- Barton, B. (2011). 1CROSS + 3NAILS = 4GVN: Compulsory Christianity and homosexuality in the Bible belt panopticon. *Feminist Formations*, 23, 70-93.
- Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary anti-trafficking campaigns. *Signs: Journal of Women in Culture and Society*, 36, 45-71.
- BondGraham, D. (2007). The New Orleans that race built: Racism, disaster, and urban spatial relationships. *Souls: A Critical Journal of Black Politics, Culture, and Society*, 9, 4-18.
- Breunlin, R., & Regis, H. (2006). Putting the ninth ward on the map: Race, place, and transformation in desire, New Orleans. *American Anthropologist*, 108, 744-764.
- Bullard, R., & Wright, B. (2007). Black New Orleans: Before and after Hurricane Katrina. In R. Bullard (Ed.), *The Black metropolis in the twenty-first century: Race, power, and the politics of Places* (pp. 173-198). Lanham, MD: Rowman & Littlefield.
- Bureau of Labor Statistics. (2013). *Local area unemployment statistics: Unemployment rates for states*. Retrieved from <http://www.bls.gov/web/laus/laumstrk.htm>
- Campanella, R. (2007). An ethnic geography of New Orleans. *The Journal of American History*, 94, 704-715.
- Dalla, R., Xia, Y., & Kennedy, H. (2003). "You just give them what they want and pray they don't kill you": Street-level sex workers' reports of victimization, personal resources and coping strategies. *Violence Against Women*, 9, 1367-1394.
- Dickerson Moore, S. (2000). Questioning the autonomy of prosecutorial charging decisions: Recognizing the need to exercise discretion-knowing there will be consequences for crossing the line. *Louisiana Law Review*, 60, 370-404.
- Duff, P., Deering, K., Gibson, K., Tyndall, M., & Shannon, K. (2011). Homelessness among a cohort of women in street-based sex work: The need for safer environment interventions. *BioMed Central Public Health*, 11, Article 643.
- Dunlap, E., Johnson, B., & Morse, E. (2007). Illicit drug markets among New Orleans evacuees soon after Hurricane Katrina. *Journal of Drug Issues*, 37, 981-1006.
- Emma Doe et al. v. James Caldwell et al., Section "F." 2:13cv05090 (E.D. La. 2013).
- Finch, C., Emrich, C., & Cutter, S. (2010). Disaster disparities and differential recovery in New Orleans. *Population and Environment*, 31, 179-202.

- Finger, D. (2011). Public housing in New Orleans Post Katrina: The struggle for housing as a human right. *The Review of Black Political Economy*, 38, 327-337.
- Frailing, K., & Harper, D. (2007). Crime and hurricanes in New Orleans. In D. Brunnsma, D. Overfelt, & S. Picou (Eds.), *The sociology of Katrina: Perspectives on a modern catastrophe* (pp. 51-68). Lanham, MD: Rowman & Littlefield.
- Frailing, K., & Harper, D. (2010). School kids and oil rigs: Two more pieces of the post-Katrina puzzle in New Orleans. *American Journal of Economics and Sociology*, 69, 717-735.
- Goss, R. (2009). Silencing queers at the upstairs lounge: The stonewall of New Orleans. *Southern Communication Journal*, 74, 269-277.
- Hawkins, R., & Maurer, K. (2011). "You fix my community, you have fixed my life": The disruption and rebuilding of ontological security in New Orleans. *Disasters*, 35, 143-159.
- Hawkins, R., & Maurer, K. (2012). "Waiting for the white man to fix things": Rebuilding Black poverty in New Orleans. *Journal of Sociology & Social Welfare*, 39, 111-139.
- Howard, J. (2001). *Men like that: A southern queer history*. Chicago, IL: University of Chicago Press.
- Johnson, E. (2008). *Sweet tea: Black gay men of the South*. Chapel Hill: University of North Carolina Press.
- Jones-Deweever, A., & Hartmann, H. (2006). Abandoned before the storms: The glaring disaster of gender, race, and class disparities in the Gulf. In C. Hartman & G. Squires (Eds.), *There is no such thing as a natural disaster: Race, class, and Hurricane Katrina* (pp. 85-101). New York, NY: Routledge.
- Landrieu, M. M. (2010). [Letter to Attorney General Eric H. Holder]. Retrieved from [http://media.nola.com/crime\\_impact/other/LettertoAttyGenHolder.050510.pdf](http://media.nola.com/crime_impact/other/LettertoAttyGenHolder.050510.pdf)
- Lazarus, L., Chettiar, J., Deering, K., Nabess, R., & Shannon, K. (2011). Risky health environments: Women sex workers' struggles to find safe, secure and non-exploitative housing in Canada's poorest postal code. *Social Science & Medicine*, 73, 1600-1607.
- Leadership Conference on Civil and Human Rights. (2013). *Justice on trial: Recommendations*. Retrieved from <http://www.civilrights.org/publications/justice-on-trial/recommendations.html>
- Long, A. (2004). *The Great Southern Babylon: Sex, race, and respectability in New Orleans, 1865-1920*. Baton Rouge: Louisiana State University Press.
- Long, A. (2007). Poverty is the new prostitution: Race, poverty, and public housing in post-Katrina New Orleans. *The Journal of American History*, 94, 795-803.
- Louisiana Justice Institute. (2013). *Victory! Sex workers removed from Louisiana sex offender registry*. Retrieved from <http://louisianajusticeinstitute.blogspot.com/2013/06/victory-sex-workers-removed-from.html>
- Louisiana Revised Statute 14:91.2. (2012). *Unlawful presence of a sex offender*. Retrieved from <http://www.lsp.org/socpr/registration.html>
- Louisiana Revised Statute 15§540. (1997). *Registration of sex offenders, sexually violent predators, and child predators*. Retrieved from <http://www.legis.la.gov/lss/lss.asp?doc=79159&showback=Y>
- Louisiana Revised Statute 15§542. (2013). *Registration of sex offenders and child predators*. Retrieved from <http://legis.la.gov/lss/lss.asp?doc=79161>
- Louisiana Revised Statute 15§544. (2012). *Duration of registration and notification period*. Retrieved from <http://www.lsp.org/socpr/registration.html#DURATION>
- Louisiana State Police, Public Safety Services. (2013). *Search for sex offenders*. Retrieved from <http://www.lsp.org/socpr/disclaimer.html>

- Louisiana Statute 14§89.2. (2012). *Crime against nature by solicitation*. Retrieved from <http://legis.la.gov/lss/lss.asp?doc=725245>
- Lyons, H. (2011). Responding to hard times in the “Big Easy”: Meeting the vocational needs of low-income African American New Orleans residents. *The Career Development Quarterly*, 59, 290-301.
- Melilli, K. (1992). Prosecutorial discretion in an adversary system. *Brigham Young University Law Review*, 3, 669-704.
- Mogul, J., Ritchie, A., & Whitlock, K. (2012). *Queer (in)justice: The criminalization of LGBT people in the United States*. Boston, MA: Beacon Press.
- Monteverde, D. (2011). New Orleans police arrest 51 people on drug, prostitution charges during undercover stings. *The Times-Picayune*. Retrieved from [http://www.nola.com/crime/index.ssf/2011/06/new\\_orleans\\_police\\_arrest\\_51\\_p.html](http://www.nola.com/crime/index.ssf/2011/06/new_orleans_police_arrest_51_p.html)
- Murphy, D., Fuleihan, B., Richards, S., & Jones, R. (2011). The electronic “Scarlet Letter”: Criminal backgrounding and a perpetual spoiled identity. *Journal of Offender Rehabilitation*, 50, 101-118.
- National District Attorneys Association. (2009). *National prosecution standards* (3rd ed.). Retrieved from <http://www.ndaa.org/publications.html>
- Orleans Parish District Attorney. (2013). *The D.A.* Retrieved from <http://orleansda.com/the-d-a/>
- Piano, D. (2011). Working the streets of post-Katrina New Orleans: An interview with Deon Haywood, Executive Director, Women with a Vision, Inc. *Women's Studies Quarterly*, 39, 201-218.
- Quigley, B. (2005). New Orleans: Leaving the poor behind again! *Counterpoise*, 9(4), 5-6.
- Romero-Daza, N. (2003). “Nobody gives a damn if I live or die”: Violence, drugs and street-level prostitution in inner-city Hartford, Connecticut. *Medical Anthropology*, 22, 233-259.
- Salfati, G., James, A., & Ferguson, L. (2008). Prostitute homicides: A descriptive study. *Journal of Interpersonal Violence*, 23, 505-543.
- Schafer, J. (2009). *Brothels, depravity, and abandoned women: Illegal sex in antebellum New Orleans*. Baton Rouge: Louisiana State University Press.
- Schilt, K., & Westbrook, L. (2009). Doing gender, doing heteronormativity: “Gender normals,” transgender people, and the social maintenance of heterosexuality. *Gender & Society*, 23, 440-464.
- Scroggs, W. (1913). Parish government in Louisiana. In *Annals of the American academy of political and social science* (pp. 39-47).
- Sears, J. (2001). *Rebels, rubyfruit, and rhinestones: Queering space in the Stonewall South*. New Brunswick, NJ: Rutgers University Press.
- Souther, M. (2007). The Disneyfication of New Orleans. *The Journal of American History*, 94, 804-811.
- Stantonis, A. (2006). *Creating the Big Easy: New Orleans and the emergence of modern tourism, 1918-1945*. Athens: University of Georgia Press.
- State of Louisiana. (2013). *Judicial branch*. Retrieved from [http://louisiana.gov/Government/Judicial\\_Branch/#districtattorneys](http://louisiana.gov/Government/Judicial_Branch/#districtattorneys)
- U.S. Census Bureau. (2012a). *Home ownership rates by state, 1990–2010*. Washington, DC: Author. Retrieved from <http://www.census.gov/compendia/statab/2012/tables/12s0993.pdf>
- U.S. Census Bureau. (2012b). *State and county quickfacts: New Orleans*. Washington, DC: Author. Retrieved from <http://quickfacts.census.gov/qfd/states/22/2255000.html>
- U.S. Census Bureau. (2013a). *State and county quickfacts*. Washington, DC: Author. Retrieved from <http://quickfacts.census.gov/qfd/states/00000.html>

- U.S. Census Bureau. (2013b). *State and county quickfacts*. Washington, DC: Author. Retrieved from <http://quickfacts.census.gov/qfd/states/22/2255000.html>
- United States Congress. (2006). *Public Law 109-248, 109th Congress*. Retrieved from <http://www.gpo.gov/fdsys/pkg/PLAW-109publ248/pdf/PLAW-109publ248.pdf>
- U.S. Department of Justice, Civil Rights Division. (2011). *Investigation of the New Orleans Police Department*. Washington, DC: U.S. Department of Justice. Retrieved from [http://www.justice.gov/crt/about/spl/nopd\\_report.pdf](http://www.justice.gov/crt/about/spl/nopd_report.pdf)
- Wills, G., & Crawford, R. (1999). Attitudes toward homosexuality in Shreveport-Bossier City, Louisiana. *Journal of Homosexuality*, 38, 97-116.

### Author Biographies

**Susan Dewey**, cultural anthropologist, is an associate professor of Gender & Women's Studies at the University of Wyoming. Her work has appeared in numerous journals including *Anthropological Quarterly*, *American Ethnologist*, and *Sexuality Research & Social Policy*. She is the author or co-editor of seven books, including *Neon Wasteland: On Love, Motherhood, & Sex Work in a Rust Belt Town* (University of California Press, 2011).

**Tonia P. St. Germain** has research affiliation with the Gender & Women's Studies program at the University of Wyoming and is an adjunct associate professor of Women's and Gender Studies at Oregon State University. She holds a JD from Antioch School of Law and is the former director of Gender & Women's Studies at Eastern Oregon University. Her latest book is *Global Responses to Conflict-Related Sexual Violence: International Law, Local Responses* (Stylus, 2012). She is an advisory editor for The Wiley-Blackwell Encyclopedia of Gender and Sexuality Studies.