

Sex Work, Sorted: An Information History of Sexual Regulation in the United States

by

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Thesis

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Abstract

This thesis examines how American legal and information systems have classified, regulated, and made sex work legible from the late nineteenth-century through the contemporary internet platform era. Rather than asking whether classifications accurately describe commercial sex, it asks how these terms became actionable and created practical effects for sex workers, victims of sexual trafficking, and information seekers more broadly. Drawing on feminist, queer, and critical classification theory, the project treats law as information infrastructure, or a distributed system of records, standards, and institutional practices that determine what is circulated, recognized, and acted upon.

Across four time periods, the project traces a cumulative classificatory history in which moralized categories accumulate and remain available for reuse across institutions. These classifications are referred to as “containers of concern”: expansive moral frames that gather populations, anxieties, and policy objectives into ostensibly coherent social problems. Once institutionalized, these containers blur distinctions among consensual labor, coercion, sexual expression, migration, and criminality. The analysis follows these containers from statutory text into moments of encounter, including border inspection, psychiatric evaluation, platform moderation, and the investigation—or non-investigation—of violence. These encounters demonstrate that classification shapes material access to mobility, safety, employment, and other legal resources. Throughout this history, sex workers are repeatedly positioned as criminals or abstract victims while their own knowledge and information needs remain peripheral.

By placing sex work at the center of feminist and queer analyses of information infrastructure, this thesis extends critical classification scholarship beyond libraries and representational systems into the domain of carceral governance. It argues that accountable information practice requires historical provenance and institutional recognition of knowledge produced by communities whose official classification has itself been a source of harm. Ultimately, the symbolic construction of sex work and broader sexual deviance produces material consequences across multiple populations, including those whom the state claims to protect through the punishment of others.

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CHAPTER 1: Introduction

“Do YOU think prostitution should be legal?” reads the caption of a September 2024 Facebook post from Turning Point USA (TPUSA), a fourteen-second video of sex workers rallying for justice, framed as a rally for prostitution. The text on the video itself reads: “A group of transgender s*x workers rallied in New York City over the weekend, demanding ‘justice’ and prostitution rights” (TPUSA, 2024) The post is quite ordinary in the way political social media is ordinary: it's short, provocative, decontextualized, and designed for reaction. With 455 comments, it is a modest post for such a large conservative media organization. The comments are ordinary, too. Some say prostitution should be legal. Charles affirmatively answers, “Absolutely with medical oversight and taxes.” Others dismiss the question as either obvious or old. Alan shrugs, “Has been for thousands of years,” and Trudi exclaims, “I thought it was!” Most comments, however, carry some degree of disdain. Commenters hate the women being shown, or they hate having to discuss them (though discuss them they do). The comments are so ordinary that they can easily be sorted into three recurring camps—immorality, pathology, and trafficking—each of which maps onto a larger history of legal discourse, administrative action, and media coverage of sex work.

Some commenters read sex work through sin: “Since Jesus told the prostitute to go and sin no more, I do not feel it should be legal.” Patty jokes, “Satan is loving this.” Progressive reformers of the late nineteenth-century spoke this way, too, passing legislation like the Comstock, Page, and Mann Acts to keep “obscenity” and “immoral purpose” out of the United States Postal Service, the flow of immigration, and interstate commerce. Other Facebook users translate sex work into pathology or disease: “Imagine the STD levels.” “They need counseling.” “I really don’t see normal people going to see those types.” This mode of thinking gained traction in the early twentieth-century, with the Chamberlain-Kahn Act, the institutional development of crime statistics and library classifications, and the many sexual psychopath statutes that spread across the states. Finally, a handful of commenters collapse sex work into global trafficking and justification for deportation: “It’s like saying ‘let’s legalize human trafficking.’” Marge asks, “Are they illegal sex slaves from another country?” while Mark simply

asserts, “Many of the whores in this video should be arrested and immediately deported.” This conflation also rose to mainstream prominence in the early twentieth-century, but it grew exponentially in the 1990s, as rampant globalization and the newly available internet led to widespread fears of trafficking and other sex crimes. This panic was addressed by various legislation passed over the next few decades, like the Trafficking Victims Protection Act (TVPA), various statutes requiring sex offender registries, and the Fight Online Sex Trafficking/Stop Online Sex Trafficking Acts (FOSTA-SESTA).

These remarks are not sophisticated legal arguments, but this is Facebook. They don’t need to be. The compressed and morally charged comment section captures both the substance and style of popular discourse about sex work, and it is organized through familiar associations. “Talk,” unlike force, involves a “competitive exchange of symbols, referential and evocative, through which values are shared and assigned and coexistence attained” (Edelman, 1985, p. 114). The social media “talk” linking sex work to disorder, disease, or deportation is not entirely out of line with the statutory and institutional language, either. Legal categories often carry the same ambiguity, the same claims to expertise, and the same unstable terminology. These are terms that appear to clarify a problem but instead expand the range of people and conduct available for regulation. “Prostitution,” for example—“engaging, agreeing, or offering to engage in sexual conduct with another person in return for a fee”—is illegal in every state except Nevada, which permits licensed brothels, and Maine, where selling sex is decriminalized while buying remains illegal (Wex Definitions Team, 2020). But what counts as prostitution in practice?

The answer depends less on a single definition than on the institutional systems through which “prostitution” is interpreted and enforced. For example, within the Library of Congress Classification system—which the United States Congress relies on for research materials—subclass “Prostitution” is situated right in between “Sadism. Masochism. Fetishism, etc.” and “Masturbation.” During World War I, a woman’s sheer presence within five miles of a military camp could be treated as evidence of prostitution and then translated into public health language as “venereal disease.” Under FOSTA-SESTA, passed in 2018, the promotion of “prostitution” is an offense placed directly beside “reckless disregard of sex trafficking” (FOSTA-SESTA, 2018). Time and again, these associations recur, producing both linguistic

instability and material consequence. A trafficking victim promised resources under the Trafficking Victims Protection Act of 2000 may not receive the relief she needs if she continues to engage in sex work voluntarily, even if it is the only living wage available to her under the circumstances (Peters, 2013). A minor can likewise be treated as both a victim of trafficking and a person prosecutable for prostitution (Wodda & Panfil, 2021). These contradictions in terminology are also examples of how unstable sexual categories become containers broad enough to hold sin, disease, criminality, victimhood, and danger all at once.

Americans talk about sex constantly: in law, media, public health campaigns, political scandals, and Facebook comments. “S*x” is not a repressed topic; it is spoken of “ad infinitum” as Foucault argues (1978, p. 35). What distinguishes modern sexual discourse is not a uniform effort to conceal sex, but the proliferation of institutional mechanisms for eliciting, recording, interpreting, and redistributing speech about it. Foucault describes this as a “regulated polymorphous incitement to discourse,” produced through a dispersed network of devices that induce sex to be spoken, documented, and classified (1978, p. 34). Much of this discourse is generated in relatively closed institutional settings—legislative hearings, courtrooms, medical examinations, police departments, and expert commissions such as the Attorney General’s Commission on Pornography—where officials discuss sex in considerable detail while establishing the terms through which it later becomes publicly available or intelligible. So, talk about sex is not prohibited, but it is uneven, selectively permitted through authorized vocabularies of immorality, pathology, and trafficking—three frameworks increasingly attached to sex work through modern information systems.

The authority to name also creates the power to sort. Institutions exercise control through what Foucault calls the double process of “binary division and branding”—mad or sane, dangerous or harmless, normal or abnormal—and “coercive assignment,” through which a person is identified, located, characterized, recognized, and subjected to surveillance (1977, p. 199). Sex work has repeatedly been organized through these binary divisions: moral or immoral, healthy or diseased, normal or deviant, victim or offender, trafficked or voluntary. But sex is difficult to organize neatly or even define because it touches nearly everything: harm, desire, labor, reproduction, intimacy, identity, violence, pleasure, and human nature. Information is

similarly difficult to contain. Both are expansive fields through which institutions determine what can be known, what may circulate, how people will be classified, and what must be suppressed. The history of sexual regulation is therefore also a history of information regulation.

Language organizes perception and directs attention. Throughout the last century of sexual regulation in the United States, recurring terms such as “obscenity,” “immorality,” “venereal disease,” and “child protection” appear in the statutory text as if they simply describe preexisting problems. In this project, I call these flexible terms *containers of concern*. I use “container” rather than “category” or “classification” because, as I argue, the terms are unstable by design. A category suggests a more bounded unit, something to be defined and sorted with relative precision or common sense. A container emphasizes capacity, convenience, and portability. It holds unlike things together when it is useful to treat them as proximate. Obscenity, for example, cannot really be measured, but it can be placed in association with corrupting influence in order to censor materials. Immorality cannot be located in the body with precision, but it can be attached to various groups of people deemed suspicious. Venereal disease cannot account for the totality of sexual life, but it can create one administrative field to justify inspection and detention. Trafficking does not describe all sex work, but it can be made to contain both exploitation and consensual labor in order to prosecute those involved. A container of concern does not require conceptual stability to function; this is what makes it durable. It can expand and contract across institutions while continuing to produce practical effects for sex workers punished by this infrastructure, as well as trafficking victims whom the state claims to protect.

This project does not ask whether sex work is inherently exploitative, liberatory, immoral, or neutral. Nor does it attempt to resolve feminist, legal, or public health debates that have long structured sex work discourse. Instead, I investigate how American information systems that present themselves as neutral have repeatedly organized sex work and sexuality through morally loaded containers of concern. As many social movements demonstrate, the United States has long used law to arrange people through categories of indigeneity, race, gender, ability, and national origin, producing populations differently exposed to exploitation and disproving that only private individuals are violent, that the state is where protection can be

found (Spade, 2015, p. 2). Seemingly objective systems like law, librarianship, and public health produce classifications that appear technical, administrative, and even protective while carrying assumptions about gender, race, sexuality, labor, and national belonging. This project therefore treats official texts not only as legal or bureaucratic documents, but as information infrastructure: systems of terms, categories, indexes, and practices through which the American state makes sexual subjects knowable. The modern American history of sexual regulation is inseparable from the containers of concern built around it. Ultimately, I argue that symbolically constructed containers produce material consequences for sex workers, victims of sex trafficking, and Americans more broadly as they encounter, search for, and interpret information about sex.

Theoretical Foundations

I am less interested in whether terms such as “deviance,” “immorality,” or “trafficking” accurately describe sex work than in how such terms become actionable through interpretation and enforcement. As Kenneth Burke argues, language acts upon the world: while a scientific approach to language deals with definition, a “dramatistic” approach is useful in treating language as symbolic action (Burke, 1966). Vocabularies direct attention by making some features of reality perceptible while obscuring others (Burke, 1966). The language used to describe sex work does not passively reflect social facts, but instead helps to produce the field in which those facts become legible at all. When such language is embedded in law and bureaucracy, its effects extend beyond discourse into material life. I therefore take a social constructionist perspective, drawing from Peter Berger and Thomas Luckmann’s argument that reality is produced through everyday forms of knowledge circulated, repeated, and stabilized by social institutions. Human existence, they write, is an “ongoing externalization,” so that “as man externalizes himself, he constructs the world into which he externalizes himself....he projects his own meanings into reality” (Berger & Luckmann, 1989, p. 122).

If language is symbolic action, and symbolic action leads to material consequences, then language leads to material consequences. Few scholars of information infrastructure make this dynamic more visible than Geoffrey Bowker and Susan Leigh Star in *Sorting Things Out*

(1999). They argue that systems of classification are moral technologies that organize social life while appearing natural and neutral. Once institutionalized, classifications acquire durability and inertia, layering over time to produce what they describe as interlocking systems. These systems operate as a network, co-producing and reinforcing categories through proximity. “Things perceived as real are real in their consequences,” they note (Bowker & Star, 1999, p. 53). I take that claim seriously in this project. Across the following chapters and time periods, containers of concern form what Bowker and Star call “categorical saturation,” a dense web of overlapping systems that appear invisible within side-scale bureaucracies (1999, p. 38).

Melissa Adler’s work on sexuality and knowledge organization is deeply central to this project. In *Cruising the Library*, Adler (2017) places theories of sexuality in conversation with library and information sciences, drawing from feminist, queer, and critical classification theories to examine how the Library of Congress organizes sexual knowledge. Her work rejects the idea that the library is simply a democratic repository of information. It is a state-linked classificatory apparatus that authorizes some terms, disciplines others, and arranges sexuality through proximity, hierarchy, and omission (Adler, 2017). Subject headings such as “Paraphilias” and particular shelf arrangements reveal the normative assumptions through which some sexualities are marked as deviant or pathological, while others remain unmarked and naturalized. Adler understands subject headings as “histories of the United States and as technologies of the state, where categories have been ‘inscribed in the order of the imaginary’” (2017, p. 10). Used as a theoretical basis for this project, her close reading of classification makes visible the patriarchal and heteronormative imaginary in which information is institutionally organized.

Like Adler’s use of “cruising” library shelves as a method for examining the Library of Congress Classification schemes, Donna Haraway treats her stroll through the African Hall of the American Museum of Natural History as a way to explain how knowledge institutions function as pedagogies of the state. In her 1984 essay “Teddy Bear Patriarchy,” Haraway explores how the museum teaches the public what is normal, natural, or dangerous under the authority of objective representation. Describing the taxidermy dioramas, she writes, “As an altar, each diorama tells a part of the story of salvation history; each has its special emblems indicating particular virtues. Above all, inviting the visitor to share in its revelation, each tells the truth.

Each offers a vision. Each is a window onto knowledge” (Haraway, 1984, p. 24). The museum purports to display nature, but its arrangement of bodies, environments, and narrative details produces a moralized interpretation while concealing the choices through which that interpretation was constructed. The relevance of Haraway’s critique is clear in contemporary exhibitions about trafficking. Emma Thompson’s 2009 anti-trafficking art exhibit, for example, staged sexual exploitation inside railroad boxcars: one scene recreated a filthy bedroom filled with soiled condom wrappers, lipstick tubes, cigarette butts, and a mechanical bed suggesting invisible bodies engaged in rough sex (Mitchell, 2022). Like Haraway’s dioramas, the display offered viewers an apparently immediate window onto a hidden reality. Its objects organized that reality into a particular moral narrative, while the people represented remained absent except as imagined victims.

Haraway’s later critique of situated knowledge clarifies how institutions acquire the authority to produce such representations. Institutional knowledge presents as neutral while marking others as partial or polluted: “The imagined ‘we’ are the embodied others, who are not allowed not to have a body, a finite point of view, and so an inevitably disqualifying and polluting bias” (Haraway, 1988, p. 575). This asymmetry allows the state’s unmarked position to “claim the power to see and not be seen, to represent while escaping representation” (Haraway, 1988, p. 581). Bureaucratic systems operationalize what she calls “god trick” by making documentation, classification, and recordkeeping appear natural and inevitable rather than politically situated (Haraway, 1988, p. 581). Like Haraway’s stroll through the museum or Adler’s cruising the library, my own method follows a similar movement through legislation, reports, and texts. Like the diorama, the statute offers a window onto knowledge while concealing the ideology and violence that make that view possible. Haraway’s insistence that “vision is always a question of the power to see” is therefore central to this project (Haraway, 1988, p. 585).

Another feminist critic of classification, Hope A. Olson, demonstrates in *The Power to Name* that naming is never a neutral act. To name is to label, identify, and structure reality “according to our own vision of the world built on past meanings in our own experience” (Olson, 2002, p. 4). Naming is both individual and social, reflecting the namer’s assumptions as well as

requiring shared meaning to circulate as communication (Olson, 2002). For Olson, classification systems are built on presumptions that disproportionately affect materials and users outside the dominant cultural mainstream. As she argues, subject access for marginalized groups is shaped by “fundamental presumptions” underlying representation (Olson, 2002, p. 15). This critique is particularly relevant to sex work, which rarely fits neatly in classificatory systems that privilege administrative familiarity rather than ambiguity. Adler’s analysis of the Library Congress demonstrates the danger of resolving this complexity through established categories. When sexual subjects are placed under headings associated with pathology, trafficking, or deviance, the classification supplies a normative interpretation before the user encounters it and frankly does not make the material easier to retrieve (Adler, 2017). Complexity is not resolved when it is compressed into institutionally recognizable containers that obscure distinction; it only makes those associations among labor, coercion, identity, illness, and criminality appear natural.

Foucault offers a foundation for how I approach the sheer scale of sexual discourse in the United States. In *The History of Sexuality*, Michel Foucault asks not why we are sexually repressed, but why modern societies speak “with so much passion” about being repressed (1978, pp. 8-9). Since the sixteenth century, he argues the “putting into discourse of sex” has been subjected to “a mechanism of increasing incitement” (Foucault, 1978, p. 12). Sex had to be put into words, through examination, confession, diagnosis, and management. What appears as silence is often just a redistribution of who can speak, how they can speak, what discourse is authorized, and what forms of discretion are required. Sex work follows a similar pattern, not taboo in the sense of being absent from discourse, but taboo in that it is discussed as part of the “world of perversion” (Foucault, 1978, p. 40). This includes the mentally ill, the criminal, the homosexual, and the sexuality of children. Lee Edelman’s account of reproductive futurism in *No Future* clarifies the figure of “the Child,” which marks “the fetishistic fixation of heteronormativity” and anchors the compulsory narrative of ‘saving the children’ and keeping them away from sexual discourse at all costs (Edelman, 2004, p. 21). Since the Progressive Era, sexual regulation repeatedly organizes itself around the threatened child which is always at direct odds with the non-normative sexual object. Child protection, as will be discussed, is an especially powerful container to articulate for public consumption.

Finally, this project sits uneasily beside the American library profession's stated commitment to intellectual freedom. As Emily J. Knox explains in *Book Banning in 21st Century America*, support for intellectual freedom in the United States is rooted in John Stuart Mill's 1859 essay "On Liberty," in which he declares that one must be able to encounter opposing views in order to know whether one's own beliefs are correct (Knox, 2015). The American Library Association has similarly defended an individual's right to "seek and receive information from all points of view without restriction" (Knox, 2015, p. 11). Knox defines intellectual freedom in her study of modern book banning as "a right to access the whole of the information universe without fear of reprisal from the 'powers that be'" (Knox, 2015, p. 11). This ideal depends on a difficult assumption challenged by many of the scholars mentioned above. Can information institutions provide access with language neutral enough that users can interpret materials for themselves? Users encounter sexual knowledge through inherited vocabularies that mark subjects before interpretation begins. Intellectual freedom, then, must require attention to the classificatory systems that determine what information can be found, under what name and moral frame.

Project Structure

This project examines containers of concern as they appear in institutional texts: statutes, reports, classifications, records, criminal statistics, and platform policies. I ask how these terms came to be, what anxieties they condensed in their historical moments, how they were practically used, and how they continue to shape the present. I am interested in what the law says, how legal language becomes available to those that enforce it—the bureaucratic agents that sort sexual subjects, like postal inspectors, immigration officers, police, librarians, judges, juries, and social workers—as well as how this language worms its way into public discourse. Over the course of this project, I present containers of concern as terms that repeatedly recast sexual danger as a threat to national order: to the family, the border, the military, and the credibility of the United States itself as an imperial force. These containers are durable, moving

across institutions and attaching old fears of immorality, disease, and foreignness to newer systems of child protection, globalization, trafficking enforcement, and platform regulation.

The following chapters develop this history chronologically while using a consistent analytical structure. Most sections are structured as follows: I begin with a brief overview of the period and the broader political, technological, and institutional conditions shaping sexual regulation. I then identify a central container of concern and examine how that language condensed the period's anxieties into an administratively useful form. From there, I analyze the relevant information infrastructure, paying attention to the agencies, records, professional practices, and enforcement mechanisms through which the text became operational. To conclude, I turn to encounter and information access: how people experienced the system in practice, what information became available to officials and the public, and what forms of knowledge or self-description the infrastructure obscured.

Chapter Two, "Making Sexual Subjects," begins in the late nineteenth century and follows the consolidation of federal power over sexual information, migration, and mobility. It examines the Comstock Act of 1873, the Page Act of 1875, and the Mann Act of 1910 as interconnected attempts to regulate circulation of sexual information and bodies through containers of concern such as "obscenity" and "immoral purpose." Information infrastructures like postal networks, immigration inspections, rail travel, correspondence, and investigative records all made sexuality available to federal interpretation. Although these statutes addressed different subjects, together they established a durable relationship between sexual immorality, foreignness, and national order that neatly led into sexual regulation of the twentieth century.

Chapter Three, "Measuring and Managing Deviance," turns to the early and mid-twentieth century, where established moral vocabularies became intertwined with expertise of various fields: public health, psychiatry, statistics, and professional classification. The chapter examines the Chamberlain-Kahn Act of 1918, sexual psychopath statutes that spanned several decades, and a side-by-side analysis of the Uniform Crime Reports and the Library of Congress classification systems as infrastructures that count, index, and spatially manage sexual difference. Containers of concern such as "venereal disease," "social hygiene," and "sexual psychopathy" transformed sexual subjects into medical files, arrest statistics, psychiatric

predictions, and bibliographic arrangements. These systems translated earlier language of sin and immorality into forms that appeared more scientific and administratively objective.

Chapter Four, “Defining and Dreading Harm,” examines the late twentieth-century struggle to regulate sexual representation through the Miller Obscenity Test of 1973, the Attorney General’s Commission on Pornography published in 1986, and the Communications Decency Act of 1996. This period functions as a hinge between earlier systems of classification and the emerging governance of networked information. “Pornography,” “potential harm,” and “the average person” became containers through which courts, commissions, legislators, and media organizations attempted to manage an ever-expanding information environment. This chapter specifically traces how uncertainty about sexual harm was transformed into legal standards and evidentiary reports, particularly as the threatened child became the ultimate organizing figure through which regulation was justified.

Chapter Five, “Totalizing Trafficking,” follows these accumulated vocabularies into the twenty-first century through the Trafficking Victims Protection Act of 2000, the Adam Walsh Act of 2006, and FOSTA-SESTA of 2018. It examines how the conflated “trafficking” and “prostitution” as well as “child protection” became increasingly totalizing containers capable of joining migration control, criminal prosecution, and online censorship. Databases, registries, and content-moderation systems expanded the information infrastructure through which sexual subjects could be identified and managed. The chapter returns to the digital environment represented by the Turning Point USA post, where a century of legal and institutional language now circulates through ordinary user commentary. What appears as an ephemeral Facebook dispute is actually a recent expression of a much longer American project: the repeated organization of sex, labor, danger, and belonging through information systems that classify first and permit people to be understood only afterward.

CHAPTER 2: Making Sexual Subjects (1870s-1910s)

The Comstock Act of 1873

The Comstock Act of 1873 is an early example of the federal government regulating sexuality by controlling the circulation of information. Through the expansive container of “obscenity,” the statute transformed the postal system into an apparatus for separating permissible knowledge from material deemed dangerous. Its enforcement demonstrates how an unstable category acquires practical force through ordinary acts of inspection and seizure. Because every subsequent system of sexual regulation is shaped by the censorship that Comstockery authorized, this is where we begin.

Progressive beginnings

Although prostitution as a form of labor long predates the modern nation-state, the story traced here starts in the mid-to-late nineteenth century American city. Rapid industrialization drew large swaths of people into expanding cities, compressing work, housing, and leisure into dense, unfamiliar environments (Diffie, 2005; Dodge, 2008). This concentration intensified anxieties about hygiene in multiple registers: public health, social order, and morality. Progressive reformers perceived urban centers as dirty, congested, and corrupt. “God pity you if you were obliged to live here in the heat, dust, dirt, noise, and scramble for enough to keep away starvation,” read a *Yonkers Gazette* exposé on urban life from 1870 (Pomeroy, 1870). The dangerous urban environment embodied chaotic change that threatened what many Americans understood as their prior reality—a more stable, slow and faith-oriented way of agrarian life (Dodge, 2008). New patterns of labor and migration produced an ambitious middle-class seeking stability and security in response to such urbanization and large-scale immigration. Those resisting or falling outside emerging norms were increasingly marked as threats or objects of suspicion, primed to be categorized in ways to safeguard middle-class privilege (Dodge, 2008). Such embodiments of social disorder included immigrants and women perceived as sexually

transgressive. As industrial capitalism reordered daily life, sexuality became one of the most visible arenas onto which general fears about moral decline and disorder could be projected.

The city itself occupied an ambivalently symbolic role: “simultaneously a place of integration and exclusion, of economic success and economic failure, of effervescence and secret societies,” a site through which Progressive reformers believed the march toward progress would necessarily pass (Gomez Betancourt & Vallet, 2024, p. 3). Urban space thus became a showcase of modern advancement as well as a locus of perceived moral danger. This tension between opportunity and anxiety helped to fuel a broader intellectual shift toward viewing social problems as solvable through coordinated state intervention and moral reform: “none ran faster or worked harder than the Progressives to rationalize and organize” their chaotic surroundings (Rodgers, 1982, p. 117). Moreover, because American colonies lacked ecclesiastical courts, sexual deviations were defined earlier in the nation's history as statutory crimes rather than sins adjudicated by church authority (Luker, 1998). Regulation of sexuality thus fell under state power, laying the groundwork for the many Progressive bureaucratic interventions that would follow.

Prostitution was a long visible feature of urban life, so it was not the mere existence that propelled sex work into national debate; there was a broader social transformation reshaping women's roles, labor, and perceived sexual autonomy at the turn of the century. Industrialization drew many women into wage labor, sharpening distinctions between middle-class homemakers and working-class women whose survival required public employment (Dodge, 2008). Often white, middle-class women active in reform movements were key agents in policing the behavior of poorer women. Through charitable work, settlement houses, and morality campaigns, Progressive reformers enforced class boundaries deeply entangled with judgements about sexuality and social standing (Kemeny, 2009). Anxiety about prostitution was deeply gendered, coalescing around cultural ideals that positioned women as the foundation of moral order. The “cult” of domesticity cast women as morally pious guardians of the private sphere (Welter, 1966). The ideal woman was pure, nurturing, and ostensibly asexual—responsible for maintaining a good, Christian home to which a man could retreat from the harsh, competitive world of cruel capitalism (Dodge, 2008). The prostitute, therefore, functioned as her foil. She

represented not only sexual transgression but also the perceived filth and instability of urban life. In the Progressive Era, she was increasingly framed as a social casualty, a victim, or “a ‘fallen woman’ who didn’t jump but was pushed” (Dodge, 2008, p. 135). “Marked for hell is another lamb,” the *Gazette* wrote (Pomeroy, 1870). Her rehabilitation depended on intervention by respectable middle-class reformers, or at least they thought so. Sexual purity thus functioned as a marker of social worth in which a woman's sexuality was entangled with hegemony.

Further reshaping the social landscape was the redefined meaning of childhood. As wage labor displaced family-based agricultural work, children were no longer seen primarily as economic contributors but as a distinct and vulnerable population requiring protection from adults (Berridge, 2016). Moral reformers depicted the city as saturated with “street walkers,” obscene language, and pornographic print, rendering traditional familial oversight insufficient. In rural communities, social control relied on informal mechanisms such as community surveillance, reputations, or gossip (Luker, 1998). Expanding urban centers saw commercialized sex markets that exceeded any prior mechanism for informal oversight. Childhood innocence was both a moral ideal and political rationale for expanding state intervention into sexuality and the circulation of sexual information. Danger, perceived everywhere except the home and church, could be controlled through exercised power and the segregation of newly labeled urban deviants: the drunks, the insane, the poor, and the prostitutes (Dodge, 2008).

An empire depends not only on the movement of bodies and goods, but on the organized transit of information (Byrd, 2011). Sexuality was a comfortable site for Progressives seeking to regulate this circulation; intervention was considered necessary by those with philanthropic expertise and institutional oversight. As Foucault argued, sexuality is a “great surface network in which the stimulation of bodies, the intensification of pleasures, the incitement to discourse, the formation of special knowledges, the strengthening of controls and resistances, are linked to one another, in accordance with a few major strategies of knowledge and power” (1978, pp. 105-106). In this sense, sexuality became part of American infrastructure, a field through which bodies were classified, recorded, and made available for intervention. Within the growing American nation-state, moral concerns about sex traveled through bureaucratic channels, stabilizing meanings for the public and legitimizing intervention. Once

embedded in legal language, then print media, and eventually everyday vernacular, containers of concern like “obscenity,” “immoral purpose,” and “vice” could circulate across institutions without scrutiny or constant reevaluation. During the Progressive Era, logic itself carried the aura of universality: perhaps if proper procedures were followed, truth would emerge (Olson, 2007). These judgments of “truth” can quickly become durable; when they are embedded in large-scale bureaucratic systems, they come to appear as natural rather than constructed (Bowker & Star, 1999). Over time, formal categories and everyday assumptions fuse, making alternative understandings of social phenomena more difficult to easily imagine.

Haraway describes this institutional voice as the “view from above, from nowhere,” an ostensibly objective perspective or “god trick” that obscures its own historical and political situatedness (1988, p. 590). Rejecting the assumption that subjects are simply raw materials for expert interpretation, she instead argues for a “situated knowledge” that requires “the object of knowledge be pictured as an actor and agent, not a screen or a ground or a resource” (1988, p. 592). Progressive reformers, often claiming moral authority and denying their own positionality, presented their judgements as neutral truths. For Haraway, objectivity cannot arise from detachment: “...the knowing self is partial in all its guises, never finished, whole, simply there and original...Here is the promise of objectivity: a scientific knower seeks the subject position not of identity, but of objectivity; that is, partial connection” (1988, p. 586). The posture of Progressive neutrality allowed regulatory regimes to appear as technical solutions to social problems, instead of culturally situated interventions shaped by classed, gendered, and racialized priorities. Confidence in rational procedure elevated a new class of credentialed experts who claimed authority through speciality rather than religious leadership or communal standing (Ealy & Ealy, 2006). Progressive reform increasingly relied on these professionals that framed social problems as matters requiring scientific management and “new ethic of service” (Ealy & Ealy, 2006, p. 38). The supposedly neutral expert was responsible for ensuring tools of governance were presented as impartial, viewed from nowhere. Adler (2017) extends this insight by emphasizing that classificatory formations—discussed in this project through statutory language—are never confined to their historical moment. The Progressive Era produced conceptual

frameworks continuing to structure knowledge organization long after their specific social conditions have faded (Adler, 2017).

Comstockery at a glance

“It is a saddening reflection,” reported New York’s *Independent* in early 1868, “that no law exists...which will effectively protect the minds of the young from the corrupting and debasing influences of literary and artistic obscenities (“Public Obscenities,” 1868, p. 4). Thanks to a man and movement hellbent on such purification, a law pursuing precisely these aims would be enacted within five years. Yet rather than “effectively” shielding American youth from obscenity, the Comstock Act of 1873 unleashed an enduring regime of information suppression that would shape access to sex—the pace of which would not slow—well into the present. The statute architect and namesake Anthony Comstock, zealous secretary of the New York Society for the Suppression of Vice and eventual United States Postal Inspector, was explicit in his belief that sexual knowledge was unequivocally corrupting, regardless of intent or audience (Werbel, 2018). Comstock and other anti-vice activists framed obscenity as a direct threat to children and family stability. Licentious literature was thought to trap and corrupt young minds, awaken passion, and lead boys straight to the brothel (Beisel, 1997). The problem extended beyond perceived immoral behavior, also encompassing the possibility that information itself could enable such behavior.

Reading possessed immense moral force at the turn of the century. ‘Good’ literature seemingly refined character, elevated the mind, and oriented readers toward ‘lofty’ and more heavenly purposes: “It points upward,” wrote Comstock in 1883 (Peiss & Weeks, 2002, p. 243). Progressive Era librarians saw their role as one that helped society through access to such lofty literature, a conviction that Melvil Dewey described as the “library faith,” or the belief that libraries advanced social progress by guiding the public toward ‘good’ books (Adler, 2017, p. 17). For contrast, Comstock warned that ““evil reading debases, degrades, perverts, and turns away from lofty aims to follow examples of corruption and criminality”” (Peiss & Weeks, 2002, p. 243). This language of operating downwardly—presumably towards hell—was frequently

used to describe prostitutes. In the 1870 front page exposé on New York City “street walkers,” the *Yonkers Gazette* described girls once “pure and innocent...little babies loved and fondled by doting mothers” as now containing a “street-walking downwardness,” constantly “on the alert for some man or youth whose blood is full of little devils” (Pomeroy, 1870). This rhetoric cast literature as an invasive moral contagion operating silently and particularly targeting young readers. Comstock’s apocalyptic imagery of a “moral vulture” creeping into homes and “silently striking its terrible talons” framed exposure to any form of sexual knowledge as devastating degradation: lust leads to degradation which then leads to “shame and death” (Peiss & Weeks, 2002, p. 243). If sexual knowledge could enter the home through print, then perhaps it could undermine the private sphere, the cult of domesticity, as the central site of social discipline. In response, the state positioned the postal system as a mechanism for filtering and classifying information before it could reach the household at all.

Like the ability of the printing press to duplicate documents, the wide dissemination of written materials via the post office was a crucial moment in the history of information technology (Rogowski et al., 2022). The rapid expansion of nineteenth-century communication infrastructures—railroads, mass print, and especially the post—enabled the federal government to regulate sexuality at scale by controlling circulation and therefore access to information about it. Government subsidies for postal expansion were in part motivated by a desire to educate the populace and strengthen bonds of nationhood across distant regions (Rogowski et al., 2022). As these expanding networks facilitated the flow of ideas, they enabled the state to project moral authority through a cultivated national identity. Though framed as civic integration, this infrastructure also enabled centralized censorship. Evangelical reformers, like those associated with Comstock’s New York Society for the Suppression of Vice, increasingly recast the expansion of nineteenth century print culture as a threat rather than civic good (Fuller, 2003). Not until the Civil War, however, did the postal service become such a direct and visible conduit for obscenity.

Thanks to such efficient service and cheap postage, pornographic materials began circulating among Union army soldiers. According to a New Orleans army chaplain in 1863, the boys lacked ““fit and healthy stimulus for [their] *minds*,”” (Fuller, 2003, p. 99). The scale of the

circulation was sufficient enough to alarm Lincoln's Postmaster General Montgomery Blair, who began removing "degrading" publications from the mail even in the absence of clear legislative authority (Fuller, 2003, p. 100). Congressional debates registered both unease with censorship and a growing consensus around its necessity. The Judiciary Committee ultimately justified Blair's intervention by asserting that the postal service—"established and sustained for the benefit of the people"—could not be permitted to function as a vehicle for the destruction of "life, liberty, and morals" (Fuller, 2003, p. 100). There was little concern for circulation of materials that might have fallen under a more expansive understanding of the pursuit of happiness, or pleasure. The perceived incompatibility between mass circulation and moral order established a foundation of ad hoc wartime intervention that would be formalized just a few years later with the Comstock Act.

The classificatory "obscenity"

By prohibiting the mailing of materials deemed "obscene, lewd, lascivious, indecent, filthy or vile," including publications related to contraception, abortion, or sexual health, the Comstock Act of 1873 effectively transformed the postal system into a classificatory apparatus (Comstock Act, 1873). Sorting mail into new administrative categories—mailable versus non-mailable—holds power in deliberate obscurity. The statute offered no stable definitions of "obscene," "lewd," "lascivious," "filthy," or "vile," though it did clarify that the term "indecent" included "matter of a character tending to incite arson, murder, or assassination" (Comstock Act, 1873). Mostly, Comstockery delegated interpretation to postal inspectors, empowering authorities to decide what counts as obscene in practice (Beisel, 1997). This instability made obscenity a flexible container of concern in which a wide range of materials and people associated with their production and dissemination could be placed. The language was "so capacious and yet so vague" that enumerating the litany of possible misinterpretations to trigger prosecution "drives home the law's terrifying scope and absurdity" (Hamlin, 2016, p. 472).

Consider the use of "directly and indirectly," which dramatically expands interpretive discretion: "Every article or thing designed or intended for the prevention of conception or

procuring of abortion...and every written or printed card, circular, book, pamphlet, advertisement, or notice...giving information directly or indirectly where or how such articles may be obtained...is declared to be non-mailable matter” (Comstock Act, 1873). Another intentionally broad and open-ended phrasing in “other publication of an indecent character” allows inspectors to approach the category as an expandable container extending beyond the enumerated items: “Every obscene, lewd, or lascivious book, pamphlet, picture, paper, print or other publication of an indecent character...is hereby declared to be non-mailable matter and shall not be conveyed in the mails” (Comstock Act, 1873). The Comstock Act also established a subject position for the people “knowingly” circulating such information, or the purveyors of vice. Based on their relationship to the restricted knowledge, individuals are either obscene senders, corrupt publishers, or vulnerable readers: “Whoever shall knowingly deposit or cause to be deposited for mailing...any such obscene, lewd, or lascivious publication...shall be deemed guilty of a misdemeanor” (Comstock Act, 1873).

The Comstock Act relied on a cluster of terms associated with obscenity without stabilizing their boundaries. The very idea of definable obscenity depended on the fiction that lewdness could be readily identified. Juries were then expected to interpret these terms according to “ordinary acceptance and use,” meaning legal judgement depended on presumed common sense rather than precise definition (Stone, 2017, p. 162). Yet the threshold for permissible knowledge was not calibrated to adult autonomy or public access. Material was routinely judged obscene based on its imagined capacity to corrupt “the most susceptible members of society”: children (Stone, 2017, p. 163). Discretionary difficulty persisted long after the Comstock Act’s passage. In *Jacobellis v. Ohio* (1964), Justice Potter Stewart famously conceded that he could not intelligibly define hard-core pornography, but “I know it when I see it” (*Jacobellis v. Ohio*, 1964). The statement clarifies the central problem of obscenity law: when a category cannot be defined with precision, enforcement depends on perception and claims to common sense.

Bowker and Star help explain why an appeal to common sense does not place obscenity outside the realm of formal classification. Technical categories do not emerge separately from ordinary social understandings; they must remain recognizable within them. They argue that “technical classifications grow out of and have to answer to our common sense,

socially comfortable classifications,” because “it would not be socially feasible to call a donkey a fish,” regardless of the scientific rationale offered (Bowker & Star, 1999, p. 67). Consequently, there is “no great divide between folk and scientific classifications” (Bowker & Star, 1999, p. 67). Obscenity law converted culturally familiar judgements into an ostensibly technical system of censorship. Contemporary book challengers employ a similar logic, treating a text’s danger as self-evident—as something “a rational person need only read it to understand”—while simultaneously depicting children as readers who lack the critical distance presumed of adults (Knox, 2015, p. 42). Containers of concern like “obscenity” and “immorality” do not need to be conceptually stable. Their instability is delegated to the people performing ordinary, often invisible classificatory work: postal inspectors, clerks, and librarians. It is also passed to those authorized to act coercively on behalf of the state. The “petty bureaucrat” may sit behind a desk, but the same classificatory discretion may be exercised by someone carrying a badge, a warrant, or a weapon (Edelman, 1985, p. 112).

The postal service & bureaucratic sorting as information infrastructure

By the late twentieth century, the postal service was a national apparatus of information filtering. By designating certain materials as non-mailable, the democratizing mission of the post was inverted to become a regulatory one (Fuller, 2003). Postal inspectors, tasked with examining correspondence and confiscating prohibited materials, effectively produced a moral taxonomy of information, from permissible to deviant. This ongoing sorting process constitutes what information science identifies as classificatory labor, invisible yet foundational to organizational power (Bowker & Star, 1999). Moral divisions enforced through an institutional apparatus, like the postal service, risk appearing self-evident rather than historically contingent. At the level of everyday experience, such classifications take on the appearance of natural distinctions. These decisions are “automatic and unconscious,” such that they seem to reflect an inherent structure of the world (Lakoff, 1987, p. 6). Censorship is often imagined as spectacular repression, but it is frequently carried out through mundane bureaucratic procedures. Just as a contemporary library

book challenge may begin with an individual submitting a standardized complaint form, postal censorship depended on ordinary administrative acts like sorting through the mail.

This routine surveillance of the mail did not operate in isolation. As Bowker and Star observe, the bureaucratic web is complex, and no single schema stands alone: “in any bureaucracy, classifications abound” (1999, p. 37). The Comstock Act is therefore better understood not as a discrete intervention, but as part of a broader, interlocking regulatory system extending across agencies and domains (Bowker & Star, 1999). As demonstrated throughout this project, sorting obscene materials relied on a network of classifications that mutually reinforced one another. Categories are co-produced and bundled through their institutional proximity: the prostitute with the immigrant, disease with criminality, sexual information with public danger, etc. These associations helped stabilize social meaning by allowing distinct agencies, laws, and administrative practices to recognize, repeat, and act on the same moralized distinctions. Over the next century, the American bureaucracy will gain force from classifications accumulated across systems, rather than any isolated statute alone.

Encounter & information access

The post office was an unusually powerful site for sexual intervention because it was the nineteenth-century state’s most intimate and expansive points of contact with everyday life. Modern postal systems diffused newspapers, political tracts, religious materials, reform literature, and new ideas across space (Rogowski, 2022). For many rural Americans, the post office was the primary point of interaction with state institutions, tying the government to local life (Rogowski, 2022). In the nineteenth century, laws regulating prostitution and vice were often local ordinances or municipal codes held in city halls, local libraries, or legal archives—difficult for most people to access directly if not a lawyer or judge (Sinclair, 2020). Even as state criminal codes became more formalized and better preserved in official law books, access remained concentrated among elites rather than the marginalized people likely to be regulated (Sinclair, 2020). Newspapers were central in translating legal ambiguity into common sense urgency for

the public. It is not unreasonable to assume that for those being regulated by statutes like Comstock, newspapers were also their point of encounter with legal information.

Though the Comstock Act initially drew less national attention than other congressional actions, New York newspapers, where the trade in obscene materials was concentrated, welcomed its passage and amplified its significance (Fuller, 2003). Coverage framed general postal circulation as an assault to childhood innocence, emphasizing the scale and danger of the trade. A *New York Times* column wrote it was "disgusting even for a hardened man to see the circulars and books which are sent by post to the girls and boys in our schools," while the *Journal of Commerce* predicted that those "debasing the youth of our country" would soon be brought under federal control ("Obscene Literature," 1873, p. 4; Fuller, 2010, p. 109). Such accounts cast prosecution as an obvious civic duty and the post office as a moral checkpoint. The irony is that Comstockery produced more discourse about sex even as it restricted access to sexual information. Modern power does not eliminate discourse but redistributes it, structuring conditions of what can be said and what remains unsaid (Foucault, 1978). Under the Comstock Act, sexual knowledge was excluded from public accessibility, driven into private realms and expert domains (Esoffier, 2021). Sex was a dangerous secret that was nevertheless spoken of constantly in reform literature, newspapers, and moral campaigns.

Beyond its Progressive context, the afterlife of Comstockery demonstrates the durability of its containers of concern. Comstock's old postal logic, though considered legally dormant for several decades, has recently been redirected toward medication abortion and telehealth. The contraceptive provisions were narrowed a century after passage, including congressional repeal of portions concerning contraceptive mailing in the early 1970s (Winny, 2024). But the Act's abortion-related mailing language remained available for later legal revival: in 2022 the Department of Justice's Office of Legal Counsel concluded that the Comstock Act does not prohibit mailing mifepristone or misoprostol only if the sender lacks intent that the recipient will use the drugs "unlawfully" (Winny, 2024). The opinion emphasized that mere mailing of such drugs to a jurisdiction is not enough to establish unlawful intent—the new site of interpretive pressure (Winny, 2024). "Lawful" intent typically refers to management of miscarriage. As recently as May 2026, the 1873 statute was invoked by the Supreme Court.

Justice Clarence Thomas cited Comstockery in his dissenting opinion during *Danco Laboratories, LLC v. Louisiana* (2026); for now, the court upheld that mail-order prescriptions of mifepristone are permitted for lawful usage (Cieslik, 2026). But because its operative terms remain available for reinterpretation, Comstock’s information infrastructure survives in new contexts.

Comstockery established a durable model in which sexual danger could be intercepted by attaching moral judgements to the federal system of circulation. Yet the objects passing through national infrastructure were not limited to books, advertisements, and contraceptive information. Two years later, the Page Act extended this classificatory logic from materials moving through the mail to people moving across the national border.

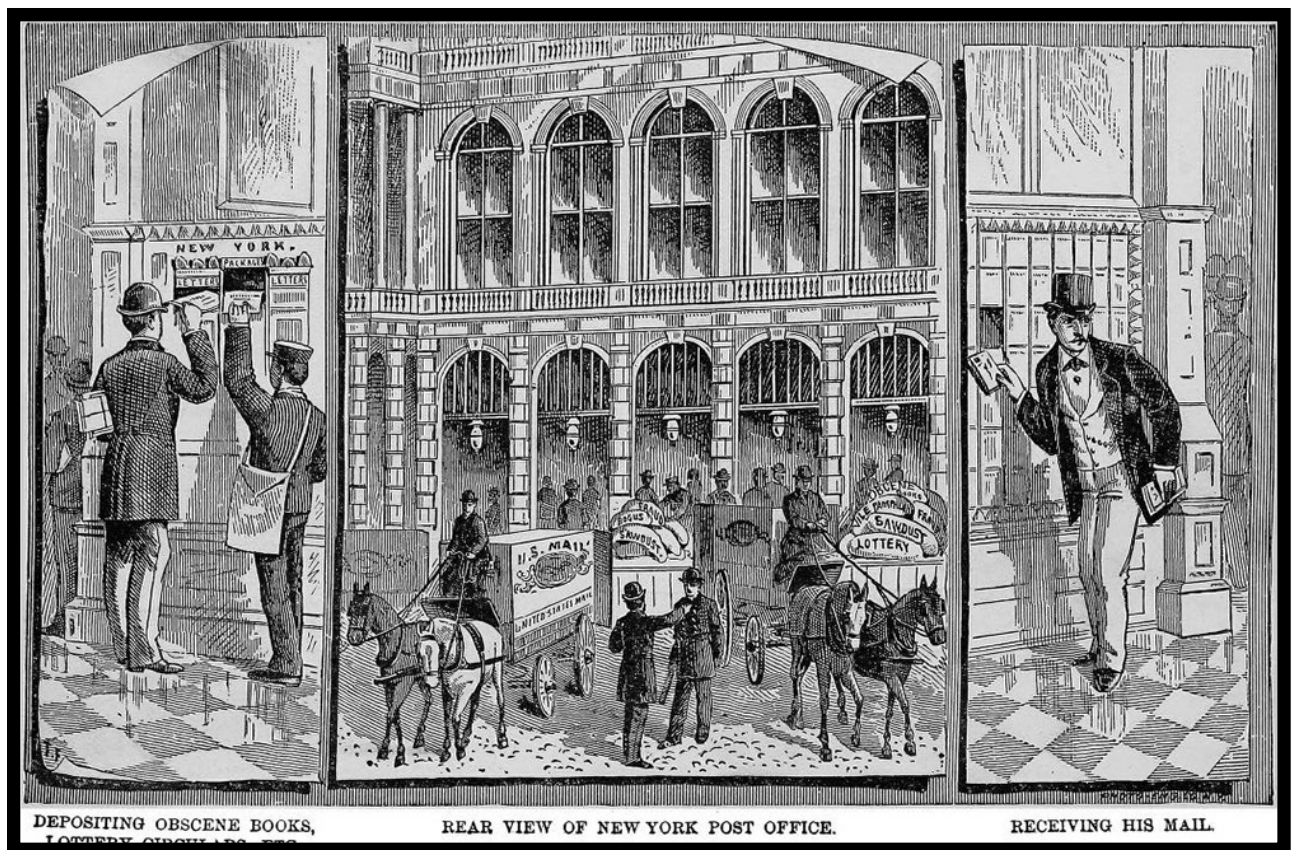


Figure 1: Illustration from Comstock’s 1880 book *Frauds Exposed*, subtitled “How the people are deceived and robbed, and youth corrupted” Digitized by the Smithsonian National Postal Museum.

The Page Act of 1875

The Page Act of 1875 made sexual morality a condition of entry into the United States. Through the container of “immoral purpose,” federal officials transformed Chinese women’s bodies, marriages, and testimonies into evidence of admissibility or exclusion. Border screening thus became both an information-gathering infrastructure and a sorting mechanism for presenting racial exclusion as the neutral administration of morality.

Chinese exclusion at a glance

Of all the anxieties attached to foreign immigration that would soon harden into downright exclusion, the fear that sexual degeneracy might encroach on the growing nation produced one of the earliest federal experiments in immigration restriction: border screening. The Page Act of 1875 emerged among various exclusion laws requiring systematic screening of new arrivals, forcing the United States into a role of “defining and distinguishing between admissible and excludable immigrants” (Lee, 2003, p. 88). The statute had three stated targets: it prohibited the importation of Asian migrants for forced labor, restricted the immigration of certain convicted criminals, and barred the entry of women brought for “lewd and immoral purposes” (Page Act, 1875). In practice, the forced labor and criminal provisions were difficult to enforce; it was far easier to determine that a migrant was a woman (Hijar, 2022). Though the Act formally applied to women from Asian countries more broadly, its practical and political focus was Chinese women, whose bodies, motives, sexual histories, labor arrangements, and family forms became evidence through which officials assessed admissibility (Hijar, 2022). The Bureau of Investigation, on a mission to guard the nation’s threshold, acted as vanguard of federal regulation during the Progressive Era, producing a sorting apparatus at the border that later moved inward toward interstate mobility (Canaday, 2009). The Page Act was the exclusion law that made this apparatus explicitly sexual and unmistakably racial.

The law’s sponsor, Horace R. Page, representing California, framed the law as a response to the “danger of cheap Chinese labor and immoral Chinese women” (Peffer, 1986). Page

directed American consuls to determine whether prospective migrants, particularly Chinese women, had entered into contracts for “lewd and immoral purposes” while also prohibiting the importation of women for prostitution (Page Act, 1875). On paper, the law targeted coerced prostitution and illicit sexual commerce. In practice, “immoral purpose” was used as a capacious container of concern through which Chinese women’s migration was rendered inherently suspicious. Chinese women became legible to authorities through narrow binaries: wife or prostitute, respectable or immoral, admissible or excludable. Perhaps to avoid explicitly advocating for anti-Chinese sentiment, the federalization of immigration control took shape through the language of sexual morality. Most Americans could already agree on the dangers of promiscuous women, so the belief that most Chinese women in the United States were prostitutes went hand-in-hand with general anti-Chinese sentiment in the 1870s and shaped admission cases throughout the exclusion era (Lee, 2003). Chinese prostitutes, and by extension Chinese women generally, were representative of social decay, exploitation, and sexual danger (Lee, 2003).

Sensationalized investigations of prostitution in California, where many Chinese migrants were living and working, kept this threat alive in public discourse. “An indecent exhibition of harlots has...disgraced the streets of San Francisco,” reported a California newspaper in 1857. “An open insult to the family of every citizen is daily paraded through the principal promenades...filled with the most notorious of the abandoned women of the city” (Levy, 2017). If the public—which very much included inspectors and legislators—could be persuaded that a particular group embodied a recognizable threat, then authorities would not need to prove danger in each individual case. Instead, they could rely on a category broad enough to absorb many kinds of fear. The container of concern in the Page Act, “immoral purpose,” functioned as an elastic administrative phrase, needing not to name prostitution (Page Act, 1875). “Immoral purpose” gathered several anxieties about concubinage, polygamy, racial pollution, disease, and other narratives surrounding Chinese migrants. Once the Page Act provided general suspicion of Chinese prostitution a specific sorting mechanism in border screening, newspapers were quick to supply the public with various questions under federal examination: what the moral and physical conditions of Chinese immigrants were, how many Chinese women were present, what their

character was, and whether they were free or “bought and sold as slaves” (“The Heathen Chinese,” 1876, p. 3)

Marriage was a central credential through which officials attempted to distinguish respectable women from excludable ones, a standard that was itself racially constructed. Victorian American marriages were imagined as based on a sort of godly monogamy, while Chinese cultural practices like arranged marriages or polygamy were collapsed into “immoral purpose,” which could also encompass both prostitution and female servitude (Lee, 2003). Some officials claimed Chinese wives entering the nation were “worse than slaves,” and immigration authorities often treated Chinese marital claims as either fraudulent or morally deficient rather than as legitimate family relationships (Lee, 2003, p. 103). The Page Act anticipated a broader immigration regime in which “moral defectives” of all nationalities would become targets of exclusion (Salyer, 1995). Later restriction debates would continue the logic of framing citizenship not as a status cultivated through assimilation, but as something to be protected by excluding groups imagined as racially or sexually unfit (Petit, 2010). Whether through debates over Chinese women’s sexuality, the literacy test, or eugenic fears of immigrant reproduction, the stability of racial hierarchy was a popular discourse. Immigrant women’s value or danger was measured by their imagined reproductive effect on the future American citizenry (Petit, 2010).

The Page Act’s origins in anti-Chinese racism should not be obscured by the apparent generality of its language. These fears did not attach equally to immigrants from white European countries. Because the Burlingame Treaty of 1868 formally encouraged large-scale immigration from China to the United States, Congress could not formally exclude women simply for being Chinese (Abrams, 2005). By pursuing universal language of public morality, classifying Chinese women as outside the acceptable category of “wives” and therefore as presumptive prostitutes or sex slaves, “immoral purpose” functioned as a racial proxy (Abrams, 2005). The Page Act was a demonstration of how choice of language is interlocked with nation-building: like the classificatory structures Adler critiques, its vocabulary arranged people within a racial and imperial order while presenting exclusion as the neutral administration of morality (Adler, 2017). Prostitutes were already looked down upon—this was a way to exclude Chinese immigrants and prohibit Chinese family formation with far less legal hassle.

The classificatory “immoral purpose”

“Immoral purpose” allowed officials to convert their racial suspicion into rationalized judgement. John H. Wise, customs collector and chief of the Chinese Bureau in San Francisco, warned in 1895 that he would do everything in his power to “to discourage Chinese from sending their alleged wives and children,” as he was “satisfied” that many women and girls would be brought for “immoral purposes,” and that Chinese migrants could keenly “circumvent the vigilance of the officers” (Lee, 2003, p. 103). The Page screening did not require proof that a particular woman was a prostitute; it only required the presumption that Chinese family claims were deceptive, that sexuality was suspect, and that officials possessed expertise to detect hidden immorality. The stereotype of Asian migrants being cunning or deceptive reflected the broader collapse of degeneracy, sexuality, and poverty with racial fitness. Degeneracy was a construct used to sensationalize and ostensibly explain the “immorality of the poor” (Canaday, 2009, p. 22). By 1891, Congress excluded all immigrants convicted of crimes involving “moral turpitude” and denied admission to all polygamists (Salyer, 1995). By 1907, immigration law specifically excluded all prostitutes as well as anyone facilitating their entry (Salyer, 1995).

The expansive container of concern, “immoral purpose,” thus expanded from a suspicion attached to Chinese women into a broader technique of regulating women’s migration. Single women were automatic objects of inquiry: they were suspected of dependency, vulnerability, or illicit intent (Salyer, 1995). Unmarried pregnant women and young women traveling alone could be detained until respectable relatives, religious organizations, or protective societies claimed them (Salyer, 1995). The state framed this regulation as protection, but its protective language reinforced women’s dependent legal status. These detentions were justified by arguing that such “fallen” women lacked the sexual morality to become good wives, mothers, and moral contributors of proper homes in the growing nation (Petit, 2010). The classificatory logic of systematic border screening required migrants to disprove what the state had already imagined them to be. Chinese arrivals in San Francisco were a diverse group “who did not always fit into neat categories,” yet the exclusion system depended on the assignment of one (Lee, 2003, p. 88). For Chinese women, the sorting process was particularly punitive because suspicion preceded

evidence. Bureau chief Wise made it clear that women would be considered prostitutes unless they could prove otherwise (Lee, 2003). And so, the burden of proof moved backward: a migrant is already classified as a risk, seeking exception. Even marriage, which might have functioned as a credential of respectability, was filtered through evidentiary standards: exclusion policies held that “convincing proof” could not rest on testimony of migrants themselves (Lee, 2003, p. 103). Only white witnesses or documentary evidence—both difficult to produce—could possibly establish legitimacy (Lee, 2003). The result was a system in which migrants’ own accounts were structurally devalued, while testimony and bureaucratic paperwork became authorized channels to recognize respectability or deny it outright.

The border & body as information infrastructure

Where Comstockery classified obscene books, contraceptive circulars, and other indecent materials moving through the postal service, the Page Act extended a related logic to people. The object being identified and monitored was not a text, but a human being whose body and testimony could be picked apart by border agents. This evidentiary hierarchy produced what Bowker and Star call “torque,” the pressure exerted when lived identities are forced into institutional categories that cannot adequately contain them (Bowker & Star, 1999, p. 223). Inspectors treated sexual deviance either as an act to be uncovered through interrogation or as a condition detectable from appearance and demeanor (Canaday, 2009; Salyer, 1995). Officials refined their sorting mechanisms at the border through blood and descent, but also through language, association, dress, demeanor, and observation, as if identity was a set of signs that the state could read (Lee, 2003). Medical inspection intensified this process. On Angel Island, Chinese migrants were examined by Public Health Service officers operating within the “medicalization of preexisting nativist prejudices,” as exams for “dangerous or loathsome” disease reinforced the assumption that the Chinese posed a greater health threat than other groups (Lee, 2003, p. 92). For Chinese women, the body became evidence of both health and morality. Women displaying class markers of wealth or status, or conforming to Victorian ideals of respectability and decency, were less likely to be suspected of prostitution (Lee, 2003). In 1885,

mother and daughter Jow Ah Yeong and Chun Ah Ngon were admitted to America partly because their applications emphasized their “compressed feet,” which the affidavit described as a “mark of respectability” (Lee, 2003, p. 104). The inspector specifically noted their “small feet” on the ticket jacket, and bound feet thereafter became powerful evidence of exempt-class status and Chinese female virtue (Lee, 2003, p. 104). The hierarchy of evidence was both documentary and bodily: a woman’s own testimony carried little weight, yet class markers and bodily signs could authorize entry. This was a system in which respectability was externally verified, and the body was the surface to read it.

Bowker and Star’s account of apartheid classification clarifies how such screening process produces institutional torque, which they define as the “the twisting that occurs when a formal classification system is mismatched with an individual’s biographical trajectory, memberships, or location” (1999, p. 223). Under South African apartheid, racial classification worked through both formal rules and prototypical judgements, especially when ambiguity appeared. The result was a system in which “biases [became] deeply embedded in both practice and infrastructure,” providing those in power ownership over official classification and informal interpretation alike (Bowker & Star, 1999, p. 204). The technologies of classification could be crude: hair texture tests with pencils and combs, bone structure, and ear lobe examinations all became evidence through which racial identity was assigned. Chinese exclusion and South African apartheid were not identical regimes, but both show how classification systems force biographies into administrative boxes. Those caught in such systems are placed into “life-determining boxes” tightly wound with movement and status, while each ambiguous case becomes a “projection screen” for the stereotypes of those enforcing the border (Bowker & Star, 1999, p. 223). Classification often appears smoothest for those already advantaged by it. For others, the work of fitting into infrastructure “takes a terrible toll,” as they are required to “reclassify and be reclassified socially” in order to move through the system (Bowker & Star, 1999, p. 225).

Applied to the Page Act, torque describes pressure exerted on Chinese women to make their bodies, marriages, documents, and histories converge with federally approved categories of admissibility. The Page Act shifted the site of information infrastructure from the post office to

the border. While Comstockery treated dangerous sexuality as something that circulated through print and could be intercepted before reaching the home, the Page Act retained this concern but made the object of classification a person. At the border, sexuality was read onto bodies, contracts, and kinship claims. Federal institutions such as immigration, military, and welfare bureaucracies were among the first to “see” perversion as they counted, sorted, and classified their subjects (Canaday, 2009, p. 21). Bureaucracy, at its core, is a system of sorting like this. Gloria Anzaldúa’s account of the borderland explains why this classificatory site was so charged. “Borders are set up to define the places that are safe and unsafe,” she writes, “to distinguish us from them” (Anzaldúa, 1987, p. 25). Anzaldúa defines the borderland as a “vague and undetermined place” created by the residue of an unnatural boundary, inhabited by those who cross or pass through the confines of the “normal” (1987, p. 25). The border is a zone of contact, surveillance, and translation. For Chinese women, the borderland was a space where the state demanded impossible clarity from lives already shaped by migration and empire. The migrant woman’s body became a document within the information infrastructure of the border. Sex appeared as a “deviant and irreverent flow” attached to the migrant’s body, made to symbolize the boundary being defended, or the territory over which the nation claimed disciplinary power (Tyburczy, 2025, p.13; Zygadlo, 2024)

The afterlife of the Page Act confirms that immigration detention continues to place sexually vulnerable people inside institutions where bodily autonomy, testimony, and credibility remain subject to state control. The Act was repealed in 1974, and in 2011, the Senate passed a resolution expressing regret for discriminatory laws against Chinese immigrants, including the Chinese Exclusion Act and the Page Act (S. Res. 201, 2011). The resolution acknowledged that the Page Act ostensibly barred the importation of Asian women for the purposes of prostitution, but was “disproportionately enforced against Chinese women, effectively preventing the formation of Chinese families in the United States and limiting the number of native-born Chinese citizens” (S. Res. 201, 2011). The apology stated that this framework was incompatible with the principle that all persons are created equal, expressing regret for decades of laws targeting Chinese people for physical and political exclusion (S. Res. 201, 2011). Of course, the resolution included a limiting clause: nothing in it could authorize or support a claim against the

United States or serve as settlement of any claim. The state was deeply regretful, but not liable for what the classification had done. Only months later, in October 2011, the ACLU released government documents identifying nearly 200 allegations of sexual abuse of immigration detainees held in facilities across the United States since 2007 (Romo & Valencia, 2011). The organization emphasized that the documents showed sexual abuse was not an isolated problem linked to a “few rogue facilities” or a handful of “bad-apple” government contractors (Romo & Valencia, 2011). For this, there would not be an apology from Senate.

Encounter & information access

The encounter between Chinese migrants and American information infrastructure did not end at inspection. The Page Act and related exclusionary measures helped produce the very social formations that officials read as evidence of Chinese difference. By restricting the immigration of Chinese women and wives of laborers, federal law intensified one of the most gender-skewed migrations in American history, with many Chinese men left to live in bachelor subcultures (Canaday, 2009). Such communities were then interpreted through a sexualized lens: Chinese men were feminized by their concentration in laundries, restaurants, and domestic service, as well as by racialized readings of their dress and hairstyles (Canaday, 2009). Exclusion helped create conditions of male dependency and non-normative domestic life, conditions that were then treated as signs of failed masculinity, racial inferiority, or sexual deviance—namely homosexuality. The association between Chinese men, effeminacy, and perversion gradually spread to other immigrants, as demonstrated by exclusionist descriptions of Indian migrants as “effeminate, caste-ridden, and degraded” (Canaday, 2009, p. 29). The Alien Land Laws of 1913, 1920, and 1923 barred all Asian immigrants from owning land, limiting the ability of Asian men to establish independence through property, marriage, and household formation—all key markers of normative American manhood (Canaday, 2009). Page’s classificatory structure thus produced a recursive encounter: if family formation was federally constrained, officials could then use those constrained conditions to confirm the racial and sexual categories that exclusion had imposed.



Figure 2: Chinese women identified as shopkeepers' wives, in San Francisco in the mid-nineteenth century. Photograph credit: De Agostini/Getty Images. Reproduced from Rotondi (2021).

Nineteenth-century stereotypes of Chinese migrants as “coolies, prostitutes, and pollutants,” and as devious, unassimilable aliens merged with the legal realities of moral exclusion to shape nearly every admission and exclusion decision (Lee, 2003, p. 89). Through this process, public discourse became formal state knowledge. What is the formality of the state, if not its everyday enforcement in action? If newspaper accounts, reform investigations, medical studies, and general anti-Chinese agitation produced a racialized image of Chinese sexuality as diseased and enslaved, border officials could treat that image as evidence to be investigated. The fusion of race and sexual danger was reinforced by the pseudoscience of degeneracy, linked to both European and Asian migrants by “experts” seeking to frame perversion as a regression to a lower evolutionary state (Canaday, 2009). Degeneration theory associated sexual perversion with “primitive races and lower classes,” allowing racial hierarchy and sexual morality to appear as proximally associated and therefore mutually confirming (Canaday, 2009, p. 29). As new germ theories of the 1870s and 1880s encouraged scientists to search for links between race and disease, anti-Chinese agitators described migrants through rhetoric of infection (Salyer, 1995). The American Medical Association’s 1875 focus on Chinese prostitutes as a threat to the

“nation’s bloodstream” explicitly revealed this logic. (Salyer, 1995). By the early twentieth century, immigration restriction debates were a broader venue for defining the desired citizens of the Progressive state (Petit, 2010).

The Page Act anticipated later federal techniques for regulating sexuality by embedding sexual suspicion inside adjacent legal categories. Immigration law did not explicitly bar homosexual migrants until the early 1950s, yet immigrants suspected of “perversion” were often excluded or deported much earlier through other provisions, particularly the “likely to become a public charge” clause, and later as “constitutional psychopathic inferiors” (Canaday, 2009, p. 21). Rather than explicitly state that exclusion applied to queer migrants, language of criminality or behavioral risk both distracted from diverted attention from explicit homophobia and gathered the topics into one larger and more flexible suspicion (homosexual = criminal = psychopathic = inadmissible). As the first restrictive federal immigration law in the United States, the Page Act established a recurring pattern in which sex was legible through illicit movement or improper exchange. Reformers often linked prostitution to drug use and racialized vice, imagining “white slaves” in dens of corruption and positioning Chinese men—among other ethnic minorities—as proximate agents of sexual and narcotic danger (Grittner, 1990). Photojournalist Jacob Riss’ 1890 document of urban suffering, *How The Other Half Lives*, described houses “literally jammed...with these hapless victims of passion which, once acquired, demands the sacrifice of every instinct of decency to its insatiable desires...the women, all white, girls hardly yet grown to womanhood, worshipping nothing save the pipe that has enslaved their body and soul” (Grittner, 1990, p. 47). Spectacular accounts like this would directly lead to the “white slavery” imaginary, within which foreign men, urban vice, and vulnerable white women were drawn into the same field of moral panic.

The Page Act established mobility as a site where sexual purpose could be investigated and inferred, but its principal jurisdiction remained the national border. The Mann Act carried its principles inward, using the commerce clause to make immoral sexual movement within the nation a concern of the federal government.

The Mann Act of 1910

By prohibiting transportation for prostitution or “any other immoral purpose,” the Mann Act of 1910 expanded the federal sexual regulation from immigration screening to movement across state lines. It organized sexual mobility through a victim-villain binary—innocent women endangered by predatory men—that anticipated the rescue narratives and simplified subject positions of late-twentieth and twenty-first century anti-trafficking discourse.

White slavery at a glance

Historians often identify George Kibbe Turner’s 1909 article on the alleged white slave trade in New York City as the central catalyst for the white slavery scare, as it gave scattered anxieties a vivid narrative form (Kemeny, 2014). Turner portrayed New York as a global center for sexual commerce, blaming an alleged ethnic underworld for exploiting white women and helping to transform prostitution—“the social evil”—into a grandiose melodrama of innocent victims, foreign predators, failed municipalities and corrupt cities (Kemeny, 2014). The article unleashed a flood of sensational journalism, reform tracts, books, plays, and films that made “white slavery” feel both hidden and everywhere at once (Kemeny, 2014). Films such as *The Fatal Hour*, *Traffic in Souls*, *The Little Girl Next Door*, and *Is Any Girl Safe?*, as well as various novels and plays warned young white women about foreign procurers lurking in the shadows of the city. If this era of American history is unfamiliar, you may be more acquainted with one of these celebrity scandals involving Mann Act charges: the Black heavyweight boxer Jack Johnson’s 1912 conviction for crossing state lines with his white girlfriend (eventually his wife), Charlie Chaplin’s booking for an affair in 1944 (though the FBI was after his pro-Soviet Carnegie Hall speech), Chuck Berry’s 1962 conviction for transporting a 14-year old to work as a hat check girl, R. Kelly’s sex trafficking offenses, or Sean Combs’ charges for transportation across state lines for coerced sexual purposes. Some of these things are not like the others.

Before the Mann Act, morals and public safety were generally understood as state police powers under the Tenth Amendment. The federal government could only intervene by

attaching sexual regulation to an enumerated power, such as naturalization, the postal system, taxation, or interstate commerce (Grittner, 1990). While the Page Act used immigration and naturalization authority to take one early federal step against the importation of women for “immoral purpose,” the Mann Act extended this logic domestically, using the commerce power to make sexual mobility across state lines a federal problem. The significance of the statute is largely its durability. The Mann Act is an apt demonstration of how easily Congress can enact repressive morals legislation and how difficult such laws are to repeal once they acquire institutional and moral constituencies (Langum, 1994). Church groups, purity reformers, and moral entrepreneurs defended Mann as a tool for coercing sexual “goodness,” even though morals legislation sits uneasily with a constitutional system that seemingly reserved ordinary police powers over health, safety, and morality to the states (Langum, 1994, p. 7).

The white slavery panic is a prime example of symbolic infrastructure that made melodrama legible to the public and actionable to the state. Concerns about trafficking were long intertwined with anxieties about women’s independence and autonomy; when women moved without clear supervision, like from rural to urban spaces or across state borders, public concern often shifted toward chastity and sexual danger (Ditmore, 2012). From a social constructionist perspective, conditions become public “problems” when interested parties define them as urgent moral threats, regardless of whether the claims accurately describe the underlying social reality (Weitzer, 2007). Moral crusades are especially powerful because they frame a condition as absolute evil while presenting reform as both symbolic and practical: the movement redraws moral boundaries, identifies victims and names villains, all while demanding punishment or new criminal law (Weitzer, 2007). The American white slavery myth placed prostitution into a recognizable melodramatic formula. It organized collective explanation and smoothed over contradictions of lived experience by giving events a familiar moral structure (Grittner, 1990). If white women were made to be sexually victimized by racialized, immigrant, otherwise non-WASP men, both problem and solution were made easy for legislators to translate into law (Grittner, 1990).

Because nineteenth-century stories and fables relied on stock figures such as the heroic rescuer, suffering heroine, and cold-blooded villain, white slavery discourse made prostitution

particularly emotionally legible before it became empirically understood (Grittner, 1990). The result was an information environment in which the public learned to understand prostitution through narrative roles, not structural analysis. There is a good girl to be saved, a bad man to be punished, a city to be policed, and an air of sexual freedom to be feared. Newspapers, magazines, novels, religious tracts, and films supplied narrative forms through which Americans learned to feel indignation and urgency about it all. Public life is often consumed through mediated drama, where citizens may have limited knowledge of policy details but intensely felt attachments to the images, conflicts, and threats placed before them (Edelman, 1985). White slavery coverage operated through this dynamic by depending on claims that appeared simultaneously vast, hidden, and urgent. Headlines did this work directly: the *San Francisco Examiner* warned in 1913 that tens of thousands of women were kidnapped by “slavers” each year, while the *New York Times* announced in 1910 that the white slave traffic had been proven real and soon editorialized that facts could not be denied, without citing any that were verifiable (Langum, 1994, p. 28). Trafficking discourse has long relied on elastic and unverifiable numbers to attract public attention, donor support, and legislative response (Weitzer, 2007). Media attention to deviance, scandal, crime, and punishment teaches audiences the moral boundaries of society by publicizing these big, scary numbers alongside folk figures like heroes, victims, villains, and devils (Cohen, 1972). After all, the fairytale-esque figures introduced in the white slavery panic were already familiar to adults, and especially to children. By repeatedly staging prostitution as a confrontation between innocence and organized evil, mass media helped produce emotional and informational conditions in which federal law seemed both plausible and necessary.

The classificatory “immoral purpose” & “white slavery”

The Mann Act’s central container of concern, “any other immoral purpose,” gave the white slavery panic a rationalization while also revealing its internal instability. Congress claimed to address one specific evil—the coercive transportation of women for prostitution—but the statute’s language was far broader than the stated purpose. The wording reached not only forced prostitution, but also voluntary commercial sex and, potentially, noncommercial travel

between unmarried partners if only judges classified the purpose “immoral” (Langum, 1994). This flexible turn of phrase transformed simple narratives of innocent victims and predatory traffickers into an elastic legal category to be attached to many forms of conduct. The courts eventually read the phrase to include sexual immorality regardless of whether travel was commercial, a precedent solidified by the Supreme Court’s *Caminetti* decision in 1917, criticized by later jurists but never fully overruled (Grittner, 1990). This interpretive expansion shows how moral panic becomes durable as information infrastructure. The Mann Act created a federal mechanism for scrutinizing sexual movement in a far more general sense than straightforward trafficking.

The conceptual mechanism at play was collapse. Earlier reformers already linked prostitution to venereal disease and the protection of purity, but their efforts to produce a national solution largely failed (Grittner, 1990). Beginning around 1909, however, these concerns reorganized through the sensational container of “white slavery,” a term named for a specific and especially alarming scenario for the general public: white women and girls forced into prostitution through trickery, narcotics, or coercion (Grittner, 1990). The power of this narrative emerged from the collapse of several social conditions into one morally urgent story. Urban leisure, interracial contact, venereal disease, both voluntary and coerced prostitution, sexual autonomy—these could all be gathered under the image of the enslaved white girl. This collapse simplified causality and erased distinctions that would have made policy more difficult to achieve, working less as accurate description and more as interpretive shortcut. Racialized sexual danger turned local prostitution into a federal emergency. In the late nineteenth and early twentieth centuries, the American press frequently used terms such as “barbarity” in racially specific ways, especially in depictions of non-white men as sexual dangers to white women (Freedman, 2013, p. 55). Media rhetoric adapted older racial scripts to conditions of urban immigration, repeatedly linking prostitution to the influx of Asian and Eastern European Jewish migrants. Even beyond the specific hysteria of white slavery, reformers and investigators often treated immigrant neighborhoods, foreign-born brothel owners, and ethnic vice networks as direct evidence that prostitution was a national danger entering urban modernity (Langum, 1994). A 1913 vice investigator concluded that most brothel owners in New York City were

foreign-born, reinforcing the notion that commercial sex was organized by outsiders rather than produced by American social and economic conditions (Langum, 1994). These claims generated resistance from targeted ethnic groups, particularly Jewish organizations in New York, which objected strongly to this association (Langum, 1994). The ethnic coding of prostitution transformed vice from a municipal problem to an immigration-related crisis, making federal intervention appear necessary to defend both national purity and white womanhood from racialized sexual predators.

The Mann Act can be understood as “sociologized” law, a legal form directed at broader threats to social order rather than just discrete criminal acts (Wacks, 2014). A reading of Foucault is useful in viewing modern law as part of a wider regulatory field in which discipline moves through policy, expertise, and institutional management rather than law alone (Wacks, 2014). The container “immoral purpose” allowed federal power to reach well beyond coerced prostitution. After the Supreme Court’s decision in *Caminetti v. United States* (1917), the Act applied not only to prostitution and coercion but also to consensual, noncommercial sexual relationships across state lines. This meant unmarried romantic travel, extramarital affairs, and other forms of consensual conduct could become federal crimes depending on the prosecutor and court’s characterization. This instability was increasingly difficult to sustain after the sexual transformations of the 1960s and 1970s. Although Congress repeatedly failed to amend the Act earlier, changing sexual norms made it harder to treat consensual unmarried sex as a serious offense. By this era, judges were forced to reconcile older precedent with a society in which unmarried travel and other once-condemned immoralities no longer appeared dangerous to much of the public (Langum, 1994). The Act was eventually narrowed through amendments in 1978 and 1986, limiting its reach more clearly to illegal sexual activity like prostitution. Its long survival, however, shows how a category born in panic can remain embedded in law long after the norms producing it have eroded.

Interstate commerce as information infrastructure

Various mechanisms of evidence made sexual movement traceable, from train tickets to hotels to interstate routes. The Mann Act's power rested in the phrase "any other immoral purpose," and transportation and commercial systems were a way in which that purpose could be inferred. Railroads were especially important. Companies such as Illinois Central, Chicago, and Northwestern circulated instructions warning ticket agents not to deliver prepaid tickets to women or girls associated with red-light districts, and not to accept deposits from people in those districts for tickets intended for women (Langum, 1994). An address, a hotel stay, a ticket purchase—these could all become evidence of illicit purpose in a court of law. The Mann Act is crucial in classificatory infrastructure expanding to encompass surveillance. If "immoral purpose" was to become a federal category within the nation and not just along the border, the state needed an investigative apparatus in order to detect it.

Mann Act enforcement enlarged federal police capacity, most notably with the Federal Bureau of Investigation's first major field office in Baltimore and its significantly increased manpower (Langum, 1994). By April of 1912, white slavery investigations overshadowed the rest of the Bureau's day-to-day work (Langum, 1994). The scare also generated local and state vice investigations into "the social evil," while cities and reform organizations created civic vice commissions to study, map, and suppress prostitution (Kemeny, 2014; Grittner, 1990). Subsequent laws such as the Red Light Injunction and Abatement Act of 1913 further widened the enforcement field by allowing private citizens and voluntary organizations to seek injunctions against alleged brothels or saloons connected to prostitution, bypassing ordinary police channels and enabling courts to close properties through civil procedure (Kemeny, 2014). Anti-vice enforcement, through these statutes, was now a distributed information system: federal agents, private citizens, and commercial employees—from railroad workers to hotel clerks—all participated in identifying, reporting, and acting on suspected sexual disorder. This infrastructure depended on the constitutional logic that distinguished Mann from other federal sexual regulation, the inward extension of commerce power to regulate movement across state lines. Once prostitution and "immoral purpose" could be attached to interstate transportation, the

relevant information was not necessarily facts of identity, but whether a woman had crossed a jurisdictional line under suspicious circumstances. Motive could be reconstructed by the state using documentary traces as seemingly insignificant as a prepaid fare.

Encounter & information access

By showing how easily sexual exploitation, migration, and commercialized sex can be collapsed into one “immoral purpose,” the Mann Act fairly directly anticipated contemporary anti-trafficking frameworks. White slavery discourse foregrounded sexual danger, a focus that often displaced less sensational questions. Equating sex work with trafficking produces an overly simplistic analysis, keeping public attention fixed on sex while allowing more structural issues of labor and migration to recede from view (Ditmore, 2012). There are consequences to this simplification: restrictions on travel may intensify rather than prevent trafficking by closing legal pathways for migration and pushing would-be migrants toward smugglers and traffickers, where risks increase (Ditmore, 2012). The problem isn’t that anti-trafficking discourse exaggerates sexual danger, just that its simplicity might misidentify the sources of vulnerability. Treating trafficking primarily as sexual captivity rather than a problem shaped by labor markets, immigration status, and restricted mobility allows reformers to reproduce the conceptual collapse that structured the white slavery panic. This simplified analysis claims moral high ground while obscuring trafficked people in nonsexual industries and producing policies with real human cost (Ditmore, 2012). Even the term “human traffickers” can focus blame on individual villains while distracting from political and economic conditions driving migration and justifying intensified border enforcement (Tyburczy, 2025, p. 210). The Mann Act’s legacy lies both in its direct prosecutions and its normalized classificatory pattern: sexual danger becomes a portable explanation for migration and mobility, while rescue language authorizes surveillance and criminalization.

The white slavery discourse fueling the Mann Act depended on the binary categories of sexual subjecthood: victim vs. villain. Perpetrators in moral crusades are often transformed into “folk devils,” and anti-trafficking rhetoric repeatedly casts customers, traffickers, pimps and

procurers alike as predators whose criminality confirms need for rescue and punishment (Weitzer, 2007). This moral grammar converted varying sexual, economic, and relational situations into recognizable legal roles. Federal judges often described the statute as protecting “weak women from bad men,” a formulation that made women legible as victims through a lens of vulnerability and men legible as villains through predation (Langum, 1994, p. 10). But as with Comstock and Page, these categories were hardly stable. Women could be prosecuted for transporting other women, and in noncommercial cases they occupied a strange intermediate position. They might be treated as victims when presumed weak, but also could appear as villains when conduct exceeded the script of passive innocence (Langum, 1994).

The victim/villain binary identifies a recurring problem in anti-trafficking discourse. People classified as victims are often simultaneously criminalized by the systems claiming to rescue them. Trafficked people are frequently compelled to live under conditions of illegality where housing and labor arrangements and other associations with criminalized intermediaries can become grounds for exclusion or punishment (Sanghera, 2012). In this sense, the trafficked person is classified as a criminal while also being named as a victim. This paradox was present in the Mann Act’s structure: the law’s rescue narrative depended on female vulnerability, but its enforcement could expose women to prosecution, stigmatization, or coercive dependence on state authorities. The legal category of victim often required women to become legible through a state narrative of innocence and passivity. Those not fitting that narrative could easily slide into the category of immoral woman or prostitute. An encounter with the Mann Act was one with a classificatory system organizing subjecthood through instability. A person traveling alongside a sexual partner might be protected or criminalized depending on how their movement and sexuality was read, regardless of their intent.

The criminal label performed symbolically, not simply because the conduct would be considered harmful, but because it offended a collective moral order (Wacks, 2014). Labeling someone a criminal is ritualistic, transforming particular people into signs of a larger social structure, and making existing order appeal natural, necessary, objectively just (Pfahl, 1981). The Mann Act used this idea of ritual to stabilize the panic: the trafficker, seducer, prostitute, adulterer, and victim were all sensationalized, dependable character types through which the

public could understand sexual disorder. But because the Act extended to noncommercial relationships after *Caminetti v. United States* (1917), ordinary adulterers and unmarried lovers could become federal defendants, while “victims” could sometimes use the threat of Mann Act exposure against traveling partners (Langum, 1994). The law did not identify victims and villains but instead created a field in which the sexual actors could be reassigned between those roles depending on prosecutorial need, public pressure, or moral interpretation.

The 1919 post-*Caminetti* prosecution of Major League Baseball pitcher Fred Toney illustrates the Mann Act’s absorption of consensual relationships into the victim/villain structure. Toney pleaded guilty after traveling with a woman whom he falsely represented as his wife, though he did live with her and maintain consensual relations for months (“Fred Toney Pleads Guilty,” 1919). Nashville’s *Tennessean* reported in 1919 that the white-slave indictment arose not from evidence that he forced her into prostitution, but grew from a separate case alleging that Toney had made false statements in his military questionnaire to avoid the draft (“Fred Toney Pleads Guilty,” 1919). It’s interesting to view “immoral purpose” as an additional instrument of federal control when officials already regarded a defendant as dishonest or insufficiently loyal to the nation. There is also an unintended irony in the article’s observation that Toney had recently been “sold by the Cincinnati Baseball Club,” language treated as entirely ordinary beside the sensational charge of white slavery to describe Toney’s interstate travel with a girlfriend, but I digress (“Fred Toney Pleads Guilty,” 1919, p. 12). More importantly, the connection between his sexual prosecution and alleged draft evasion reveals how closely moral regulation had become tied to wartime citizenship. The same state that interpreted private travel as evidence of sexual immorality was increasingly concerned with protecting military manpower itself, creating the conditions under which the Chamberlain-Kahn Act would recast prostitution as a specific threat to soldiers’ health and national efficiency.

The Mann Act was a crucial step toward the Progressive Era’s broader faith in expert investigation and state regulation. White slavery was an unstable concept from the jump: contemporaries disagreed on its definition and existence, and often official investigations produced internally contradictory findings (Langum, 1994). The Dillingham Commission of 1912, for example, complicated the sensational narrative by reporting that many immigrant

women in prostitution had not been deceived into the trade, while simultaneously describing several cases of coercion and practical captivity (Langum, 1994). These contradictions actually helped to strengthen and institutionalize the panic. Moral crusades become more durable when



Figure 3: *Fighting the Traffic in Young Girls; or, War on the White Slavery Trade* by Ernest Bell (1910)

authorities accept their claims as legitimate, bringing new enforcement resources—activists, reform organizations, investigative bodies, legislation—into the state’s policy apparatus (Weitzer, 2007). On one hand, the response to prostitution was recognizably Progressive, with a reliance on experts, commissions, reports, and legal reform. The other side was hysterical, which directly produced the Mann Act (Langum, 1994). The Mann Act opens onto the next phase of the American history of sexual regulation, in which the state increasingly manages sex through expert investigation, scientific authority, and the symbolic power of statistics.

The Mann Act’s moral categories were unstable, yet generated a lasting apparatus of surveillance, documentation, and federal policing. Its enforcement also tied sexual respectability to citizenship—a connection that would only be intensified by the Chamberlain-Kahn Act’s treatment of prostitution as a public-health threat to national efficiency.

CHAPTER 3: Measuring and Managing Deviance (1910s-1970s)

The Chamberlain-Kahn Act of 1918

The Chamberlain-Kahn Act recast sexual danger as a threat to national efficiency during World War I. By linking prostitution to venereal disease, the statute supported an administrative system of medical examination, quarantine, detention, and surveillance around military installations. Women's bodies and movements became sources of public-health information, interpreted through a framework that treated sexual contact as measurable risk to soldiers, and by extension, to the nation's wartime capacity.

The American Plan at a glance

"The war is going to be won on the basis of man power, and we cannot afford to lose a single man from any preventable cause," wrote Raymond Fosdick in 1918, referring to the federal government's decisive risk management of "preventable" sexuality during the Great War (Fosdick, 1918, p. 170). Under the Secretary of War, assistant Fosdick wrote the newly formed Commission on Training Camp Activities (CTCA) to justify federal intervention into the moral environments surrounding American military camps, arguing that prostitution threatened not only individual soldiers but the efficiency of the war effort itself (Fosdick, 1918). During World War I, soldiers' bodies and minds were understood as national assets, so their sexual conduct was something the state sought to manage in the name of military preparedness. However, the body most often punished was not the soldier's. Women existing near training camps—rather, within a five-mile radius—were considered inherently suspect of leading the soldiers into vice and therefore disease, weakening their readiness to protect the nation (Canaday, 2009). This five-mile rule around a military cantonment may sound modest until translated into space: a five-mile radius covers roughly 78.5 square miles, larger than D.C., San Francisco, or Boston. The Chamberlain-Kahn Act of 1918 that enacted such a buffer, otherwise known as the "American plan," converted general proximity to suspicion. As a result, women across an entire city-sized

zone were made available for arrest, examination, quarantine, and detention (Chamberlain-Kahn Act, 1918).

The United States entered World War I with an undersized army, instituting the first compulsory military draft since the American Civil War. As large training camps popped up throughout the country, isolated camps were associated in public discourse with alcohol consumption, illicit sexuality, and “venereal disease,” a term commonly used during this time in reference to sexually transmitted infections. The abundance of rumors circulating at home—diseased European soldiers, immoral cultures within training camps—helped to produce the CTCA as an investigatory apparatus. These anxieties were not unlike those preceding the passage of the Comstock Act, when camp chaplains reported back to vice societies that Union troops “succumbed” to the temptations of camp (Fuller, 2003). In the CTCA report, Fosdick urged federal action against prostitution specifically. He encouraged municipalities to take whatever steps necessary to suppress vice in new camps as such conditions would not be allowed in connection with troops (Fosdick, 1918).

The conflation of sexual purity with national security gave older anti-vice campaigns new federal authority. The everyday person could encounter wartime rhetoric or patriotism and moral purpose in public speeches and newspaper headings. President Wilson spoke of U.S. participation in the conflict as a civilizational mission, declaring the nation’s duty in making the world “safe for democracy,” its peace “planted upon the tested foundations of political liberty” (Wilson, 1917). This language cast the soldier’s mission as sacred and elevated, which in turn made the immoral training camp culture—all to do with prostitution—all the more threatening to martial moral purpose (Kemeny, 2014). Reformers who long sought to abolish prostitution used the emergency of war to intensify their campaigns against red-light districts, brothels, and saloons, particularly those in general proximity to training camps (Rogers, 2022). The soldier, like the porn-consuming Civil War fighter, was a military resource in several senses: a talking point to morally leverage in the media, a subject to legally protect, and a physical body to fight for the nation. The prostitute was a contaminant to this mission.

Wartime clarified the relationship between heterosexuality and national order, as desire itself was not the primary danger but sexual perversions of any and all kinds. The influx of

young men that lacked professional military experience were perceived as “sexually vulnerable, “a potential source of moral renewal” for the United States after the war ended (Byers, 2019). Morale planners—rather than completely cut off soldiers from their desire—instead attempted to mobilize it through what Andrew Byers (2019) calls a “sexual economy of war:” using discipline and scarcity to cultivate a coveted martial masculinity. Civil welfare organizations, including the Young Men’s Christian Association (YMCA) and the American Library Association (ALA), hosted supervised forms of social stimulation at camps to provide soldiers access to the right kind of woman (Rogers, 2022). If reformers previously worried about Union boys’ lack of “fit and healthy stimulus,” then the wartime Progressives found it in controlled access to desire rather than outright denial (Fuller, 2003). Organizations held dances and built hostess houses where soldiers could meet with conventionally attractive women in a supervised setting (Rogers, 2022). Female canteen workers were hired for their appearance and “apparent ability to control themselves” (Rogers, 2022, p. 240). The irony is that these women were paid to perform a carefully managed form of alluring respectability, to stimulate soldiers without becoming sexually available to them. It is not implausible to consider this supervised sex work. Women outside these curated confines, however, were treated as sources of danger (Luker, 1998).

The Chamberlain-Kahn Act of 1918 emerged pretty much directly from the CTCA, authorizing the Secretary of War and Secretary of the Navy to assist state municipalities in addressing potential sources of “venereal disease” around camps—specifically “civilian persons whose detention, isolation, quarantine, or commitment to institutions may be found necessary” to protect military and naval forces (Chamberlain-Kahn Act, 1918). It also created the Division of Venereal Diseases within the Bureau of the Public Health Service, charged with studying and investigating causes, treatment, and prevention of such diseases, cooperating with state health departments, and controlling the spread of disease in interstate traffic (Chamberlain-Kahn Act, 1918). This meant any woman within five miles of a military cantonment could be detained, required to undergo medical examination, and, if found diseased, confined in a hospital, jail, stockade, workhouse, or “farm colony” until cured (Kemeny, 2014). The law’s text is formally gender-neutral, but the enforcement was certainly not. The operative phrase was “civilian persons,” not women, girls, or prostitutes. That neutrality helps to frame the intervention as

strictly public health administration rather than gendered sexual policing, though historians describe its practical enforcement as directed overwhelmingly at women suspected of promiscuity and therefore disease (Kemeny, 2014; Rogers, 2022).

The classificatory “venereal disease” & “social hygiene”

The container of concern expressed directly within the Chamberlain-Kahn Act was “venereal disease,” a capacious term that names sexually transmitted infections such as gonorrhea and syphilis while also carrying the older moral discourse embedded in the word itself. Derived from the Latin *Venus*—AKA the goddess of love—“venereal” links disease to sexual desire rather than merely medical pathology. Olson’s (2001) feminist analysis of classification is useful in analyzing this term as a container of concern: “venereal” is a scientific term, one that appears neutral yet inherits gendered assumptions that look logical or natural. By naming disease through Venus, it makes sexual medicine linguistically proximate to womanhood, erotic excess, and feminized temptation. The term “venereal” had circulated for centuries before the Progressive Era. The Oxford English Dictionary records an early usage in a 1610 translation of Augustine’s *City of God*: “Such is hunger & thirst and the venereall [*sic*] affect vsually [*sic*] called lust” (*Oxford English Dictionary*, n.d.). By the time syphilis and gonorrhea were formally grouped under the label “venereal disease” by Scottish physician William Cullen in 1777, the category already carried a long semantic history in which sexual appetite, moral weakness, and bodily disorder were intertwined (Tagarelli et al., 2011),.

Another container of concern institutionalized in Chamberlain-Kahn was “social hygiene.” The term did not originate with the Act, as the American Social Hygiene formed in 1914 had already consolidated earlier social purity, anti-vice efforts into a more modern public health vocabulary. Chamberlain-Kahn gave this reform language an administrative form, creating a board “to be known as the Interdepartmental Social Hygiene Board” that made “social hygiene” part of the wartime state’s official machinery rather than merely language of voluntary organizations (Chamberlain-Kahn Act, 1918). This was the era in which sexual regulation would increasingly pass through medicine, public health, and expert administration. By the end of the

nineteenth century, moral reformers had already begun adopting the language of social hygiene, a discourse that often included eugenic concerns about racial purity, heredity, and national fitness, like with the sensational news surrounding Chinese women entering the country (Abrams, 2005).

Over the next century, public health would be increasingly imagined through social factors—behavior and lifestyle—producing a newer language of prevention and individual responsibility for the nation’s future health (Berridge, 2016). For anti-prostitution politics, this meant reformers increasingly grounded their arguments in the hygiene of the nation and the prevention of disease (Freedman, 1987). When Dr. Maurice Bigelow, president of the American Social Hygiene Association, addressed the Poughkeepsie Women’s City Club in April 1918, he praised Surgeon General William Gorgas as “the greatest sanitarian since Moses” in his keeping military camps clean (“Social Hygiene and Army Life,” 1918). But his public health language quickly moved from sanitation to sexual discipline, urging clubwomen to continue their work by “correcting the silly girls who thoughtlessly chase after soldiers and are always ready to flirt with a uniform” (“Social Hygiene and Army Life,” 1918). Social hygiene was an effective container of concern as it spoke several languages at once. This kind of political language appears merely descriptive while condensing broader group anxieties into a single symbolic form (Edelman, 1985). Social hygiene organized wider suspicions about certain bodies and places, making the policing of deviant women near military camps appear necessary to protect soldiers and therefore the nation.

Inspection & detention as information infrastructure

The infrastructure of Chamberlain-Kahn was a coordinated system of military administration, municipal policing, and public health inspection. The organizational taxonomy was one in which public health officials and affiliated authorities were empowered to identify suspected disease, determine who should be examined, sort people into positive and negative diagnoses, judge who constituted a threat, and route those people into hospitals, jails, stockades, workhouses, or other institutions. By the end of the war, state and federal authorities had arrested

more than 30,000 identified as diseased or sexually suspect; more than half were taken to be remanded elsewhere (Kemeny, 2014). The category of the diseased sexual woman, although not named explicitly in the statutory text, moved through a concrete apparatus: from geographical proximity, to police contact, inspection, diagnosis, and finally to commitment or detention. After the Surgeon General Gorgas urged authorities to intensify policing of civilians deemed at risk of venereal disease in 1918, the CTCA's Section on Women and Girls began targeting women and girls classified as "sex offenders," a term then applied to women suspected of sex outside of marriage, especially with soldiers (Rogers, 2022). Men were often excused from purchasing heterosexual prostitution, while these "sex offending" women were punished for making sex available.

What men were not excused from, however, were other forms of sexual perversion. World War I mobilization made federal officials more cognizant of sexual variance, as anti-prostitution campaigns and military screening brought administrators into contact with sexual practices and gender expressions they were not initially seeking to regulate (Canaday, 2009). Military examiners were advised to watch for male recruits whose bodies or mannerisms seemed to indicate femininity, weakness, or abnormality, while psychological and psychiatric professionals used the war to sort recruits by ability, defect, and desirability (Canaday, 2009). Officials imagined "sexual perverts" as visible through feminized appearance, cosmetics, or bodily comportment, while also worrying homosexual men might appear normal and evade detection (Canaday, 2009). This reflected a wider anxiety apparent in the decades after the war: the feared sexual pervert might be living undetected among respectable citizens. This did not make homosexuality the central target of CTCA morale strategy. The War Department focused more heavily on controlling heterosexual contact around camps than on developing a coherent policy for homosexuality within the ranks (Rogers, 2022). Still, wartime screening connected sex, gender, fitness, morality, and citizenship within a growing administrative state.

Chamberlain-Kahn extends the logic of the Page Act by treating sexual danger as something that could be identified through inspection from one checkpoint to the next. In the Page Act, Chinese women were made suspect at the border through appearance, testimony, and sexual reputation; under Chamberlain-Kahn, women near military camps were made suspect

through proximity to soldiers, association with vice districts, and alleged sexual availability. Across both regimes, inspection attempted to translate sexual suspicion into administrative judgement by attaching danger to gender, race, and geography. Inspection was, fundamentally, a matter of sorting. Chamberlain-Kahn also belongs in the history of later psychiatric and criminological regimes, helping normalize the idea that sexual disorder could be detected through expert observation and reformed through commitment.

Encounter & information access

Soldiers in training camps encountered the American Plan largely through its protective and managerial dimensions. The camp itself was surrounded by moral zoning, supervised recreation, letter-writing campaigns to wives and families back home, and other efforts to make vice “hard to find” (Rogers, 2022, p. 235). The CTCA implemented this campaign as a regime of discipline and protection. Soldiers were imagined as bodies to be preserved for military efficiency, while the spaces around them were designed to reduce—or at least reorient—their contact with their own sexuality (Canaday, 2009). Women encountering Chamberlain-Kahn, by contrast, encountered it through arrest, detention, quarantine, and forced medical examination. Practical encounter with the Act was structured by external classification before women were given a meaningful opportunity to contest categories imposed on them. The American Plan and its suspicion-to-quarantine pipeline continued for decades. Sisters Fern and Pauline Welch, for example, were arrested at 3:30a.m. in 1947 for possession of liquor and intoxication and charged with “vagrancy” after police claimed the sisters were frequently prowling the streets “at all times of the night where women of good reputation are not found” (Stern, 2015). For weeks, they refused to submit to medical examination and were held in quarantine at the city jail until they yielded (Stern, 2015). The Welch sisters’ case demonstrates how suspicion came first, and examination followed, regardless of consent.

The public kept up with the American Plan through newspaper coverage constantly associating prostitution with venereal disease and national danger. Institutional messaging portrayed vice as a threat to Christian civilization and its democratic mission (Kemeny, 2014). In

1900, William B. Johnson published a sensational story alleging the U.S. Army had established a network of brothels in the Philippines for exclusive use of American soldiers (Byers, 2019). After the story generated widespread outcry, hordes of concerned citizens sent letters and telegrams to President McKinley and the War Department demanding withdrawal from the Philippines (Byers, 2019). By World War I, this kind of public arm had been redirected into language of social hygiene. A 1919 *Sioux City Journal* article, “War on Venereal Diseases Will Continue,” called for continued pressure on red-light districts and neighborhoods suspected of

clandestine vice, declaring that “in war or peace the segregated district is a synonym for crime, venereal disease, and needless waste of human life” (“War on Venereal Diseases Will Continue,” 1919). Even after demobilization, articles like this one framed prostitution as an ongoing source of national demoralization: “if prostitutes carried disease last week, they carry it next week...It may be a gay time for a night, perhaps, and then [a] morning-after and months-after of disaster and disease” (“War on Venereal Diseases Will Continue,” 1919). The story closed by turning the public into participants, asking what ordinary readers could do, and directing them to Iowa State Board of Health pamphlets mailed free of charge, including “Manpower and Venereal Diseases, Facts for Every Man,” “When They Come Home,” “On Guard,” and “The Girl’s Part,” the last two designed for women and girls (“War on Venereal Diseases Will Continue,” 1919).



Figure 4: Poster created by the American Social Hygiene Association warning soldiers about the perceived dangers of prostitutes and STIs. Reproduced from Stern (2025).

Though helping to move sexual regulation from moral suspicion toward more systematic measurement and management, the Chamberlain-Kahn Act retained a public health apparatus dependent on local officials, medical judgements, and uneven records. In the decades that followed, federal crime reporting and new systems of classification offered more standardized ways to count, name, and organize deviance.

Uniform Crime Reports & Library of Congress Classification

New national systems of counting and naming made sexual deviance increasingly legible to the state in the early twentieth century. The Uniform Crime Reports covered arrests for prostitution and related offenses into standardized crime data, while the Library of Congress organized sexual subjects through hierarchical categories and proximity. Together, these expert systems presented deviance as an administratively stable object to be recorded, compared, retrieved, and interpreted across institutions.

Scientific expertise at a glance

By the early twentieth century, sexual regulation increasingly moved through expert systems that appeared more technical, scientific, and neutrally constructed than moral campaigns by late nineteenth century moral reformers like Anthony Comstock. Moral judgement did not disappear, of course, but the moral categories became more embedded in statistical programs, bibliographic vocabularies, and classification schedules whose authority was more difficult to deny due to the nature of its seemingly objective form. The postwar moment was a marriage between social reform and the social sciences' aspiration toward measurement, reliable evidence, and rigorous proof (Rosen, 1995). The Progressive faith in moral reform turned to expertise, translated into systems that promised objective access to a social reality (Campbell, 2000). Two systems are particularly important here: the Uniform Crime Reports (UCR) and the Library of Congress (LOC) classification apparatus. They may seem institutionally unrelated at first glance. The former organizes police data, while the latter organizes books, documents, and knowledge

for retrieval. But both standardized access to social meaning during the mid-twentieth century; both made information retrievable by first making it classifiable. Importantly for this era, both systems make certain associations durable. The institutional vocabulary of prostitution becomes visible as something intrinsically related to drugs, trafficking, disease, and public risk. These associations, once embedded, begin to appear self-evident and routine (Campbell, 2000; Adler, 2017). UCR and LOC do something different than previously mentioned statutes. Instead of punishing sexual subjects, they sort, index, and display them. This sorting creates background conditions through which sexual categories become knowable to the police, policymakers, researchers, librarians, students, and the public at large.

UCR: police statistics & the counting of vice

Emerging from the belief that crime could be made knowable through standardized national data, the International Association of Chiefs of Police developed the Uniform Crime Reporting plan in 1930. Congress authorized the attorney general to gather crime information, designating the FBI as the clearinghouse for the program (Rosen, 1995; Leonard, 1982). Since then, the FBI has published annual crime reports tabulating offenses reported to police, arrests, and demographic information such as age, sex, and race (Leonard, 1982). The basic premise was that policing could be improved through reliable statistical data, and that an objective counting of crime would give the public a reasonable basis for evaluating police performance (Rosen, 1995). The UCR therefore extends the post-Progressive faith in measurement that followed World War I: the belief that social problems could be reformed and governed if only they were measured properly (Rosen, 1995). This faith in crime measurement had a longer genealogy. The first national effort to measure crime was in 1850, when the U.S. Census enumerated persons living in correctional institutions (Rosen, 1995). The American Statistical Association was formed by proponents of moral statistics, a movement that encouraged governments to assess the social health of populations by collecting data on health, poverty, education, and crime (Rosen, 1995). Crime data was never simply a technical enterprise. From the jump, national crime measurement was tied to the idea that the moral condition of a population could be known through

administrative categories. By the 1920s, organizations like the American Prison Association and American Institute of Criminal Law and Criminology created committees to recommend a national system of crime data (Rosen, 1995). UCR inherited this logic and modernized it through social scientific expertise, emerging from shared, interlocking ideologies that better measurement might produce better governance (Bowker & Star, 1999).

But UCR does not count “crime” in any pure sense. It counts crimes known to and reported by police, organized through police categories. Police statistics cover a wide field, but their accuracy depends on competence, discretion, and reporting practices of police departments (Leonard, 1982). Many crimes remain unknown, unrecorded, or unreported. UCR is not an actual accounting of all crimes in a jurisdiction, nor is it a sample of all crimes. It is a statistical program providing an accounting of crimes reported to police, with adjustments made for missing or erroneous data (Nolan et al., 2011). Classification error occurs when police record the facts of an incident but assign the wrong crime type; this may result from simple mistakes, inherited report-writing habits, automation problems, or deliberate downgrading to reduce reported crime rates (Nolan et al., 2011). This makes classification error politically consequential. Policing data might include incorrect information, nonstandard representations, false accusations, or planted evidence, all for the purpose of political funding or public relations purposes (Richardson et al., 2019). These problems matter for prostitution and vice categories because data that appears as objective evidence may already contain discretionary policing decisions, racialized suspicion, or gendered assumptions.

UCR’s treatment of prostitution is clearer when read through the shift from the older Summary Reporting System (SRS) to the National Incident-Based Reporting System (NIBRS), developed in the 1980s. The summary-based UCR counted multiple offenses as one crime incident by relying on a hierarchy rule that ranked offenses by seriousness and recorded only the most serious offense. NIBRS reorganized crime reporting by placing offenses into three broad categories: Crimes Against Persons, Crimes Against Property, and Crimes Against Society. Prostitution falls under Crimes Against Society, alongside drugs and narcotic violations, weapon law, gambling, pornography, and animal cruelty (FBI, 2019). Crimes Against Society are defined as offenses against public order rather than as harms to a specific victim. This gives prostitution a

conceptual neighborhood, teaching users of the system what prostitution is “like.” It becomes directly adjacent to drugs, gambling, weapons, and other prohibited conduct. UCR does not need to make an explicit moral argument about prostitution for the association to operate. Over time, this placement naturalizes the idea that sex work belongs beside drugs, gambling, and other vice categories. Such policy becomes part of the self-evident world when social norms, facts, and values are embedded within it (Campbell, 2000). UCR embeds those values by locating prostitution inside a broader architecture of public-order crime.

Sex work occupies a similar position to drug use in policy discourse, a “puzzling behavior” within the American political rationality that imagines individuals as circumspect, self-interested actors (Campbell, 2000, p. 39). Sex work is treated as both evidence of a deeper disorder and voluntary misconduct actively violating normative expectations about what is expected of a good-natured, family-oriented citizen. Counting such behavior is a form of classification: numbers select one feature, tally it, and use that tally to create analogies between disparate things (Campbell, 2000). Once prostitution, drugs, gambling, and obscenity are repeatedly counted together as Crimes Against Society, they appear as variations of the same social problem. NIBRS’s Crimes Against Society participates in a longer history in which prostitution, narcotics, and racial danger were repeatedly made intelligible through one another. Drug discourse in the Progressive Era was entangled with racialized fears of “white race suicide,” biological degeneration, and the destruction of a reproductive futurity (Campbell, 2000). Reformers linked narcotics to slavery metaphors that imagined addiction as a form of bodily and moral captivity analogous to “white slavery,” centering white women as victims (Campbell, 2000). The UCR/NIBRS classification of prostitution as a Crime Against Society continues the classificatory pattern of statutes like Page, Mann, or Chamberlain-Kahn by treating sex work as adjacent to race, family, and national fitness.

LOC: bibliographic classification & retrieval of vice

The Library of Congress Classification system (LCC) organizes books rather than arrests, but it participates in a similar project of proximal association: the process when subjects

are placed near one another so repeatedly that their relationship begins to feel conceptual rather than administrative (Henry et al., 2022). The Library of Congress established its controlled vocabulary in 1898 and eventually developed the Library of Congress Subject Headings (LCSH) as a comprehensive system for organizing massive collections of literature. Adler argues these classifications were never neutral containers for knowledge, but state-linked technologies that organize subjects into categories reflecting and reinforcing national ideals and norms of subjectivity (Adler, 2017). It is imperative to note that the Library of Congress is directly tied to the state, both administratively and conceptually; its collections and classifications directly serve Congress, government officials, and an imagined national public (Adler, 2017). Its authority stems from its position within a broader state apparatus for organizing national knowledge. Libraries often appear democratic because they provide access. Public and academic libraries are imagined as egalitarian institutions devoted to knowledge, education, and the freedom to read. Adler's work complicates this democratic image by showing how the library can also reproduce dominant discourse and state norms (Adler, 2017). Classification systems don't merely help people find information. They establish what a subject is called, where it belongs, what it is near, and what conceptual path a reader follows to retrieve it. Access is only access through a vocabulary and a map, arranging interpretation before a user ever reaches a particular book (Adler, 2017; Henry et al., 2022).

Adler's history of sexual perversion in LCSH provides the basis for understanding how bibliographic systems preserve shifting expert vocabularies. Researchers, clinicians, and the public have long disagreed over what counts as sexual perversion, paraphilia, or abnormal sexuality; psychiatric experts have yet to consistently agree on a definition or diagnosis for paraphilia (Adler, 2017). Yet subject headings like "Sexual perversion," "Sexual deviation," or "Paraphilias" helped construct and preserve national ideals by marking certain sexualities abnormal against assumed norms (Adler, 2017, p. 35). "Sexual perversion" emerged as a subject heading in the context of late nineteenth-century sexology, especially the work of Krafft-Ebing and related efforts to distinguish sexual instinct, deviant desire, and abnormal acts (Adler, 2017, p. 39). Because prisons were key sites for the early study of sexuality in the United States,

researchers often came to believe that “perverts” were criminal types, making homosexuality and criminality iteratively related within emerging expert knowledge (Vogler, 2021, p. 29).

Prostitution has appeared in the LCC since 1910 (Henry et al., 2022). More broadly, sex work has long been understood as a deviation from the norm, appearing historically within the range of “Abnormal sex relations” alongside topics such as sexual perversion and homosexuality. By 1980, prostitution was subsumed under the larger range “Sexual life,” but remained nearby categories like sadism, masochism, fetishism, and masturbation (Henry, et al., 2022). Even when the explicit label “abnormal” receded, the conceptual neighborhood continues to position sex work—still named only as “prostitution”—among taboo, deviant, or stigmatized sexual practices. “Sexual life” (and everything under it) lives under the broader subclass HQ: The Family, Marriage, Women, and Sexuality. The family serves as the organizing norm against which categories like perversion and prostitution become deviant. If homosexuality and other non-reproductive sexualities appear as threats to reproductive futurity, then prostitution’s placement near sexual deviation similarly frames it as antithetical to family formation, reproduction, and the symbolic protection of women and children (Edelman, 2004). The structure of the classification allows this implication to operate through proximity alone.

This LCC range contains high granularity for topics associating sex work with criminality and impurity, and low granularity for topics that would associate sex work with labor, poverty policy, or sex worker rights (Henry et al., 2022). While there are longstanding classmarks for regulation, human trafficking, social purity, and rescue work, LCC lacks comparable classmarks representing sex worker movements for labor protections or decriminalization, despite their longstanding presence alongside other social movements. Because taxonomies often imply that parent concepts are fully explored by their child concepts, this produces a social reality in which sex work appears to have no salient traits other than criminality, trafficking, and rescue (Henry et al., 2022). The sequence of headings under prostitution tells a particular story about what sex work is and what should be done about it: the placement of “Human trafficking,” “Social purity,” and “Rescue work” close to one another frames trafficking intervention through Christian chastity policies and a rescue-centric model (Henry et al., 2022). Placing human trafficking under prostitution also implies that trafficking is

primarily sex trafficking, obscuring histories of labor trafficking outside the sex sector (Henry et al., 2022). The “Drugs and prostitutes” classmark, established sometime between 1965 and 1980, overlapped with the rise of the War on Drugs and the production of powerful racialized associations among drugs, Black and Brown communities, and criminality (Henry et al., 2022). Its placement narrows the range of imaginable associations with sex work, mirroring the UCR/NICBRS treatment of prostitution as a Crime Against Society. In both systems, prostitution is made meaningful by what surrounds it, a stabilized and circulated prejudice through ordinary systems of search, retrieval, shelving, and subject access.

Counting and classifying conduct did not fully answer the question of who posed a continuing sexual danger. Sexual psychopath statutes carried this classificatory logic from the offense to the person, treating particular acts, desires, histories, and appearances as evidence of an underlying pathological type. Through psychiatric evaluation, court referral, and predictions of future risk, these laws transformed deviance from something the state counted into something experts claimed they could diagnose and indefinitely manage.

The Mid-Century Sexual Psychopath Statutes

Sexual psychopath statutes made sexual conduct into evidence of underlying pathological identity. They authorized experts to classify individuals as sexually abnormal and subject them to treatment, confinement, or indefinite management. Their significance lies in the shift from punishing a particular offense to diagnosing a type of person whose desires, history, and anticipated behavior could be interpreted as continuing threats to public safety.

Sex crime panics at a glance

The mid-twentieth century sexual psychopath statutes moved legal attention away from discrete criminal offenses and toward diagnosable sexual personhood. These laws drew on the classificatory logic that earlier had conflated sexuality with perversion through moral language, statistics, and administrative categories, but they tied that logic more directly to the interior life

of the offender. The “sex criminal” emerged as a recognizable type: dangerous, compulsive, perverse, and in need of expert diagnosis and observation rather than ordinary punishment alone (Jenkins, 1998; Vogler, 2021). Although courts had dealt with sexual offenses for centuries, American medicine and psychiatry did not begin to imagine sexual perversion as a feature of identity, rather than temporary lapse in conduct, until the 1880s (Vogler, 2021). Sexological works like Krafft-Ebing’s *Psychopathia Sexualis* or Havelock Ellis’s *Sexual Inversion* reframed queer sexual relations and other stigmatized practices as congenital, pathological, or symptomatic of deeper abnormality (Stone, 2017). Terms such as “invert” and “pervert” classified deviant sexual inclination as a trait of a person; Ellis, for example, referred to homosexuality as a “constitutional abnormality” (Kunzel, 2008, p. 50). The circulation of these sexological “facts” depended on instruments, measurement conventions, and theories produced by institutionalized scientific communities (Lakoff, 1987, p. 170).

The era of sexual psychopath statutes emerged most directly from the sex crime panics of the 1930s and lasted well into the 1970s. In 1937, the *New York Times* created a new index category, “Sex crimes,” after publishing 143 articles on the subject that year (Freedman, 1987). Officials responded to an apparent “sex-crime wave” by establishing commissions, passing statutes that transferred authority over some sex offenders from courts to psychiatrists, and funding specialized institutions for treatment (Freedman, 1987, p. 83). Sex crimes were often grouped into three categories—prostitution, rape, and other sex offenses, but the specific problem of sexual psychopathy centered less on sex work than on acts such as sodomy, indecent exposure, exhibitionism, incest, and pedophilia (Sutherland, 1950). This distinction, however, does not make the history of sexual psychopath laws irrelevant to sex work. Prostitution and homosexuality were closely associated in the broader language of perversion and abnormal sexuality, as demonstrated through the Library of Congress Classification. The history of regulating sex work therefore cannot be separated from the history of regulating sexuality more broadly, as both depended on the administrative systems that made some sexual subjects appear socially contaminating or dangerous.

In September 1940, a 35-year old man from Michigan named Bert Chapman was arrested after being charged of committing an “act of gross indecency” with another consenting

adult, John Bates, in Chapman's home (George, 2015, p. 225). The local paper reported that the community had "suspected [Chapman] of improper conduct for some time" ("Justice Court Notes," 1940, p. 10). Before his trial, the prosecuting attorney petitioned to have Chapman certified as a criminal sexual psychopath and committed indefinitely to a psychiatric hospital (George, 2015). Two court appointed psychiatrists diagnosed him with 1) "Psychosexual deviation, homosexual (sexual psychopath)"; 2) "Intellectual level within average limits but impaired by emotional regression"; and 3) "Suggestive symptoms of simply schizophrenia" (*People v. Chapman*, 1942). Their report described him as a "distinct sexual menace" and warned his homosexuality could develop into "a much more ominous manifestation," namely pedophilia, despite the absence of evidence that Chapman had shown sexual interest in anyone other than one consenting adult (George, 2015, p. 225). The court accepted this diagnosis, ruling him a "criminal sexual psychopathic person," committing him to a psychiatric institution until he "fully and permanently recovered" (*People v. Chapman*, 1942). In this case, psychiatric prediction was used to interpret homosexuality as future risk for the community at-large.

The category of "sexual psychopath" was quite elastic. The legal and psychiatric record moved quickly from consensual adult same-sex conduct to predictions of danger for children, allowing the state to confine Chapman for both what he had done and what experts imagined he might become. Frequent discursive overlap between "sex criminal," "pervert," "psychopath," and "homosexual" suggested that "psychopath" might have served as an interchangeable term with "homosexual" during this period of heightened public anxiety about queer men (Freedman, 1987, p. 103). Concerns about male sexual deviance converged with the rising authority of psychiatry, producing sexual psychopathy as a new theory of crime (George, 2015). This was intensified by broader Cold War anxieties in which nonconformity was increasingly read as a threat to national stability and security (George, 2015). Federal loyalty investigations often targeted homosexuals as emotionally unstable and susceptible to blackmail (George, 2015). Consider how Chapman was diagnosed with emotional dysregulation in addition to sexual psychopathy. Sexual psychopath statutes were just one aspect of a broader administrative project in sorting unreliable or non-normative subjects. These statutes did not treat all sexual harms equally. Although many of laws invoked the protection of women and children,

psychiatric discourse of the 1930s and beyond focused predominately on children while doing comparatively little to prosecute violent crimes against women or coercive incest by male relatives within families (Vogler, 2021). Rape of women was treated as closer to “normal” heterosexual relations because the offender’s sex object and gendered aim fit a broader ideology of male activity and female receptivity (Vogler, 2021, p. 30). By contrast, queer men, exhibitionists, and voyeurs were more readily marked as abnormal sexual types requiring psychiatric management (Vogler, 2021).

Highly publicized crimes against children in the late 1940s and 1950s helped reignite sex panic in the postwar period, even as Alfred Kinsey’s findings suggested that a large portion of the population could technically be considered criminal if sexual laws were strictly enforced (Vogler, 2021). The figure at the center of the panic was the child molester or pedophile, and homosexual men were often targeted as this villain through association with danger to children (Edelman, 2004; Tyburczy, 2025). This association depended on the symbolic force of the child as a figure through which political culture organizes futurity, innocence, and protection of social order (Edelman, 2004). The convergence of homosexuality and pedophilia had begun in the 1920s, as American psychiatrists and criminologists incorporated Freudian ideas about psychosexual development into theories of crime, crystallizing in the 1930s as psychiatric interest in homosexuality expanded (George, 2015). Homosexuality would not be removed from the American Psychiatric Association’s official list of psychological abnormalities until 1973, meaning that psychiatric classification and child-protection rhetoric reinforced one another for decades. The result was a durable administrative formation in which harm to children, sexual abnormality, and preventive confinement converged around the daunting figure of the sexual psychopath.

The classificatory “sexual psychopath”

The container of concern here is the “sexual psychopath,” or, alternatively, the “sexually dangerous” person: a medico-legal type whose danger is located in their underlying condition rather than a single criminal act. Sodomy, rape, prostitution, indecent exposure, or

obscene circulation could all be defined as acts; sexual psychopathy defined the person behind the act as the problem. Earlier regimes might blame the behavior on external social conditions like urban vice districts, migration routes, or trickery through obscene materials, while the sexual psychopathy framework shifted the focus inward. This marked the rise of positivist criminology, in which deviant acts were treated as symptoms of underlying biological, psychological, or medical flaws that required treatment, incapacitation, or institutional intervention (Jenkins, 1998). Central to positivist criminology was the notion that sex offenders were particular kinds of people whose perversion could be treated like a disease (Vogler, 2021). Illinois's 1938 Sexually Dangerous Persons Act, the first of its kind in the United States, authorized interstate agreements concerning people “classified as sexually dangerous,” defined as those suffering from a mental disorder for at least one year, not “insane or feebleminded,” and carrying a criminal propensity for sex offenses (Minow, 1949, p. 186). Illinois was an early, influential site for valid legislation permitting confinement of persons considered sexually dangerous to a community (Minow, 1949).

By the turn of the twentieth century, science had entered the courtroom, and social sciences had claimed authority in professional domains of American life, like education, industry, therapy, and law (Golan, 2004). The legal system’s authority was increasingly rationalized and considered instrumental, rather than sacred (Golan, 2004). Even when specific scientific claims were uncertain or contested, the overarching “Idea of Science” possessed great authority (Shapin, 2010, p. 385). Sexual psychopath statutes drew on this authority using expert classification. These classes, however, were unstable. Progressive-era officials used homosexuality interchangeably with perversion and pederasty; homosexuality was often defined less by same-sex conduct than by perceived gender inversion, like effeminacy in men or mannishness of women (Canaday, 2009). “Perversion” was therefore also a fuzzy container, loosely associated with degeneracy and sometimes imagined as visible through bodily signs (Canaday, 2009). Instead of a stable binary between homosexuals and heterosexuals, there was a “hazier” divide between “perverts and normals” (Canaday, 2009, p. 11).

Psychiatric authority & diagnosis as information infrastructure

The sexual psychopath statutes transferred authority from ordinary criminal courts to psychiatric experts, creating a hybrid medico-legal apparatus organized around diagnosis and therefore classification (Freedman, 1987; Vogler, 2021). The suspected sexual psychopath's actions were symptoms and desire was evidence for diagnosis. The broader expansion of American psychiatry, linked to the decline of family and community structures, was guided by the state development of institutions that promised social management and ultimately, cure for social ills (Warren, 1981). By the 1950s, this psychiatry's institutional reach expanded dramatically (Warren, 1981). The courtroom was a crucial site for this development. At the turn of the century, the individualistic legal paradigm that previously relied on moral responsibility, will, and choice, weakened as the social sciences presented standardized bodies of knowledge to the courts and legislatures (Golan, 2004). Sexual psychopath statutes supplemented the law with psychiatric expertise, suggesting that ordinary criminal categories could not fully capture offenders that are abnormal, compulsive, or sick (Jenkins, 1998; Vogler, 2021).

This expert authority is not politically neutral: the state has enormous power to enact policy by accessing the "voice of science" for controversy management and public legitimation (Mukerji, 1989, p. 196). It's also helpful to control research funding. The government can draw upon scientists not only for information, but for language, analytic skill, and public credibility. Psychiatric categories for sex offenses supplied the state with an authoritative vocabulary for preventive confinement, while the state supplied psychiatry with relevance, authority, and access to bodies for assessment. Psychiatric expertise claimed to view sexual deviance from a position of detached observation, though Haraway insists knowledge is always situated and constructed, hardly a view from nowhere (Haraway, 1988). The object of knowledge is not a passive screen for expert interpretation, but an actor and agent within the production of knowledge itself (Haraway, 1988). Sexual psychopath statutes produced a sexual subject that also served as a legible surface on which experts could read pathology and future risk. Like other statutes or government information systems, they depended on proximal associations among homosexuality, child protection rhetoric, sexual deviance, and sex work such as prostitution (Vogler, 2021).

Panic made this broader image culturally relevant, and expert vocabulary made it administratively useful. Early twentieth-century researchers often treated the prison as a central institutional site in studying sexuality, a place in which perverts could be found in abundance (Kunzel, 2008). Prisons contained perverts because perverts were criminals, and perverts were criminals because prisons were the site of study (Kunzel, 2008; Vogler, 2021). Through this circular logic, homosexuality and criminality appeared naturally linked.

Encounter & information access

For the accused, the encounter with sexual psychopath statutes was an encounter with expert interpretation. An allegation, arrest record, bodily presentation, sexual history, psychiatric interview, or institutional file could all be evidence of an underlying type, shifting encounter from criminal charge to diagnostic file (Jenkins, 1998; Vogler, 2021). Though sex offender registries would not be commonplace until the 1990s, California began registering sex offenders as early as 1947 (Agan, 2011). This diagnostic encounter also extended beyond formally named sex offenders with an allegation against them. In a 2017 interview with the New York City Trans Oral History Project, Miss Major Griffin-Gracy described growing up in Chicago in the 1950s and 1960s, when she said “wearing a dress could get you sent to jail immediately. And not really jail; to the mental hospital” (Griffin-Gracy, 2017, p. 4). When asked about how long she might have been held, she explained that confinement depended on the judge and the hospital, and that a person could be placed on a 72-hour hold for reevaluation, with the possibility of never getting out: “So that’s why you learn what to say to get the, ‘Oh she’s just going through a difficult dysphoria...’” (Griffin-Gracy, 2017, p.5). Her account makes clear that the expert encounter was tactical: survival required learning what to say in order to appear temporarily troubled rather than permanently pathological. The accused person was a risk-bearing subject whose body, conduct, and record could all be assembled into evidence of future danger for the community. These methods of risk prediction—profiling, statistical assessment, and classification—easily became objects of cultural scrutiny as they converted uncertain futures into hard facts (Cohen, 1972).

The public encountered these objects of cultural scrutiny through headlines organized around two figures: the child and the hidden pervert. The clandestine quality of the pervert marked them as a danger ordinary perception could not reliably identify, both monstrous and invisible at once (Adler, 2017). A 1949 headline in *The Press Democrats* announced, “Imprison All Sex Offenders, Psychiatric Group Asks,” while Santa Rosa’s *Register* warned readers that sex offenders were drawn to California beach areas by “swarms of sun loving youngsters” and that, if a child victim threatened to “‘tell Mommy,’ a brutal murder may follow immediately” (“Imprison All Sex Offenders,” 1949; Comroe, 1966). The article went on to insist that Santa Rosa police “completely dispel the idea that the homosexual is harmless,” that homosexuality supposedly centered on “youth and beauty,” and that homosexuals had proven themselves “unusually brutal and dangerous” through “perverted acts with children” (Comroe, 1966). Local police painted an image of the sex criminal panic as intimate and domestic, something that could “make even a normal person dangerous” (Comroe, 1966). “Think of what it does to a nut, in the garage with your baby daughter,” said one officer (Comroe, 1966). This media environment allowed everyday spaces—homes, schools, daycare centers, beaches—to be reimagined as potential sites of hidden danger, generating a pervasive sense of vulnerability grounded just as much in emotional identification (“what if this happened to my kid?”) as in empirical risk. By the 1980s, this structure would make the Satanic ritual abuse panic plausible, when accounts of child sexual abuse, cults, and community infiltration joined conservative Christian and therapeutic forms of claims-making (Cohen, 1972).

At the same time, some members of the public actively questioned how these categories organized social judgement. In a January 1962 letter to the Readers’ Forum of *The Pensacola News-Journal*, a Florida woman responded to the repeated appearance of terms such as “homosexual” and “pervert” in the daily press. Rather than treating the newspaper’s language as self-evidence, she asked, “What is the social problem?...Are the newspapers using the right words in reference to this social problem?” (Myers, 1962, p. 9). Her letter did not reject classificatory thinking altogether, but tried to sort the categories more carefully, distinguishing “true homosexuals,” who she described as a “phenomenon of nature,” from “perverts” who needed guidance and “poor, sick degenerates” who needed to be found and treated for their own

By the 1970s, the legal focus increasingly shifted from diagnosing sexual subjects to defining dangerous sexual representations. The Miller Obscenity Test of 1973 transferred classificatory authority from institutional experts and back—but formally—to local “community standards,” asking them to distinguish protected expression from obscene material. The underlying problem remained: sexual danger was treated as recognizable, yet it resisted precise definition. Reliance on discretionary judgement, normative assumptions, and claims to common sense remained.



CHAPTER 4: Defining and Dreading Harm (1970s-1990s)

The Miller Obscenity Test of 1973

Attempting to stabilize obscenity through a three-part legal standard, the Miller Obscenity Test of 1973 preserved considerable discretion over where protected sexual expression ended and punishable obscenity began. The decision made sexual representation legally classifiable yet did not resolve the underlying uncertainty surrounding its meaning or effects.

Defining obscenity at a glance

While sweeping legislation like the Comstock Act broadly labeled various contraceptive, abortion-related, and “immoral” literature as obscene, it did so without articulating a clear legal standard. The first modern attempt to define obscenity emerged in *Roth v. United States* (1957), where the Supreme Court held that material is obscene if “the dominant theme of the material, taken as a whole, appeals to prurient interest” and exists “utterly without redeeming social importance.” This test also involved the question of whether the “average person, applying community standards” would consider the material so salacious. The lawyers of Samuel Roth, who faced a 26-count obscenity indictment, argued that the materials he distributed—erotic drawings and books like the *Kama Sutra*—were protected by the First Amendment. The government maintained that such material fell outside constitutional protection, insisting it was not what the framers intended to safeguard— “at least where the interest in public morality was at stake” (Escoffier, 2021). In articulating this standard, the Court produced an institutionalized ambivalence—narrowing censorship to protect redeeming social importance while simultaneously reaffirming that obscenity itself had none (Strub, 2010). (*Roth v. United States*, 1957).

In articulating its standard, the Court attempted to stabilize the definition of obscenity, but it remained imprecise and difficult to operationalize. “I know it when I see it,” Justice Potter Stewart famously remarked in *Jacobellis v. Ohio* (1964), acknowledging the Court’s inability to

define hard-core pornography with precision. The case involved the exhibition of 1958 French drama “The Lovers” at an Ohio movie theater; the manager was subsequently convicted under state law for possessing and presenting the allegedly obscene film to the public. The objection centered on one explicit sex scene in the last reel of the film, deemed “filth for money’s sake” by the Ohio judge in the lower court decision. Yet the Supreme Court ultimately reversed the conviction, holding that the film was a protected expression under the First Amendment as applied through the Fourteenth. Stewart’s statement captured the epistemic impasse of obscenity law as something that could be recognized in practice but not consistently defined in principle. (*Jacobellis v. Ohio*, 1964).

By the time Marvin Miller’s case reached the Court in 1973, obscenity law was doctrinally unstable and culturally exhausted. Judges, attorneys, and journalists alike expressed fatigue with the seemingly endless stream of cases attempting and failing to define this concept. As early as the mid-60s, coverage in *Time* characterized obscenity litigation as a “chore,” recounting cases in which courts were forced to parse minutiae of content with little payoff (*Time*, 1965). In one instance, the lawyer of a “weird little [book]” publisher challenged whether sadism and masochism were synonymous with obscenity, warning that if so, “there is no end to the literature that may be prohibited” (*Time*, 1965). In another, a Massachusetts attorney general urged the Court to consider the sexual encounters in 18th-century bestseller *Fanny Hill*, apologizing to the justices for the task of recounting them: “I know it’s a dreary chore,” he told them (*Time*, 1965). By 1973, reporting suggested that the Court itself hoped to curtail this constant cycle of litigation, with one Illinois newspaper noting the justices appeared to be “breathing a sigh of high judicial relief” at the prospect of fewer obscenity cases (“Supreme Court Opens Door,” 1973). *Miller* thus emerged as a final attempt to impose clarity on a doctrine widely perceived as unworkable.

Marvin Miller, who owned a California mail-order business specializing in pornographic material, mailed a brochure advertising products that showed graphic sexual activity to a restaurant in Newport Beach; subsequently, the owners of which called the police. When Miller appealed following his guilty verdict—knowingly sending obscene matter—he argued that the jury did not use the standard for obscenity previously set. His case was brought to the Supreme

Court for an official judicial test to be made, once and for all. The test ostensibly promised to define obscenity in a way courts could consistently apply. Yet rather than eliminating ambiguity, the Miller Test redistributed it across new sites of judgement. What appeared to be a solution instead generated new inconsistencies and layers of interpretation, turning into a logistical problem that raised more questions than it answered. This is the test used today: the average person finds the work appeals to prurient interest in sex, the work is patently offensive, and it lacks value—whether literary, artistic, political, or scientific (*Miller v. California*, 1973).

I. The average person applying community standards

The first prong of the obscenity test rests on a deeply unstable figure that is “the average person,” not empirically identifiable nor able to be measured by any provided mechanism: “whether the average person applying contemporary community standards would find the work, taken as a whole, appeals to the prurient interest” (*Miller v. California*, 1973).

The concept of normality expanded at the turn of the twentieth century as categories of “normal” and “deviant” sexuality migrated from medical and professional discourses into the public sphere (Cryle & Stephens, 2017). Individual judgement is inseparable from broader social norms here. In this context, the ‘normal’ was not a statistical average but a normative ideal defined by adaptability, respectability, and conformity to state expectations (Cryle & Stephens, 2017). To be average is to align with what the dominant culture recognizes as acceptable behavior, to approximate a culturally sanctioned standard.

The evaluation of obscenity here operates through affective judgement, particularly the mobilization of disgust. During *Miller v. California*, Judge Berger cited the *Webster* definition of obscene as “disgusting to the senses...grossly repugnant to the generally accepted notions of what is appropriate,” as well as *Oxford English*’s “offensive to the senses, or to taste or refinement, disgusting, repulsive, filthy, foul...” etc (Nussbaum, 2004, p. 134). Legal systems frequently treat feelings of revulsion toward certain acts as sufficient grounds for criminalization, even in absence of clear injury (Kahan, 1998). Instead of an offense that law could remedy, disgust is a “criterion” to see how the “reasonable” man would respond to the object in question:

how bad is it, and how crucial is it to keep others away? (Nussbaum, 2004, 134). Disgust, in this sense, is not an individual or natural response but one shaped by hierarchy (Kahan, 1998). What appears to be judgement of the “average” person is better understood as the expression of collectively produced aversions, structured by cultural norms surrounding gender, sexuality, and propriety. A “prurient” interest is a shameful, morbid interest in sex or nudity, a reflection of the time-honored view of sex being inherently furtive, self-contaminating, and therefore, disgusting (Nussbaum, 2004). Such responses to sexuality play a constitutive role in organizing social life, reinforcing the boundaries between respectable and deviant.

By the mid-twentieth century, pornography was understood as a symbol of disorder, linked to juvenile delinquency, threats to the heterosexual nuclear family, and even Cold War fears of communism, despite lack of empirical evidence (Strub, 2010). These layered meanings allowed pornography and other ‘prurient’ materials to absorb multiple anxieties simultaneously and threaten social order. These frameworks depended on the construction of the “monstrous” in order to stabilize the “normal” (Adler, 2017). If one can identify deviance, one can define respectability. The “average person” invoked by Miller’s first prong is not a neutral observer but a conceptualized normative subject whose judgements reflect historically specific fears and expectations of whatever “prurient” interests might plague society.

II. Patently offensive depictions and descriptions

The second prong of the Miller test shifts from the individual figure to the collective authority of the community: “whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law” (*Miller v. California, 1973*).

Here, obscenity is no longer anchored in a generalized subject but in geographically specific “community standards,” which must be interpreted and enacted by juries, judges, and other decision-makers. These standards are not fixed or measurable entities; rather, they are continually produced through localized acts of judgment. Classification systems often appear stable while remaining deeply context-dependent in practice, producing inconsistent outcomes across different settings (Bowker & Star, 1999). The Miller framework exemplifies the dynamic

of material being deemed “patently offensive” in one jurisdiction while entirely permissible in another, revealing obscenity as highly variable and quite apparently so, in practice.

Two years after the ruling, the *Times* reported the test being “frustrating” for prosecutors and defense attorneys and “causing confusion in the thriving pornography industry” (“Court’s Obscenity Ruling,” 1975). Pornography operators in conservative regions were forced to operate covertly, while those in cities like New York or Los Angeles functioned with relative ease, illustrating the spatial contingency of obscenity. Thus legal strategy adapted: prosecutors sought out conservative venues more likely to secure convictions, while defendants attempted to transfer cases to more permissive jurisdiction, where courts sometimes dismissed indictments on the grounds that local juries could not reliably determine the standards of distant communities (“Court’s Obscenity Ruling,” 1975). In this sense, obscenity regulation became less about defining and outlawing content and more about navigating jurisdictional boundaries, transforming classification into a logistical problem to be solved. Ultimately, Miller did not clarify what obscenity was but begged new questions that would become more apparent in legislation regarding the information shift just around the corner—the Internet: where is this information, and who might encounter it there?

III. Serious literary, artistic, political, or scientific value

The third prong of the Miller Test introduces yet another layer of interpretation that shifts authority to parties with varying degrees of credibility: “whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value” (*Miller v. California*, 1973).

Unlike the first two prongs, which rely on normative and localized judgement, the third prong effectively transforms the courtroom into a site where the meaning and value of art are contested. This raises a deeper question: is the legal system equipped to adjudicate the value of cultural expression, or does it inherently reproduce existing hierarchies of legitimacy? If art is inherently open to interpretation, then attempts to determine whether a work possesses “serious value” reveals not clarity, but welcomes proliferation of competing interpretive frameworks. This prong is especially perplexing given the prolonged legal battles over obscenity in the 1950s and

1960s fought by writers, publishers, pornographers, and other artists seeking to create a public space for sexual speech, largely contributing to the emergence of the sexual revolution itself (Escoffier, 2021). The more restrictions were rolled back, the more circulation widened of cultural and commercial artifacts—from novels to paintings to comic books—that allowed all sorts of folk artists to articulate their visions of sexuality and approaches to sex (Sigel, 2020). The defense of pornography was not simply about protecting specific materials but asserting the legitimacy of sexual expression as a form of cultural speech or art.

As discussed throughout this project, pornography can function as a discursive site onto which broader anxieties are projected—about gender, sexuality, national identity, and social order—making it a flexible, enduring object of political mobilization (Strub, 2010). Its perceived threat depends not on empirical accuracy but on its capacity to simplify complex social issues into binary moral positions. This strategic simplification allows political actors to redirect attention away from structurally difficult problems. Consider the other morality issues plaguing the United States while this war on pornography waged on: our presence in Vietnam, the oil crisis, high rates of unemployment and inflation, class and racial inequality as well as general social unrest. The inclusion of “serious value” within the Miller Test seeks to ensure that obscenity determinations remain entangled with broader struggles over legitimacy and political power.

If *Miller* was meant to resolve the obscenity problem, it instead confirmed its absurdity. As the courts continued to parse prurience, offensiveness, and value, the distance between legal doctrine and lived experience only widened, exposing the strange labor of judging sexuality through law. Best captured by Dan Mouer, writing a satirical piece for *Screw Magazine* in 1970 where he imagined a future in which politicians, “rather than pretend to be sexless nards, will be required to prove their abilities before the balloting” (Mouer, 1970, p. 5). He parodies the expert systems of sexual knowledge that Foucault (1978) identifies as central to modern governance—institutions that compel sex to be performed and interpreted. Obscenity, in this formulation, can only be known through experience—through “knowing it when you see it”—even as the law insists on classification from an ostensibly detached position. In the end, obscenity remains a moving target that continues to invite judgement, evade definition, and

repeatedly demands that someone, somewhere decide what counts. “Judges will not be allowed to decide obscenity without acting out the offense in question,” Mouer quips. “It will be declared unconstitutional to knock it if you haven’t tried it” (Mouer, 1970, p. 5).

The Attorney General’s Commission on Pornography, commonly known as the Meese Commission, shifted attention from defining obscene material to demonstrating the harm allegedly caused by pornography. Where the Miller Test asked courts and juries to determine whether particular works crossed a legal threshold, the Meese Commission assembled testimony, research, and public hearings to present pornography as an object of expert investigation and social danger. This expanded the debate beyond whether pornography was obscene to whether sexual representation itself produced violence, degradation, and harm.

The Meese Report of 1986

The Meese Commission reframed pornography as a problem of demonstrable social harm rather than merely offensive expression. Through hearings, testimony, research summaries, and visual evidence, the Commission assembled an expert record linking pornography to violence, degradation, and the exploitation of women and children. Its significance lay in converting moral anxiety into an ostensibly empirical basis for regulation, broadening the object of concern from legally obscene materials to representations that might produce harmful effects.

The Attorney General’s Commission at a glance

“Ladies and gentlemen, my remarks here will be brief, because the issue this bill deals with is so clear that it requires little elaboration. Please, sit down,” Reagan joked while preparing to sign the Child Protection Act of 1984, legislation designed to strengthen prosecutorial authority against producers and distributors of sexually explicit materials involving children, regardless of whether they met the legal definition of obscenity (Reagan, 1984). “For years, some people have argued that this kind of pornography is a matter of artistic creativity and freedom of expression... Well, it’s not. This pornography is ugly and dangerous. If we do not

move against it and protect our children, then we, as a society, just aren't worth much" (Reagan, 1984).

First passed in 1977 and repeatedly amended and expanded in the following decades, this legislative trajectory played a key role in institutionalizing the Christian Right's conflation of violent pornography, consensual adult material, and child abuse (Strub, 2010). The movement to "protect the children" operated effectively through the lens of pornography, providing politically unassailable justification for expanding regulation. A major legal milestone in this process was *New York v. Ferber* (1982), which altogether excluded child pornography from First Amendment protection. Having secured this exception, the Reagan administration pushed onward to extend similar logic to adult pornography, an unquestionably separate subject matter. While this proved to be difficult to achieve through courts alone, it could at least be advanced through production of authoritative knowledge—most notably through the Attorney General's Commission on Pornography, chaired by Edwin Meese and published in 1986.

The Meese Report attempted to present itself as an empirical investigation into the harms of pornography, yet its conclusions revealed a different logic at work. Despite the fact that the 11-member commission could not agree on a stable definition of pornography—ultimately treating the term as anything predominantly sexually explicit and aimed at arousal—they concluded that violent pornography contributes to violence against women (Douglas, 1986). The report issued 93 recommendations, more than half of which called for stricter enforcement of existing obscenity laws, alongside proposals for citizen boycotts of adult retailers, local action committees, and civil suits from women against producers on the grounds that pornography violates civil rights (AGCP, 1986). These recommendations lack internal coherence, however, reflecting the broader instability of the category they attempt to regulate. This inconsistency is not incidental; regulation depends on the ability to isolate a stable object of concern, yet pornography remains culturally contingent and resistant to fixed definition (Strub, 2010).

Since this instability is hardly possible to resolve, the Meese Report manages it through further classification, organizing pornography into five classes of varying severity, ranging from sexually violent material to nudity, and provides guidance for how each should be understood and addressed. Yet even within this new taxonomy, boundaries remain rather porous.

Materials depicting consensual, nonviolent sexual activity are treated with suspicion. The report suggests such representations are harmful simply by virtue of making sex public or detached from marriage, love, or commitment (AGCP, 1986). Sometimes the report's methodology borders on the absurd. An investigative team cataloged materials from stores in cities such as Houston, New York, Miami, Los Angeles, and Chicago, compiling lists of hundreds of book and film titles—seemingly as evidence of the scale of the problem. The inclusion of titles such as *All Those Juicy Young Pussies #1* or *Big Busty Video*—as if an anti-porn crusader would mistake these for family flicks at the video store—reads less like rigorous analysis and more like spectacle. The Commission dismisses these materials as mere aids to masturbation, not part of an exchange of ideas about sex; the materials *were* sex (Douglas, 1986). This distinction supports the broader argument in anti-pornography circles, that sexually explicit material inherently constitutes low-value speech, a category to be regulated more aggressively because it is positioned outside the core concerns of democratic expression (Strub, 2010).

The Meese Report's reliance on testimony further complicates its claims to empirical legitimacy. Accounts range from disturbed wives who discovered their spouse's S&M DVDs in their bedside table, to survivors of sexual violence, to former *Playboy* bunnies describing experiences with either STDs or suicidal ideation. More than one hundred individuals were interviewed, alongside numerous written submissions from people attributing personal suffering to pornography. These narratives are also presented alongside various attempts at behavioral analysis, including a strikingly reductive table of the "situational child molester" in which the intersection of "moral indiscriminacy" and "motivation" yields the explanation, "Why not?" (AGCP, 1986, p. 137). Such moments reveal the extent to which the report substitutes anecdotes and moral assumptions for systematic analysis.

The recommendations that follow extend this logic into the realm of everyday governance. The report provides detailed guidance on how to monitor and respond to pornography in local communities, encouraging the formation of local action groups and offering sample questions to survey adult businesses: "How many pornographic theaters are there in the community?...Are any of the theaters of the drive-in type?...How many pornographic outlets are there in the community and where are they located?...What materials are sold? Magazines?

Paperbacks? Sexual devices? Videos? Films?...Are there live peep shows?” (AGCP, 1986, p. 333). In doing so, the report transforms its research into a participatory project, distributing responsibility across the public, encouraging and embedding surveillance within ordinary civic activity. Despite relatively low circulation of the report itself, Meese shaped public discourse, informed subsequent legislation, and contributed to a wave of both formal and informal crackdowns on sexual media by Reagan’s “smutbusting squad” (Nobile, 1990). The Meese Report rendered the question of clarifying pornography secondary to its more administratively useful one—what should be done about it. Lacking methodological coherence, its power rested in its ability to frame pornography as a self-evident social problem. For example, Edwin Meese told reporters he did not read it himself (Douglas, 1986).

The five classes of pornography

1. Sexually violent material

The first category of pornography referred to material featuring “actual or unmistakably simulated or unmistakably threatened violence presented in sexually explicit fashion with a predominant focus on the sexually explicit violence,” including sadomasochistic themes with “standard accoutrements of the genre” like “whips, chains, devices of torture, and so on” (AGCP, 1986, p. 39). This also extended to “so-called ‘slasher’ films” that combine sexualized nudity or activity with graphic violence (AGCP, 1986, p. 39), perhaps to exemplify the presumed effects of sexually violent material. The Meese Report claimed exposure to sexually violent material increases the likelihood of aggression toward women, openly acknowledging that establishing such a causal link requires assumptions that exceed available evidence and asserting that nevertheless, there is “no reason...not to make these assumptions” that are “plainly justified by our own common sense” (AGCP, 1986, p. 39).

This philosophical appeal to common sense is a foundational justificatory framework within censorship discourse, allowing subjective interpretations to be elevated as self-evident truths (Knox, 2015). Within the Meese Report, rationality and common sense intertwine to

produce a stable and quite singular interpretation of sexually violent material. This is not the last time emotional responses—fear, disgust, moral outrage—are specified to be objective assessments of harm. Intensifying anxieties about social disorder in the 1970s and 1980s brought about the proliferation of narratives centered on serial killers, slasher films, cults, and sex crimes, contributing to a mediascape saturated with images of threat (Lancaster, 2017). This was a shift away from the liberal optimism of the 1960s and toward a fearful interpretation of human behavior, one that emphasized danger and internal enemies lurking around the corner (Lancaster, 2017). Within this pessimistic environment that suddenly swung to the right, linking sexuality and violence was both plausible and intuitive, reinforcing the Commission’s reliance on common sense as sufficient. The organizing principle here is victimhood. By the late twentieth century, an expansive “victim industry” took shape, encompassing therapeutic practices, advocacy organizations, and legal reforms positioning victimization as both durable social identity and political resource (Lancaster, 2017). The figure of the innocent victim—particularly the child—is indispensable as the moral counterpart to the sexual predator or aggressor.

2. Nonviolent materials depicting degradation, domination, subordination, or humiliation

The second category identified by the commission extends the logic of harm beyond overt violence and into the realm of representation and relational positioning. “Degrading” pornography encompasses the “undeniably linked characteristics of degradation, domination, subordination, and humiliation,” including depictions in which individuals— “usually women”—exist solely for sexual satisfaction of others, occupy subordinate roles, or engage in practices that would “to most people be considered humiliating” (AGCP, 1986, 41). This collapse of power, hierarchy, and affect into an evaluative category is notable: hierarchy itself is evidence of harm, even without violence. The inclusion of humiliation is particularly interesting. As we understand it, humiliation is not merely an observable condition but an internalized state tied to self-awareness, involving feelings of mortification and diminished self-respect (Miller, 1993). Historically, humiliation clusters with religious traditions of self-abasement, where the denial of bodily pleasure and cultivation of humility are considered moral virtues (Miller, 1993). Its

placement within this classificatory schema could suggest a slippage between externally imposed degradation and internally experienced shame, as if the representation of certain acts necessarily entails corresponding psychological conditions. This second class of pornography extends regulatory logic into the domain of interpretation, in which harm is inferred from the perceived affective structure of the scene.

3. Non-violent and non-degrading materials

The third class of pornography identified by the Commission initially appears to mark the limit of concern, encompassing representations in which participants appear “fully willing” and occupy “substantially equal roles” in settings devoid of violence, coercion, or humiliation (AGCP, 1986, p. 43). Yet the Commission quickly undermines this stability, asserting that only a small portion of sexually explicit material meets this criteria and that such material may still be quite harmful. The problem in this formulation is no longer the display of harmfulness or inequality, but the “larger issue” of promiscuity: sexual activity depicted “outside the context of marriage, love, commitment, or even affection” is treated as inherently suspect, regardless of consent or mutuality (AGCP, 1986, p. 44). The Report suggests that even if one accepts sexually explicit material is not intrinsically condemnable, its representation “almost necessarily” implies promiscuity, a condition the Commission explicitly rejects as acceptable (AGCP, 1986, p. 44). Even explicit representation of a loving, married couple engaged in mutually pleasurable intercourse is harmful “solely by virtue of being shown,” on the grounds that sex ought to remain private (AGCP, 1986, p. 44). Violating a normative boundary between public and private, this concern is amplified in relation to children. The Commission insists on controlled environments of family or professional guidance to introduce children to sex, warning that exposure to explicit material teaches that sex is detached from affection or commitment.

By the late 1970s, the Christian Right had successfully positioned pornography as a central concern within a wider “family values” agenda (Strub, 2010). The modern nation-state has long invested in regulating sexuality through the family institution, a site of moral order to contrast with perceived dangers of the public sphere (Luker, 1998). Meanwhile, parallel

intellectual currents—neoconservative, feminist or anti-feminist critiques of permissiveness—provided a secular rationale for regulation, framing sexual freedom as a threat to social cohesion. In the Meese Commission’s framework, these boundaries are reasserted through the classification “non-degrading” sexual representation as potentially harmful because of a disruption of the normative vision of sexuality as private, contained, and properly located within the heterosexual, nuclear family.

4. Nudity

Nudity seems to be of minimal concern to the Commission, which acknowledges that “the human body or its portrayal is [not] harmful” (AGCP, 1986, p. 46). But this concession is immediately qualified as “oversimplification,” requiring a distinction between aesthetically posed images that may have little social impact and more explicitly staged representations designed to maximize sexual effect through setting and suggestion. “Casual” nudity, historically associated with countercultural behaviors like drug use, profanity, and broader challenges to social norms, posits the exposed body as one attracting attention, stirring affect, and destabilizing boundaries between public and private (Avila, 2019). The Commission was unable to reach consensus on where this line should be drawn on this category that is not inherently harmful yet persistently charged with meaning. The example provided to demonstrate the maximization of provocation and the power of sex to “attract the attentions and stir the passions in all of us”: “consider a woman shown in a reclining position with genitals displayed, wearing only red feathers and high heeled shoes, holding a gun and accompanied by a caption offering a direct invitation to sexual activity” (AGCP, 1986, 4p. 7). It’s bizarre imagery to include, given that the difference in opinion among the Commission is likely a difference in preference for red feathers and gun play.

5. The special horror of child pornography

The final category functions as the moral anchor for the Meese Report and its classificatory system. Unlike preceding categories, this one is treated unequivocally as an unspeakable breach of social norms, eliciting visceral condemnation. Child pornography law emerged in response to the perceived cultural crisis of the 1970s in which child sexual abuse was “discovered” and elevated to level of national emergency (Adler, 2001). The force of the title—“the special horror of child pornography”—continues the ongoing organization of the child as a moral anchor in the field of sexual regulation. But despite the wholly justified fear about the real harms of child sexual abuse, the emergence of the social monsters were still particularly entangled with scrutiny on homosexuality without empirical backing (Angelides, 2019).

Consider the aforementioned family values agenda displayed in the seemingly identified harm in class III: sexual activity outside of marriage—necessarily heterosexual, the only legal kind at the time—was considered harmful. The focal point of children here is not just proximally associated but the harms of queerness but coexists with this target. Instead of narrowing a field of surveillance around the centrally organized child, the field expands to catch anything coming near it. As visible homosexuality became more normalized in the public imagination, the conservative agenda, facilitated by resources like the Meese Report, invoked a fear of pedophilia through imagined association (Angelides, 2019). This sort of bundling of categories through use and association occurs both culturally and bureaucratically (Bowker & Star, 1999).

It’s not a coincidence that the mid-80s saw the central social threat of the child molester alongside the “Satanic panic” ritual abuse scare, producing an environment that amplified and generalized vulnerability (Cohen, 1972). Child protection discourse expanded through further moral panic, characterized by familiar subjectivities such as child as innocent victim, adult as evil perpetrator, and bystander as shocked yet passive (Cohen, 1972). There was also a sense of statistical risk impacting vulnerability and empathy here: what if this happened to my child? (Cohen, 1972). Of course, the Satanic panic is an example in which claims are far less empirically grounded and far more extreme, but this aligns with the broader pattern of

uncertainty increasing and specificity decreasing while perceived scale and severity grows. These subjectivities are emotionally charged classifications of harm. They need not to be explicitly merged to become functionally linked, as proximity within discourse can produce classificatory slippage (Bowker & Star, 1999).

In the Meese Report and in subsequent legislation regarding the emerging danger of the borderless internet, pornographic images are no longer evaluated solely through obscenity standards or community norms but through potential relationship to harm to minors. Even if adult sexual content is legally protected, there is structural proximity to child abuse. Concepts such as "lasciviousness" used to try and define pornography inhere in the interpretation of the viewer, resulting in law pursuing potential interpretation over harm (Adler, 2001). Material may not involve what most people would consider sexual explicitness, but said material could possibly be criminalized as something that may be perceived erotic by a pedophile (Adler, 2001). In theory, this could be anything.

Encounter & information access

The aftermath of the Meese Report revealed that its authority was far from uncontested even when the framework proved politically productive. Two of the four women on the 11-member panel formally dissented, arguing that the Commission had failed to establish any causal relationship between pornography and violence, and that "no self-respecting investigator would accept conclusions" drawn from a body conducting no original research (Douglas, 1986, p. 4). External critics and methodological reviews echoed concerns, pointing out that reliance on surveys and correlational claims produced "substantively questionable" conclusions, with flawed measures of public opinion and lack of statistical rigor undermining its credibility (Smith, 1987). The Meese Report's knowledge claims were fragile, yet they circulated effectively within a broader informational environment primed to accept them.

The American Civil Liberties Union (ACLU) argued the Commission's concern with alleged degradation of women masked a broader moral agenda, one aimed at discouraging premarital sex, contraception, abortion, homosexuality, and teenage sexuality (Douglas, 1986).

But the Commission’s findings, despite their methodological weaknesses, helped justify a wave of enforcement actions under the Reagan administration, including the expansion of federal obscenity prosecutions and the creation of specialized enforcement units—sometimes referred to as “smutbusting” squads—to investigate and seize allegedly obscene materials (Nobile, 1990). Legal mechanisms extended beyond prosecution to include asset forfeiture, allowing authorities to confiscate entire inventories of books, films, or videos prior to trial, regardless of whether all materials were deemed obscene. Although courts later limited such practices as unconstitutional prior restraint, the effect was to create a regulatory environment in which access to sexual materials could be disrupted at scale and literally seized.

The Communications Decency Act of 1996 carried this harm-based framework into the emerging internet by treating networked communication itself as an environment requiring control, particularly in the name of protection children.

The Communications Decency Act of 1996

By extending older obscenity and indecency regulations into networked communications, the Communications Decency Act attempted to protect minors from sexual material online by applying standards for offensiveness to a medium defined by unprecedented scale. While its direct censorship provisions were struck down, its separate rules governing intermediary liability—Section 230—survived and became foundational to the modern internet. The statute produced



Figure 6: Commission Chairman Henry Hudson presents the Meese Commission Report to Attorney General Edwin Meese. Reproduction from Schultz (2009).

two competing trajectories: one sought to prohibit harmful speech directly, while the other delegated broad authority over speech to private intermediaries.

The Internet panic at a glance

Earlier regulatory frameworks targeting sexual content operated within relatively bounded systems of production and distribution. Print and film circulated through identifiable producers, physical channels, and geographically limited markets, allowing for more stable assumptions about access and control. The emergence of the internet in the late twentieth century disrupted these conditions. Sexual content, no longer confined to discrete objects or locations, moved fluidly across networks, jurisdictions, and users. This shift raised new questions for policymakers: was the internet the open forum long envisioned by free speech advocates, or an unregulated space in which harmful material could circulate without constraint? How could speech be governed in a medium defined by decentralization, speed, and scale (Gillespie, 2019)? Public discourse framed the internet as borderless and largely unregulated, amplifying concerns about exposure to sexual content. The overstated “cyberporn” panic exemplified this dynamic (Gillespie, 2019). Beginning around 1995, there was a marked rise in press coverage focused on the proliferation of online pornography, often presented as widespread and escalating despite limited empirical evidence. This was ostensibly a space of uncontrolled visibility where users—especially minors—could encounter explicit material without proper mediation. Policymakers struggled to respond not only because of sheer scale, but because they could not yet grasp a clear understanding of the technological and cultural phenomenon they were attempting to regulate (Gillespie, 2019).

The Communications Decency Act of 1996, passed as part of the broader Telecommunications Act, represents the first major federal attempt to address these concerns. The law sought to criminalize knowing transmission of “indecent” or “patently offensive” material to minors over the internet, yet these efforts quickly ran into familiar problems of definition and scope. In *Reno v. ACLU* (1997), SCOTUS struck down key provisions, ruling that its terms were unconstitutionally vague and overly broad with potential to suppress a wide range

of non-pornographic material with educational, health, or social value (Vick, 1998). The Court distinguished the internet from broadcast media, treating it instead as analogous to print—a space where speech is highly protected and where users take active steps to access content rather than be passively exposed (Vick, 1998). Despite limitations, CDA remains analytically significant, revealing the difficulty of applying existing classificatory frameworks to a decentralized, networked medium. Rather than achieving comprehensive prohibition, the Act produced a chilling effect that extended suppression beyond explicitly targeted material, discouraging production, circulation, and retrieval of sexual content under conditions of legal uncertainty. In this sense, it marks a shift from direct prohibition to more indirect regulatory mechanisms, where control operates through risk management, liability, and anticipatory compliance (Tyburczy, 2025). More broadly, the CDA reflects a familiar pattern in the governance of sexuality and media: heightened visibility of a perceived social problem, amplified through public discourse and authoritative voices, followed by regulatory intervention grounded in precaution over certainty (Cohen, 1972). In this case, the internet is the site of projected anxiety in which longstanding concerns are rearticulated under new technological conditions. The failure of the CDA to fully contain the flow—positioned as disruptive— of sexual content throughout cultural circuits points to a larger pattern (Tyburczy, 2025). In a networked environment, governance of sex and sexuality cannot rely solely on prohibition but must instead operate through the infrastructures that organize, filter, and distribute information.

The classificatory potential harm

CDA hinges on the relationship between two unstable, mutually reinforcing categories: “indecent” content and the “minor” figure. Indecency, not fixed or consistently defined, depends on contextual interpretation and appeals to cultural norms, those of which are increasingly unstable in a medium characterized by global communication. By contrast, the minor is constructed as a universally vulnerable subject, one whose need for protection is self-evident and transhistorical (Adler, 2001). Where indecency is indeterminate, the minor is stable, unassailable. CDA does not require material to be illegal in itself, but speech that is fully protected for adults

can be restricted if it is deemed even *potentially harmful* to minors. The question shifts from whether something is obscene or indecent to the question of who might encounter it, and under what conditions. Much of our fears about sexual danger emerges from its unknowability. Deviance lurks invisibly within ordinary spaces and interactions, threatening with its constant possibility that exposure may produce recognition, curiosity, or revealing self-knowledge (Adler, 2017). In a networked environment, content circulates freely and boundaries are more difficult to enforce. This fear is amplified. As a result, classification operates through proximity and possibility, expanding scope of regulation by becoming increasingly elastic.

Intermediaries as information infrastructure

CDA introduced a structure of regulation that would prove foundational for online speech governance. On one hand, there was the attempt to criminalize the transmission of “obscene or indecent” materials to minors. On the other, through Section 230, it created a safe harbor shielding intermediaries solely providing access—internet service providers, web hosts, and later platforms—from liability for user-generated content (Gillespie, 2019). This was a durable solution for the constantly unresolved classification problem. As long as intermediaries functioned as conduits rather than publishers, they would not be held accountable for the content they hosted (Gillespie, 2019). Discretionary power existed without the corresponding responsibility for either lawmakers or intermediaries (Gillespie, 2019). Platform governance, as I refer to it, is the organization of online participation by these private intermediaries that host, structure, and regulate user activity. This might occur through terms of service, community standards, interface design, search and recommendations, age restrictions, or data collection. More punitive measures of platform governance include demonetization, censorship, and account suspension.

Encounter & information access

The early internet promised users an unprecedented expansion of access to communities and alternative discourses previously difficult to locate or stigmatized. Seeking material related to sex and sexuality was not exceptional but generally expected, integrated into everyday patterns of media use (Chatterjee, 2001). This reflects the longer historical trajectory of pornography as something consistently developing alongside new media forms, from print to photography to film to video (Chatterjee, 2001). Each technological shift reorganizes how sexual content is produced, distributed, consumed and vice versa. Technology and sexual knowledge are rather co-constitutive; they enable one another. However access quickly became increasingly mediated by platform policies, filtering technologies, and search algorithms that reflect regulatory concerns about risk, exposure and liability. The result was an uneven information ecology in which what can be known is shaped by law as well as infrastructural decisions. Just as Comstockery targeted the postal system as a site of interception, late twentieth century legislation turned to the internet as a new infrastructure through which to govern sexuality. The challenge, not of the presence, but of the reproducibility and ease to distribute pornography emerged.

The Trafficking Victims Protection Act redirected this concern from exposure to sexual material back toward the movement and exploitation of people. Emerging amid anxieties about globalization and transnational crime, the TVPA organized trafficking through federal definitions, victim classifications, immigration remedies, and international monitoring. The transition from CDA to the TVPA broadened the perceived threat of networked circulation. Communication systems were channels in which indecent material reached children, as well as infrastructures through which traffickers could recruit, advertise, and exploit victims.

CHAPTER 5: Totalizing Trafficking (1990s-2020s)

The Trafficking Victims Protection Act (TVPA) of 2000

The Trafficking Victims Protection Act of 2000 established “trafficking” as a comprehensive container for organizing exploitation, migration, and victim protection. Access to protection, however, was dependent on how individuals were classified—as coerced victims, prostitutes, or offenders.

The “Nervous Nineties” at a glance

As *Newsweek* branded the decade in 1995, the “Nervous Nineties” were defined by big numbers and big fears: body counts, trade deficits, infection rates, and television ratings made social change feel both measurable and threatened. The decade, bookended by the fall of the Berlin Wall and the fall of the Twin Towers made the 1990s appear less like an interval of post-Cold War calm than a decade suspended between two ruptures (Klosterman, 2022). The rapid globalization that followed the collapse of the Soviet Union and the apparent triumph of free-market capitalism produced a political atmosphere in which scale was a source of anxiety (Bagchi, 2018). HIV/AIDS had killed six million people globally, including 350,000 Americans, by 1995 (Anderson, 2025, p. 151). Japan, the second-largest economy in the world, appeared to threaten American economic dominance, while the U.S. trade deficit with Japan reached \$80 billion by the end of the decade (Anderson, 2025). The brief yet extraordinarily fatal Gulf War entered public memory through numerical spectacle, as did school shootings, teen pregnancy rates, and internet usage. Y2K converted the calendar itself into a countdown for infrastructural collapse. Everywhere, numbers appeared to expose a hidden magnitude. By the end of the decade, fears of sex trafficking would enter this same arithmetic of panic, appearing as a global emergency measurable in hundreds of thousands, then millions, of women and children.

The expansion of cable news, talk radio, the early internet, and the newly sensational forms of televised trial coverage intensified this atmosphere. Chuck Klosterman argues the 1990s

were made distinct not only by the massive quantity of information available to misremember, but the absence of a fully automated system through which that information could be coherently indexed (Klosterman, 2022). While the internet was still burgeoning, there were still more television networks and more minutes of programming to fill than ever before. With information moving across media forms fluidly, it was primed for durability in popular memory—despite possibility for inaccuracy. Henry Jenkins describes this movement as “convergence culture,” a shift from medium-specific content toward content circulating across multiple channels and increasingly interdependent communication systems (Jenkins, 2006, p. 243). Public events could therefore be made into serial dramas in visually impactful ways. At the start of the decade, the Gulf War was covered by the American media’s “video-game aesthetic” that favored point-of-view footage and simulated precision using new camera technologies (Klosterman, 2022). Through this lens, the Gulf War was framed as one fought by machines and violent toward territory rather than people, a war with “no narrative,” and therefore both “unusually watchable” and “destined to be forgotten” (Corey, 2026, p. 59). Courtroom television offered another highly watchable version of abstracted, violent media. The Anita Hill-Clarence Thomas hearings, the OJ Simpson trial, Paula Jones’s civil suit against Clinton, and Clinton’s impeachment proceedings allowed the public to encounter sexual politics as long-form melodrama. These courtroom dramas, soap operas “on steroids,” could make the tedious juridical process become entertainment, scandal, and mass pedagogy all at once (Anderson, 2025, p. 133). Unlike the largely top-down expert systems discussed in previous chapters, this convergent environment increasingly invited audiences to interpret events through call-in programs, communities organized around shared media consumption, and soon, online forums—which made all the more complicated relations between top-down corporate media and bottom-up audience activity (Jenkins, 2006).

There is a central asymmetry in the decade’s sexual regulation. Powerful men received plot, motive, character, and endlessly renewable narrative. Less powerful people, especially migrants and racialized outsiders, were more often flattened into statistics. Anita Hill represented a test of credibility and respectability; Clarence Thomas got the job. Paula Jones, Monica Lewinsky, Kathleen Willey, and Juanita Broaddrick became part of the grammar of Clinton-era

sexual harassment, assault, and general scandal; Clinton remained politically and economically powerful, worth at least \$80 million as of 2021 (DiSalvo, 2021). He would eventually become associated with Jeffrey Epstein, international sex trafficker and sex offender. OJ Simpson was acquitted in the murder trial that turned domestic violence into national spectacle, though he later served nine years for a separate armed robbery conviction. The point is not that other, less powerful men accused of sex crimes deserve fuller narrative treatment, but that this media environment demonstrated who was allowed interiority and complexity rather than converted into an exemplar of crisis. As declared by President Clinton himself in an International Women's Day memorandum on sex trafficking published March 11, 1998: "This is an international problem with national implications" (Clinton, 1998). In the memo, Clinton focused on Afghanistan and the "egregious human rights violations committed against women and girls at the hands of the Taliban" (Clinton, 1998). Three days later, the *New York Times* brought renewed attention to former Arkansas state employee Paula Jones's sexual harassment suit against Clinton, a case made possible by the Supreme Court's 1997 ruling in *Clinton v. Jones* that a sitting president was not immune to civil litigation over unofficial conduct before taking office (Anderson, 2025). As sexual misconduct allegations against the president intensified domestically, the federally divulged discourse surrounding sexual harm increasingly turned outward, toward trafficking and patriarchal violence happening *elsewhere*.

This outward turn was not incidental, though it was convenient for figures like Clinton fighting off his own mess of allegations. Edward Said argued in 1978 that the Arab is often represented in Western media as a mass figure rather than an individual, shown in large numbers and without personal characteristics or experience (Said, 1979, p. 287). The late-1990s "trafficker" worked in a similar register, a composite figure produced by post-Cold War migration panic, border anxiety, and a renewed investment in rescuing women and children from racialized foreign men. The trafficker could absorb fears of globalization, organized crime, and radical Islam. This figure offered a deflection in which international sexual violence is scaled cleanly as an atrocity and humanitarian emergency, while domestic sexual violence and harassment appeared on American screens as scandal and spectacle with room for ambiguity. After the collapse of the Soviet Union, the widening gap between wealthy and poor countries

spurred broader concern over the movement of women and men into exploitative labor markets (Bass, 2015). Yet the numbers attached to trafficking were often unstable. Mainstream media repeated figures from anti-trafficking activists without verifying them (Bass, 2015). The unverified figure of "millions" of women and children sold in prostitution circulated through newspapers and talk-shows (Weitzer, 2007).

Anti-trafficking depended on a familiar mythology more than stable evidence. Statistics, deceptively specific by virtue of being communicated as numbers, can function as an “ultimate abstraction” by smoothing distinction and reducing complex social life into an apparently neutral, quantitative form (Woodward, 2009, p. 209). Numbers about both sexual deviance—namely prostitution and sex trafficking—anticipated future danger and justified preemptive intervention. This logic carried forward the projected fears of earlier sex-crime panics, from white slavery narratives in the 1910s to late-twentieth century panics over homosexuality, sexual predation, and child protection. Attaching sexual danger to the protection of childhood places targeted groups under the “anxious and scrutinizing gaze of the so-called moral majority” (Angelides, 2019, p. 73). Even when labor trafficking was occurring broadly across labor sectors in the 1990s, the media privileged sexual danger (Peters, 2013). Some scripts are more emotionally legible than others.

Although the Trafficking Victims Protection Act was passed in October 2000, just before 9/11, its afterlife would become entrenched in a political world increasingly organized around surveillance, national security, and the United States’ self-appointed role as “global sheriff” (Wodda & Panfil, 2021). Trafficking became understood as a symptom of globalization’s “dark side” in the 1990s, and trafficking was framed as a major facet of transnational organized crime (Sanghera, 2012). Earlier panics depended on this image of the innocent girl transported across space by predatory men. This discourse at the turn of the twenty-first century revived this imagery but updated its information for the information age: instead of trains, hotels, and brothel districts, the imagined pathways of encounter now included websites, online advertisements, and globalized digital communication networks. The “marriage of reason and nightmare” captures the logic at work here (Stapleton, 2013, p. 115). By joining quantification to melodrama, statistics seemed to verify nightmare, and nightmare gave statistics moral urgency. Americans

were approaching the end of an age in which technology seemed easier to control than be controlled by (Klosterman, 2022). “Sex trafficking” as a concept entered federal law precisely amid the internet’s expansion and within a media culture that had expertly learned to convert sex, violence, race, and scandal into national attention.

The classificatory “trafficking” as totalizing

Although the TVPA formally addresses trafficking across labor sectors by criminalizing forced, fraudulent, or coercive movement of people into exploitative labor conditions and by authorizing services and relief for victims, its symbolic center is forced commercial sex (Peters, 2013). The statute privileges sex trafficking as uniquely harmful, reproducing the worldview “in which sex is different, unique, and special” (Peters, 2013, p. 222). In Foucauldian terms, trafficking becomes a site through which sex acquires exceptional moral and administrative force. This framing distorts trafficking as a broader problem of forced labor by reorganizing it around sexual violation, even when empirical evidence does not support such narrowing (Peters, 2013). The TVPA defines sex trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” (TVPA, 2000). Notably this definition does not itself require forcible means or exploitation as separate elements. Those elements appear in the statute’s definition of a “severe form” of trafficking (TVPA, 2000). The statute attempts to maintain a distinction between commercial sex and severe, coerced, or underage exploitation. Yet that distinction erodes as the category circulates through enforcement, public discourse, advocacy, and media.

This resembles what Bowker and Star call the work of a “boundary object”: a shared classificatory form that remains recognizable across communities of practice even as each community adapts to its own institutional requirements (Bowker & Star, 1999, p. 297). Legislators, police departments, prosecutors, and journalists can all coordinate around “trafficking” without ever defining its boundaries in precisely the same way. While my concept of a container of concern identifies how “trafficking” gathers heterogeneous objects of anxiety—forced labor, migration, child exploitation, organized crime, prostitution—into one urgent frame,

the boundary object enables coordination. “Sex trafficking” can mean involvement in nearly any aspect of arranging personnel for the sex industry, and later statutory expansions to include “patronizing or soliciting” makes the category broader still (TVPA, 2000). In American legal discourse, “sex trafficking” does not refer narrowly to human trafficking for sexual exploitation, but comes to absorb commercial sex itself (Chapman-Schmidt, 2019).

By consolidating “sex trafficking” as an expandable category, TVPA creates a definition specific enough to be legally precise, but capacious enough to absorb adjacent phenomena. The expansion changes the language of already existing practices. “Pimps,” commonly understood as (usually) men who find customers and locations for sex workers, taking a portion of earnings, are increasingly, unilaterally understood as “sex traffickers” under the eyes of the law (Bass, 2015, p. 92). If pimping is trafficking, then prostitution is evidence of trafficking, and anti-prostitution enforcement becomes anti-trafficking work. Boundary objects may be “weakly structured in common use” yet strongly structured within individual sites (Bowker & Star, 1999, p. 297). How could anyone argue with victim protection, despite the nuance of an individual case? But the totalizing logic of TVPA that aims to protect victims instead produces a carceral paradox. Although juveniles involved in commercial sex, for example, are formally supposed to be treated as victims, many are still processed through the criminal legal system. Arrest is often justified as rescue, a way to remove young people from the street, separate them from pimps, or build cases against traffickers (Bass, 2015). Adult sex workers and legitimate survivors of sex trafficking face similar logic of their arrest being defended as a necessary step toward identifying coercion or accessing hidden trafficking networks (Bass, 2015). A 2014 raid on a D.C. brothel makes this contradiction clear: a young Mexican woman reported she had been forced into prostitution as a minor and transported across the United States for nine years, yet she was not protected through the anti-trafficking framework and deported to Mexico (Bass, 2015, p. 98).

Specialized anti-trafficking institutions reproduce the same collapse, now grounded by statutory text. New York’s Human Trafficking Intervention Courts have grouped trafficking victims and sex workers together, thereby inflating trafficking statistics while blurring the distinction between coercion and commercial sex (Bass, 2015). Once trafficking becomes the

dominant framework through which commercial sex is interpreted, institutions are incentivized to find trafficking everywhere, especially since trafficking discourse actively displaces migration. “Trafficking” increasingly functions less as a reliable term of social justice than as a tool for criminalizing movement across borders and expanding the carceral surveillance state (Tyburczy, 2025). Equating sex work with trafficking produces an overly simple analysis that neglects migration as a central issue, allowing the difficult questions of labor precarity, border control, and poverty to be displaced by a politically popular condemnation of sex work (Ditmore, 2012). This lurid focus on sex allows the duller, more intractable problem of migration to be ignored. By enabling institutions with different mandates to coordinate around a shared term while avoiding agreement about structural conditions producing exploitation, the anti-trafficking apparatus is coherent and sustained—it translates among social worlds (Bowker & Star, 1999).

Conflation as information infrastructure

The “Nervous Nineties” created a convenient platform for “trafficking” to represent a massive transnational crisis, a hidden market in which “millions” of women and children were said to move across borders while profits rivaled the underground trades in arms and narcotics. This scaled narrative was part of a broader international consensus that this facet of organized crime was a major symptom of globalization’s “dark side” (Sanghera, 2012). Rather than analyzing labor and migration conditions structurally, trafficking became the name for a bad circulation within a global order otherwise committed to free trade and economic mobility. As Jennifer Tyburczy argues, free trade can also build new borders and modes of surveillance, producing a “moral moat” of administrative law through which the state adopts the paternalistic role of protector in the name of national security and the war on terror (Tyburczy, 2025, p. 4). Capital, goods, and markets may circulate freely, but certain people in motion became suspicious, just as they were a century before during the white slavery panic. The 9/11 attacks produced a dramatic escalation in the U.S. government’s efforts to monitor and exclude potential terrorists, along with undocumented immigrants attempting to enter the United States (Bass, 2015). The contradiction between economic openness and intensified border control was

sustained by classification. Mobility was desirable when attached to capital and commerce, but dangerous when attached to migrants already interpreted through sexual vulnerability, national-security risk, or illegality.

The emphasis on national security dovetailed with the Bush administration's morality-based campaign against the sex industry. Conservative groups, allied with some feminist scholars and organizations, argued all prostitution was sex trafficking, women never entered the trade by choice, and that all sex workers were victims of exploitation by third parties (Bass, 2015). This conflation became the official U.S. position, not a fringe claim made by moral entrepreneurs. It became embedded in state documents, public information campaigns, and media narratives. The internet expanded the reach of this instruction. The U.S. State Department's 2004 website and its fact sheet "The Link Between Prostitution and Sex Trafficking," for example, described prostitution as inherently brutal and damaging, leaving women and children physically, mentally, emotionally, and spiritually devastated (Weitzer, 2005, p. 3). Government agencies, NGOs, advocacy groups, and rescue organizations began to use websites, online fact sheets, donor pages, and online victim profiles to make trafficking more legible to the public. In the TVPA, the internet began to function as infrastructure for anti-trafficking knowledge: a place where official or even quasi-official claims could circulate, harden, and become common sense.

Claims about pervasive violence in sex work cannot be reliably confirmed because studies of sex workers generally rely on convenience samples rather than random samples; the total population of sex workers is unknown (Weitzer, 2007). Generalizations about sex work as universally or inherently violent therefore violate a methodological principle: broad claims cannot be built from unrepresentative samples (Weitzer, 2006). Of course, this does not mean violence, coercion, or deception are fictional. They are real and require a serious response. But by moving the existence of harm to the presumption that all prostitution is harm, various groupings occur that may not have been intentional. The UN Protocol on Trafficking, the TVPA, and many other major anti-trafficking documents fail to distinguish adequately between trafficking in women and trafficking in children (Sanghera, 2012). If children cannot legally consent to commercial sex and adult women theoretically retain more agency, the effect is more infantilizing than administratively useful (Sanghera, 2012). If adult women's migration and labor

decisions are inherently suspect because the category through which they are interpreted has already absorbed the child victim, then women are legible as victims precisely to the extent that they can be imagined as childlike, innocent, passive, and incapable of meaningful consent.

Conflation is durable as information infrastructure. In his account of moral panic, Stanley Cohen argues that social space once occupied by classic moral panics has been filled by broader anxieties about risk: technological dangers, ecological threats, and international terrorism (Cohen, 1972). Risk is a way of assessing, classifying, predicting, and reacting to danger. Trafficking—a sexual, migratory, criminal, and eventual internet danger—fits this framework perfectly. If trafficking was hidden, then low or inconsistent numbers and statistics would never disprove the crisis but prove the need for more surveillance. In the war-on-terror era, the vigilant citizen, customs agent, or border patrol were intelligible against figures marked as suspicious, sexually deviant, racialized, or otherwise outside normative citizenship (Fischer, 2019). Conflation told police who to broadly look for, told journalists how to narrate danger, and told publics how to recognize exploitation.

Encounter & information access

The practical force of TVPA depended on the encounter: who met the state, under what conditions, and through which gatekeepers. TVPA promised recognition, services, immigration relief, and legal protection for victims of severe forms of trafficking. Access to said protections was not automatic and dependent on institutional interpretation. Congress has repeatedly reauthorized the TVPA, created multiagency task forces, expanded law-enforcement powers to investigate trafficking, and spent tens of millions of dollars on local police training (Bass, 2015). Yet the proliferation of anti-trafficking law has, in some cases, harmed the people it was designed to protect through surveillance, criminalization, or exclusion (Bass, 2015). This is the gap between the “law on the books” and the “law in action” (Peters, 2013, p. 225). Law is experienced and understood by everyday actors, including people who implement it. Drawing on Peter Schuck’s formulation of “law in their minds,” Alicia Peters describes law not only as written doctrine, but as it is imagined and interpreted by implementers and those invested in its

goals (Peters, 2013, p. 225). The TVPA emerged from “painstaking negotiations of language,” and its definition reflected an uneasy compromise over the goals of anti-trafficking law and the meaning of trafficking itself (Peters, 2013, p. 225). Which victims would be recognized as authentic versus overlooked, and which cases would be prosecuted versus disregarded? This was all at stake.

Sex trafficking carries exceptional evidentiary and emotional force in practice. Peters found that law enforcement agents often treated forced prostitution as uniquely serious, while labor trafficking cases were more likely to be delayed, minimized, or disregarded, particularly if workers had initially migrated voluntarily (Peters, 2013). One federal agent, Jim, told Peters that sex trafficking was “worse than murdering someone” because of the continuous degradation involved, explaining his reaction through reference to his sisters, wife, and daughters (Peters, 2013, p. 222). For Jim and many of Peters’s interviewees, sex trafficking occupied a special place within human trafficking, a unique vulnerability in the eyes of enforcement (Peters, 2013). Service providers reported that federal agents often show less interest in labor trafficking cases even when providers believed victims met the TVPA’s criteria for a severe form of trafficking (Peters, 2013). Like the broader public, many enforcement agents expected trafficking victims to resemble the media image of the damsel in distress (Peters, 2013). Media attention also disproportionately focuses on sex trafficking despite evidence that other forms of labor trafficking are more prevalent, ultimately redirecting funding and recognition toward sexualized forms of victimization (Wodda & Panfil, 2021). The term trafficking, in practice, operates hierarchically: sex trafficking victims—albeit the right kinds—are hyper-visible, while workers experiencing nonsexual labor exploitation remain comparatively difficult to recognize.

Access to TVPA protections—federal benefits, work authorization, immigration relief—depends on cooperation with law enforcement. Applicants for “T visas” or trafficking visas must demonstrate willingness to assist in the investigation or prosecution of their trafficker, frequently through enforcement endorsement before certification and benefits become available (Peters, 2013). The encounter with the state is conditional: a person must have been harmed, but must also be useful, credible, and legible within the enforcement apparatus. Law enforcement acts as an information gatekeeper and mechanism of bureaucracy, sorting through victims to decide

whose case is real enough to document and whose account is too ambiguous, inconvenient, or morally compromised to certify. Peters talked with a case manager who described how officers often refuse to endorse victims if they re-entered sex work voluntarily after leaving trafficking situations; officers reasoned that if a person was still a sex worker, she did not deserve certification and could no longer be believed as a victim (Peters, 2013). Never mind if sex work remained the only available living wage, especially without work authorization. Innocence is not legally required for victim status under TVPA, but it entered decision-making through enforcement discretion.

The same conditionality appeared in post-TVPA brothel raids, including raids on Korean massage parlors that were often justified as anti-trafficking interventions but frequently failed to identify victims of severe forms of trafficking (Peters, 2013). The promise of protection justified entry into spaces of sex work, but protections for undocumented sex workers was only available if the people inside fit the correct victim category. Anti-trafficking intervention frequently exposes sex workers and migrants to surveillance, arrest, and immigration consequences without necessarily producing rescue. This contradiction is particularly visible in the treatment of juveniles arrested for prostitution. Since TVPA's passage, arrests of teenage sex workers have increased, even though juveniles in commercial sex are supposed to be unequivocally treated as victims rather than offenders (Bass, 2015). In 11 New York State jurisdictions, sex workers arrested for prostitution are presumed to be human-trafficking victims and may attend several diversion sessions instead of being charged as criminals, yet the prostitution charges remain on publicly available records for six months before sealing, limiting their ability to find employment outside the sex trade (Bass, 2015). A common argument for decriminalization of sex work is that if workers knew they would not be arrested, more would report violence and cooperate in cases against violent predators (Bass, 2015). Instead, criminalization makes police contact risky. In several states, including Illinois, repeat prostitution misdemeanors can easily be upgraded to felonies (Bass, 2015).

Public perception further shapes these encounters. Judges and jurors often marry misconceptions about trafficking drawn from media narratives, including the belief that trafficking necessarily involves smuggling, physical force, captivity, or an idealized innocent

victim (Zhang & Dattta, 2022). The NGO landscape extended this infrastructure. Anti-trafficking awareness campaigns often become a spectacle organized around invisible victims, missing girls, and people “hidden in plain sight,” requiring feminized subjects to perform through their absence (Mitchell, 2022, p. 134). As state services receded in the 1980s, NGOs, faith-based groups, charities, and corporations increasingly filled gaps in social provision, with spectacle central to this parastate arrangement (Mitchell, 2022). The premise that certain social problems are hidden creates a need for “experts” to reveal them, even when marginalized groups are already visible in everyday life and may be capable of naming their own needs (Mitchell, 2022). Anti-trafficking NGOs, many without effective policy expertise or a clear operational definition of trafficking, often draw resources away from sex worker-led organizations that seek to improve conditions and reduce exploitation from within the sex industry (Mitchell, 2022). Instead, organizations seeking to help, raise awareness, or “give voice to the voiceless” rely on emotionally legible images of victimization, especially when competing for attention, donations, and public legitimacy (Mitchell, 2022).

A different regulatory regime emerged with the Adam Walsh Child Protection and Safety Act of 2006. Rather than primarily sorting people according to coercion and victimhood as the TVPA did, the Adam Walsh Act classified those convicted of sex offenses into standardized tiers and placed their information into public registration systems. In this shift, child protection became the bridge between rescue and surveillance: the imperative to safeguard vulnerability supplied justification for long-term monitoring and preventive control of people marked as continuing sexual threats.

The Adam Walsh Child Protection and Safety Act of 2006

The Adam Walsh Act transformed sexual danger into a publicly searchable, continuously administered status. Rather than treating punishment as concluded at the end of a sentence, the registry extended control into everyday life through disclosure, monitoring, and public access.

Sex offender registration at a glance

I am moving soon. If I want to know about any threats in my new neighborhood, it is my right to access an online public registry that will provide details about any nearby registered sex offenders. This is because of a 1996 federal statute known as Megan's Law, which required local law enforcement to notify communities of offenders; by 2006, every state had some sort of searchable online registry (Lancaster, 2017; Agan, 2011). Before accessing the Illinois State Police "Search for Offenders" database, I must accept terms and conditions explaining that the State Police identifies people required to register as those convicted of certain sex offenses and/or crimes against children, including those whose charges resulted in conviction, findings of not guilty by reason of insanity, or findings not resulting in acquittal. The only required sorting tool on the Search is a choice between "Sex Offender" or "Murderer and Violent Offender Against Youth": two pretty sweeping and rather confusing categories. Can a "Murderer and Violent Offender Against Youth" also be considered a "Sex Offender?" Perhaps I am a finicky information science student; I'm overthinking it. I look at both lists, and there are several names on the Champaign County violent offender list that don't appear on the sex offender list. They must be separate categories. Another one of the terms I must agree to before accessing the database: "ISP makes no representation, express or implied, that the information contained on the Registry is accurate." As I scroll through the profiles—complete with pictures, aliases, addresses, physical descriptions, crime information, and duration of registration—I try to keep this in mind.

California required sex offender registration as early as 1947, and smaller-scale precedents appeared during the aforementioned mid-twentieth century sex panics when states experimented with sexual psychopath laws and civil commitment (Lancaster, 2017; Agan, 2011). They only became nationally consolidated in the 1990s: the Jacob Wetterling Act of 1994 required convicted sex offenders to immediately register with authorities after release, parole, or probation, and required local authorities to transmit this information to state law enforcement and the FBI (Lancaster, 2017). Megan's Law required notification to the community, transforming the police database into a public warning system; finally, the Adam Walsh Act of 2006 systematized the architecture with ranking classifications (Lancaster, 2017). Named for Adam

Walsh, the son of “America’s Most Wanted” host John Walsh, the Act was framed as a response to “vicious attacks by violent predators” and to supposed “deadly loopholes” in earlier laws (Lancaster, 2017, pp. 86-87). Its symbolic force came from anomalous but horrifying child murders, even though there was no evidence that sexual assault was involved in Adam Walsh’s kidnapping and murder (Lancaster, 2017). This is important because the sex offender registry’s authority rests on a familiar structure in which the exceptional case becomes justification for the general system. The moral charge for the database is the murdered child, and what rational person could argue with that? It is, once again, a matter of common sense.

Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act or SORNA, set federal minimum standards that states were encouraged to implement, backed principally by threatened loss of a portion of federal criminal justice funding (Adam Walsh Act, 2006). This three-tier system was based primarily on offense type rather than individualized risk assessment, an earlier classificatory scheme that at least purported to assess risk of recidivism (Lancaster, 2017). Tier I registrants must update their registration annually 15 years, Tier II must update every six months for 25 years, and Tier III must update every 3 months for life (Lancaster, 2017). This made classification more rigidly categorical. The offense itself became the person’s public identity—at least the identity displayed on the registry. Feeley and Simon describe this broader transformation in criminal governance as the “new penology,” which shifts attention away from the individual and toward the actuarial management of aggregates (1992, p. 449). Rather than ask why a particular person committed an offense and what retributive judgement or treatment might alter that person’s conduct, the new penology organizes populations through a simplified language of probability and risk (Feeley & Simon, 1992, p. 450). This tier system appears to measure danger, though the offense category is primarily what is measured. Most states follow some version of this structure. In Illinois, a person classified as a “sex offender” registers for 10 years, while a person classified as either a “sexual predator,” “sexually dangerous person,” or other lifetime category generally registers for life. Illinois has repeatedly expanded which offenses qualify for lifetime registration. The state enacted a provision in 2012 that can revive registration obligations for those who previously completed a 10-year term and are later convicted of any other felony (730 ILCS 150/3).

Any ordinary citizen can access the sex offender registry to become an informal guard of domestic space. The Illinois State Police cautions me in the terms and conditions that registry information refers only to registrable offenses, not the person's full criminal history; that listing does not imply the person will commit a specific future crime; and that the State Police makes no representation about any registrant's likelihood of reoffending, which seems important. The public-facing effect of the database pushes in the opposite direction. The interface tells me that danger is searchable, yet the disclaimer tells me that danger is not actually predicted. While technically providing me with an array of information, the registry also produces fear and formally refuses responsibility for how that fear will be interpreted. While I contend with the comfort that a registry might provide for people, particularly parents, it is difficult not to view the registry as a predictive fantasy. Risk categories such as high, medium, and low appear to offer some sort of actuarial precision, but in many systems they are based heavily on the crime of conviction rather than a complex assessment of individual circumstances or evidence of recidivism (Hobbes, 2019). The public may encounter a simplified signal of danger, but not a meaningful risk analysis.

The registry moves beyond notification. The Adam Walsh Act expanded the carceral consequences of classification by making failure to register or update registration a felony, enhancing penalties for sex crimes, and authorizing DNA collection (Lancaster, 2017). The Act made it more difficult for relatives of anyone ever convicted of a sex offense to obtain green cards, extending the consequence of registration beyond the individual registrant (Lancaster, 2017). It also gave the U.S. attorney general authority to apply its provisions retroactively, though *ex post facto* punishment is typically understood as hostile to democratic legal norms (Lancaster, 2017). These measures merged surveillance and custody with a criminal process oriented toward managing dangerous groups rather than concluding punishment after an individual sentence has been serviced (Feeley & Simon, 1992, p. 449). The War on Terror intensified the collection, sharing, and comparison of identity data across government agencies, increasing demand for stable, consistent, and fully authorized identities (Spade, 2015). International Megan's Law extended ADA's logic beyond national borders: registered sex offenders convicted of crimes involving minors must pre-report international travel, share their

itineraries with foreign governments, and carry a visibly identifying designation on their passport (Lancaster, 2017). The person is no longer marked in a local database; their classification travels with them.

Child protection as a container of concern

Capacious enough to gather many forms of harm, fear, and punishment into one moral frame, the force of “child protection” as a container of concern comes from the near-impossibility of opposing it. One might hope for a legal classification system that distinguishes menace from nuisance, violent repeat offenders from nonviolent or one-time offenders, people who may require supervision or incarceration versus those who do not (Lancaster, 2017). But American sexual regulation rarely permits this separation: “American thinking admits little nuance or proportion when it comes to sex (Lancaster, 2017, p. 88). The absence of nuance is not a cultural inheritance; it is a political achievement, increasingly intensified by victims’ rights groups, child advocacy organizations, crusading journalists, and opportunistic politicians (Lancaster, 2017). By naming a law after a victim, the law tells a story of unbearable injury among a helpless child, monstrous offender, state failing to act, and legal reform promising to close the gap between vulnerability and protection. The problem is that the legislative content of these laws often extends far beyond the specific horror used to justify and name them. The name commemorates a child murdered by a hardened criminal, while the statute applies sweeping restrictions to a much broader population, including minor, first-time, and nonviolent offenders (Lancaster, 2017). But who could oppose a law named for a murdered child without appearing as a moral monster?

Stigma against people with criminal convictions is already substantial, but it becomes much more severe when the conviction is sexual (Levenson & Cotter, 2005). When children are invoked, the stigma hardens further. The “sex offender” becomes a uniquely degraded figure, someone imagined as permanently dangerous. The child, on the other hand, is a uniquely innocent figure, constantly appearing under siege (Edelman, 2004). The social order is organized around this innocence: a threat to the child is a threat to the future itself (Edelman, 2004). So

what happens if the offender is also a child? Youth registrants expose the contradiction at the center of child protection law. The same system that treats the child as uniquely vulnerable can also classify children as permanent sexual threats: Human Rights Watch notes that across the United States, people who commit sex offenses as children must comply with complex legal requirements that apply to sex offenders generally, regardless of age (Human Rights Watch, 2013). These laws began proliferating in the late 1980s and early 1990s, subjecting youth offenders to registration for conduct ranging from public nudity and touching another child's genitals over clothing, to serious violent crimes such as rape. Children may be placed into "life-determining boxes," classifications tightly coupled to their movements within an increasingly dense ecology of activities (Bowker & Star, p. 223). This is where "torque" occurs yet again. The child's capacity for development and change collides with a fixed identity. For youth registrants, the legal designation does not remain attached to the original conduct, but produces friction between the developing person and their administrative identity premised on permanent danger. Bowker and Star ask us to consider the "habitat" of a classification: how many other categories become attached to a person, how densely they accumulate, and whether these classificatory threads reinforce or contradict one another (1999, p. 316).

Child protection, then, functions as a container of concern because it absorbs questions that would otherwise require distinction, especially when a child is the offender in question: What happened? How old was the accused person? How old was the other person? Was there force, coercion, violence? Was that conduct repeated, and what does the evidence say about future risk? What social conditions produced the harm, and what form of accountability is proportionate? The container bypasses these questions by routing them through the moral certainty of the endangered child. When childhood conduct generates an identity intended to outlast childhood itself, a sort of irreversible filiation occurs, not unlike branding: a label appears burned into the person and incapable of removal (Bowker & Star, 1999).

Recordkeeping & identity surveillance as infrastructure

Sex offender registration relies on a promise of accurate recordkeeping: if danger can be made visible, mapped, and searchable, it can be managed. This promise depends on a mismatch between public fear and actual risk. The most intense public dread is directed at the lurking stranger, the anonymous offender, even though the crimes that most animate sex offender legislation—the abduction, rape and murder of children by strangers—are exceedingly rare (Lancaster, 2017). Statistically, a child’s risk of being killed by a stranger sexual predator is lower than the risk of being killed by lightning (Lancaster, 2017). Most sexual abuse is committed by family members, relatives, acquaintances, or people known to the child’s family, and most child deaths from abuse or neglect are attributed to parents (Lancaster, 2017). The registry therefore directs attention toward the highly visible stranger while leaving less visible, more common forms of harm structurally harder to confront.

Efficacy is also shaky. A study from 2011 examined whether registries and public access to them decreased the rate of sex crimes, whether registries reduced the recidivism rate of offenders required to register, and whether knowing locations of sex offenders in a region helped to predict locations of abuse (Agan, 2011). In short, there was little evidence that they reduced offending: rates of sex offense did not decline when registries were introduced, public internet access to registries did not appear to reduce rates, and sex offenders did not appear to recidivate less when released into states with registries (Agan, 2011). Data from Washington D.C. suggested that census blocks with more registered offenders did not experience statistically higher rates of sexual abuse, meaning that the knowledge of a registered offender provides little useful information about actual risk (Agan, 2011). Earlier state-level studies similarly found no statistically significant difference between offenders subject to registration or community notification and those who were not (Agan, 2011). Another 2015 study found that the Adam Walsh Act’s classification scheme was a poor indicator of relative risk and likely less effective at protecting the public than existing systems using more individualized or actuarial methods (Zgoba et al., 2015). When registration treats people who have sexually offended as a more-or-

less homogenous group despite substantial variation within that group, there is truly only one administrative identity produced: “sex offender.”

Foucault’s Panopticon, a mechanism arranging space so that subjects can be constantly seen and immediately recognized, is a bit like a reverse-dungeon (Foucault, 1977). It preserves enclosure, eliminating concealment. Its major effect is to induce a state of permanent visibility, so that surveillance lives on even when discontinuous in practice (Foucault, 1977). The sex offender registry is not a prison tower, but it is panoptic in a broader sense of producing durable visibility. The registrant need not be constantly watched by police; the possibility of being searched by neighbors, landlords, employers, parents, journalists, or strangers helps make the registrant bear the burden of surveillance during all moments of everyday life. This structure echoes Foucault’s account of sexuality as an object produced through institutional demands for knowledge—authority records, displays and circulates information about sexual subjects, making identity available for governance (Foucault, 1978). If the registry converts a past offense into an enduring truth about a person, the state’s power arises from its capacity to reveal what would otherwise remain hidden or known only to those involved.

The internet makes this visibility quite ordinary. People use registries when choosing apartments, evaluating neighborhoods, or judging schools. People appear to value this information economically: as of 2011, homes near registered sex offenders sell for about \$5,500 less than comparable homes farther away (Agan, 2011). Haraway claims that vision is always bound up with the power to see, and the registry is a visualizing practice (Haraway, 1988). It gives the public the power to see a class of people through state-produced categories, though this visibility is often oversimplified. The public does not see a full history, risk profile, treatment record, family context, or circumstances of conviction. We see a face, an address, an offense, and a label. The panoptic promise is not just that everyone can see, but that state-produced visibility stands in for unequivocal knowledge or truth (Foucault, 1977). The consequences are “electronic tethering” or “digital scarlet letters,” producing a form of “social death” in which registrants become permanently dishonored and excluded from the wide moral community (Lancaster, 2017, p. 93). There are similar public-listing logics in methamphetamine offender registries, STI-shaming websites, and online databases of released prisoners or parolees (Lancaster, 2017). Such

registries follow people by expanding outward into housing markets, employment searches, family life, and community relations.

Encounter & information access

The registry is justified by public safety, but the effects are much closer to civil exclusion. A public registry might theoretically deter future offenses by increasing the cost of offending, reducing recidivism through target hardening, and assisting police monitoring of known offenders (Agan, 2011). But there are consequential social costs as well as legal. One-third of surveyed Florida registrants experienced adverse consequences from registration including harassment and job loss, while a majority reported stress, hopelessness, and other negative emotional effects (Agan, 2011; Levenson & Cotter, 2005). Michael Hobbes's account of "Damian Winters," a pseudonym used because public identification might worsen his housing and employment prospects, showed how registry becomes social expulsion. Winters was arrested after downloading a short video involving a girl he believed to be sixteen but who was actually fourteen. He had no prior criminal record, no history of contact with children, and no other illegal files (Hobbes, 2019). Facing a possible prison sentence, he took a plea deal resulting in probation and fifteen years on Tennessee's sex offender registry (Hobbes, 2019). When his probation officer informed his landlord that he was registered, Winters received a 72-hour eviction notice. He ended up in one homeless shelter, while his wife and children ended up in another (Hobbes, 2019).

While the first federal registration law in 1994 applied to serious offenders, lawmakers have repeatedly expanded the registry's scope and severity: many states require registration for conduct such as public urination, offenses related to sex work, and consensual sex between teenagers (Hobbes, 2019). In New Jersey, a neurologically impaired 12-year old boy who groped his 8-year old brother in the bathtub was required to register as a sex offender (Lancaster, 2017). Human Rights Watch similarly described "Jacob," another pseudonym, who was placed on Michigan's sex offender registry at age eleven for touching his sister's genitals. His family could not live near other children, he could not live in the same house as his sister, and when he turned

eighteen his status shifted from nonpublic registration to the public registry, prompting harassment and efforts to remove him from his high school (Human Rights Watch, 2013). These examples complicate the common assumption that all child sexual abuse is committed by “pedophiles” as popularly imagined (Seto, 2009). People with pedophilic attraction make up less than half of offenders who commit child sexual abuse, while other factors may include mental illness, disability, other sexual disorders, or disinhibition related to drugs and alcohol (Seto, 2009).

New civil commitment laws in twenty states and the District of Columbia, along with a federal civil commitment program created by the Walsh Act, allow for the indefinite detention of some sex offenders after they complete their criminal sentences (Lancaster, 2017). While civil libertarians object that this violates due process, resembles double jeopardy, and functions as preventive detention, courts generally treat it as non-punitive when psychological treatment is provided (Lancaster, 2017). A person may be deemed mentally fit for trial and sentencing, but mentally unfit for release. One condition of release is often successful completion of treatment, yet treatment may require a full recounting of past crimes, acts unknown to authorities. Many detainees logically refuse treatment on advice of counsel (Lancaster, 2017). Lancaster describes one detainee who, at eighteen, was charged with sending pornographic material by email to someone he believed was his fourteen year old male cousin, though the recipient was really a decoy planted by a prosecutor. Because this was his second offense, the first involving voluntary same-sex relations when he was fifteen and the younger partner was thirteen, he was classified as a “violent sexual predator” and sent directly to civil commitment (Lancaster, 2017).

More than twenty states and hundreds of municipalities restrict where registrants may live, work, or walk, often barring them from proximity to schools, parks, day care centers, or bus stops (Lancaster, 2017). The encampment under Miami’s Julia Tuttle Causeway is an emblem of this overreach. In 2007, a group of registrants began living under the bridge because officials could find no other place for them to reside under local restrictions (Lancaster, 2017). One of the men made homeless, Javier Diaz, struggled even to charge the tracking device he was required to wear because there were no power outlets nearby. By 2009, the camp grew to as many as 140 people (Lancaster, 2017). If the state sought to impose tracking as a condition of public safety, it

instead produced homelessness that made tracking nearly impossible, and plausibly made the entire Causeway a growing cesspool of sexual risk. The unequal application of registration laws is visible at the top as well as the bottom. Hobbes describes Jeffrey Epstein as a symbol of unequal enforcement: although Epstein pleaded guilty in 2007 to soliciting an underage sex worker, he continued to travel extensively without consistently notifying authorities, while poor and minority registrants are regularly jailed for similar infractions (Hobbes, 2019). Wealth can create spaces of exception, mobility, privacy, and elite protection, even for someone formally registered.

Criminal records in the United States already operate as a method of allocating housing, employment, education and public assistance, with particularly severe consequences for people already marginalized by the state (Kimpel, 2022). An estimated 20 million Americans, or 8.6 percent of the adult population, have felony convictions, while misdemeanor convictions are several times more common (Kimpel, 2022, p. 443). A conviction is not even necessary for the taint of a criminal record to attach; an arrest can be enough. Overall, federal and state repositories contain criminal records for roughly one-third of U.S. adults (Kimpel, 2022, p. 443). Biased policing contaminates this data. Police in New Orleans, for example, improperly target and arrest transgender residents, sometimes fabricating evidence of relying on archaic statutes like “crimes against nature by solicitation,” a statute criminalizing morally condemned sexual conduct and requiring registration as a sex offender (Richardson et al., 2019). The Department of Justice found that people convicted of “crimes against nature” made up approximately 40 percent of the local New Orleans sex offender registry, consuming police monitoring resources in ways that raised concerns about public safety priorities (Richardson et al., 2019). Most of these registrants were Black, and community members believed that many officers equated being Black and transgender with being a prostitute (Richardson et al., 2019). The registry therefore not only recorded “sexual danger,” but also the city’s history of racist and transphobic policing.

Data systems cannot easily distinguish good data from bad data once the record has been produced. Information can be manipulated in multiple ways at once, making it extremely difficult for systems trained on said data to separate the reliable from the corrupt (Richardson et al., 2019). The Illinois registry’s disclaimer that its information may not be accurate is a reminder

that state databases often present themselves as authoritative while depending on incomplete, contested, self-reported, outdated, or biased inputs. The criminal legal system has created a caste system that replaces more explicit categories with an implicit distinction between “good” Americans with clean records and “bad” Americans with criminal records (Kimpel, 2022, p. 446). Sex offender registration only intensifies this dynamic because the brand is a public moral identity, with children as the population deemed constantly at risk.

With the next statute, FOSTA-SESTA, preventive sexual governance fully shifted to the digital platform. The Adam Walsh Act already made people convicted of sex offenses continuously visible online, and FOSTA-SESTA made intermediaries responsible for anticipating said offenders. Platforms were pressured to remove material associated with prostitution or trafficking before coercion or harm had been established in any particular case. Surveillance expanded beyond designated offenders to encompass all sorts of online speech.

The Fight Online Sex Trafficking/Stop Online Sex Trafficking Acts of 2018

Under FOSTA–SESTA, trafficking enforcement became embedded in the governance practices of digital platforms. By creating civil and criminal exposure for intermediaries hosting content connected to prostitution or trafficking, the law encouraged companies to moderate expansively, to remove exploitative material as well as safety and community networks used by sex workers. Classificatory authority thus shifted toward private firms operating at the scale and speed of the internet, where distinctions among sexual labor, facilitation, exploitation, and trafficking were increasingly flattened into categories of legal risk.

Internet sex work at a glance

FOSTA-SESTA, a combination of the House’s Fight Online Sex Trafficking Act and the Senate’s Stop Enabling Sex Traffickers Act, is best understood as an extension of the TVPA’s classificatory logic into platform governance. If the TVPA helped consolidate sex trafficking as a totalizing category, then FOSTA-SESTA translated that category into the infrastructure of the

internet. Two major changes produced a broader transformation of sex work: first, sex workers moved their advertising methods online, using larger platforms or building independent websites to manage their own profiles and client communication (Sanders et al., 2018). Second, the internet helped create markets facilitated entirely through digital technologies, including web-camming, erotic messaging, and other forms of online sexual labor (Sanders et al., 2018). The internet did not simply move sex work from the street to the screen, but it changed how sex workers could market, communicate, and screen clients. The scope of this is difficult to measure. It is conceivable that the number of sex-for-sale transactions increased with the growth of the internet, as digital platforms make contact between providers and customers much easier (Weitzer, 2007). But the aggregate amount of prostitution is impossible to estimate, always. The absence of stable measurement only expanded the panic surrounding sex trafficking. The internet could be considered a vast hidden marketplace, a space where trafficking moved “online and behind closed doors,” making victims harder to find and perpetrators harder to prosecute (Dahlstrom, 2020, p. 385). If the platform environment seemed opaque, then expansive intervention seemed all the more plausible.

Legally, FOSTA-SESTA narrowed the protections of Section 230 of the Communications Decency Act, which had generally protected internet services from being treated as the publisher or speaker of user-generated content. FOSTA-SESTA created an exception, allowing civil action and state criminal prosecutions against internet services accused of violating federal sex trafficking laws (Goodman & Whittington, 2019). It also created a new criminal provision, targeting anyone who uses or operates a facility or means of interstate or foreign commerce with the intent to promote or facilitate the prostitution of another person (FOSTA-SESTA, 2018). Although framed around trafficking, the language also targeted the broader facilitation of prostitution. This rhetorical force was similar to previous statutes: who wants to question the premise, demand nuance, or appear to refuse aid? (Mitchell, 2022). Anti-trafficking legislation can pass so easily. No politician wants to appear “pro-sex trafficking,” and no critic wants to appear indifferent to sexual exploitation (Mitchell, 2022, p. 129). FOSTA-SESTA offered a simple moral claim. Trafficking moved online, platforms enabled it, and the law needed to pierce immunity allowing websites to profit from such exploitation. Political support for this expansion

was overwhelming: FOSTA-SESTA passed with broad bipartisan approval: 97-2 in the Senate and 388-5 in the House (Goodman & Whittington, 2019, p. 5). Like victim-named child protection laws, anti-trafficking platform law operates within a moral frame difficult to oppose.

Digital rights and civil liberties groups criticized FOSTA-SESTA because its likely effects were broader than the stated target (Goodman & Whittington, 2019). By increasing platform liability, FOSTA-SESTA encouraged intermediaries to remove sexual content broadly rather than distinguish carefully between trafficking, consensual sex work, harm reduction information, advertising, community support, and generally erotic speech. Platforms were never neutral conduits for user speech, but now they are repositioned as responsible actors tasked with preventing the appearance and circulation of unlawful sexual material. The state does not need to review every post, profile, ad, message, or website. Legal risk falls on the intermediaries that host and organize such information. Platforms, already operating through rules, moderation systems, automated filters, and reporting tools, can easily respond with risk-averse moderation, de-platforming, and removal (Gillespie, 2019). Under FOSTA-SESTA, there is strong incentive to classify ambiguous sexual speech as dangerous or prohibited. Not every instance is trafficking, but the cost of misclassification may be legally severe for the platform itself. Content related to sex work, even if made to protect the health and safety of those involved in the trade, can be treated as simply too risky to host. It's ironic, of course, that FOSTA-SESTA may make sex workers less safe while claiming to protect victims of trafficking. Online spaces allow sex workers to screen clients, share bad-date lists, work indoors, negotiate boundaries, avoid street-based solicitation, and communicate with peers (Wodda & Panfil, 2021). When platforms remove these spaces, sex workers may be pushed toward more isolated, less visible, less controllable conditions. The law's protective rhetoric repeats the carceral paradox of anti-trafficking governance: the people most likely to bear the cost are those already working under precarious, criminalized, or stigmatized conditions.

Prostitution as a container of concern

In the legal framework of FOSTA-SESTA, prostitution is a suspicious substrate beneath trafficking. The Act declared it the sense of Congress that “websites that promote and facilitate prostitution have been reckless in allowing the sale of sex trafficking victims and have done nothing to prevent the trafficking of children and victims of force, fraud, and coercion” (FOSTA-SESTA, 2018). There are many forms of sex work on the internet, not all of which correspond to trafficking, coercion, or even in-person prostitution. But with the collapse of prostitution and sex trafficking, coercion need not be proven in each case. Sexual commerce is made to appear infrastructurally adjacent to trafficking. By making platforms like Google, X, Craigslist, and WhatsApp civilly and criminally vulnerable for sexual content posted by users, even suspected solicitation of sex is treated as tantamount to sex trafficking (Tyburczy, 2025). To oppose the moral clarity of the law is to risk appearing indifferent to exploitation; to support it is to accept prostitution as the actionable proxy for trafficking.

The law intensifies algorithmic monitoring of sexual expression. FOSTA-SESTA generated new forms of surveillance and censorship, disproportionately affecting sexually dissident, queer, trans, and gender-nonconforming cultures and aesthetics (Tyburczy, 2025). If the platform does not see “sex trafficking” as a stable legal category, it can only see patterns, keywords, bodies, identities, and associations. Aesthetic proximity to sexual commerce can easily trigger suspicion (Tyburczy, 2025). Queer and trans sexual expression, already historically associated with deviance and disorder, becomes especially vulnerable to automated or semi-automated censorship. To clarify the continuity between street policing and platform policing, Fischer describes “walking while trans,” a phenomenon that describes routine harassment and threat of arrest that trans people face when they are read as trans and simultaneously profiled as sex workers, a form of profiling especially directed at trans women of color (2019, p. 154). This is an association that existed long before FOSTA-SESTA, but the same logic that allows police to read a trans woman’s presence in public as evidence of prostitution can allow platforms to read queer and trans sexual expression as evidence of illicit sexual commerce. Sharpened by post-9/11 security culture, Fischer (2019) argues trans people are often flagged within tightened security

systems as their identities are not deemed authentic within administrative regimes organized around heteronormative binaries. A mismatch between gender presentation, physical characteristics, and identification documents may be read as an attempt to conceal one's "true" identity from the security state (Fischer, 2019, p. 164). Although biometric surveillance was promoted after September 11 as a newly necessary security technology, it relies on the older assumption that bodies, facial images, and other physical characteristics contain immutable and objectively readable truths about identity, like border screening established with the Page Act or military screening during World War I (Beauchamp, 2016). FOSTA-SESTA operates similarly, treating ambiguity as risk.

Prostitution functions as a container of concern because it absorbs so many different forms of sexual, digital, and embodied ambiguity. Under FOSTA-SESTA, there is a chain of suspicion that makes the container expansive enough to govern far beyond the stated target: a platform might host sexual commerce, that sexual commerce might be prostitution, that prostitution might be trafficking, and that trafficking might be hidden in ordinary digital communication. Olson's critique of categorical logic is helpful in clarifying how this chain acquires the appearance of necessity: categorical syllogism establishes hierarchical relationships among classes and then deduces what a particular instance must mean from its position within that hierarchy (Olson, 2007). FOSTA-SESTA arranges sexual expression, commercial sex, prostitution, and trafficking as increasingly dangerous nested categories. Once these relationships are accepted, a piece of information—an image, advertisement, or communication—might be interpreted as evidence of trafficking if it has been assigned to a supposedly subordinate class. Olson (2007) distinguishes oppositional A/not-A classifications and A/B relations that permit difference without exhaustive opposition; yet sex work and trafficking are distinct and sometimes intersecting. They are not synonyms or mutually exhaustive alternatives: coercion can exist within commercial sex without defining every instance of it, sexual expression can resemble solicitation without becoming prostitution, and prostitution can occur without trafficking. FOSTA-SESTA suppresses these possible distinctions by interpreting exceptions and uncertainty as evidence of concealed danger rather than limits on the classification.

Platform liability as information infrastructure

Section 230 of the CDA is unstable, both legally and culturally. The public debate around Section 230 is structured by confusion, especially the myth that platforms must remain “neutral” in order to receive liability protection (Goodman & Whittington, 2019, p. 5). Critics frequently imagine Section 230 as a bargain in which platforms receive immunity only if they act as neutral conduits, but it actually did not require neutrality; it only gave platforms liability protection and the ability to moderate content (Goodman & Whittington, 2019). When FOSTA-SESTA intervened, the field was already marked by misunderstanding. Platforms were never passive containers of speech, yet the law treated their hosting decisions as sites of possible complicity. Social media platforms are all intermediaries: they mediate between users that speak and users who may want to hear or respond (Gillespie, 2019). They do not fit into older distinctions between interpersonal conduits, like telephone companies or the post office, and media content producers, like newspapers, film, television, or magazines. Platforms are inherently hybrid, promising user-to-user communication while also hosting, organizing, ranking, recommending, and monetizing user content. Users provide raw material for a platform-produced flow of feeds, trending topics, search results, and other algorithmic sorting (Gillespie, 2019). Platforms constitute information for the person accessing it, so the promise of platform impartiality is misleading. Gillespie argues that the idea of neutral platforms distracts from the fact that platforms shape communication through design choices (Gillespie, 2019). The moment platforms do anything other than list user contributions in a chronological sequence, they participate in organizing meaning. When FOSTA-SESTA entered this informational terrain, it sought to regulate a system already engaged in classification.

When Trump signed FOSTA-SESTA into law, it was declared that Section 230 never intended to protect websites that unlawfully promote or facilitate prostitution or help traffickers advertise the sale of unlawful sex acts involving trafficking victims (Jones, 2020). Congress framed adult websites as reckless intermediaries that had allowed traffickers to use their services while doing zilch to prevent the exploitation of children and other victims of force, fraud, and coercion (Jones, 2020). In effect, Congress rewrote the Communications Decency Act on the

premise that lawmakers in 1996 could not have foreseen the growth of online adult advertising and its alleged role in facilitating sex trafficking (Jones, 2020). FOSTA-SESTA also updated the Mann Act, by adding language explicitly prohibiting the use of a website to facilitate the prostitution of another person (Jones, 2020). This arrangement exemplifies Foucault's (1978) claim that government can work by employing tactics, or laws as tactics. This is how platform liability becomes a mode of making boundaries: systems framed as open do not eliminate regulation; they reconfigure it through exceptions justified by protection (Tyburchy, 2025).

Platforms are imagined as open, borderless, and participatory for the masses, but liability regimes create borders within such openness. They produce what Tyburchy calls a "moral moat," a paternalistic security regime in which protection narratives justify imprecise exclusion (Tyburchy, 2025, p. 4). FOSTA-SESTA performs this work online, building a boundary around sexual commerce. The platform is a core organizational logic of digital capitalism, with infrastructures made for data harvesting, predictive profiling, and algorithmic intermediation (Cohen, 2019). In the era of info-glut, there is no scarcity of information, only abundance. Power is increasingly located in platforms where meaning can be ranked, buried, amplified, monetized, and removed (Cohen, 2019). The result is anticipated liability. Platforms respond to what might expose them to litigation, prosecution, reputational damage, or political attack. In 2020, Trump issued an executive order threatening to strip Twitter of Section 230 protections after the platform labeled one of his tweets as misinformation (Krishna, 2021). Liability is a symbolic site, where disputes over power, censorship, misinformation, and public accountability converge to create practical effects for all other users.

Encounter & information access

Sex workers' encounter with FOSTA-SESTA was immediate, as the law worked through platforms before working through prosecutions. After it passed, several adult-classified websites began shutting down the sections used by sex workers (Jones, 2020). Craigslist removed its "personals" section, explaining that "any tool of service can be misused" and that the company could not accept risk without jeopardizing its other services (Jones, 2020, p. 232). Subreddits

related to sex work were quickly removed, and similar preemptive reactions spread across the web (Jones, 2020). This is the point at which platform liability becomes lived as information loss. Sex workers lost safety networks, warning systems, and peer forums. FOSTA-SESTA also led to the cancellation of the largest sex worker conference in the United States, because organizers feared some workshops might now be illegal (Chapman-Schmidt, 2019). The consequences were not unforeseeable: Congress heard testimony warning that the law would likely produce them (Chapman-Schmidt, 2019). For this reason, the shuttering of expressive and communicative spaces for sex workers is not an accidental side effect, but a direct feature of the law (Chapman-Schmidt, 2019). Once these spaces were described in the language of the American legal system as facilitating sex trafficking, their disappearance was politically defensible.

In the FOSTA-SESTA era, new forms of anti-trafficking expertise mediated its success. The earlier anti-trafficking field depended on NGOs and rescue organizations with awareness campaigns, but in the twenty-first century, celebrity expertise became an especially important vehicle of authority (Mitchell, 2022). Celebrities who promote and enforce social norms may be considered “norm entrepreneurs”: highly visible actors capable of turning established moral positions into public campaigns and presenting themselves as authoritative interpreters of that problem (Majic, 2017). Importantly, their authority is collectively manufactured through a broader media apparatus of publicity industries, institutions, and audiences rather than generated by the individual alone (Dyer, 1987). They are collectively manufactured in a neoliberal policy environment in which states increasingly incorporate corporate actors, charitable organizations, and celebrities—a system that favors individualized and market-oriented responses to structural problems (Majic, 2017). So, celebrities producing sex-trafficking discourse and advocacy help convert trafficking into a cause célèbre, a moral field in which emotional certainty could stand in for local knowledge, sex worker expertise, or empirical care. In 2016, Amnesty International called for the decriminalization of consensual sex work and argued that sex workers should be included in the development of laws affecting their lives and safety (Mitchell, 2022). Anti-prostitution groups were outraged, and so were celebrities, like Meryl Streep, Kate Winslet, Anne Hathaway, Angela Bassett, and Lena Dunham. Without claiming any specialized expertise

beyond raised awareness and strong feeling, celebrities were treated as authoritative interpreters of harm, with exceptionally large platforms and audiences (Mitchell, 2022). The sex worker's situated knowledge could be displayed by the celebrity's capacity to command attention. The person most distant from the ordinary conditions of criminalized sexual labor could be the most publicly legible speaker about it.

Actress and writer Emma Thompson's 2007 exhibition, "Journey," created a literal spectacle, staging seven shipping containers, one of which immerses into grim scenes. The filthy twin bed—mechanically bouncing on its own—suggested bodies engaged in rough sex (Mitchell, 2022). The room was littered with soiled condoms, lipstick tubes, cheap perfume, and cigarette butts. Thompson toured the world with her exhibit, which was based on the experiences of an English woman sold into prostitution. Debord claims that modern social life withdraws from direct experience into representation: these images and staged objects stand in for the lives of those represented (Debord, 1967). There is immediacy to the exhibit—viewers enter the room and instantly feel that they have encountered what the exhibit purports to be prostitution—not by learning about economic vulnerability, but by watching carefully manufactured scene of sexual degradation. It may be one woman's experience, but it is made to stand in for an entire



Figure 7: Emma Thompson at the "Journey" installation in London on September 24, 2007. Photograph by Jonathan Hordle/Shutterstock.

population. Like earlier white slavery narratives, this exhibit made the victim visible through sexual horror, leaving voluntary sex workers' own accounts and policy preferences largely peripheral. In "Teddy Bear Patriarchy," Haraway's walk through the museum dioramas is seemingly a walk through nature: animals are frozen in authentic habitats, like the viewer stumbled across an untouched scene (Haraway, 1984). But her analysis reveals that the diorama was actually a product of colonial travel and preserved ideals of imperial masculinity (Haraway, 1984). The museum positions the spectator to stand outside the scene, achieve visual mastery, and be absolved of any conditions under which the scene was assembled. One sees prostitution in Thompson's voyeuristic boxcars, but only from the position that the exhibition has prepared.

Moving away from the representative and into the material, Ashton Kutcher's anti-trafficking work is an example of celebrity expertise merging with actual data infrastructure. In 2017, Kutcher testified before the Senate Committee on Foreign Relations as chairman and co-founder of Thorn, a nonprofit that builds software to fight human trafficking and child sexual exploitation (Mitchell, 2022). He described rescuing six thousand children with digital tools, though Mitchell notes that the software actually identified six thousand possible cases, from which 103 children were rescued (Mitchell, 2022, p. 142). Kutcher operates as a norm entrepreneur in two connected senses: he promotes a moral consensus against trafficking, and he helps define which technologies and institutions should be authorized to enforce it (Majic, 2017). Yet as Majic (2017) argues, Kutcher's advocacy also promoted an individual-responsibility norm that reproduced conventional assumptions and minimized structural responses to trafficking through the "Real Men Don't Buy Girls" advertisements. The ads depicted predominantly white men in a protective role, likening benign tasks like "knowing how to use a remote, make breakfast, or ask directions" to "knowing that one should not purchase sexual services from young girls" (Majic, 2017). More direct public service announcements show Kutcher and Demi Moore directly asking the viewer, "Are you a slave?" (Majic, 2017). The ads are almost infantilizing to all parties, emphasizing that it is up to the everyday man to do better, and up to the victimized girl to speak up in order to finally solve the problem of sex trafficking. The celebrity, after all, embodies both the promise that an individual can intervene decisively and the difficulty of explaining social conditions through individual agency alone (Dyer, 1987). And of

course, while the ad directly states that “real men don’t buy girls,” it also implies that “real girls” don’t sell sex (Majic, 2017).

Spectacular anti-trafficking governance neatly fits within public-private surveillance. Like collaborations between the Polaris Project and Palantir, a data analysis company known to work with the U.S. military and major banks, Thorn’s platform aggregates and sorts data about immigration status and shelter requirements by scraping sensitive information about vulnerable populations and sharing it with organizations that partner with state and parastate actors capable of harm (Mitchell, 2022, p. 143). Sex workers have criticized Thorn’s partnerships and use of public-private funding, objecting that the software profiled and tracked them without consent, sharing their data with police and law enforcement (Mitchell, 2022). Yet again, this is precisely the carceral paradox of anti-trafficking information systems: tools are described as child-saving technologies, yet they operate by surveilling a criminalized sex industry. As long as selling sex remains illegal and criminalized in much of the United States, this surveillance exposes sex workers to harassment, arrest, violence, and further policing. The spectacle and the database are not separate features. While spectacle supplies the emotionally compelling victim and heroic rescuer, data infrastructure supplies the classifications, possible cases, and searchable populations through which rescue can be operationalized. In both systems, sex workers are intensely visible while retaining little control over how they are represented, interpreted, or acted upon.

CHAPTER 6: Conclusion

At a certain point, the distinction between formal law and informal usage matters less than whether the “petty bureaucrat” who applies the law—the police officer, inspector, case worker, clerk, or judge—encountered a sex worker through a classification that has already diminished her claim to injury (Edelman, 1985, p. 112). “No Humans Involved,” a phrase nearly too blunt to require interpretation, condenses an American political ontology into three words: some people are made to stand outside the ordinary protection of the law by virtue of how the state has already named them. The phrase is not statutory language like the other containers of concern mentioned throughout this project, but N.H.I. does not need to appear in the text of the law to function practically as a classification. Its power lies precisely in its casualness, in its ability to enter routine institutional practice without procedural visibility or formal policy. Perhaps the most extreme example yet, N.H.I. is a crucial example of how classificatory logic persists beyond legal text in the informal vocabularies through which state actors interpret and administer injury.

During the early 1990s, a civilian commission investigating the Los Angeles Police Department uncovered electronic messages transmitted through the department’s official communications system that used “coarsely racist language,” including “N.H.I.” as shorthand for incidents involving Black Angelenos (Newton, 2020). Sylvia Wynter’s foundational account traced the phrase to a radio report stating that officials in the judicial system used it to refer to cases involving the breaches of the rights of “young Black males who belong to the jobless category of the inner city ghettos” (Wynter, 1993, p. 42). By placing these young men outside the prevailing category of the human, N.H.I. gave police “the green light” to treat them however they pleased (Wynter, 1994, p. 42). The acronym also appeared in accounts of violence against sex workers, alongside phrases such as “misdemeanor murders” and “prostitute murders” (Weidensee, 2021). Similar reporting found that N.H.I. was used internally to describe the victims of Lonnie Franklin, the “Grim Sleeper,” who targeted Black women in South Central Los Angeles (Wigon, 2014). Although the LAPD reportedly realized as early as 1985 that women in the community were being targeted, residents were not formally alerted until 2007 (Wigon,

2014). Enietra Washington, who survived an alleged attack by Franklin, recalled that police did not adequately pursue her account because, “in their eyes every Black woman is a hooker” (Wigon, 2014). Judge Gilbert C. Alson, a former LAPD officer, articulated the underlying logic with unusual directness: “A woman who goes out on the street and makes a whore out of herself opens herself up to anybody...She steps outside of the protection of the law” (Cabili, 2010, p. 159).

Dehumanization does not occur only through active narratives of disposability—it can also take the form of an absent narrative altogether: a lack of media coverage, incomplete data, and un-investigated disappearances (Weidensee, 2021). N.H.I. functions as information infrastructure partly through deficit. It shapes what never becomes a record, which account is not preserved, whose disappearance is not counted, and which violence never acquires the documentary density necessary to compel institutional response. The absence may appear natural because the classificatory judgement that produced it has already receded from view. As a working classification, “No Humans Involved” can become part of the infrastructure of governance when enough bureaucratic actors accept its assumptions as ordinary. A phrase such as N.H.I. was symbolically constructed through racialized, gendered, and sexual hierarchies, but its consequences were material and deeply consequential. It could shape whether violence was investigated, whether a witness was believed, whether a case was pursued, whether a death was publicly grieved, and whether a person was recognized as a legal subject, much less a human being. The phrase captures in miniature the broader argument of this project: once embedded in legal, bureaucratic, and informational practice, classifications become conditions of action.

This relationship between symbolic construction and material consequence is a central finding of this project. Across more than a century of American sexual regulation, categories generally served to establish legibility rather than merely describe conduct that existed independently of them. Containers of concern like “immoral purpose,” “venereal disease,” “sexual psychopathy,” and “trafficking” each directed attention toward a particular form of danger and built upon those that came before it. Once embedded in statutes, diagnostic systems, crime reports, subject headings, and ordinary bureaucratic language, these terms became conditions of action. They directly influenced who could travel, what could circulate, who

required examination, what speech remained online, and whose injury merited recognition. Classification is therefore never simply a matter of consistent assignment. For marginalized sex workers, association with prostitution precedes the facts of an individual encounter and weakens credibility of any later claim to injury. A stigmatized category can swallow a person entirely, permanently, and absolutely. Yet when they are attached to socially or politically valuable subjects, they are suddenly flexible.

Consider again the TPUSA Facebook post: “Do YOU think prostitution should be legal?” Turning Point USA, an organization that helped popularize claims that LGBTQ-positive merchandise sold by Target amounted to “grooming kids,” held a “Pastors Summit” in 2023 sponsored in part by an organization founded by a registered sex offender convicted of coercion and enticement of a minor (Dickinson, 2023). TPUSA spokesperson Andrew Kolvet defended the relationship through language of Christian redemption, stating that the organization would not discard a “repentant, decent person” because of a mistake committed more than a decade earlier or because a left-wing publication sought to discredit the organization’s work (Dickinson, 2023). My point is not, of course, that a registered sex offender should remain forever reducible to an offense. It is that the possibility of repentance and reintegration is distributed unevenly. When attached to a politically useful man, a stigmatized classification may be separated from the person. When attached to a person with far less power, the classification more often becomes a dominant identity.

Sex workers consequently occupy a recurring double bind. They are prosecuted as criminals and invoked rhetorically as victims, but rarely recognized as people whose safety, labor, testimony, and information needs matter on their own terms. This is where the public grammar of an apparently inconsequential Facebook post meets the administrative grammar of the state. Both rely on a system that determines in advance whose identity is treated as fixed and whose claim to protection remains intelligible. This project argues that governance of sexuality in the United States must be understood through information infrastructures. Across the time periods examined, the dominant terminology shifted from immorality and obscenity to pathology, public health, exploitation, and trafficking. These containers accumulated, overlapped, and remained available for reuse.

This thesis contributes to feminist and queer studies of information infrastructure by placing sex work at the center of the analysis rather than treating it as an incidental example of obscenity or deviance. Adler, Haraway, and Olson demonstrate that information institutions organize sexuality through hierarchical arrangements, authorized vocabulary, situated forms of vision, and presumptions that privilege dominant users and subjects (Adler, 2017; Haraway, 1988; Olson, 2002). By focusing on sex work, I aim to further the conversation about how consequences of knowledge organization extend beyond representation and retrieval. A term assigned to sex work, like “prostitution,” may affect whether a book is found and what information surrounds it. As a student of information science, I recognize the importance of this implication. However, this project recognizes a more urgent problem with classifying sex work: when “prostitution” is assigned to all sex work, it also affects whether a person is admitted across a border, detained for medical examination, placed on a registry, denied financial services, or believed after reporting or experiencing violence. As a framework, sex work makes visible the continuity between the symbolic order of classification and the coercive capacities of legal, medical, commercial, and carceral institutions.

My concept of the “container of concern” offers one way to analyze that process. This morally charged classification is capacious enough to gather heterogeneous conduct, populations, fears, and policy objectives into one apparently coherent problem. “Trafficking” joins labor, migration, and national security under the moral imperative of rescue. “Child protection” joins violent predation, adolescent sexual conduct, and non-normative sexualities under the image of the endangered child. “Prostitution” becomes a proxy through which platforms govern many forms of sexual expression, community formation, and embodied ambiguity. Tracking these containers historically demonstrates that American sexual regulation is cumulative. New languages of protection layer over older languages. The prostitute first rendered as immoral may later appear as diseased, deviant, criminal, endangered, or trafficked, all while earlier associations remain available beneath the growing vocabulary. This accretion is a categorical saturation, a dense classificatory environment that Bowker and Star describe as so thoroughly overlapped that historical construction becomes difficult to perceive (Bowker & Star, 1999). So, rather than accepting information infrastructure as finished outputs, this project seeks to

reconstruct the political judgments, expert labor, technical standards, and routine enforcement practices that allow them to appear natural. Reading law as information infrastructure shifts attention from what a statute declares in isolation to the distributed system necessary to make it actionable. This distributed system requires people: inspectors, physicians, police officers, librarians, consular officials, software designers, content moderators, and ordinary users. It also requires attention to moments of encounter, where abstract definitions become detentions, deletions, exclusions, and failures to respond.

Because these systems are cumulative, any distinction appearing stable in statutory text will become far less stable in practice. Classification creates boundaries, and institutional practice determines how permeable those boundaries will be and for whom exactly. These problems are visible through information seeking. Legal texts may be publicly available without being meaningfully transparent. Determining the legal status of sexual labor can require moving among municipal ordinances, state criminal statutes, federal law, administrative regulations, platform rules, and judicial decisions. A researcher may need to distinguish a proposed bill from enacted law, locate the version of a statute in effect at the time of an alleged act, determine whether a court decision remains controlling, identify whether a record has been sealed, and investigate whether a nominal prohibition is aggressively enforced or largely symbolic. None of these distinctions are reliably communicated by a basic internet search. The same activity may be described as sex work or trafficking depending on the institution and historical period involved. Relevant sources may use outdated terminology or euphemism. Searchers must therefore vary keywords, consult legislative databases directly, apply version and date filters, cross-check multiple jurisdictions, and examine both formal law and evidence of implementation. Even then, important questions may remain unresolved: what counts as a sexual act, whether online conduct creates interstate jurisdiction, how platform policies relate to criminal law, or how a statute will be interpreted when precedent is thin.

This is particularly consequential in emerging or legally unsettled forms of sexual labor, including online performance and camming. Formal legality may depend not only on what a statute presently says, but on how prosecutors, platforms, payment processors, courts, or administrative agencies may interpret it in the future. A person may lose income when a platform

removes an account, face criminal exposure because conduct is classified differently across jurisdictions, lose access to banking or payment services because a private company adopts a broader definition of prohibited sexual activity, or become more vulnerable to abuse because safety practices are driven into less visible spaces. Misclassification and informational opacity thus produce harms that affect income, housing, healthcare, financial access, identity exposure, workplace safety, and the ability to report violence without inviting arrest or surveillance. A person who cannot determine whether an activity is legal cannot reliably assess risk.

The problem is not solved by placing more statutory text online. Public availability does not erase the technical, linguistic, and institutional barriers that shape access, nor does it disclose unwritten enforcement norms. A statute may be obscure, internally cross-referenced, historically layered, or contradicted by a public-facing summary. Police priorities may vary by neighborhood. Prosecutorial discretion may remain undocumented. Platform moderation may be governed by proprietary rules and automated systems. The instability of government information further complicates any presumption of transparency. Websites disappear, pages are reorganized, datasets are withdrawn, agency language changes, and digital archives remain vulnerable to political pressure and administrative neglect. The assumption that the government will preserve an accessible record of its own classifications is increasingly difficult to sustain. This raises a basic problem for information reform: how can a system be examined, challenged, or corrected when the evidence of its operation is fragmented or actively disappearing?

Information professionals occupy a critical but constrained position within this environment. Law librarians and public librarians can help users identify relevant jurisdictions, vary search terminology, distinguish current statutes from superseded versions, locate legislative history, compare primary and secondary sources, and evaluate the authority of online legal information. They can also make visible the difference between a bill, a statute, a regulation, a judicial opinion, and an enforcement policy—distinctions that are foundational to legal research but frequently obscured in public discourse. Libraries, however, cannot simply absorb the failures of legal transparency. Public librarians generally cannot provide legal advice, and the boundary between supplying legal information and advising a person about legal risk may be difficult to maintain in practice. Libraries also operate under budget constraints, staffing

shortages, limited access to expensive legal databases, and concerns about institutional or professional liability. Providing specialized services to people facing criminalization, surveillance, or stigma may require privacy protections, training, community trust, and liability coverage that many institutions do not possess. The people who most need assistance may also have strong reasons to avoid disclosing their identities, occupations, or circumstances to an institutional representative.

Community networks, advocacy organizations, harm-reduction groups, and informal peer information systems frequently attempt to fill these gaps. Their knowledge may be more responsive to enforcement patterns, platform removals, local police behavior, and rapidly changing risks than formal legal resources. Yet these networks are themselves precarious. Their websites may disappear, their accounts may be removed, their members may face surveillance, and their information may be dismissed as insufficiently authoritative. The question is therefore not only how libraries can serve difficult to reach communities, but how institutions can support forms of knowledge that have historically developed outside official channels because official channels were themselves sources of danger. The task for library and information science is not to discover a perfectly neutral vocabulary for sexuality, as classification is unavoidable, and no terminology can exist outside history or politics. The more immediate task is to make classification accountable: to document where categories came from, preserve their changing definitions, identify whose interests they serve and disclose uncertainty. I am more interested in creating systems capable of representing disagreement rather than erasing them. This requires attention to the present information, and it also requires attention to the people and experiences that remain systematically absent.

This project has traced a succession of sexual vocabularies as well as reconstructed an American infrastructure for making sex work knowable and governable. That infrastructure is dispersed across formal law and informal speech, across federal statutes and local enforcement, paper files and searchable databases, public institutions and private platforms. Its classifications tell institutions what they are encountering and what actions are reasonable as a response. They determine which people may escape a category and which remain fixed inside it. Some never acquire enough documentary presence to be encountered at all. “No Humans Involved” may

name an outer limit of this system, but this logic is not exceptional. It is simply the brutal condensation of a classificatory process operating throughout the archive examined in this project. When a person is named, the name is connected to other institutional categories, and those categories narrow the field of recognition and therefore state resources. The ongoing challenge for information studies is to make that process visible before the classification disappears into common sense. Sex work belongs centrally within that inquiry because it reveals how quickly the power to classify becomes the power to protect, ignore, or punish.

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