

Offending Children, Registering Sex

Erica R. Meiners

“We all know that there is a difference between a healthy and a normal love of children and a love which is sick and freakish.” With this provocation, literary theorist James Kincaid opens *Child-Loving* (1992), a book examining representations of the erotic child. While Kincaid’s project focuses mainly on the Victorian era, in our own moment, crowded with televised child beauty pageants, skyrocketing rates of child poverty, and abstinence-only sexual-health curriculum in schools, sexual normativity is still pervasive and perverse. What is authentic sexual development when heteronormativity, for example, is naturalized? What are children’s emergent relationships to sexuality? *What is normal love?* The number of juveniles charged and convicted of sexual violence and subsequently placed on sex offender registries across the United States should provoke these questions. While public dialogues (and scholarly research) about youth/child sexuality and agency are difficult, even in a culture that fetishizes youth and sex, registries provide a grim and uneven public archive of harm, sexuality, and childhood.¹

A 2009 research brief from the U.S. Department of Justice identifies that young people are disproportionately charged with and convicted of sexual offenses: “Juveniles account for more than one third (35.6 percent) of those known to police to have committed sex offenses against minors” and “juvenile sex offenders comprise more than one-quarter (25.8 percent) of all sex offenders” (Finkelhor, Ormrod, and Chaffin 2009, 1, 3).² Notably, this research indicates that *preteens* are increasingly charged and convicted of sexually based crimes: “The number of youth coming to the attention of police for sex offenses increases sharply at age 12 and plateaus

after age 14" (Finkelhor, Ormrod, and Chaffin 2009, 2). In Illinois, "fully half" of the juveniles arrested for sexual offenses in 2004, 2006, 2008, and 2010 were fourteen years old or younger (Illinois Juvenile Justice Commission 2014, 15). This increase, not unnoticed by law enforcement entities, has created an industry of sexual recovery for juveniles (Finkelhor, Ormrod, and Chaffin 2009, 2). As research suggests that child sexual violence is a cyclical and potentially learned behavior, mandated recovery/treatment programs and registration are particularly punitive, possibly hypocritical. Children arrested for perpetrating sexual offenses are five times more likely than children who have not been arrested (for sexual offenses) to experience sexual violence themselves (Illinois Juvenile Justice Commission 2014, 16).³

The very systems set up to protect children from sexual violence, sex offender registries, also work to disproportionately regulate and punish children. While across the United States, youth, particularly those non-white and poor, can be tried in adult court for crimes committed at age fifteen. (Griffin et al. 2011)⁴ Across disciplines, scholars have examined sex offender registries, conceptions of sex offenders, and the state's response to violence against children and women (Lancaster 2011; Jenkins 1998; Levine 2002; Corrigan 2006; Harkins 2009; Bumiller 2008; Wright 2003; Simon 2000). A growing body of research also critically engages with our nation's overreliance on incarceration (Mauer 1999; Davis 2003; Gilmore 2007). Scarce scholarship, however, has explored the increasing number of young people classified as sex offenders.

This essay explores how criminalizing sexual activities perpetrated by minors naturalizes the link between age and consent, creating complex and uneven landscapes for youth to navigate sexuality. This tendency to criminalize child sexual activity flattens the possibilities of youth/child sexual agency and disproportionately affects the most marginal young people. Yet producing meaningful opportunities for public safety and dismantling registries, as this essay will illustrate, requires moving beyond child saving. It is not enough to focus simply on the problem of juveniles on the registry. First, the essay reviews the context for the growth in registries and community notification laws and summarizes available research that illustrates how registries fail to address child sexual violence. Second, the project explores why certain youth are significantly represented on the registry and outlines how uneven criminalization shapes boundaries between childhood and adulthood. Third, it briefly explores both the indi-

vidual and collective impact of being on the registry and critiques reform movements that focus solely on exempting juveniles.

As someone who has worked in often siloed movements for almost twenty years—alongside people exiting prisons and jails (including some facing life on the registry), a part of feminist demands for eradicating violence against women and children, and within queer liberation struggles to end heteronormativity—I am intimately aware that criminalization, particularly through the expansion of technologies such as registries, is not effective to build community safety or to end (childhood) sexual violence. Here I not only document this reality but also seek to explore, tentatively and for some audiences perhaps provocatively, what the representation of young people on sex offender registries reveals about investments in childhood and sexuality.

Child Sexual Violence and the Carceral State

Across the United States, key actors—from Republican stalwart Newt Gingrich to former U.S. Attorney General Eric Holder—are reconsidering some of the laws and policies that have created the world's largest prison population of over two million behind bars.⁵ While the number of people incarcerated in the United States tripled between 1987 and 2007 (Pew Center on the States 2008), in 2013 the Bureau of Justice Statistics reported that for the third year in a row state prison populations declined (Goode 2013). States grapple with decarceration strategies—reforming select drug laws, implementing alternative or community-based sentencing, shuttering or depopulating prisons, supporting early release programs—not because of an ethical recognition of the continuing harm of prisons but because punishment consumes budgets.⁶

Beyond crowded jails and courts, the buildup of an incarceration nation has reshaped practices and organizations seemingly “outside” our prison system. The term “carceral state” highlights the multiple and intersecting state agencies and institutions (including not-for-profits that do the regulatory work of the state) that have punishing functions and effectively regulate poor communities: child and family services, welfare/workfare agencies, public education, immigration, health and human services, and more (Gustafson 2011; Roberts 1997; Wacquant 2009).

An expansive and expensive public policy failure, sex offender registries are unsupported by any research suggesting that such registries and

associated community notification requirements act as a deterrent to prevent child sexual violence. While there is no conclusive data that illustrates that registries reduce the likelihood of recidivism (those convicted of sexual offenses have some of the lowest rates of reoffending), research clearly documents that stranger abduction and assault is the *least* prevalent.⁷ For those under eighteen years old, strangers are consistently the least likely to be their perpetrators; generally significantly less than 10 percent of cases feature stranger attacks (Bureau of Justice Statistics 2000, 10). As these are incidents reported to law enforcement, activists and researchers suggest that incidents of sexual violence involving family members or acquaintances are potentially *underreported*. Roger Lancaster, a literary theorist who has studied sex offender restrictions, put things in perspective this way: “A child’s risk of being killed by a sexually predatory stranger is comparable to his or her chance of getting struck by lightning (1 in 1,000,000 versus 1 in 1,200,000)” (2011, 77).

People known to children, not strangers, are most likely to perpetrate harm: family members, mentors, teachers, and athletic coaches. Through the invitation to fear those on the registry as the source of harm to children, sex offender registries mask more prevalent sources of (sexual) violence. Despite their failure to prevent or interrupt injury to children, registries have proved resistant to shifts in public sentiment and subsequently to policy changes. As criminologist Wayne Logan writes, the expansion of registries has been “based on a mere verisimilitude of empirical justification” (2009, 99).

Registries exploded across the United States in the 1990s. In 1994, as a part of the federal Violent Crime Control and Law Enforcement Act, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act required states to create sex offender registries. In 1996, in response to the death of twelve-year-old Polly Klaas (1992) and seven-year-old Megan Kanka (1994) by two men with prior convictions for sexual crimes, the federal government passed Megan’s Law, requiring registries to be accessible to the public. In 2006, the Adam Walsh Child Protection and Safety Act (SORNA) further augmented Megan’s Law, establishing a national sex offender registry, publicly available on the Internet, requiring those convicted of a range of sexual offenses (including in juvenile systems) from public indecency and lewdness to aggravated child sexual assault, to register in the jurisdiction where they work, live, and, if applicable, attend school (Wright 2003).

With limited public criticism, more restrictive registration and community notification requirements continue to appear. In Louisiana, all convicted sex offenders must list their criminal status on Facebook and other forms of social media (Martinez 2012). In 2011, Riverside County in California banned all registered sex offenders from distributing candy and hanging up any Halloween decorations (Sewell 2011). In 2012, New York's attorney general brokered an agreement with Sony and other corporations that produce online gaming to ban registered sex offenders from participating in any online gaming (CBS 2012). Legal scholars Catherine Carpenter and Amy Beverlin suggest that "we have yet to reach peak proliferation of these laws" and identify a number of state proposals in the works, including "expanding the list of registerable offenses to include tongue kissing of a minor[,] . . . breach of residency restrictions[,] and requiring weekly registration for homeless offenders" (2012, 1100). In many jurisdictions, laws are retroactive, requiring that individuals who were convicted decades ago register as offenders.

Registered Juveniles

While registries were conceptualized and implemented to protect children from sexual violence, these same mechanisms are used to police the boundaries of childhood and to harm those that could, in another context, count as children. While limited national data exist about juveniles convicted of sexual offenses, Human Rights Watch's 2013 report *Raised on the Registry* and the U.S. Department of Justice's 2009 report *Juveniles Who Commit Sex Offenses Against Minors* (Finkelhor, Ormrod, and Chaffin 2009) focus on preteen sex offenders. While SORNA requires registration for anyone, including juveniles, convicted of sexual offenses, how states have addressed juveniles and the federal requirement for registration varies widely. As of 2014, some states have created registries specifically for juveniles (when they age out, they are placed on adult registries). Some of these juvenile registries include only older (generally over the age of fourteen) juveniles. Other states do not have a separate registry for juveniles, or only add juveniles who were tried as adults to the adult registry (Human Rights Watch 2013). The law being cumbersome and expensive, states struggle to fully implement SORNA. Between 2012 and 2013 an audit by the U.S. General Accounting Office identified that most states

were not in compliance with federal laws regarding registration and notification (Illinois Juvenile Justice Commission 2014).

The number of juveniles on the registry can be partially attributed to the expansion of laws that require registration, impacting adults and nonadults. In Illinois—as of 2014 one of the twenty states that require all juveniles (regardless of age) who are convicted of sexual crimes to be included on a registry, even as the number of juveniles convicted of sexual offenses declined—registration requirements intensified and amplified: “As of December 4, 2013, there were 2,553 individuals on Illinois’ Juvenile Sex Offender Registry. Of those, 1,783 (69.9 percent) are registered for life while the other 769 (30.1 percent) are required to register for ten years. The number of youth placed on the Illinois Sex Offender Registry has increased 28 percent since 2008. Although offenses during the study period fell by half, the number on the registry increased because few are ever removed” (43). Jurisdictions are increasing both the length of time required for registration and the kind of convictions that require registration.

The presence of juveniles on the registry is also a result of the “legal strangeness” of children, a term used by literary theorist Kathryn Bond Stockton (2009, 29), ensuring additional vulnerability within a carceral regime.⁸ Behavior and mobility are policed through laws that constrain a juvenile’s ability to drink alcohol, to smoke cigarettes, to assemble, to engage in sexual activities, to work, to travel, to sign a legal contract, to wear particular clothing, to vote, and more. For nonadults, engaging in many sexual acts involves breaking the law. A minor circulating a “nude selfie” to a peer, something researchers estimate will be done by one in five teenagers, is potentially producing and circulating child pornography (Herman 2010). An adult engaging in this behavior (with other adults) would not be committing a crime.

People convicted as juveniles for sexual crimes are on the registry because juveniles are under heightened surveillance and, as bodies legally prohibited from engaging in many sexual acts, they allegedly are not capable of consent or agency. Consider this example from *Raised on the Registry*: “In 2006, a 13-year old girl from Ogden, Utah was arrested for rape for having consensual sex with her 12-year-old boyfriend. The young girl, impregnated by her younger boyfriend at the age of 13, was found guilty of violating a state law that prohibits sex with someone under age 14. Her

12-year-old boyfriend was found guilty of violating the same law for engaging in sexual activity with her, as she was also a child under the age of 14 at the time” (Human Rights Watch 2013, 35). While twelve and thirteen might very well be unhelpful or harmful ages to engage in sexual activity or to become a parent, an assessment of vulnerability is significantly different from criminal conviction and state punishment. Criminalization negates the possibility of agency and links “age” to “consent,” suggesting that psychological or developmental norms are static and natural rather than mobile and constructed. While laws and regulations seek to create a fixed age of consent for sexual practices, historically these ages are not, and have never been, neutral or bright lines (Schaffner 2002).

For many, being a nonadult creates a potential trap. While a temporal stage in preparation for adulthood, childhood’s prized sexual innocence requires the negation of the very experiences that define adulthood. Further complicating the picture is a cultural context that seemingly unabashedly celebrates the child’s value as a *current* and future (hetero)sexual object. As one example, journalist Mandy Morgan reported that “Jours Après Lunes, a French clothing company, started a new line of children’s ‘loungerie’—thin, revealing undergarments, which are marketed for girls as young as 3 months old” (2012). A heteronormative culture that sexualizes children produces a contradictory and potentially incendiary landscape: children (even those who have experienced sexual violence themselves) must be asexual in a culture that often violently (hetero)sexualizes the child. A child’s failure to be asexual could result in punishment that places one outside the protection often accorded to childhood.

Targeted Criminalization

While reports from advocacy organizations seek to flag how youth are negatively affected by life on the registry, these projects frequently erase the intersecting practices of racialized and heterogendered criminalization. Nonwhite and nonheterosexual bodies are flagged as deviant and are surveilled by regulatory agencies that characterize them as “in trouble with the law.” Yet advocates’ efforts to render visible the impact of youth on the registries often reproduce, as legal theorists Naomi Murakawa and Katherine Beckett outline, a penology of racial innocence, where “the study of punishment [often] obscures the operation of racial power in penal practices and institutions” (2010, 696).

Police and other disciplinary systems disproportionately target non-heterosexual and non-gender-conforming youth. Nonheterosexual girls experienced 50 percent more police stops and had twice the risk of arrest and convictions as heterosexual girls who engaged in the same behavior (Himmelstein and Bruckner 2011). Nonwhite youth, particularly African Americans and Latinos, also have significantly higher rates of contact with law enforcement personnel, what social scientists term “disproportionate minority contact.” Youth of color are more likely than white youth to be removed from the home, transferred to adult court, and sent to adult prison (Annie E. Casey Foundation 2013). While the total number of juveniles locked up over the past three decades continues to decline, African American youth are still five times more likely than white youth to be behind bars (2). The predominance of transwomen stopped in public places by police and accused of solicitation (or theft) while engaged in routine activities is confirmed in *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, which found that “29% of respondents reported police harassment or disrespect” (Grant, Mottet, and Tanis 2011, 3).

While criminalization may appear to be a neutral practice to address sexual violence perpetrated by youth, surveillance, policing, arrest, and conviction operate within a context in which select youth are already profiled as criminal and violent even when no harm has happened. Given this landscape where specific nonwhite and nonheteronormative people, particularly youth, are already marked as suspicious, it is not surprising to conclude that the criminalization of seemingly consensual youth sexual activity also unfolds unevenly.

In May 2013 in Florida, Sebastian River High School honor student and cheerleader Kaitlyn Hunt was charged with two counts of “lewd and lascivious battery of a child” for her consensual sexual relationship when seventeen years old with a fourteen-year-old female. Charged just days after her eighteenth birthday, eventually Hunt pled no contest to charges that included battery and interference with child custody and agreed to a deal that included four months in jail, house arrest for two years, and three years of probation. The state was also given power to monitor her electronic communications (Harrison 2013). In 2005, Genarlow Wilson, seventeen, was arrested for consensual oral sex with a fifteen-year-old female. While Georgia’s “Romeo and Juliet” law would have made this encounter a misdemeanor offense, the Romeo and Juliet law did not include oral sex, only

vaginal/penis intercourse (Dewan 2006). Convicted of aggravated child molestation and sentenced to ten years in prison, Wilson was released from incarceration after a successful appeal to the Georgia Supreme Court in 2007 that did not overturn his sentence but declared the punishment disproportionate (Goodman 2007). Wendy Whittaker, seventeen years old when she had consensual oral sex with a fifteen-year-old male, was convicted in 1998 and subsequently placed on the sex offender registry. With the support of the Southern Center for Human Rights, Whittaker was able to remove her name from the registry in 2010 (Jones 2010).

While available reports document that these sexual encounters were consensual, the partners of Hunt, Wilson, and Whittaker were, as minors, legally unable to consent. Because of their age, Hunt, Wilson, and Whittaker were considered fully culpable and did not benefit from any protective associations with childhood or adolescence and instead were charged with sexual violence, convicted, and received significant punishment. In these scenarios the construct of age determines an inability to consent and *produces crime and harm*. Through the judicial process consent emerges, if not as a fixed or a priori category tethered to age, as a structural and inflexible natural law. While Hunt, Wilson, and Whittaker eventually secured some public attention and the support of advocates, undoubtedly because of their relative youth, they offer an example of sexual activities between minors or near peers that are nonwhite (Wilson), nonheterosexual (Hunt), or disrupting conventional heterosexist scripts (Whittaker).

Not all youth/child-related sexual acts are consensual or without harm. Instead, assessments of both harm and criminal activity are uneven. Social norms, tied to prevailing racialized and heterogendered scripts, shape how youth sexual activity is made visible or framed as criminal or injurious. Consider the high-profile media coverage surrounding the reported sexual assault of a sixteen-year-old girl by two sixteen-year-old members of a high school sports team in Steubenville, Ohio, in 2012 (Gabriel 2013). Townspeople, school officials, many parents, and local law enforcement were all too willing to discredit the survivor's experience, to reframe the assault as the consensual activity of wayward youth, and to collude to cover up what the survivor identified as violence. Patriarchy, compulsory heterosexuality, and perceptions of socioeconomic status contributed to produce an initial narrative that the sexual activity was consensual. The futures of the male high school football players at Steubenville High mattered to the state and

to the community. The players retained some access to innocence despite their sexual experiences. Yet young people such as Wilson, Whittaker, and Hunt did not. The turn to the carceral state to negotiate boundaries between sexuality, consent, and harm suggests that criminalization can be an effective tool to address youth sexual violence: all harmful sexual activity is criminalized and all criminalized sexuality activity is harmful. But criminalization flattens our understanding of youth sexuality and concurrently our collective understanding of harm and crime.

The application of the label of “sex offender” potentially functions like other criminal justice processes. Even if the laws are seemingly race or gender neutral, their application and interpretation is not.⁹ Overwhelmingly, as the Human Rights Watch report *Raised on the Registry*¹⁰ identifies, cis-gendered men/boys are placed on the registry. As the range of acts that are flagged as sexual offenses continues to widen, and sanctions increase, the future of sex offenders and registries will reflect the outcome of other kinds of failed “tough on crime” laws. As legal scholar Rose Corrigan hypothesized in 2006: “All sex offenders will come to be seen as sexual predators, but only those defendants who fit the preconceived profile of a sexual predator will be recognized as sex offenders” (306). “Sex offender” does not immediately invoke associations with the sort of sexual encounter Wilson or Hunt engaged in, yet nonwhite and nonheteronormative people, particularly youth, are more susceptible to policing, arrest, and subsequently classification as a sex offender.

Individual and Collective Impact

Through one lens, the impact of being convicted of a sexual offense and required to register is similar for a minor and an adult. People face escalating formal and informal restrictions that vary deeply across the United States. For many, finding employment and housing will be almost impossible. Restrictions on public space intensify as laws continue to expand their reach. In Iowa, convicted sex offenders cannot reside within two thousand feet of schools or places where children congregate, thus effectively prohibiting anyone on the registry from living in an urban center (Ickes 2010). Even registering is a challenge. Overwhelmed with the work of regulating sex offenders, in 2014 the Chicago Police Department turned many away who must register. Subsequently, some of these people have

been rearrested. To address this problem, Chicago started construction to expand its criminal registration office (Wildeboer 2014).

These barriers also exist for young people. Juveniles on the registry are often prohibited from returning home to live. Many cannot attend public school and their mobility and employment are regulated. Beyond these formal prohibitions, social ostracism and violence, including death threats, are “crushing,” as described by Josh Gravens, a registered sex offender who is now in his twenties but who was locked up at twelve for inappropriate sexual touching “aggravated sexual assault” of his younger sister (DePrang 2012).

Beyond reshaping an individual’s life pathways, registries and community notification requirements influence collective conceptions about childhood and sexuality. Perhaps the most visible representation of children and sexuality produced through registries and community notification laws is the figure of the innocent white female child as a potential victim of sexual violence. In the past twenty years, high-profile media coverage of sexual violence against children almost uniformly focused on “stranger danger” experienced by white children (Levine 2002; Lancaster 2011). The names of laws and procedures put in place throughout the 1990s and early 2000s reflect this focus (Megan’s Law, Jessica’s Law, the Amber Alert).¹¹ While children of color also experience sexual violence, their bodies command less (white) empathy, and the child’s innocence (or the mother’s) is not assumed and must be proved. For nonwhite communities, “child safety” too often translates into removal of the child from the home (Roberts 2003). Public policies that name and center the sexual assault of young white girls create a disproportionate and erroneous focus on the impending *sexual* danger, from strangers and public places, faced by young white girls.

Mainstream media contributes to this national narrative of youth, particularly young white girls, in sexual peril through representing and sensationalizing the relatively rare incidents of stranger danger sexual violence. These representations reproduce anxieties about childhood and expand the fear of the stranger. These are, of course, old narratives. Race has long shaped who counted as a child or a woman, who merits protection, and who is sexually suspect or a criminal. Ida B. Wells-Barnett’s journalism, including *A Red Record* (1892–1894), evocatively charted how lynching was often justified by false accusations of black men having raped white women. Wells-Barnett meticulously excavated the racial bankruptcy at the

core of the state's and (white) community's stance of protecting women and children (2002).

Through policies and mass media, the contemporary narrative of the white girl child at risk functions to erase the much more prevalent threat of violence *within* the family, a space that is conceptualized as both natural and safe, or the harms produced by forms of structural violence, such as poverty. Stranger danger takes responsibility off the construct of patriarchy and the site of the home. If violence to children is embodied only in the stranger, the heteropatriarchal family unit is preserved as a natural and safe institution and the racialized other, the stranger, persists as a fuzzy but present target for mainstream/whitestream fear.

Other Futures

As youth are convicted of sexual offenses and caught up in the registry, their sexual practices are negotiated by a carceral state. As a range of stakeholders rethink our national investments in prisons and detention, tracking new forms of capture and enclosure is vital. Registries, impervious to critique, proliferate with increasingly sophisticated tools to enhance community notification. Yet the technologies developed to track and circulate information about those convicted of sexual crimes will not be confined to only this population. While states struggle to close prisons and to reform (select) laws, postconviction punishment increases and the technologies for surveillance accelerate. The very category of the youth/child, as a body in need of protection, both legitimates these expansions and subsequently functions to make the child more vulnerable.

Yet in this political moment the strongest movement against public registries centers on highlighting the costs to young people. Juveniles have emerged as a particularly powerful weapon to advance limited carceral reforms. Organizations have successfully argued that (some) juveniles possess a unique status and merit differential treatment from adults, including shorter sentences, better prison conditions, and, of course, exemption from the death penalty. To a limited extent, some of these criminal justice reforms have also been extended to those who can be constructed as child-like or with diminished culpability, including some women (particularly mothers) and a few adults with scientifically verifiable cognitive disabilities. "Child saving" campaigns do not appear to address the complexities of who counts as a child or a juvenile in this political moment. Nor do they

engage the potential collateral consequences of arguing that children are still emergent and therefore innocent (while adults are developmentally static and therefore culpable).

While potentially helpful for some young people, advocates arguing that juveniles should be shielded from requirements to register are missing opportunities to raise deeper and systematic questions. “How does,” Stockton asks, “innocence, our default designation for children, cause its own violence?” (2009, 5). While organizing that seeks to move young people off of public registries may benefit a few individuals, these strategies risk failing to engage necessary and wider dialogues surrounding sexuality, youth, and harm: dialogues that hold meaningful potential to actually reduce child sexual violence.

Our carceral apparatus does not have the ability to stop violence directed at children, to support people who have perpetrated harm to transform themselves, or to negotiate emergent sexualities. Registries and community notification laws, advanced in the name of “saving” (select) children from sexual violence, have resulted in creating contexts that augment precariousness and vulnerability to state violence and interpersonal violence for many people, including minors.

Within this landscape I am quite comfortable writing that registries are an inadequate response to child sexual violence without knowing, precisely, what will emerge in its wake to safeguard people, particularly young people and women. Recognizing that the carceral response is a failure does not demand knowing the precise contours of the response. As anthropologist Elizabeth Povinelli writes, “*Not this* makes a difference even if it does not produce a prepositional otherwise” (2011, 191). Yet this critique does hold the potential to recenter ideas about dismantling systems of domination and subordination, including patriarchy, potentially at the core of child sexual violence. This critique also opens the door to thinking through how the carceral state and the category of child inhibit our ability to produce serious and participatory public dialogues about what *love*, for all, could be.

Acknowledgments

Deep thanks to *WSQ* reviewers and editors for feedback that strengthened this essay. I am indebted to the care, analysis, and organizing from the intersecting queer, feminist, and antiprison communities that I am a part

of and work alongside. While these collective movements shape this work, all errors in this essay are mine.

Erica R. Meiners is author of the forthcoming *Intimate Labor* (University of Minnesota Press), *Right to be Hostile: Schools, Prisons, and the Making of Public Enemies* (Routledge, 2007), and a number of articles in *Academe*, *Feminist Formations*, and *Social Justice*. She is the Bernard J. Brommel Distinguished Research Professor at Northeastern Illinois University and is active in a number of projects resisting our prison nation, including the Prison Neighborhood Arts Project (<http://p-nap.org/>) and Critical Resistance (<http://criticalresistance.org/>).

Notes

1. I use “child,” “youth,” “minor,” and “juvenile” somewhat interchangeably. While I recognize significant differences between a six-year-old and a fifteen-year-old, “child,” “youth,” “minor,” and “juvenile” are constructed and dynamic categories with no clear borders. Innocence is a core characteristic of these identities, an association that grows more tenuous with age and experience. See, for example, Kathryn Bond Stockton’s *The Queer Child* (2009).
2. Unknown is how many of the approximately 750,000 registered sex offenders on the national registry were convicted as minors but are now adults (Human Rights Watch 2013, 6).
3. Research documents that adults arrested for perpetrating child sexual violence are also highly likely to have also experienced sexual violence as a child (Glasser et al. 2001; Simons, Wurtele, and Durham 2008).
4. Being charged with sexual offenses appears to place even younger youth outside any protective logic associated with childhood. While diminished culpability is associated with some forms of contemporary white childhood, even those nine or ten years old are understood as culpable and in need of state punishment and possibly lifetime surveillance when their behaviors are interpreted as sexual (and potentially harmful).
5. This incapacitation is not arbitrary. People are locked up because they are not white, are poor, lack diplomas and degrees, or are shut out of access to physical and mental health care (Mauer 1999; Davis 2003).
6. In 2013 my home state, Illinois, closed the “supermaximum” prison for men, the maximum-security prison for women, and several youth prisons.
7. People convicted of sex offenses are much less likely than people convicted of nonsex offenses to be rearrested (Zgoba et al. 2012). Those convicted as juveniles for sexual offenses have the *lowest* documented recidivism rates (Illinois Juvenile Justice Commission 2014).

8. Children were not legally considered people under the Fourteenth Amendment until the 1967 decision in the case *In re Gault*.
9. While these reports often center around identifying the impact of one factor, a “single issue” such as race or gender, people do not live “single issue” lives (Lorde 1984).
10. Individual examples from the Human Rights Watch 2013 report *Raised on the Registry* do not identify race, only age and gender.
11. Lancaster (2011) writes that the naming of these laws after individuals can appear more democratic, as it emerged from real people’s experiences of harm, but the personification functions to shut down dissent.

Works Cited

- Annie E. Casey Foundation. 2013. *Reducing Youth Incarceration in the United States*. <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>.
- Bumiller, Kristen. 2008. *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence*. Durham: Duke University Press.
- Bureau of Justice Statistics. 2000. *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics in 2000*. <http://www.bjs.gov/content/pub/pdf/saycrle.pdf>.
- Carpenter, Catherine, and Amy Beverlin. 2012. “The Evolution of Unconstitutionality in Sex Offender Registration Laws.” *Hastings Law Review Journal* 63:1071–1133.
- CBS. 2012. “New York Moves to Ban Sex Offenders from Online Gaming Networks.” April 5. <http://newyork.cbslocal.com/2012/04/05/new-york-moves-to-ban-sex-offenders-from-online-gaming-networks>.
- Corrigan, Rose. 2006. “Making Meaning of Megan’s Law.” *Law and Social Inquiry* 31:267–312.
- Davis, Angela. 2003. *Are Prisons Obsolete?* New York: Seven Stories Press.
- DePrang, Emily. 2012. “Life on the List.” *Texas Observer*, May 31. <http://www.texasobserver.org/life-on-the-list/>.
- Dewan, Shaila. 2006. “Georgia Man Fights Conviction as Molester.” *New York Times*, December 19. <http://www.nytimes.com/2006/12/19/us/19georgia.html>.
- Finkelhor, David, Richard Ormrod, and Mark Chaffin. 2009. *Juveniles Who Commit Sex Offenses Against Minors*. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. <https://www.ncjrs.gov/pdffiles1/ojdp/227763.pdf>.

- Gabriel, Trip. 2013. "Inquiry in Cover-Up of Ohio Rape Yields Indictment of Four Adults." *New York Times*, November 25. http://www.nytimes.com/2013/11/26/us/steubenville-school-superintendent-indicted-in-rape-case.html?_r=0.
- Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press.
- Glasser, M., Kolvin, I., Campbell, D., Glasser, A., Leitch, I., Farrelly, S. 2001. "Cycle of Child Sexual Abuse: Links Between Being a Victim and Becoming a Perpetrator." *British Journal of Psychiatry* 179(6):482–94.
- Goode, Erica. 2013. "U.S. Prison Populations Decline, Reflecting New Approach to Crime." *New York Times*, July 25. http://www.nytimes.com/2013/07/26/us/us-prison-populations-decline-reflecting-new-approach-to-crime.html?pagewanted=all&_r=0.
- Goodman, Brenda. 2007. "Georgia Court Frees Man Convicted in Sex Case." *New York Times*, October 27. http://www.nytimes.com/2007/10/27/us/27georgia.html?ref=genarlowwilson&_r=0.
- Grant, Jamie, Lisa Mottet, and Justin Tanis. 2011. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. http://www.thetaskforce.org/downloads/reports/reports/ntds_summary.pdf.
- Griffin, Patrick, Sean Addie, Benjamin Adams, and Kathy Firestone. 2011. *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*. U.S. Department of Justice, Office of Justice Programs. <https://www.ncjrs.gov/pdffiles1/ojjdp/232434.pdf>.
- Gustafson, Kaaryn. 2011. *Cheating Welfare: Public Assistance and the Criminalization of Poverty*. New York: New York University Press.
- Harkins, Gillian. 2009. *Everybody's Family Romance: Reading Incest in Neoliberal America*. Minneapolis: University of Minnesota Press.
- Harrison, Carlos. 2013. "Florida Student, 18, Arrested for Sex with Teammate, 14." *New York Times*, May 21. http://www.nytimes.com/2013/05/22/us/florida-18-year-old-arrested-for-encounters-with-friend-14-gets-online-support.html?_r=0.
- Herman, Joshua. 2010. "Sexting: It's No Joke, It's a Crime." *Illinois Bar Journal* 98(4):192.
- Himmelstein, Katherine, and Hannah Bruckner. 2011. "Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study." *Pediatrics* 12(1):48–57.
- Human Rights Watch. 2013. *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*. http://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf.
- Ickes, Barbara. 2010. "Iowa Law Clusters Sex Offenders in Davenport Trailer Park." *Quad City Times*, October 17. <http://qctimes.com/news/local/>

- crime-and-courts/iowa-law-clusters-sex-offenders-in-davenport-trailer-park/article_973a419c-d990-11df-b24b-001cc4c03286.html.
- Illinois Juvenile Justice Commission. 2014. *Improving Illinois' Response to Sexual Offenses Committed by Youth: Recommendations for Law, Policy, and Practice*. <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/IJJC%20-%20Improving%20Illinois%27%20Response%20to%20Sexual%20Offenses%20Committed%20by%20Youth%20-%20No%20Appendices%20updated.pdf>.
- Jenkins, Philip. 1998. *Moral Panic: Changing Concepts of the Child Molester in Modern America*. New Haven, Connecticut: Yale University Press.
- Jones, Walter. 2010. "Judge Removes Harlem Woman from Sex Offender List." *Augusta Chronicle*, September 18. <http://chronicle.augusta.com/latest-news/2010-09-18/woman-ga-sex-registry>.
- Kincaid, James. 1992. *Child-Loving: The Erotic Child and Victorian Culture*. New York: Routledge.
- Lancaster, Roger. 2011. *Sex Panic and the Punitive State*. Berkeley: University of California Press.
- Levine, Judith. 2002. *Harmful to Minors: The Perils of Protecting Children from Sex*. Minneapolis: University of Minnesota Press.
- Logan, Wayne. 2009. *Knowledge as Power: Criminal Registration and Community Notification Laws in America*. Palo Alto, California: Stanford University Press.
- Lorde, Audre. 1984. *Sister Outsider: Essays and Speeches*. Trumansburg, NY: Crossing Press.
- Martinez, Michael. 2012. "New La. Law: Sex Offenders Must List Status on Facebook, Other Social Media." CNN, June 21. <http://www.cnn.com/2012/06/20/tech/louisiana-sex-offenders-social-media/>.
- Mauer, Marc. 1999. *A Race to Incarcerate*. New York: New Press.
- Morgan, Mandy. 2012. "Toddlers and Tears: The Sexualization of Young Girls." *Deseret News*, November 17. <http://www.deseretnews.com/article/865567072/Toddlers-and-Tears-The-sexualization-of-young-girls.html?pg=all>.
- Murakawa, Naomi, and Katherine Beckett. 2010. "The Penology of Racial Innocence." *Law and Society Review* 44(3/4):695–730.
- Pew Center on the States Public Safety Performance Project. 2008. "One in 100: Behind Bars in America 2008." http://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/sentencing_and_corrections/onein100pdf.pdf
- Povinelli, Elizabeth. 2011. *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Durham, North Carolina: Duke University Press.

- Roberts, Dorothy. 1997. *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*. New York: Vintage Books.
- . 2003. "Child Welfare and Civil Rights." *University of Illinois Law Review* (1):171–82.
- Schaffner, Laurie. 2002. "An Age of Reason: Paradoxes in the US Legal Construction of Adulthood." *International Journal of Children's Rights* 10:201–31.
- Sewell, Abby. 2011. "Halloween Night Restrictions are Added for Sex Offenders." *LA Times*, November 11. <http://articles.latimes.com/2011/nov/01/local/la-me-halloween-offenders-20111101>.
- Simon, Jonathan. 2000. "Megan's Law: Crime and Democracy in Late Modern America." *Law and Social Inquiry* 25:1111–50.
- Simons, Dominique, Sandy Wurtele, and Robert Durham. 2008. "Developmental Experiences of Child Sexual Abusers and Rapists." *Child Abuse and Neglect* 32:549–60.
- Stockton, Kathryn Bond. 2009. *The Queer Child, or Growing Sideways in the Twentieth Century*. Durham, North Carolina: Duke University Press.
- Wacquant, Loïc. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, North Carolina: Duke University Press.
- Wells-Barnett, Ida B. 2002. *On Lynchings*. Amherst, Massachusetts: Humanity Books.
- Wildeboer, Rob. 2014. "Cook County paying costs when CPD fails to register sex offenders." *WBEZ*, June 12. <http://www.chicagopublicradio.org/news/cook-county-paying-costs-when-cpd-fails-register-sex-offenders-110262>.
- Wright, Richard. 2003. "Sex Offender Registration and Notification: Public Attention, Political Emphasis, and Fear." *Criminology and Public Policy* 3:97–104.
- Zgoba, Kristen M., Michael Miner, Raymond Knight, Elizabeth Letourneau, Jill Levenson, and David Thornton. 2012. "A Multi-State Recidivism Study Using Static-99R and Static-2002 Risk Scores and Tier Guidelines from the Adam Walsh Act." *National Criminal Justice Reference Service*, November. <https://www.ncjrs.gov/pdffiles1/nij/grants/240099.pdf>.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.