

# Rethinking Complicity in the Surveillance of Sex Workers: Policing and Prostitution in America's Model City

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**ABSTRACT:** This Note uncovers a history that has been largely ignored, dismissed, and sometimes even intentionally obscured: the history of the policing of sex workers in the twentieth century. When most lawyers think about the surveillance of sex workers, they think of a standard cast of characters: police, prosecutors, pimps, purchasers, and procurers. But the surveillance of sex workers has always been much broader and renders a far greater number of actors complicit. This Note uncovers the significant (yet often overlooked) roles played by four groups in surveilling sex workers: (1) the federal government, (2) elite women, (3) public health authorities, and (4) major universities. As a case study, the Note focuses on the city of New Haven, Connecticut, during the twentieth century.

Based on thousands of original documents residing in archives all over the country, as well as newspaper articles, institutional reports, prison files, and original oral history interviews, this study seeks to shine a light on the complicity of powerful people in policing the lives of marginalized people. It is vital to understand this complicity because to do otherwise would be to misunderstand and underestimate the relentlessness of policing in the lives of those who sell sex. Throughout the twentieth century, sex workers did not merely need to dodge the

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police; they had to avoid federal agents, social workers, public health officials, and academic experts, all of whom were constantly invading the places where sex workers lived and worked and trying to have them locked up—the better to reform them. These different agents frequently collaborated on programs and systems to surveil sex workers, often working alongside local law enforcement to police suspected women. Scholars and readers who do not appreciate how vast this complicity was risk minimizing the constraints and stressors present in sex workers' lives. Complicity is thus an effective lens through which to better understand the lived reality of sex workers throughout history. By learning to see this complicity in the past, we can be better primed to spot it in the present. By understanding the panoptic reality of prostitution throughout the twentieth century, we can better dismantle systems of oppression in the twenty-first.

This Note is an unusual work of legal scholarship, and not just because it focuses on a subject that for many years was either ignored or treated with disrespect. It is unusual because it relies heavily on narrative, reproducing in enormous detail the history of sex work in a relatively small American city. This Note was written because this history has been neglected, ignored, or caricatured for too long, and the narrative detail below is meant to reclaim and recenter a past that has been almost wholly forgotten.

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INTRODUCTION

In the minds of most lawyers, the policing of prostitution probably goes something like this: women—well, mostly women, but some men, most of them poor, many of them non-white—are forced by economic circumstances or addiction or violence (or some combination) into selling sex. Their clients are mostly men—men who find the women through acquaintances or online or on the side of the road. These men may pay the women for sex, or they may abuse them, or both. The women’s tormentors are the police, who scrutinize, often harass, and sometimes arrest them. The detained women spend a night or two in jail. Then the prosecutor steps in, and the women are forced to pay some sort of penalty—usually in money, occasionally in time. Then the women are released. And repeat.

This narrative is a familiar one. It is reproduced, with a few minor variations, in newspapers and speeches and the tales of *Fanny Hill* and Hugo’s *Fantine* and Zola’s *Nana*, in *Law and Order* and *Taxi Driver* and *Tangerine*. It may ring true for many practitioners, including prosecutors and public defenders, who spend

their days in criminal courts. Yet such a narrative is woefully incomplete. It ignores the broad range of actors intimately involved in the harassment, abuse, stigmatization, and marginalization of sex workers. It overlooks the complicity of many prominent, powerful, and privileged people. Such a narrative is inaccurate. Its reproduction is an act of erasure.

This paper is an attempt to correct the historical record—and, in so doing, to alter our understanding of the policing of prostitution in the present. When most lawyers think about the surveillance of sex workers, they think of a standard cast of characters: police, prosecutors, pimps, purchasers, and procurers. But, as I argue, the surveillance of sex workers has always been much broader and renders a far greater number of actors complicit. Specifically, I look at the significant (yet often overlooked) roles played by four groups in surveilling sex workers: (1) the federal government, (2) elite women, (3) public health authorities, and (4) major universities.

As a case study, I focus on the city of New Haven, Connecticut, using as my timeframe the entirety of the twentieth century. Once held up as the United States' "Model City" because of its massive and widely lauded mid-century campaign of "urban renewal,"<sup>1</sup> New Haven is also a city that was wracked by the defining darkness at the heart of twentieth century: rampant inequality along the lines of race, gender, and class. It is an appropriate site for such a case study for a number of reasons. One reason is New Haven's fairly sizeable white, black, and Latinx populations, which allow issues of racism to shine through the historical record; it also a city with great wealth and great poverty, and so issues of class are invariably present as well; and it is a city with several vibrant ethnic enclaves, including neighborhoods dominated by Irish, Italians, and Jews, which allows issues of ethnicity to be studied. Another reason is the presence of Yale, which makes New Haven an effective stand-in for other college towns dominated by powerful universities that not only provide expertise and prestige, but also shape local politics and geography. Finally, in part because of Yale, archives in and around New Haven retained a relative wealth of documentary records that make a study of sex work possible.

Any study of the history of sex work from 1900 to 2000 is naturally constrained by many forces. As anyone who has ever even fleetingly considered this history knows, there is normally a devastating dearth of traditional archival material. "More than any other topic examined by recent historians of sexuality, the study of prostitution requires manuscript court records," wrote the historian of sex work Timothy J. Gilfoyle a quarter-century ago.<sup>2</sup> "Many of these records were discarded because later municipal officials considered them unimportant.

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1. See FRED POWLEDGE, *MODEL CITY: A TEST OF AMERICAN LIBERALISM: ONE TOWN'S EFFORTS TO REBUILD ITSELF* (1970).
  2. Timothy J. Gilfoyle, *Prostitutes in the Archives: Problems and Possibilities in Documenting the History of Sexuality*, 57 *AM. ARCHIVIST* 514, 519 (1994).

Most incidents concerned petty crimes, especially drunkenness and disorderly conduct, convincing myriad local officials that these documents were unworthy of preservation.”<sup>3</sup> Even the material that was preserved is often quite limited; it is almost invariably colored by the moralistic biases of the officials or observers creating it, and it rarely allows scholars to get a picture of broader forces beyond a specific arrest or trial. And such material nearly always omits the voices of the subjects that scholars would most like to understand—the sex workers themselves. As a result, their voices and perspectives are missing from so many works on the topic of their lives.<sup>4</sup>

In spite of Yale’s voluminous archives, these constraints are very much present in this paper. For most of the twentieth century, New Haven’s main daily newspaper, the *New Haven Register*, survives only on hundreds of reels of unindexed microfilm, making it virtually impossible to locate stories of sex work within the newspaper’s pages. The city retained few relevant trial records from the twentieth century, and several decades of police and health department annual reports are missing from local archives. Further, stigma and secrecy made it very difficult to find interview subjects with intimate knowledge of prostitution in New Haven’s history, even for the years that are still within living memory. To counteract such limitations, I have relied on documents from dozens of archival collections and oral history interviews, as well as information from contemporaneous newspaper articles, books, and scholarly studies. I have also pulled from broader studies of policing, prostitution, race, sex, disease, and power in American history to provide context and clues when specific facts were missing.

The structure of this Note is very simple. First, in Part I, I provide a “conventional” narrative of sex work in New Haven in the twentieth century, focusing on the role of conventional law enforcement and surveillance. Second, in Part II, I move on to the “other” narratives. Like *Rashomon*, I retell and complicate the story I have just recounted four more times, focusing in each section on a different group of actors: (a) federal investigators and officials, (b) elite female reformers,<sup>5</sup> (c) public health professionals, and (d) the administrators and experts of Yale University. Each narrative is distinct from the others, yet readers will observe recurring characters and themes, as well as several moments when, as I explain, all of these actors were contributing to the

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3. *Id.*

4. See, e.g., MARK THOMAS CONNELLY, *THE RESPONSE TO PROSTITUTION IN THE PROGRESSIVE ERA* (1980); Pamela Ann Roby, *Policing and Prostitution: A Case Study of the Formulation, Enforcement and Judicial Administration of the New York State Penal Laws on Prostitution, 1870-1970* (June 1971) (unpublished Ph.D. dissertation, New York University) (on file with author).

5. By “elite female reformers” or “elite women,” I am referring to predominantly white, educated women. Some of these women were wealthy, while others were distinctly middle-class, but either way they had enough economic and social privilege to be in a position to devote themselves to attempting to reform or “uplift” sex workers.

evolution of a particular policy at once. In the Note's conclusion, I reflect on New Haven in the present, and on how much remains as it was throughout the previous century.

It is vital to understand the complicity of these four groups because to do otherwise would be to misunderstand and underestimate the relentlessness of policing in the lives of those who sell sex. Throughout the twentieth century, sex workers did not merely need to dodge the police; they had to avoid federal agents, female social workers, public health officials, and academic experts, all of whom were constantly invading the places where they lived and worked and trying to have them locked up—the better to reform them. These different agents frequently worked together to collaborate on new programs and systems to surveil sex workers, often working alongside local law enforcement to police suspected women. Scholars and readers who do not appreciate how vast this complicity was risk minimizing the constraints and stressors present in sex workers' lives. Complicity is thus an effective lens through which to better understand the lived reality of sex workers throughout history.

This Note is an unusual work of legal scholarship, and not just because it focuses on a subject that for many years was either ignored or treated with disrespect. It is unusual because it relies heavily on narrative, reproducing what some may feel is an excessive amount of detail about the history of sex work in a relatively small American city. I have done this precisely because this history has been neglected, ignored, or caricatured for so long. The narrative detail below is meant to reclaim and recenter a past that has been almost wholly forgotten.

Ultimately, this is a work of history, but it is not “merely” a work of history. Instead, I hope it renders visible forces that have been affecting the lives of sex workers for decades, forces that have been shielded from public scrutiny by their virtual invisibility. By learning to see these forces in the past, we can be better primed to spot them in the present. By understanding the panoptic reality of prostitution throughout the twentieth century, we can better dismantle systems of oppression in the twenty-first.

## I. THE CONVENTIONAL NARRATIVE

The following Part thoroughly documents the conventional narrative of the policing of prostitution in New Haven, from 1900 to 2000. The twentieth century began with tacit tolerance, which morphed quickly into rigid repression; policing spiked during the world wars and dwindled during the Depression and the placid, gray-flannel mid-century years. Yet surveillance changed in the postwar years, as the police department professionalized and the city underwent a celebrated program of “urban renewal” that entrenched poverty, suffering, and an absence of opportunities in a few specific neighborhoods. The 1960s brought rebellion

and sexual awakening, but it also brought backlash and enhanced surveillance in the geographically quarantined neighborhoods. The late 1960s and 1970s saw the introduction of heroin and the ascension of militant police officials; the 1980s witnessed the introduction of crack and the explosion of the AIDS epidemic, yet also the first flickers of sex workers' rights activism among New Haven's residents. For a brief period in the early 1990s, a progressive police chief sought to improve the lives of the city's sex workers, but after he was embroiled in a very public scandal involving his own intimate relationship with a sex worker, the forces of the status quo took back power on the police force.

### A. *The Early Years, 1900–1917*

As the nineteenth century became the twentieth, sex work in New Haven seemed to operate much as sex work did across the rest of the country. That is to say, it was largely conducted out in the open, with many women achieving financial independence by working in brothels or well-known vice districts. "Girls frequently go [to] the wrong road for economic reasons because they see other girls who are gaining large sums of money and who have elegant clothes and jewels, while they have only the pitiful wages earned at the factories and stores," recounted one New Haven man in 1905.<sup>6</sup> "Few girls down here are satisfied at earning \$6 a week scrubbing floors, when they see their friends all around them getting much more. It is only human nature."<sup>7</sup> The same could have been said pretty much anywhere in the United States. Numerous historians have recounted that nineteenth- and early twentieth-century sex workers were relatively affluent, self-sufficient, and less bound by oppressive social mores than their married or conventionally employed counterparts.<sup>8</sup> In the eastern United States, all of the major cities had long-established "red-light districts"—areas where prostitution, liquor, and gambling were known to be readily available.<sup>9</sup> Fragmentary evidence suggests that prostitution had been common, well-known, and relatively tolerated in New Haven for decades before 1900.<sup>10</sup>

That said, turn-of-the-century sex work should not be unduly romanticized. Some sex workers were exploited or abused, and some used fine clothes, jewelry,

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6. *Jérôme on East Side Homes*, NEW HAVEN MORNING J. & COURIER, Feb. 18, 1905, at 7.

7. *Id.*

8. See TIMOTHY GILFOYLE, *CITY OF EROS: NEW YORK CITY, PROSTITUTION, AND THE COMMERCIALIZATION OF SEX, 1790-1920*, at 74 (1992); RUTH ROSEN, *THE LOST SISTERHOOD: PROSTITUTION IN AMERICA, 1900-1918*, at xiv-xv (1982).

9. See Neil Larry Shumsky, *Tacit Acceptance: Respectable Americans and Segregated Prostitution, 1870-1910*, 19 J. SOC. HIST. 665 (1986); see also ELIZABETH ALICE CLEMENT, *LOVE FOR SALE: COURTING, TREATING, AND PROSTITUTION IN NEW YORK CITY, 1900-1945* chs. 2-3 (2006).

10. See, e.g., Letter from John C. Hayden to Philip S. Galpin (Sept. 16, 1856), in WILLIAM W. SANGER, *HISTORY OF PROSTITUTION: ITS EXTENT, CAUSES, AND EFFECTS THROUGHOUT THE WORLD* 609, 609-10 (1858); *Worse than Coffee Parties*, NEW HAVEN REG., Apr. 9, 1885, at 4.

and other trappings of wealth to conceal poverty.<sup>11</sup> And, despite the police's general policy of "tacit acceptance" of prostitution,<sup>12</sup> some number of sex workers were subjected to arrest and detention. In 1900, New Haven police arrested 576 women.<sup>13</sup> A large number of these, apparently several dozen, were arrested for "lascivious carriage" (Connecticut's official euphemism for buying or selling sex);<sup>14</sup> dozens more were arrested for keeping or residing in a "house of ill fame" or for "idleness."<sup>15</sup> For the next decade, the number of women arrested remained stable (hovering between 500 and 600), as did the number arrested per crime.<sup>16</sup> Arrested women were taken to police headquarters at 165 Court Street, a large building near New Haven Harbor, to await their appearances in court.<sup>17</sup> No description of the women's wing of the police lockup survives, but perhaps it is telling that in 1913 the lockup was "declared unsanitary, and unfit for use"<sup>18</sup> and the station as a whole was torn down by the end of that decade.<sup>19</sup> Following a court appearance, most women sentenced to imprisonment would be taken to the jail at 245 Whalley Avenue, where as many as 85 women resided

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11. See *State v. Shields*, 45 Conn. 256 (1877); Rebecca Yamin, *Wealthy, Free, and Female: Prostitution in Nineteenth-Century New York*, 39 HIST. ARCHAEOLOGY 4 (2005); see also Scott W. Stern, *Sex Workers of the World United*, AM. SCHOLAR (June 3, 2019), <https://theamericanscholar.org/sex-workers-of-the-world-united/#.XZOrC-dKjOQ> [<https://perma.cc/Y8N6-GAR4>].

12. Shumsky, *supra* note 9.

13. City Year Book for the City of New Haven 309 (1900) (on file in Whitney Library, New Haven Museum [hereinafter WL]).

14. *Id.* at 288. The term dates back to a 1642 statute, "originat[ing] from the peculiar sentiments of the first settlers respecting the intercourse of the sexes." Conn. Pub. Stat. tit. 22, § 66 n.3 (1821). An 1811 decision by the Connecticut Supreme Court clarified:

Although, from the indelicacy of the subject, and the different shades of criminality attending the offence, the legislature have avoided a definition of lascivious carriage and behavior; yet, it is evident from the preamble to the act, and the plain import of the expressions, that they meant to include and suppress all those wanton acts, between persons of different sexes, flowing from the exercise of lustful passions, which are grossly indecent and unchaste; and which are not otherwise punished as crimes against chastity and public decency.

*Fowler v. State*, 5 Day 81, 84 (Conn. 1811). This statute was still enforced well into the twentieth century. A 1928 city report noted, "It must be remembered, however, that most of the persons brought into the city court are charged with 'lascivious carriage' which means, for example, that a couple were found together by the police under circumstances which justified the charge that they had committed fornication or were about to commit it." C-E.A. Winslow et al., *Health Survey of New Haven*, ch. XIV (1928).

15. City Year Book [1900], *supra* note 13, at 288.

16. See, e.g., City Year Book for the City of New Haven 288, 308 (1911) (on file in WL); City Year Book for the City of New Haven 281, 303 (1908) (on file in WL); City Year Book for the City of New Haven 268, 287 (1907) (on file in WL); City Year Book for the City of New Haven 262, 282 (1905) (on file in WL); City Year Book for the City of New Haven 243-44 (1903) (on file in WL); City Year Book for the City of New Haven 293, 303 (1901) (on file in WL).

17. City Year Book [1900], *supra* note 13, at 272, 309.

18. City Year Book for the City of New Haven 306 (1913) (on file in WL).

19. City Year Book for the City of New Haven 345 (1919) (on file in WL).



in forty dank, poorly lit cells.<sup>20</sup> “It is evident that no decent standard of personal cleanliness can be maintained,” read a report from 1916 that concluded that the conditions for women there were “intolerable.”<sup>21</sup>

In New Haven, as in countless other locales across the country, the police considered themselves to be the enforcers of morality. The New Haven police were enthusiastic in their surveillance of gamblers, drinkers, and saloons that stayed open on Sundays;<sup>22</sup> they paid especial attention to “places where the proprietor has made special arrangements so that men and women of questionable character may meet for questionable purposes,” and tried to drive them out of business.<sup>23</sup> Police behavior was also indisputably informed by bias. For example, the police were certain that Italians “have a peculiar fascination” with gambling, and at least 75 percent of those arrested for gambling were “young Italians.”<sup>24</sup> A 1915 report revealed that arrests of women were focused on just a few areas; among these were “[t]he colored district just off from Dixwell Avenue, from Lake to Foote Streets,” and “Bradley Street in the block between Grand Avenue and State Street,” which was in “the Italian district.”<sup>25</sup> Officials also worried that prostitution was rife in “moving picture houses,” cafes, and “the poorly ventilated, hot, dance halls” that were often lacking in “chaperonage.”<sup>26</sup> Shore resorts, including the notorious Savin Park in nearby West Haven, were “hot-beds of immorality,” in large part because they were not “under New Haven police control.”<sup>27</sup>

New Haven’s sex work status quo began to change around 1909. That year, several prominent men began complaining of “the so-called social evil”—using a common euphemism for sex work—“and that the streets are reeking with lewd and disreputable women.”<sup>28</sup> Such complaints were likely in response to the arrival of the “white slave traffic”—a highly racialized term referring to the forced sex trafficking of white women (usually, according to popular narratives, by Jewish or other “ethnic” men).<sup>29</sup> This arrived in New Haven in the form of

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20. Civic Federation of New Haven, *The New Haven County Jail: Prepared for the Section on Social and Industrial Conditions 5-9* (1916) (on file with author).

21. *Id.* at 9.

22. See *City Year Book* [1903], *supra* note 16, at 231-32; *City Year Book for the City of New Haven* 233-34 (1902) (on file in WL); *City Year Book* [1901], *supra* note 16, at 270; *City Year Book* [1900], *supra* note 13, at 274.

23. *City Year Book* [1900], *supra* note 13, at 274-75.

24. *City Year Book for the City of New Haven* 272 (1909) (on file in WL).

25. Mabel A. Wiley, *A Study of the Problem of Girl Delinquency in New Haven* 10 n.21 (1915) (on file with author).

26. *Id.* at 16-17.

27. *Id.* at 17.

28. *City Year Book* [1909], *supra* note 24, at 275.

29. For more on white slavery and its racialized connotations, see CONNELLY, *supra* note 4, at ch. 6 (1980); Egal Feldman, *Prostitution, the Alien Woman and the Progressive Imagination, 1910-1915*, 19 AM. Q. 192 (1967); and Kelli Ann McCoy, *Claiming Victims: The Mann Act, Gender, and Class*

“three Italians who were responsible for the bringing of Josephine Klutz”—a Brooklyn girl of 17—“to this city for immoral purposes.”<sup>30</sup> Fears of “white slavery” were sweeping through cities across the nation, spurring crackdowns on prostitution from New York to Los Angeles.<sup>31</sup> To arrest the three Italians, New Haven policemen traveled to Brooklyn and Philadelphia.<sup>32</sup> The next year, police arrested dozens of men and women (most of them Italian) whom the police believed were involved in bringing New Jersey girls to New Haven “for immoral purposes.”<sup>33</sup>

Throughout 1910, many prominent New Haven residents met to discuss how to combat “white slavery” and the “social evil.”<sup>34</sup> Such discussions led to a sharp uptick in the number of women arrested each year.<sup>35</sup> Similar discussions were happening across the country, and soon dozens of cities began raiding and shuttering their previously tolerated brothels and red-light districts.<sup>36</sup> When Bridgeport closed its red-light district in December 1915, “prostitutes fled to New Haven, Connecticut, where the ‘houses were still open.’”<sup>37</sup> But New Haven, too, was cracking down. While 886 women were arrested in 1915,<sup>38</sup> 1,155 women were arrested in 1916,<sup>39</sup> 126 of them for “lascivious carriage.”<sup>40</sup> According to one report, in 1916 New Haven created a “vice squad” to “reduc[e] street walking.”<sup>41</sup>

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in the America West, 1910-1930s, at 39-40 (2010) (unpublished Ph.D. dissertation, University of California at San Diego) (on file with author).

30. City Year Book [1909], *supra* note 24, at 278.
31. See GRETCHEN SODERLUND, SEX TRAFFICKING, SCANDAL, AND THE TRANSFORMATION OF JOURNALISM, 1885-1917, at 117-29 (2013); AnneMarie Kooistra, Angels for Sale: The History of Prostitution in Los Angeles, 1880-1940, at 61-75 (Aug. 2003) (unpublished Ph.D. dissertation, University of Southern California) (on file with author).
32. City Year Book [1909], *supra* note 24, at 279-80.
33. City Year Book for the City of New Haven 288-89 (1910) (on file in WL).
34. *Id.* at 288.
35. See City Year Book for the City of New Haven 83-87 (1914) (on file in WL); City Year Book for the City of New Haven 321, 340 (1913) (on file in WL); City Year Book for the City of New Haven 299 (1912) (on file in WL).
36. ROSEN, *supra* note 8, at 28-33.
37. *Id.* at 30 (quoting BRIDGEPORT VICE COMM’N, THE REPORT AND RECOMMENDATIONS OF THE BRIDGEPORT VICE COMMISSION 19 (1916)).
38. City Year Book for the City of New Haven 180 (1915) (on file in WL).
39. City Year Book for the City of New Haven 196 (1916) (on file in WL).
40. *Id.* at 176.
41. REPORT OF THE SIXTH ANNUAL MEETING OF THE CONNECTICUT SOCIETY OF SOCIAL HYGIENE 17 (1916) (on file in Folder 1167, Box 77, C-E.A. Winslow Papers, Yale University [hereinafter CEAWP]).

*B. World War I, 1917–1918*

Then the United States entered World War I. Nearly two million young men were drafted into military service, including more than 20,000 New Haven residents.<sup>42</sup> Thousands of young men moved into tents at a training camp that became known as “Camp Yale,” while other members of the 102nd Regiment of the Yankee Division ran drills on the New Haven Green.<sup>43</sup> Authorities immediately began to fear that young women were corrupting the soldiers: distracting them from their training and infecting them with venereal disease.<sup>44</sup> Prostitutes, in particular, “posed a threat”—not just to morality, but to national security.<sup>45</sup> So police and other law enforcement officials began detaining sex workers—as well as “promiscuous” and other “suspicious” women—in record numbers. Authorities across America arrested tens of thousands of women on suspicion of selling sex or spreading venereal disease.<sup>46</sup> “The prostitute had become the war’s venereal scapegoat,” wrote historian Allan Brandt, “vilified, shunned, and eventually locked up.”<sup>47</sup>

In New Haven, the number of women arrested in 1917 rose to an all-time high of 1,252,<sup>48</sup> 108 of them for “lascivious carriage” and an additional forty for “[f]requenting [a] house of ill fame.”<sup>49</sup> Until the war ended in November 1918, law enforcement officials vigorously scrutinized the areas around military camps, watching for “objectionable looking girls.”<sup>50</sup> Every day police would detain and question “girls” for suspicious behavior like “lying down on a cot” or “roll[ing] up in blankets” with soldiers, or “waiting around the corner” from the naval base.<sup>51</sup>

The war also changed laws. “Before 1917, most laws had been directed at commercialized vice, rather than at the prostitute herself: women had been

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42. LAURA A. MACALUSO, *NEW HAVEN AND WORLD WAR I* 53 (2017).

43. *Id.* at 55-58.

44. ALLAN BRANDT, *NO MAGIC BULLET: A SOCIAL HISTORY OF VENEREAL DISEASE IN THE UNITED STATES SINCE 1880*, at 57-70 (1987).

45. SCOTT W. STERN, *THE TRIALS OF NINA MCCALL: SEX, SURVEILLANCE, AND THE DECADES-LONG GOVERNMENT PLAN TO IMPRISON “PROMISCUOUS” WOMEN* 6 (2018); Abigail Claire Barnes, *Pure Spaces and Impure Bodies: The Detention of Prostitutes in the U.S. During World War One* 25 (2010) (unpublished Ph.D. dissertation, University of California, Los Angeles) (on file with author).

46. BRANDT, *supra* note 44, at 70-77, 84-92.

47. *Id.* at 87.

48. *City Year Book for the City of New Haven* 171 (1917) (on file in WL).

49. *Id.* at 153-54.

50. Letter from Colonel, 1st Regiment, Conn. Infantry, to Adjutant Gen., State of Conn. (Oct. 13, 1917) (on file in Box 58, Record Group 30, Connecticut State Library [hereinafter CSL]).

51. REPORT OF MILDRED A. BOGUE, STATE POLICE DEPARTMENT (Sept. 23, 1917) (on file in Health Folder, Box 57, Record Group 30, CSL).

arrested for vagrancy or for disturbing the peace,” wrote historian Ruth Rosen.<sup>52</sup> “By the end of the war, however, the law had recognized a class of prostitutes who would constitute a social group of criminal outcasts.”<sup>53</sup> In 1919, Connecticut passed a law making “prostitution” a crime for the first time.<sup>54</sup> Defined as “the offering or receiving of the body for sexual intercourse for hire and the offering or receiving of the body for promiscuous sexual intercourse without hire,” prostitution could carry up to a one hundred dollar fine and six months imprisonment for a first offense.<sup>55</sup> Though this legislative innovation would fundamentally change the societal perception of sex work, for the next several decades New Haven would continue using the vaguer “lascivious carriage” charge to arrest most women suspected of selling sex.<sup>56</sup>

### C. *The Swingin’ Twenties, 1919–1928*

After World War I ended, arrests in New Haven began to decline. The number of women detained for lascivious carriage fell from 130 in 1918 to 84 in 1919, and then to 68 in 1920.<sup>57</sup> Yet even as the soldiers and sailors left town, new problems presented themselves. In 1920, the “ever increasing number of motor vehicles on our streets” led to new demands on the police, especially since many of the cars could be used to traffic liquor or women.<sup>58</sup> In 1920, the police chief wrote:

The activities of the members of the department have been directed against vice and gambling, and while we have no special squad detailed for this work, as I believe every man in the department should follow these violations, we have been successful along this line and have no houses of prostitution in this city.<sup>59</sup>

By 1925, city residents owned more than 20,000 automobiles, which, along with 18 miles of waterfront, “all . . . are factors making necessary extensive police protection.”<sup>60</sup>

As the 1920s continued, the total number of women arrested initially fell quickly to pre-1910 levels and then increased only gradually, climbing from 485

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52. ROSEN, *supra* note 8, at 36.

53. *Id.*

54. CONN. GEN. STAT. § 6226 (1930) (enacted 1919).

55. *Id.*

56. See City Year Book [1920], *supra* note 48, at 159, 214; City Year Book [1919], *supra* note 19, at 358, 377; City Year Book for the City of New Haven 181, 199 (1918) (on file in WL); *infra* notes 128-29, 151-52 and accompanying text.

57. See City Year Book [1920], *supra* note 48.

58. *Id.* at 173.

59. *Id.* at 173-74.

60. City Year Book for the City of New Haven 201 (1925) (on file in WL).

in 1921<sup>61</sup> to 737 in 1929.<sup>62</sup> Given the euphemisms used in the police reports, it is impossible to say how many of these women were arrested for selling sex, but about 50 women were arrested each year for lascivious carriage, while an additional 50 were arrested annually for “idleness.”<sup>63</sup> Black women were arrested for these morals offenses in numbers far exceeding their proportion of the population, likely betraying racist law enforcement by the police.<sup>64</sup> Still more women were arrested for keeping or residing in houses of ill fame, night-walking, and other euphemistic terms for violating sexual mores.<sup>65</sup> A 1928 study by the New Haven Health Department concluded:

Prostitution in the city of New Haven is neither open nor flagrant. Comparatively little solicitation was found to exist upon the streets. Such prostitution as exists is mainly clandestine in connection with rooming houses, hotels and apartments. The most serious situation as regards New Haven apparently centers around the use of the automobile and the roadhouses outside the city.<sup>66</sup>

Yet the Health Department was heartened by the fact that the police “are active in the suppression of prostitution and other forms of sex promiscuity,” and that 75 percent of such cases result in convictions in the city court.<sup>67</sup> Convicted women faced penalties, “small fines and jail sentences,” which the report’s author lamented as “having no deterrent or rehabilitative value.”<sup>68</sup>

#### D. *The Depressed Thirties, 1929–1940*

Facing enormous financial strain during the Great Depression, many police departments across the country cut back on their activities.<sup>69</sup> Prisons and other penal institutions, meanwhile, increased the trend of granting prisoners parole;

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61. City Year Book for the City of New Haven 218-19 (1921) (on file in WL).

62. City Year Book for the City of New Haven 255 (1929) (on file in WL).

63. See, e.g., City Year Book for the City of New Haven 222-23 (1930) (on file in WL); City Year Book for the City of New Haven 200-01 (1926) (on file in WL); City Year Book [1925], *supra* note 60, at 222.

64. *Id.* (see the column labeled “Am. Colored”). For demographic data on New Haven at this time, see *Color or Race, Nativity, and Parentage in Cities of 100,000 Inhabitants or More: 1910*, HIST. NEW HAVEN DIGITAL COLLECTION, [https://www.library.yale.edu/thecitycourse/Census\\_PDFs/1910/Racial\\_makeup\\_of\\_big\\_cities\\_1910.pdf](https://www.library.yale.edu/thecitycourse/Census_PDFs/1910/Racial_makeup_of_big_cities_1910.pdf) [<https://perma.cc/652S-FNSW>].

65. See sources cited *supra* note 63.

66. Winslow, *supra* note 14, at 170.

67. *Id.*

68. *Id.*

69. See Commercialized Prostitution Survey, Portland, Oregon, December 4-6, 1932 (on file in Folder 4, Box 3, Oregon Social Hygiene Society Records, Oregon Historical Society) (documenting how the city of Portland, Oregon, eliminated its vice squad entirely in 1932); see also STERN, *supra* note 45, at 192.

they also increased the trend of sterilizing “deviant” inmates.<sup>70</sup> Ironically, even as policing diminished, the Depression drove many women to sell sex, especially marginalized women (i.e., immigrants, non-white women) who were excluded from the conventional labor market.<sup>71</sup> “Ignorant of the dangers of the trade and the strategies professional prostitutes used to avoid them,” recounted historian Elizabeth Alice Clement, “the women who moved into casual prostitution in the 1930s worked mostly as streetwalkers and bore the brunt of arrest and incarceration.”<sup>72</sup>

In New Haven, arrests of women declined as the city entered the Depression, falling from 737 in 1929 to 614 by 1932.<sup>73</sup> Whether this pattern would hold, and whether more women truly did enter the sex market, is unclear; the documentary record thins considerably during the Depression.<sup>74</sup> Further, there is some evidence from other cities that the policing of women began to increase again in the later years of the Depression, especially as police departments professionalized and attempted to distance themselves from “vice scandals” of years past.<sup>75</sup> In any event, it was the New Deal that began to revive many municipal campaigns against prostitution. At the urging of newly energized federal authorities, cities as far flung as Indianapolis, Indiana, and Columbus, Georgia, began rounding up and locking up more and more women for various morals crimes.<sup>76</sup>

### *E. World War II, 1941–1945*

Throughout 1941, prominent Connecticut men (including Hartford police court judge—and future Connecticut governor and senator—Abraham Ribicoff) started calling for the suppression of commercial sex work with increasing ferocity.<sup>77</sup> The December 7, 1941, attack on Pearl Harbor and the nation’s

70. JAMES W. TRENT, JR., *INVENTING THE FEEBLE MIND: A HISTORY OF MENTAL RETARDATION IN THE UNITED STATES* 202-03 (1994).

71. CLEMENT, *supra* note 9, at 179, 204-06; JOHN D’EMILIO & ESTELLE B. FREEDMAN, *INTIMATE MATTERS: A HISTORY OF SEXUALITY IN AMERICA* 296 (1988).

72. CLEMENT, *supra* note 9, at 179.

73. *City Year Book for the City of New Haven* 265 (1932) (on file in WL); *City Year Book* [1929], *supra* note 62, at 255.

74. New Haven ceased publishing *City Year Books* (which listed arrest statistics) after 1932.

75. *See, e.g.,* Anne Gray Fischer, *Arrestable Behavior: Women, Police Power, and the Making of Law-and-Order America, 1930s-1980s*, at 17 (2018) (unpublished Ph.D. dissertation, Brown University) (on file with author) (arguing that, during the Depression, “morals policing became both a crucial site of contests over the appropriate law enforcement response to the rising visibility of poor white women, and a central mechanism for police departments plagued by vice scandals to recapture their legitimacy after the debacle of Prohibition.”); *see also* SUZANNE POIRIER, *CHICAGO’S WAR ON SYPHILIS, 1937-1940: THE TIMES, THE TRIB, AND THE CLAP DOCTOR* (1995).

76. STERN, *supra* note 45, at 196-97, 201, 208-09.

77. *Compare Huntington Asks Health Plan Support*, *HARTFORD COURANT*, Mar. 18, 1941, at 11, *with Court Help Sought for Health Plan*, *HARTFORD COURANT*, Dec. 3, 1941, at 9 (mentioning Ribicoff).

sudden entrance into World War II once again made the policing of sex workers an urgent nationwide (and statewide) priority.<sup>78</sup> Police in Hartford (Connecticut's capital), New London (home to the state's most important naval base), and Bridgeport (the state's largest city) began detaining as many suspected sex workers as they could find (especially ones who "follow the fleet"), denying them bail, and imprisoning them in massive numbers.<sup>79</sup> The authorities found little evidence of brothel prostitution, but considerable "street-walking" and many "call-girls" operating out of hotels or cafes or with the assistance of taxi cabs.<sup>80</sup>

New Haven police may have increased their surveillance of suspected sex workers in 1941,<sup>81</sup> but they began arresting women in earnest after July 29, 1942, when the town's most prominent citizens—including the city attorney, city court judge, county commissioner, chief of police, and Mayor John W. Murphy—met to "formulate plans for more effective repression of prostitution and control of venereal diseases in New Haven."<sup>82</sup> The authorities agreed that the soldiers in town needed to be protected, and the detained women needed to be examined for venereal disease; they further agreed that "most of the women engaged in prostitution and soliciting are colored," which led to enhanced policing in the predominantly black sections of New Haven.<sup>83</sup> From that meeting onward, the police had a clear mandate to arrest as many suspected women as they could. All of this was ostensibly to protect the troops, but the fact that only women were being detained in such numbers, and without due process, reveals that the underlying purpose was the repression of female sexuality. Between September 15, 1942, and February 15, 1943, over 125 women would be arrested—about one per day.<sup>84</sup>

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78. See STERN, *supra* note 45, at 214-15.

79. For Hartford, see *Hartford, Connecticut (Capitol City), Summary of Activities, October 1941 to February 1942* (on file in Region I – Connecticut – Hartford Folder, Box 68, Entry 3, Record Group 215, NA). For New London, see *New London, Summary of Activities, August 1941 to February 1942* (on file in Connecticut Folder, Box 69, Entry 3, Record Group 215, NA). For Bridgeport, see *Bridgeport, Connecticut, Summary of Activities, November 1941 to February 1942* (on file in Connecticut Folder, Box 69, Entry 3, Record Group 215, NA); and Memorandum from John J. Murphy to Eliot Ness, *Bridgeport, Connecticut – Supplementary Field Report – August 6, 1942* (Aug. 20, 1942) (on file in Region I – Connecticut – Bridgeport Folder, Box 67, Entry 3, Record Group 215, NA).

80. *Id.*

81. See Memorandum from Joseph J. Kelleher to Eliot Ness, *Field Report – New Haven, Connecticut* (Jan. 11, 1943) (on file in Region I – Connecticut – New Haven Folder, Box 67, Entry 3, Record Group 215, NA).

82. Memorandum from John J. Murphy to Eliot Ness, *New Haven, Connecticut* (Aug. 19, 1942) (on file in Region I – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA).

83. *Id.*

84. Memorandum from Joseph J. Kelleher to Eliot Ness, *Field Report – New Haven, Connecticut* (Mar. 1, 1943) (on file in Region I – Connecticut – New Haven Folder, Box 67, Entry 3, Record Group 215, NA).

It is important to note that New Haven officials did not distinguish between professional sex workers and simply promiscuous women. One report from 1943 noted, “[T]he police have been particularly active in apprehending girls whose activities have been ‘bordering on prostitution’ and who for the most part are in need of correctional treatment.”<sup>85</sup> Women who were detained on morals charges yet not convicted of prostitution were still examined for syphilis and gonorrhea, and, if they tested positive, they could be committed for months (without due process) for treatment.<sup>86</sup>

The surveillance of sex workers was notably informed by racial bigotry. New Haven officials remained especially concerned about the “2500 negroes [that] have come to New Haven” from the South to work in factories.<sup>87</sup> They were likely to be unmarried and diseased, wrote officials; “[s]ingle negro girls, principally from Harlem are reported to be soliciting in taverns near industrial plants.”<sup>88</sup> Another official worried “that the problem in New Haven has increased due to the influx of southern and western Negroes. There is practically no difficulty with the local Negro group but the new element has caused a considerable problem.”<sup>89</sup>

#### *F. Gray-Flannel Years, 1946–1959*

Nationwide, the policing of suspected sex workers diminished following the end of World War II.<sup>90</sup> Whether the number of women detained each year from New Haven similarly declined remains unclear, but some amount of policing did undoubtedly continue. Undercover investigators in 1947 and 1949 continued to encounter “[a] few pros[titutes]—midleaged white & Negro” near

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85. Memorandum from Joseph J. Kelleher to Eliot Ness, *Supplementary Field Report – New Haven, Connecticut* (Jan. 23, 1943) (on file in Region I – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA).

86. See Gunar N. Bohan, *New Haven’s Court Clinic: A Casefinding Source*, 75 PUB. HEALTH. REP. 997, 997-98 (1960).

87. Memorandum from Harold L. Burk to Mark A. McCloskey, *A Report of New Haven, Connecticut with Particular Reference to Defense Recreation Facilities and Needs* 10-11 (Dec. 18, 1942) (on file in New Haven Folder, Box 68, Entry 3, RG 215, NA).

88. *Id.*

89. Memorandum from Cecelia T. McGovern to Robert F. Ott, *State of Connecticut* (Dec. 29, 1943) (on file in Region I – Connecticut – General Folder, Box 67, Entry 3, Record Group 215, NA).

90. See AMANDA LITTAUER, *BAD GIRLS: YOUNG WOMEN, SEX, AND REBELLION BEFORE THE SIXTIES* 59 (2015) (“Once the heat of the wartime enforcement environment cooled, B-girls were freer to create a culture of sexualized commerce”); STERN, *supra* note 45, at ch. 13 (noting that the policing of suspicious women declined markedly but did not cease entirely after the war.); Roby, *supra* note 4, at 219 (“The War’s end in August, 1945, brought federal and local cutbacks in efforts to suppress the prostitute. The practices of prostitutes and their go-betweens returned to ‘normal.’”).



“disreputable taverns,” but they were heartened to observe that the New Haven police remained “exceedingly active.”<sup>91</sup>

As historian Anne Gray Fischer has argued, “police departments emerged in the immediate postwar period as ‘professional’ stewards of urban social order.”<sup>92</sup> World War II had allowed them to accumulate and consolidate state power.<sup>93</sup> In keeping with this trend, in May 1951 the New Haven Police Department established a “Special Service Division.” This five-man police unit, answerable only to the mayor and the police chief, was not created in response to “major racketeering in New Haven,” claimed the mayor; rather, it was created in response to “certain isolated crimes,” including a recent murder and armed robbery,<sup>94</sup> as well as the nationwide furor set in motion by Senator Estes Kefauver’s investigation into organized crime.<sup>95</sup> The Special Service Division’s true mandate was to wipe out vice in the city. In keeping with this mission, the Division was “increasingly active” in the “enforcement of gambling laws” and “apprehension of violators” between 1951 and 1952.<sup>96</sup> The Division also made “efforts to suppress offenses against chastity,” which the police felt “have met with similar success, thereby discouraging prostitutes from operating in our city.”<sup>97</sup>

“Arrests in the sex category” spiked the next year, but this was largely because the Special Service Division decided to crack down on “the activities of homosexuals who frequented the central Green.”<sup>98</sup> In fact, arrests of women suspected of selling sex remained mostly constant throughout the 1950s.<sup>99</sup> The number of women arrested for “lascivious carriage” hovered around 110, roughly where it had been four decades earlier.<sup>100</sup> The five men of the Special Service Division paid especial attention to taverns, where they believed prostitution flourished in New Haven, but they were somewhat stymied by the

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91. *Prostitution Survey Summary, New Haven, Connecticut* (on file in Folder 7, Box 105, Series 7, ASHAR).

92. Fischer, *supra* note 75, at 111.

93. *Id.* at 112.

94. *New Haven Also Names Special Crime Squad*, HARTFORD COURANT, May 7, 1951, at 1.

95. NEW HAVEN POLICE ANNUAL REPORT, ch. “Vice Squad” (1961) (on file in Local History Room, New Haven Free Public Library [hereinafter NHFPL]).

96. NEW HAVEN POLICE ANNUAL REPORT 41 (1952) (on file in NHFPL).

97. *Id.*

98. NEW HAVEN POLICE ANNUAL REPORT 39 (1953) (on file in NHFPL).

99. *See id.* at 63; NEW HAVEN POLICE ANNUAL REPORT, ch. “Special Service Division” (1959) (on file in NHFPL); NEW HAVEN POLICE ANNUAL REPORT, ch. “Special Service Division” (1958) (on file in NHFPL); NEW HAVEN POLICE ANNUAL REPORT, ch. “Special Service Division” (1957) (on file in NHFPL).

100. *Id.*

fact that pimps, gamblers, and other “purveyors of vice” began to recognize them on sight (or by “their personal autos”).<sup>101</sup>

The 1950s was not only an era of professionalizing police; it also marked the beginning of efforts toward so-called “urban renewal.” In response to white flight and a perceived deterioration of New Haven’s homes, schools, and reputation, Mayor Richard Lee, elected in 1953, decided to alter massively the physical landscape of the city.<sup>102</sup> First, in the middle of the decade, authorities razed Oak Street—a diverse, densely packed neighborhood—so that the I-91 and I-95 highways could meet in the heart of the city; this clearance project also eradicated a neighborhood the city fathers deemed a “slum.”<sup>103</sup> At least one scholar has celebrated the destruction of Oak Street as eliminating “houses of prostitution.”<sup>104</sup> Yet this “renewal” project displaced nearly 900 households and 250 businesses; many white residents moved to nearby suburbs, while black residents “were more likely to be sent by the city to ‘relocation areas’ in other slums, largely in the increasingly overcrowded Hill neighborhood. Others found themselves—at rates far higher than whites—in public housing, such as the large and increasingly ‘troublesome’ Elm Haven project in the Dixwell neighborhood.”<sup>105</sup> Inadequate compensation by the city impoverished many black families.<sup>106</sup> Meanwhile, Mayor Lee was widely lauded and New Haven’s reputation soared.<sup>107</sup>

### *G. Unrest and Uprisings, 1960–1982*

This pattern repeated again and again over the next decade. In 1960, Dixwell—“the heart of black New Haven,” in which residents had deep and lasting roots—was redeveloped, displacing still more poor and nonwhite residents, many of them to the Hill neighborhood, yet another black enclave.<sup>108</sup> Then the Hill was “physically and socially separated from downtown by the construction of two wide frontage roads,” decimating its businesses and forcing

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101. BRUCE SMITH, REPORT OF A SURVEY: NEW HAVEN, CONNECTICUT, DEPARTMENT OF POLICE SERVICE 34-35 (on file in NHFPL).

102. YOHURU WILLIAMS, BLACK POLITICS/WHITE POWER: CIVIL RIGHTS, BLACK POWER, AND THE BLACK PANTHERS IN NEW HAVEN 11 (2000).

103. MANDI ISAACS JACKSON, MODEL CITY BLUES: URBAN SPACE AND ORGANIZED RESISTANCE IN NEW HAVEN 17-18 (2008).

104. Russell Davis Murphy, Policy Innovation and Political Strategy in an American City: The Formative Years of New Haven, Connecticut’s Anti-Poverty Project 39-40 (1968) (unpublished Ph.D. dissertation, Yale University) (on file with author).

105. JACKSON, *supra* note 103, at 19.

106. Interview by Jean Clement with William T. Lee, in New Haven, Conn. (Oct. 6, 2004) (on file with Manuscripts & Archives Division, Yale University Library).

107. WILLIAMS, *supra* note 102, at 11.

108. JACKSON, *supra* note 103, at 19-20.

another thousand families to relocate (some for the third or fourth time).<sup>109</sup> What remained of the Hill was the “last refuge for those displaced by urban renewal,”<sup>110</sup> and by 1966 it had the highest concentration of Puerto Ricans and the second-highest concentration of blacks in the city.<sup>111</sup> All of this dislocation led to the formation of powerful black community groups—most prominently the Hill Parents’ Association (HPA), which engaged in organizing and activism to demand justice and economic relief.<sup>112</sup> In 1967, the shooting of a Hispanic man by a white shopkeeper on Congress Avenue in the Hill led to a massive uprising there, which soon spread to Dixwell and other poor and nonwhite neighborhoods. This in turn led to a violent response from the police; mass arrests followed, and residents sought refuge in the HPA office.<sup>113</sup> In the aftermath, the HPA “effectively dissolved under the weight of police repression,”<sup>114</sup> to be replaced by the Black Panther Party. The police mercilessly harassed the Panthers, infiltrated them with informants, and then, after three Panthers killed a nineteen-year-old member suspected of informing, charged nine Panthers with murder, leading to a sensational trial, massive protests, and the explosion of two bombs on Yale’s campus.<sup>115</sup>

All of this led many New Haven residents to demand “law and order.”<sup>116</sup> The police started targeting black residents, along with white teenagers, students, and other suspected troublemakers, arresting them under vague, antiquated charges such as “being in manifest danger of falling into habits of vice” and, of course, “lascivious carriage.”<sup>117</sup> In response to a belief that street crime was increasing, more officers joined the Special Service Division.<sup>118</sup> One report from 1967 noted:

The Special Services detectives patrolled less aimlessly than those from the Detective Division, primarily because the offenses they dealt with were concentrated in a few known areas of the city. Between five and six p.m., several of them often went looking for deviates at well-known trysting places. On

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109. *Id.* at 20-22.

110. *Id.* at 22.

111. WILLIAMS, *supra* note 102, at 15.

112. JACKSON, *supra* note 103, at ch. 3.

113. *Id.* at ch. 5; WILLIAMS, *supra* note 102, at ch. 5.

114. JACKSON, *supra* note 103, at 152.

115. See PAUL BASS & DOUGLAS W. RAE, *MURDER IN THE MODEL CITY: THE BLACK PANTHERS, YALE, AND THE REDEMPTION OF A KILLER* (2006); WILLIAMS, *supra* note 102, at ch. 7.

116. WILLIAMS, *supra* note 102, at 97.

117. *Id.* at 107.

118. *Elm City Police Hit by Shakeup*, BRIDGEPORT POST, Feb. 8, 1963, at 4.

weekend nights, the entire squad left headquarters at about ten o'clock to look for illegal gaming, sex, and sales of liquor.<sup>119</sup>

Members of the Special Service Division focused their attention on what they believed were the hotbeds of sex work and vice: Congress Avenue in the Hill, Washington Avenue in the Hill, and the corner of Chapel and Howe in the Dwight neighborhood.<sup>120</sup> Often they would surveil areas where business-owners or homeowners had complained about the presence of sex workers.<sup>121</sup> Another report, from 1968, found that “[t]he local authorities apparently are carrying on a rigorous campaign to prevent & suppress all phases of c[landestine] p[rostitution].”<sup>122</sup>

Odell Cohen, who joined the NHPD in 1963 and worked in the Special Service Division for many years as a plainclothes officer, recalled seeing many of the same women night after night. He and other plainclothes officers would surveil the women, waiting to see a man pick them up. They would then arrest the women, take them to the lockup on Court Street, fingerprint and process them, and then the women would have to post bond. Then they’d be out on the street again.<sup>123</sup> Nearly every person arrested for prostitution or “lascivious carriage” was convicted.<sup>124</sup> Uniformed men usually told women just to move along; plainclothesmen made most of the arrests.<sup>125</sup> According to Yale researchers, some members of the Special Service Division transferred to other departments because they “‘didn’t like the way things were done over there.’ One candidly told an observer that he had left the Special Services Division because they used too much force on suspects.”<sup>126</sup>

New Haven police officers perceived prostitution as mostly the province of young, addicted, and predominantly black women.<sup>127</sup> Researchers from Yale noted in 1967 that “[a]lmost all of the detectives were extremely biased against Negroes.”<sup>128</sup> Police could act on such biases because of the survival of vague morals charges, such as lascivious carriage. “The police . . . found lascivious carriage a handy statute to invoke against anyone whose conduct displeased

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119. Michael Wald et al., *Interrogations in New Haven: The Impact of Miranda*, 76 YALE L.J. 1519, 1526 (1967).

120. Telephone Interview with John O’Connor (June 29, 2017) [hereinafter O’Connor interview]; Telephone Interview with John Williams (Oct. 12, 2018) [hereinafter Williams interview].

121. O’Connor interview, *supra* note 120.

122. *Prostitution Survey Summary*, *supra* note 91.

123. Telephone Interview with Odell Cohen (July 19, 2017) [hereinafter Cohen interview].

124. Wald et al., *supra* note 119, at 1537.

125. O’Connor interview, *supra* note 120.

126. Wald et al., *supra* note 119, at 1549 n.78.

127. O’Connor interview, *supra* note 120.

128. Wald et al., *supra* note 119, at 1532 n.37. “However,” they added, “this bias, while often voiced, was seldom evidenced during interrogations.” *Id.*

them,” reported *Time* in 1969.<sup>129</sup> “‘When you see a black boy and a white girl together,’ said a Connecticut policeman, ‘well, you just know what’s going on.’”<sup>130</sup> Many former cops from this era also remember a large number of transgender sex workers.<sup>131</sup> One officer recalled that they were especially liable to suffer violence at the hands of their clients: “They were victims more than they were offenders, I think.”<sup>132</sup>

The late 1960s witnessed an event that triggered a fundamental shift in the nature of sex work in New Haven: the introduction of heroin. The police department’s annual report from 1967 noted a “rising trend” in “[t]he traffic in narcotic drugs” and an accompanying “sharp increase in arrests.”<sup>133</sup> Beatrice Codiani, who moved to New Haven in the mid-1960s, recalls that heroin really became a “big thing” in New Haven in 1967, 1968, and 1969. It was used by a wide swath of the population: “there was a lot of white kids from the suburbs doing it”; the hippies on the Green started pooling their money to buy drugs; and a lot of drug users lived in the Hill, Fair Haven, and other predominantly black neighborhoods.<sup>134</sup> One former police officer recalled heroin as “an inner city [problem] up until the mid-1970s” when it hit the surrounding towns.<sup>135</sup>

Heroin addiction led many New Haven women to sell sex to finance their habits. Sex workers began clustering around the hotspots of drug-dealing, such as the intersection of Chapel and Howe Streets.<sup>136</sup> Police from that era remember seeing track marks on the arms and legs of many sex workers.<sup>137</sup> Codiani, who started using heroin in the late 1960s, began selling sex in about 1970. “I was lucky—if you call it lucky—because I was attractive, and I was attractive to dealers. And they would be my boyfriend, and they would most of the time supply me with my drugs.”<sup>138</sup> She worked the Chapel and Howe area, along with many other women, black and white. The clients spanned the economic spectrum—working class, middle collar, upper class.<sup>139</sup>

The police surveillance was constant. “We were always on the lookout for the police, terrified. There were stings—I never got caught up in one. We were always on the alert.”<sup>140</sup> Cops would often ask sex workers for their names, tell

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129. *Modernizing Sex Laws*, TIME, Aug. 8, 1969, at 57.

130. *Id.*

131. See Telephone Interview with Otha Buffaloe (July 19, 2017); Cohen interview, *supra* note 123.

132. Telephone Interview with Joe Polio (May 10, 2017) [hereinafter Polio interview].

133. NEW HAVEN POLICE ANNUAL REPORT 15-16 (1967) (on file with NHFPL).

134. Telephone Interview with Beatrice Codiani (Oct. 8, 2017) [hereinafter Codiani interview].

135. O’Connor interview, *supra* note 120.

136. Interview with Michael Rigsby (Aug. 28, 2018); Williams interview, *supra* note 120.

137. See, e.g., Cohen interview, *supra* note 123.

138. Codiani interview, *supra* note 134.

139. *Id.*

140. *Id.*

them to move on, and then arrest them when they encountered them again. Codiani heard about cops telling women they could avoid arrests by performing sexual favors.<sup>141</sup> When a woman got busted by an undercover cop, she would tell the others what he looked like and describe his car, so they could try to avoid him. And though the police did occasionally arrest men who purchased sex, Codiani estimates that perhaps 95 percent of those arrested were women.<sup>142</sup>

The protests and rights movements of the 1960s led many sex workers to demand more equitable treatment by law enforcement. In Kansas, a sex worker disguised by a mask testified before the state legislature, voicing opposition to a bill that would outlaw prostitution (an event that was reported in *Hartford Courant*).<sup>143</sup> In San Francisco, sex workers formed organizing groups to combat police violence<sup>144</sup>—most famously COYOTE (Call Off Your Old Tired Ethics) in 1973.<sup>145</sup> Within a year, COYOTE claimed 1,000 members,<sup>146</sup> and spinoffs and sister organizations began popping up all across the country, including in New York.<sup>147</sup> The ultimate goal of COYOTE and many of the other groups was the decriminalization of sex work.<sup>148</sup>

The activism of these sex workers' rights activists influenced both the so-called "straight" feminist movement (dominated by white, educated, heterosexual, cisgender women) and legislators across the country.<sup>149</sup> This in turn led to a shift in discussions of sex work, which sometimes resulted in changed laws.<sup>150</sup> In Connecticut, legislators altered the laws governing sex work in 1969. That year, following a Model Penal Code recommended by the

141. *Id.* Officer Odell Cohen, who later worked in internal affairs, recalls one cop who became "overly involved" with a sex worker, and began providing her with drugs. Cohen interview, *supra* note 123.

142. Codiani interview, *supra* note 134.

143. *Prostitute Masked Opposes Kansas Law*, BRIDGEPORT POST, Feb. 2, 1967, at 11.

144. Laura Renata Martin, *Precarious City: Marginal Workers, The State, and Working-Class Activism in Post-Industrial San Francisco, 1964-1979*, at 327-41 (2014) (unpublished PhD dissertation, University of California at Santa Cruz) (on file with author).

145. See MELINDA CHATEAUVERT, *SEX WORKERS UNITE: A HISTORY OF THE MOVEMENT FROM STONEWALL TO SLUTWALK 50-56* (2013); Margo St. James, *Preface to A VINDICATION OF THE RIGHTS OF WHORES*, at xvii (Gail Pheterson ed., 1989).

146. Valerie Jenness, *From Sex as Sin to Sex as Work: COYOTE and the Reorganization of Prostitution as a Social Problem*, 37 SOC. PROBS. 403, 407 (1990).

147. Martin, *supra* note 144, at 343-44.

148. CHATEAUVERT, *supra* note 145, at 61-62; Jenness, *supra* note 146, at 403-04; Martin, *supra* note 144, at 346-49.

149. See CHATEAUVERT, *supra* note 145, at 22, 31-40; Marilyn Haft, *Hustling for Rights*, 2 CIV. LIBERTIES REV. 8, 9-12 (1974); *Reflections on the Sad Profession*, TIME (Aug. 23, 1971), <https://content.time.com/time/magazine/article/0,9171,877272,00.html> [<https://perma.cc/PJUS-PAEP>]; *Prostitution—The Feminist Movements* (on file in Folder 3, Box 24, Florynce Kennedy Papers, Schlesinger Library); Robin Reisig, *Sisterhood & Prostitution*, VILLAGE VOICE (Dec. 16, 1971), <https://www.villagevoice.com/news/feminists-and-prostitutes-gather-fists-fly-6726737> [<https://perma.cc/E7ZF-NPTS>].

150. See, e.g., Roby, *supra* note 4, at 234-54; M. Anne Jennings, *The Victim as Criminal: A Consideration of California's Prostitution Law*, 64 CALIF. L. REV. 1235, 1252 n.103 (1976).

American Law Institute, state lawmakers repealed antiquated statutes that had outlawed fornication, adultery, homosexual sex, and—after centuries of enforcement—“lascivious carriage.” Such changes took effect on October 1, 1971.<sup>151</sup> New Haven’s police chief claimed that such a change simply reflected a new reality, noting that, from 1965 to 1968, the number of prosecutions for fornication and lascivious carriage had dropped from 1,047 to 349.<sup>152</sup>

Still, even under the new law, prostitution remained a crime in Connecticut.<sup>153</sup> And surveillance and mass arrests continued in New Haven.<sup>154</sup> In August 1976, the Board of Aldermen voted for a police “clean-up” of the “‘red light’ district” near the corner of Chapel and Howe.<sup>155</sup> After business owners complained that this clean-up was doing little to rid the area of sex workers, Police Chief Biagio DiLieto placed “a new eight-man patrol” unit in the area to “act[] as a vice squad.”<sup>156</sup> In addition, whereas previously women arrested for selling sex would usually be released on their own recognizance, the police started demanding \$500 in bail.<sup>157</sup> A few weeks later, the city voted to ban parking near Chapel and Howe.<sup>158</sup> By September 15, the police claimed to have made 305 prostitution-related arrests in the neighborhood.<sup>159</sup>

And yet, prostitution remained. After none of these policies succeeded in eliminating sex work in the area, Joseph Lieberman, then the ambitious majority leader of the state Senate, held a press conference on Chapel Street, demanding that the police “concentrate on arresting women who are soliciting in the neighborhood.”<sup>160</sup> He also called for an additional judge to be brought to New Haven just to handle “prostitution-related arrests.”<sup>161</sup> Within weeks, such a judge arrived, and Lieberman pronounced himself pleased.<sup>162</sup> Just days later, however, civil rights attorney John Williams challenged this “prostitution court” for blatant sex discrimination, filing charges on behalf of three women, including

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151. *Connecticut Eases Homosexual Law*, N.Y. TIMES, Oct. 2, 1971, at 35; *Modernizing Sex Laws*, *supra* note 129.

152. *Modernizing Sex Laws*, *supra* note 129.

153. CONN. GEN. STAT. § 53a-82 (1969).

154. *See Stamping Out Prostitution, Long a New Haven Problem, Many Plans, No Solutions*, NEW HAVEN REG., Oct. 1, 1978, at B3.

155. Stanley J. Venoit, *Aldermen to Police: Clean-up Chapel-Howe Area; Want Extra Manpower for Vice District*, NEW HAVEN REG., Aug. 3, 1976, at 34.

156. *Chief Defends Chapel-Howe Vice Cleanup*, NEW HAVEN REG., Aug. 20, 1976, at 26.

157. *Id.*; *High Bonds Curb ‘Red Light’ Trade*, NEW HAVEN REG., Aug. 21, 1976, at 1.

158. Dan Collins, *Parking Ban Okayed in Chapel-Howe Area*, NEW HAVEN REG., Sept. 15, 1976, at 1.

159. *Id.*

160. *Lieberman Has Plan to Curb Prostitution*, NEW HAVEN REG., Oct. 5, 1976, at 1.

161. *Id.*

162. *Prostitution Court Is Operating Here*, NEW HAVEN REG., Oct. 4, 1976, at 18; *Special Judge Due in City for ‘Chapel-Howe’ Cases*, NEW HAVEN REG., Oct. 14, 1976, at 50.

Carol Taylor,<sup>163</sup> a well-known sex worker who (in Williams's words) "just didn't give a shit" what anyone thought.<sup>164</sup> "[O]nly women are hurt [by the court]," Williams claimed. "The men, in effect, get a slap on the wrist."<sup>165</sup> In the face of this legal challenge, the city shut down the "prostitution court" in December 1976, though officials claimed it had helped to "quiet the area."<sup>166</sup>

In spite of such ostensible progress, sex work remained prominent enough in the area that the police, under the command of Assistant Chief William Farrell and gambling and narcotics division director Nicholas Pastore, decided to launch crackdowns in the summer of 1977<sup>167</sup> and again in the summer of 1978.<sup>168</sup> Some began to question such tactics. In September 1978, the city's police chief told the *New Haven Register*, "No matter whether we make 300, 500, or 1,000 arrests, [prostitution] will continue to be a problem."<sup>169</sup> That same month, hundreds of black New Haven residents took to the streets to protest the police's apparent inability to prevent black women from being killed. Over just a few weeks, seven black women had been mysteriously murdered, including several who were identified in the press as sex workers, and the police showed few signs of cracking the case. In addition to the protests, black men formed "vigilante patrols" in the Chapel-Howe area, "urging prostitutes there to stay off the streets."<sup>170</sup>

And still, sex workers remained a common sight near the corner of Chapel and Howe.<sup>171</sup> Over the next five years, the police continued to scour the streets of that neighborhood, with little to show for it beyond hundreds of arrested women.<sup>172</sup> It appeared that some progress had been made in 1981, when a

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163. Stan Fisher, *Sex Bias Is Charged in Prostitution Court*, NEW HAVEN REG., Nov. 16, 1976, at 1.

164. Williams interview, *supra* note 120.

165. *Prostitutes Said Pawns of Courts*, HARTFORD COURANT, Nov. 17, 1976, at 53.

166. Stan Fisher, 'Prostitution Court' Closes; Helped 'Quiet the Area,' NEW HAVEN REG., Dec. 2, 1976, at 1.

167. *Extra Judge of Limited Help*, NEW HAVEN REG., July 21, 1977, at 16; Gary McTrottes, *Downtown Businesses See Prostitutes as 'the Competition'*, BRIDGEPORT POST, July 13, 1977, at 2; *New Haven Accelerates War on Vice*, HARTFORD COURANT, May 3, 1977, at 37.

168. *12 More Arrests at Chapel-Howe*, NEW HAVEN REG., Aug. 23, 1978, 1; *Chapel-Howe Crackdown Results in 22 Arrests*, NEW HAVEN REG., Aug. 22, 1978, at 1.

169. Bob Greenlee, *Marrone: Arrests Won's Ease Prostitution*, NEW HAVEN REG., Sept. 24, 1978, at 32.

170. *See At Chapel-Howe, Trading Goes On, Despite Unexplained Murders and Renewed Police Crackdown*, NEW HAVEN REG., Sept. 11, 1978, at 21; *City Man Charged With Kidnapping, Beating Prostitute*, NEW HAVEN REG., Aug. 26, 1978, at 36; Lawrence B. Rasie, *Blacks Criticize Police, Officials*, HARTFORD COURANT, Sept. 27, 1978, at 14; Lawrence B. Rasie, *New Haven Residents Ask Stepped-Up Slayings Probe*, HARTFORD COURANT, Sept. 29, 1978, at 47; *Young Black Woman Shot in 7th of Similar Murders; Police Say Victim Was a Prostitute*, NEW HAVEN REG., Sept. 24, 1978, 1.

171. *See Stamping Out Prostitution*, *supra* note 154, at B3.

172. *See Randall Beach, Prostitutes Enrage Neighborhood*, NEW HAVEN REG., Aug. 23, 1981, at B1; George Culanski, *Police Increase Efforts to Cut City Prostitution*, NEW HAVEN REG., June 10, 1980, at 25; Lynne Garnett, *Prostitutes Clogging Traffic*, NEW HAVEN REG., July 31, 1981, at 1.



superior court judge hiked cash bonds up to \$5,000 for women arrested for prostitution,<sup>173</sup> and in 1983, when—following testimony by newly promoted New Haven Police Chief William Farrell—the Connecticut legislature passed a law instituting a mandatory fine and thirty-day jail sentence for sex workers convicted of a second-offense.<sup>174</sup> Still, sex workers remained. In fact, recalled Farrell years later, the police came to believe “there was a different type of female prostitute out there than they’d had back in the day. They were streetwise, known to be carrying blades, some even may have had guns.”<sup>175</sup>

Then, on November 5, 1983, a startling headline appeared on the front page of the *New Haven Register*: “Prostitutes May Carry AIDS.”<sup>176</sup>

#### *H. The AIDS Era, 1983–2000*

This front-page story heralded the beginning of a new phase in the history of sex work in New Haven. AIDS led to sex workers becoming even more demonized, even more aggressively policed, and even more at risk for violence. It led many to act in ways they said were helping sex workers, but which ultimately did very little to improve their lives. And it led to a long-sought change in the neighborhood of Chapel and Howe. It did not, however, end sex work in New Haven.

The front-page story was the result of months of rumors that had been swirling around New Haven—a sex worker knew she had AIDS but was continuing to have sex with clients anyway. Reporters at the *Register* were desperate to learn her identity.<sup>177</sup> The story broke in *The New Journal*, a Yale student publication, on December 9, 1983, though the article obscured the woman’s identity with a euphemism.<sup>178</sup> This article led to more speculation in the pages of the *Register*—“More Prostitutes Show Early Symptoms of AIDS”<sup>179</sup>—and then, on February 11, 1984, the woman was arrested and charged

173. Charles McCollum, *Court Crackdown Slows Down Hookers*, HARTFORD COURANT, Sept. 30, 1981, at B1, B3.

174. See Lynne Garnett, *Bill Targets Prostitutes*, NEW HAVEN REG., Apr. 6, 1983, at 6; Susan Howard, *Decriminalization vs. Tougher Laws*, HARTFORD COURANT, Oct. 28, 1982, at C2; *Panel Approves Tough Prostitution Penalties*, NEW HAVEN REG., Mar. 24, 1982, at 17.

175. Telephone interview with William Farrell (May 10, 2017) [hereinafter Farrell interview].

176. *Prostitutes May Carry AIDS*, NEW HAVEN REG., Nov. 5, 1983, at 1.

177. Telephone Interview with Warren Andiman (June 23, 2017) [hereinafter Andiman interview]; Telephone Interview with Leetha Filderman (June 1, 2017) [hereinafter Filderman interview]; Telephone Interview with John Rankin, (June 19, 2017).

178. She was referred to as “Lana.” W. Hampton Sides, *Lana: A Story of Scarlet Letters, Private Lives and Public Health*, 16 NEW J. 16 (Dec. 9, 1983) (on file with Manuscripts and Archives Division, Yale University Library).

179. Joan Barbuto, *More Prostitutes Show Early Symptoms of AIDS*, NEW HAVEN REG., Jan. 24, 1984; see also Joan Barbuto, *AIDS Risk: Prostitute Suspected as Carrier*, NEW HAVEN REG., Jan. 23, 1984; Lynne Garnett, *Debate Now Centers on Quarantine Issue*, NEW HAVEN REG., Jan. 23, 1984.

with disorderly conduct and possession of two hypodermic needles.<sup>180</sup> In reporting the story, the *Register* used her name for the first time: ‘Carlotta Locklear.’<sup>181</sup> Locklear, a young black woman who had fourteen previous arrests and convictions for prostitution and drug possession,<sup>182</sup> was frightened by the coverage. The next day she told the *Register* that she was terrified that she’d be hurt by angry clients because of her public identification as an AIDS carrier. “I can’t even walk to a car because I’m afraid they’ll blow my head off.”<sup>183</sup>

L’affaire Carlotta Locklear fundamentally altered the perception of sex work in New Haven. AIDS Project New Haven was barraged with phone calls from anxious men who feared that they may have slept with her.<sup>184</sup> *60 Minutes* arrived in town to do a story on the Locklear case.<sup>185</sup> One prominent AIDS activist told the press that she worried the story “gives men a reason to resort to violence against prostitutes . . . it creates another opportunity to exploit and victimize prostitutes.”<sup>186</sup> For many New Haven sex workers, the Locklear case reinforced their sense of vulnerability—even years later, some still talked about her, about how badly she was treated, and about their own fears of contracting HIV and becoming similarly villainized and ostracized.<sup>187</sup>

In the months following the publication of Locklear’s name and story, other press reports further enflamed popular fear that sex workers were vectors of AIDS.<sup>188</sup> In April 1985, the *Washington Post* published a bombshell (if highly dubious) report linking female sex workers to the spread of AIDS among members of the military.<sup>189</sup> Indeed, the sociologist Donna King examined newspaper coverage from 1985 to 1988, and found that articles in the *New York Times* and *Washington Post* flagrantly overstated the role of female sex workers as possible vectors for HIV; furthermore, these press reports showed little

180. Some feel certain this arrest was entrapment. See Codiani interview, *supra* note 134.

181. Steve Hamm, *Police Arrest AIDS Suspect on 2 Charges*, NEW HAVEN REG., Feb. 14, 1984.

182. *Id.*

183. Steve Hamm, *AIDS Symptoms Unconfirmed: Prostitute Fears for Safety*, NEW HAVEN REG., Feb. 15, 1984.

184. Christine Guilfooy, *Quarantine Law Introduced: Media Indicts Woman Rumored to Have AIDS*, GAY COMMUNITY NEWS, Mar. 24, 1984 (on file in Folder 883, Carton 17, COYOTE Records, Schlesinger Library).

185. *60 Minutes* (CBS television broadcast Feb. 19, 1984) (on file with author).

186. Guilfooy, *supra* note 184.

187. Telephone Interview with Kim Blankenship (Sept. 19, 2017) [hereinafter Blankenship interview].

188. See Scott W. Stern, *The Venereal Doctrine: Compulsory Examinations, Sexually Transmitted Infections, and the Rape/Prostitution Divide*, 34 BERKELEY J. GENDER L. & JUST. 149, pt. IV.A 191-93 (2019).

189. William A. Check, *Heterosexual AIDS Risk Studied*, WASH. POST, Apr. 17, 1985, at A7. On the report’s dubiousness, see RANDY SHILTS, AND THE BAND PLAYED ON: POLITICS, PEOPLE, AND THE AIDS EPIDEMIC 513 (2007); Stephen Schultz et al., *Female-to-Male Transmission of HTLV-III*, 255 J. AM. MED. ASS’N 1703, 1703-04 (1986).

concern for the health of the sex workers themselves.<sup>190</sup> In the wake of such coverage, officials across the country began detaining and forcibly examining sex workers for AIDS—some even began demanding quarantine.<sup>191</sup>

Business owners near Chapel and Howe started demanding action. So, in July 1985, police in New Haven vowed to “get rid of the prostitutes by whatever legal means we have.”<sup>192</sup> One former New Haven police chief noted that, in the 1980s, the department was very influenced by the tactic of “broken windows” policing, in which police arrest those engaging in petty crimes (such as selling sex) en masse, in hopes of deterring more, and more serious, crime.<sup>193</sup> “The response to everything was lock ‘em up,” he recalled.<sup>194</sup> Three months after the crackdown began, after a veritable police invasion near Chapel and Howe and 167 arrests, the police and some local residents could claim “the prostitutes have almost vanished.”<sup>195</sup> By September 25, 1986, one Connecticut newspaper reported:

Nights in the neighborhood of upper Chapel and Howe streets are quieter now. Business is not as brisk for the prostitutes who once roamed the area, soliciting passing motorists and arousing the anger of residents and merchants.

Detective Cmdr. John Maher says a big reason is fear of acquired immune deficiency syndrome—AIDS.

“Many of them [sex workers] have gotten off the street because of AIDS,” Maher said Wednesday. “The johns are scared to death of it. I think the johns are more afraid than the prostitutes.”<sup>196</sup>

Following the crackdown near Chapel and Howe, it appears that many sex workers moved to Ferry and Lombard Streets in Fair Haven,<sup>197</sup> and to the Edgewood neighborhood, which had been decimated by the urban renewal projects a generation earlier.<sup>198</sup> The enhanced policing of New Haven sex workers in the 1980s fit with a startling nationwide trend. According to federal figures, between 1980 and 1989, arrests of men increased by 24 percent, while arrests of women increased by 48 percent; men’s arrests for prostitution

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190. Donna King, “Prostitutes as Pariah in the Age of AIDS”: A Content Analysis of Coverage of Women Prostitutes in the New York Times and the Washington Post, *SEPTEMBER 1985-APRIL 1988*, 16 *WOMEN & HEALTH* 155 (1990).

191. Stern, *supra* note 188, at pt. IV.A, 192-93.

192. Gregory B. Hladky, *Police Vow to ‘Harass’ Prostitutes*, *NEW HAVEN REG.*, July 20, 1985, at 4.

193. Telephone Interview with Nicholas Pastore (June 20, 2018) [hereinafter Pastore interview].

194. *Id.*

195. Elizabeth Bodine, *Police Claim Success in Harassing Prostitutes*, *NEW HAVEN REG.*, Oct. 4, 1985, at 19-20.

196. *Police Say Prostitution Curbed by Fear of AIDS*, *DAY* (New London, Conn.), Sept. 25, 1986, at A2.

197. Paul Bass, *Teen Hookers Cause Concern*, *NEW HAVEN INDEP.*, Sept. 29, 1988.

198. SAMUEL G. FREEDMAN, *JEW VS. JEW: THE STRUGGLE FOR THE SOUL OF AMERICAN JEWRY* 252 (2000).

increased by 12.5 percent, while women's arrests for prostitution increased by 23 percent.<sup>199</sup>

In the face of such demonization and enhanced policing, some individuals did try to assist sex workers. In New Haven, for instance, Beatrice Codiani—her years as a drug-user and sex worker decades behind her—sought out Carlotta Locklear and offered her assistance.<sup>200</sup> A social worker in Long Island read about Locklear in the newspaper and decided to move home to New Haven to focus on helping those with AIDS.<sup>201</sup> In 1987, Dolores Russino, a former sex worker and IV-drug user, told the *Register* that “[s]he wants to found a shelter and rehabilitation center for prostitutes ready to return to normal life. She calls it the Magdalene House Project.”<sup>202</sup> According to one New Haven physician, even Locklear herself tried to volunteer with AIDS Project New Haven, but she was rejected.<sup>203</sup> She died shortly thereafter, on January 14, 1985.<sup>204</sup>

Changes to the New Haven drug scene brought changes to the lives of sex workers. Around 1986, crack cocaine arrived in the city, and, according to former police officer Joe Polio, this brought more gangs and more violence into the city.<sup>205</sup> The introduction of crack stratified the sex worker community; IV drug-users and crack-users were divided by mutual disdain, and by different lifestyles.<sup>206</sup> Some community members believed the introduction of crack made the drug trade more violent and increased the number of people selling sex.<sup>207</sup> Then, in the early 1990s, many New Haven residents began injecting cocaine, which likely increased transmission of HIV. As New Haven physician Michael Rigsby noted, heroin-injecting networks tended to be fairly small and localized; cocaine-injecting networks, on the other hand, were larger, as users moved around more, injected more frequently, and (as a result of the drug's effects) were more characterized by hypersexuality. This resulted in users needing more fixes and thus more frequently trading sex for drugs. The transition to cocaine-injection also led to more traffic between New Haven and surrounding metropolises, like New York and Bridgeport.<sup>208</sup>

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199. Fischer, *supra* note 75, at 227-28.

200. Codiani interview, *supra* note 134.

201. Interview with June Holmes (Aug. 25, 2017).

202. Elizabeth Bodine, *Former Prostitute Wants to Help Others*, NEW HAVEN REG., Mar. 15, 1987, at A1.

203. Telephone Interview with Rick Altice (Aug. 1, 2017).

204. *Woman Believed to Have Had AIDS Dies in New Haven*, HARTFORD COURANT, Jan. 15, 1985, at B6.

205. Polio interview, *supra* note 132.

206. Blankenship interview, *supra* note 187.

207. Interview by Tiffany Lu with Mark Kinzly (Apr. 18, 2005) (on file with Manuscripts & Archives Division, Yale University Library).

208. Rigsby interview, *supra* note 136.

In 1990, state Senator John Daniels defeated Biagio DiLieto—an old-school Italian machine politician, and a former police chief—to become New Haven’s first black mayor. Under DiLieto, the police chief had been William Farrell, a rigid former Marine who instituted many crackdowns against sex workers and also utilized “beat-down posses”—cops who would “ride around and beat the snot out of people, just to scare the hell out of them.”<sup>209</sup> Daniels quickly replaced Farrell with Nicholas Pastore, who, in spite of many years of arresting sex workers as head of the gambling and narcotics squad, had come to believe that the police department was fundamentally broken. Too many people hated the cops, he felt; too many minorities were getting locked up; and the recidivism rate was sky high.<sup>210</sup>

As chief, Pastore implemented what he called “community policing.”<sup>211</sup> He forced his officers to wear nametags, so they would be more accountable to the community; he created a domestic violence program and a conflict resolution program; he vetoed requests for the department to buy helicopters and tanks.<sup>212</sup> He walked the streets unarmed and became famous for hugging an accused cop-killer and delivering pizza to a double-murder suspect.<sup>213</sup> When New Haven pioneered a needle exchange program in late 1990, in an effort to reduce HIV transmission, Pastore instructed his officers not to arrest people for participating in it. The rank-and-file were not pleased,<sup>214</sup> and, at first, some sex workers who participated in the needle exchange did get harassed by the police, though that harassment diminished after a couple of years.<sup>215</sup> Pastore also appointed a long-time activist named Kay Codish to run the New Haven Police Academy. In an effort to sensitize police recruits, Codish brought in domestic violence survivors, gay and transgender individuals, people with schizophrenia, IV drug users, and sex workers to speak with them.<sup>216</sup> In spite of an overwhelming vote of no-confidence early in Pastore’s tenure, and a citizen rally demanding his ouster, Mayor Daniels, and then Mayor John DeStefano, retained Pastore as chief.<sup>217</sup>

At the same time, some members of the New Haven community were rallying to support the city’s sex workers. First, in the mid-1980s, members of the New Haven chapter of the Wages for Housework campaign circulated a petition demanding the abolition of laws against sex work and the financial

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209. Williams interview, *supra* note 120.

210. Pastore interview, *supra* note 193.

211. *Id.*

212. *Id.*

213. *The Chief’s Lapse in Judgment*, HARTFORD COURANT, Feb. 11, 1997, at A12.

214. Pastore interview, *supra* note 193.

215. Blankenship interview, *supra* note 187.

216. Interview with Kay Codish (Oct. 8, 2018).

217. John Ferraro, *Fed-Up Critics Plan Anti-Pastore Rally*, NEW HAVEN REG., Sept. 15, 1994, at A3.

support of people wishing to transition away from sex work.<sup>218</sup> Then, in the early 1990s, several activists created an organization called Streets, Inc., which provided a space on Sundays for sex workers to gather, have a free meal, and discuss their lives. Sometimes the organizers would go out on Friday nights and distribute condoms, but mostly Streets, Inc., was a support group.<sup>219</sup> Ultimately, nothing came of the Wages for Housework campaign petition, and Streets, Inc., fizzled out after a few years, as members began dying of drug overdoses and HIV-related causes and others lost their homes or went to drug treatment or prison.<sup>220</sup> Nonetheless, these two efforts marked the beginning of a changing attitude toward sex work in New Haven.

With the police department somewhat less antagonistic toward sex workers, community members began filling the gap and surveilling those they suspected of selling sex. For decades, business-owners had been demanding “the publication of the names of the Johns and the hookers arrested in the newspapers,”<sup>221</sup> a demand to which the *New Haven Register* quickly acceded.<sup>222</sup> But in the early 1990s, community activists in the Edgewood neighborhood took this practice farther, taking photographs of the license plates of men they suspected were picking up sex workers, looking up the cars’ registrations, and then showing the photographs to the families of men they identified. They attracted national attention for posting pictures of johns on telephone poles as part of a “john of the week” program.<sup>223</sup> One group of orthodox Jews began riding around Edgewood in bicycle patrols, some even armed with guns, in an effort to frighten away sex workers and johns.<sup>224</sup>

Chief Pastore may have reduced the harassment faced by sex workers, but it never went away entirely. In 1994, for instance, the cops arrested more than 50 women on prostitution charges in less than three months.<sup>225</sup> Pastore repeatedly acceded to residents’ demands that patrols increase in areas known for prostitution.<sup>226</sup> Some officers apparently continued to sexually assault sex

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218. Kristi Vaughan, *Prostitutes Backed by Campaign*, HARTFORD COURANT, Mar. 6, 1984, at B3; Telephone Interview with Molly Ladd-Taylor (Oct. 21, 2018).

219. Blankenship interview, *supra* note 187.

220. *Id.*

221. *Neighbors Say Chapel-Howe ‘Cleanup’ Lags*, NEW HAVEN REG., Aug. 19, 1976, at 46.

222. *Prostitution Crackdown Nets 13*, NEW HAVEN REG., Aug. 24, 1976, at 2. This practice continued for years. *See Chapel-Howe Crackdown Results in 22 Arrests*, NEW HAVEN REG., Aug. 22, 1978, at 1; *Police Defended on Chapel-Howe*, NEW HAVEN REG., Sept. 15, 1976, at 84.

223. Martine Costello, *Anti-Prostitution Group Blitzes Johns’ Neighborhood*, NEW HAVEN REG., Apr. 30, 1992, at A3; *Group Puts Pressure on Prostitutes’ Johns*, HARTFORD COURANT, Apr. 7, 1992, at D1; Interview by Usha Chilukuri with Linda Maier (Feb. 16, 2007) (on file with Manuscripts & Archives Division, Yale University Library).

224. Telephone Interview with Jim Paley (Jan. 25, 2018) [hereinafter Paley interview].

225. Josh Kovner, *City Police Seize Johns’ Cars*, NEW HAVEN REG., July 28, 1994, at A1.

226. *See* Josh Kovner, *Officials Get Earful on Crime*, NEW HAVEN REG., Apr. 21, 1994, at A3; Mark Zaretsky, *Anti-Prostitution Petitions Get Quick Action*, NEW HAVEN REG., Apr. 21, 1993, at A5.

workers.<sup>227</sup> Moreover, though the department under Pastore did begin focusing more on arresting johns—pioneering new tactics like confiscating johns' cars and using female decoys<sup>228</sup>—many female sex workers felt that this made their lives even harder. “We still gotta work. It’s not like that stops.”<sup>229</sup> The new policies just led them to solicit “in a more secluded place,” which sometimes exposed them to more danger.<sup>230</sup> And, in any case, sex workers continued to perceive policing as fundamentally sexist. As one sex worker remarked to a researcher, “they always arrest the women. We get arrested and they let the drug dealers go.”<sup>231</sup> Sex workers of color felt “particularly expendable.”<sup>232</sup> As one remarked in 1995, she worried that health workers would learn she was HIV positive and not even tell her—“They’re just figurin’ ‘what does she need to know for? It’s just another Black woman. Go ahead and let her die.”<sup>233</sup>

At universities and prestige publications nationwide, Pastore’s “community policing” model attracted considerable attention, and he was given credit for dramatically reducing New Haven’s crime rate during the 1990s.<sup>234</sup> Yet, in an almost Shakespearean twist of fate, Pastore was disgraced in 1997 after leaked court documents revealed that he had “fathered an illegitimate child with a convicted prostitute,” as the *Hartford Courant* phrased it.<sup>235</sup> Leaders of the police union (many of whom had loathed Pastore for years) denounced him,<sup>236</sup> and, “facing a tidal wave of community outrage,”<sup>237</sup> Pastore resigned.<sup>238</sup>

He was replaced as chief by Melvin Wearing, who immediately made “quality of life” crimes—“excessive noise, street-level drug dealing, prostitution, loitering, public drunkenness, illegal dumping”—a priority.<sup>239</sup>

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227. Josh Kovner, *Lawsuit Accuses City Cop of Sexual Assault*, NEW HAVEN REG., Oct. 29, 1994, at A3.

228. See Martine Costello, *Undercover Cops Target “Johns,” Prostitutes in 2 Neighborhoods*, NEW HAVEN REG., Aug. 7, 1991, at A3; Kovner, *supra* note 227.

229. Kim M. Blankenship & Stephen Koester, *Criminal Law, Policing Policy, and HIV Risk in Female Street Sex Workers and Injection Drug Users*, 30 J. L. MED. & ETHICS 548, 550 (2002).

230. *Id.*

231. Kim Blankenship, *Social Context and HIV: Testing and Treatment Issues Among Commercial Sex Workers*, in *THE GENDER POLITICS OF HIV/AIDS IN WOMEN: PERSPECTIVES ON THE PANDEMIC IN THE UNITED STATES* 252, 260 (Nancy Goldstein & Jennifer L. Manlowe, eds., 1997).

232. *Id.* at 261.

233. *Id.*

234. Janice D’Arcy, *New Haven Edging Toward A Year Notorious for Slayings*, HARTFORD COURANT, July 10, 2000, at A3.

235. *New Haven Chief’s Affair Draws Union’s Ire*, HARTFORD COURANT, Feb. 7, 1997, at B9; see also Alaine Griffin, *Police Chief Getting Heat*, NEW HAVEN REG., Feb. 6, 1997, at A3.

236. *New Haven Chief’s Affair Draws Union’s Ire*, *supra* note 235.

237. *The Chief’s Lapse in Judgment*, *supra* note 213.

238. Josh Kovner & Marisa Osorio Colon, *Besieged, Pastore Resigns*, HARTFORD COURANT, Feb. 8, 1997, at A1.

239. Alaine Griffin, *City Winning Fight to Make Streets Safer*, NEW HAVEN REG., Nov. 3, 1997, at A1.

“Forget the repeated warnings,” reported the *Register*.<sup>240</sup> “Violators are going to jail. Although statistics on arrests for quality-of-life crimes were unavailable, police maintain they are being more vigilant.”<sup>241</sup> As chief, Wearing quickly spearheaded “a series of raids, operations, and crackdowns in the spring and summer in some of the city’s most crime-ridden areas.”<sup>242</sup> The enhanced police activity, reported the *Register*, resulted in “fewer prostitutes . . . walking the streets.”<sup>243</sup> For the prostitutes themselves, life was harder once again. As New Haven entered the twenty-first century, they were subject to more arrests, harassment, and imprisonment than they had been in many years.

## II. THE OTHER NARRATIVES

Part I represents the standard narrative of sex work in a U.S. city, following the traditional actors: the law enforcement officials, the politicians, and the buyers and the sellers of sex. Yet, as Part II will show, such a narrative is incomplete. It ignores the complicity of a far broader cast of characters, including members of the federal government, elite female reformers, public health officials, and those affiliated with one of the nation’s preeminent universities. The following four sections retell the narrative from Part I, focusing not on the police but on each of these four groups in turn. Although each of these narratives is able to stand on its own, the interplay among these groups should become clear. Together, they formed an interlocking web of surveillance heretofore largely invisible to modern scholars.

### *A. The Federal Government*

From 1900 to 2000, the federal government was a constant—albeit often unseen—force in the lives of New Haven’s sex workers. At the beginning of the century, federal officials often intervened in New Haven’s policing outright—hitting the streets themselves or dictating the actions of city police. Following the world wars, the federal role changed but did not disappear; it transformed from direct surveillance to the funding of surveillance. At the same time, the federal government used policy and legislative changes to alter the context of the lives of sex workers, promoting the militarization of policing and broken windows, gutting welfare and the social safety net, and neglecting to combat AIDS until it became a full-blown epidemic.

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240. *Id.*

241. *Id.*

242. *Id.*

243. *Id.*



### 1. *The Early Years, 1900–1917*

As the United States entered the twentieth century, the campaign to force the federal government to stop tolerating sex work reached new heights. In 1900, just two years after the American government acquired a veritable archipelago of new colonial territories (including Hawaii, Puerto Rico, Guam, and the Philippines), prominent activists began decrying the presence of sex work in many of those places. Explosive exposés revealed that the American military carefully regulated prostitution near military bases overseas;<sup>244</sup> one such article included a photograph of one of the 200 regulated brothels in the Philippines, with the Stars and Stripes fluttering atop its roof.<sup>245</sup> Activists—mainly religious and bourgeois promoters of “social purity”—demanded that the federal government cease to legitimize sex work in this manner, and, after the regulation of brothels became an issue in the 1900 presidential election, President Theodore Roosevelt ordered the War Department to stop regulating prostitution—an order that the military flouted in many places for another two decades.<sup>246</sup>

Satisfied with their nominal victory overseas, activists turned their attention to sex work in the United States. Specifically, they began to decry “white slavery”—the supposed epidemic of trafficking in white women.<sup>247</sup> At the local level, such outcry generated enhanced policing of suspected sex workers all across the country—as was seen in New Haven in the early 1910s.<sup>248</sup> At the federal level, such outcry led President Roosevelt to sign a treaty in 1908, obligating the United States to effect “an efficacious protection against the criminal traffic known under the name of trade in white women.”<sup>249</sup> A year later, federal agents went undercover in nineteen cities to try to ferret out “alien women” who had been brought to the United States “for immoral purposes.”<sup>250</sup> Then, the year after that, Congress passed the White-Slave Traffic Act, better

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244. JESSICA PLILEY, *POLICING SEXUALITY: THE MANN ACT AND THE MAKING OF THE FBI* 27-28 (2014); John Andrew Byers, *The Sexual Economy of War: Regulation of Sexuality and the U.S. Army, 1898-1940*, at 140-42 (2012) (unpublished Ph.D. dissertation, Duke University) (on file with author); see also LAURA BRIGGS, *REPRODUCING EMPIRE: RACE, SEX, SCIENCE, AND U.S. IMPERIALISM IN PUERTO RICO* 30-31 (2002); EILEEN J. SUÁREZ FINDLAY, *IMPOSING DECENCY: THE POLITICS OF SEXUALITY AND RACE IN PUERTO RICO, 1870-1920*, at chs. 3-4 (1999); Herman Goodman, *The Antivenereal Disease Campaign in Panama*, 9 J. SOC. HYGIENE 160 (1923); David J. Pivar, *The Military, Prostitution, and Colonial Peoples: India and the Philippines, 1885-1917*, 17 J. SEXUALITY RES. 256 (1981); *Note and Comment*, 5 SOC. HYGIENE 260 (1919).

245. William B. Johnson, *The Crowning Infamy of Imperialism* (1900) (on file in Folder 6, Box 1, Series 1, ASHAR); see also Paul A. Kramer, *The Military-Sexual Complex: Prostitution, Disease and the Boundaries of Empire during the Philippine-American War*, 9 ASIA-PACIFIC J. 1 (2011).

246. PLILEY, *supra* note 244, at 28; Byers, *supra* note 244, at 146-157.

247. PLILEY, *supra* note 244, at ch. 2.

248. See *supra* notes 28-35 and accompanying text.

249. *Suppression of White Slave Traffic*, May 18, 1904, 35 Stat. 1979, 1 U.N.T.S. 83; Eric Anderson, *Prostitution and Social Justice: Chicago, 1910-15*, 48 SOC. SERV. REV. 203, 206 (1974).

250. PLILEY, *supra* note 244, at 41-44.

known as the Mann Act, which outlawed transporting a woman across state lines for “prostitution or debauchery, or for any other immoral purpose.”<sup>251</sup>

The Justice Department vested the responsibility for enforcing the Mann Act in its two-year-old investigative arm, the Bureau of Investigation. The Bureau (or BOI) set up offices across the country, hired dozens of middle-aged white men, and gave these men the power to investigate white slavery. Beginning in Baltimore and Washington, D.C., agents invaded red-light districts and demanded that every resident fill out forms giving the government a personal history. Agents visited brothels and registered the prostitutes. Women suspected of aiding in the trafficking—or being trafficked—could be locked up. “The Mann Act had been passed to protect women,” historian Jessica Pliley wrote, “yet women increasingly came under its purview.”<sup>252</sup> The vagueness of the law’s wording—“any other immoral purpose”—opened the door to federal agents’ imprisoning ordinary sex workers. In the Act’s first years, the BOI obtained convictions for only a relatively small handful of cases that came close to any definition of forced trafficking; most of the arrests and convictions instead resulted from crimes like fornication or willing prostitution.<sup>253</sup> Thus, it was federal investigators tasked with protecting women—from “white slavery”—who were the first federal agents of the twentieth century to invade municipalities and detain women suspected of selling sex. They would not be the last.

## 2. *World War I, 1917–1918*

It is unclear whether Bureau agents made it to New Haven in the early 1910s. Certainly, the passage of the Mann Act, and its enthusiastic enforcement, contributed considerably to the “white slavery” hysteria that led many cities—including New Haven—to ramp up their surveillance of suspected sex workers in the 1910s.<sup>254</sup> It is likewise clear that federal agents did arrive in New Haven in 1917 to harass women suspected of selling sex. That year, the United States entered World War I, and young men all around the country gathered in military training camps (including New Haven’s Camp Yale). Federal officials were terrified that sex workers might distract or infect soldiers and thus hinder the war effort; they felt the best way to prevent this would be “through the exclusion of

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251. White-Slave Traffic (Mann) Act, ch. 395, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C. §§ 2421-2424 (2018)).

252. PLILEY, *supra* note 244, at 84-94.

253. See DAVID J. LANGUM, CROSSING OVER THE LINE: LEGISLATING MORALITY AND THE MANN ACT 48-76 (1994); JAMES A. MONROE, HELLFIRE NATION: THE POLITICS OF SIN IN AMERICAN HISTORY 266-67, 271 (2003); PLILEY, *supra* note 244, at 94-105; Guy D. Goff, *New Interpretation of the White Slave Traffic Act*, LIGHT, Sept.-Oct. 1914, at 30.

254. See *supra* notes 35-41 and accompanying text.

prostitutes within a zone surrounding all” military camps.<sup>255</sup> The War Department created a commission explicitly devoted to eliminating the sale of sex and liquor near the camps, the head of which pushed Congress to pass a law empowering the Secretary of War to “do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy houses” near military installations.<sup>256</sup> Congress obliged in May 1917.<sup>257</sup> Days later, the Secretary of War instructed the mayors of every large city in the country that this law applied within a five-mile radius—a “moral zone”—of every military installation, and that it was their responsibility “to enforce the ‘absolute repression’ of alcohol and prostitution within these zones, and even outside the zones if such ‘vices’ were reachable to soldiers or sailors. ‘This policy involves, of course, constant vigilance on the part of the police.’”<sup>258</sup>

To supervise this vigilance, military officers who oversaw the soldiers training in New Haven began patrolling the streets, looking for women they suspected of selling sex. These were possibly the first federal agents to surveil sex workers in New Haven specifically; the war had given them the excuse to perform what was essentially local police work. In September 1917, for instance, a Lieutenant Brown in New Haven repeatedly ducked into the tent of one Sergeant Trapp; when Brown spotted “girls” inside the tent, he commanded that they return home, and Trapp became “very insulting.”<sup>259</sup> Lieutenant Brown also came across “an 18-yr. old girl” who spent two full nights in Trapp’s tent. “During the two nights during which this girl was in camp,” recorded an associate of Brown’s, “35 men were associated with her.”<sup>260</sup> This “girl,” along with “a feeble-minded girl of 21” who had allegedly been “associating . . . intimately” with nine soldiers, were “taken into custody . . . and are still being held in private institutions.”<sup>261</sup> In other cities across the country, War Department investigators, Bureau of Investigation agents, and other federal officials likewise walked the streets to ensure the local police were surveilling suspicious “girls.”<sup>262</sup> It is unclear from surviving records how many of these federal agents made their way to New Haven, but records clearly show War

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255. DIGEST OF THE PROCEEDINGS OF THE COUNCIL OF NATIONAL DEFENSE DURING THE WORLD WAR 149-50 (Franklin H. Martin ed., 1934).

256. 55 CONG. REC. 1615 (1917); RAYMOND B. FOSDICK, CHRONICLE OF A GENERATION: AN AUTOBIOGRAPHY 144-45 (1958).

257. Selective Service Act, Pub. L. No. 65-12, 40 Stat. 76 (1917).

258. STERN, *supra* note 45, at 45; *see also* Letter from Newton Baker to Richard Bissel (May 26, 1917) (on file in Health Folder, Box 57, Record Group 30, CSL).

259. Valeria Parker, Extracts and Information Taken from Daily Report of State Police Woman, Olive Ruhland, stationed in New Haven (Sept. 26, 1917) (on file in Box 58, Record Group 30, CSL).

260. *Id.*

261. *Id.*

262. STERN, *supra* note 45, at 48-50.

Department agents and contractors aggressively policing prostitution in nearby New London, home to an important naval base.<sup>263</sup>

After several months of leading the police to lock up women near military camps, several federal officials began to worry that most sex work happened away from the camps; indeed, as many as five in six men infected with STIs had already contracted their infections before they arrived at camp.<sup>264</sup> To address this concerning situation, a pair of War Department agents drafted a “model law” outlawing “prostitution,” which they then sent to officials in every state in the country, urging them to pass such a law and be better equipped to lock up sex workers themselves.<sup>265</sup> In January 1919, members of the U.S. Public Health Service’s Division of Venereal Disease presented the model law to officials in Connecticut.<sup>266</sup> That year, Connecticut adopted the model law in its entirety, formally outlawing prostitution for the first time.<sup>267</sup> Thus, federal lobbying shaped local prostitution law.

### 3. *The Swingin’ Twenties, 1919–1928*

The end of World War I led to the gradual withdrawal of federal agents tasked with policing sex work, but several hundred agents maintained a presence in hundreds of cities for a couple of years even after the armistice.<sup>268</sup> In 1919, for instance, federal agents reported that their efforts had led to the closure of fourteen “houses of prostitution” in New Haven, which “affected” forty-eight women.<sup>269</sup> Even after the federal government lost funding for such remaining agents in 1921,<sup>270</sup> the fruits of its labor remained. One Connecticut official reflected in 1922 that, as a result of the federal government’s wartime prodding, “the public generally appreciate the seriousness of social disease and control measures have been given a permanent position in the program of public

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263. See, for example, Letter from J. Frank Chase to Raymond B. Fosdick (Oct. 17, 1917), and other correspondence on file in Conn. New London Folders, Box 5, Entry 39, Record Group 165, NA.

264. STERN, *supra* note 45, at 61.

265. *Id.* at 62-64. For the exact wording of the law, see SOCIAL HYGIENE LEGISLATION MANUAL 55-57 (Am. Soc. Hygiene Ass’n, 1921).

266. See Letter from Rupert Blue to Carl Michel (Jan. 20, 1919) (on file in Law Enforcement Folder, Box 25, Entry 42, Record Group 90, NA); *Report of Legislative Activities for Venereal Disease Control from July 1, 1918 - May 15, 1919* (on file in Folder 409.1, Box 224, Entry 42, Record Group 90, NA).

267. CONN. GEN. STAT. § 6226 (1930) (enacted 1919); see also George Gould, *Laws Against Prostitution and Their Use*, 27 J. SOC. HYGIENE 335, 337-38 (1941); SOCIAL HYGIENE LEGISLATION MANUAL, *supra* note 265, at 17.

268. STERN, *supra* note 45, at 127.

269. ANNUAL REPORT OF THE UNITED STATES INTERDEPARTMENTAL SOCIAL HYGIENE BOARD 40-41 (1921).

270. STERN, *supra* note 45, at 169-70.

welfare.”<sup>271</sup> For the next decade, direct federal involvement in the surveillance of suspected prostitutes was limited—much to the chagrin of some federal administrators, such as Division of Venereal Diseases head Thomas Parran, who appears to have desired a more aggressive tack.<sup>272</sup>

#### 4. *The Depressed Thirties, 1929–1940*

Following the end of Prohibition in 1933, as organized crime syndicates began expanding more enthusiastically into the sex trade in order to make up for their lost bootlegging profits, federal intervention in the local policing of sex work began to seem necessary again.<sup>273</sup> Historian Elizabeth Alice Clement noted:

The FBI [Federal Bureau of Investigation] took [a new interest] in prostitution in the mid-1930s. Allegedly reacting to a rise in ‘white slavery’ cases, J. Edgar Hoover’s G-men used the Mann Act . . . to initiate a series of spectacular raids in cities thought to be soft on prostitution. Seemingly determined to humiliate local police departments, the FBI neither informed them of the raids nor allowed their participation.<sup>274</sup>

The first major raid took place in Connecticut. There, in the summer of 1936, what began with state police officers’ discovering two sisters who had been brought from New York to Bethany, Connecticut, by a pimp who believed he could make more money in the Nutmeg State, became a five-month investigation involving the full force of the federal government. Between 1936 and 1937, FBI agents “uncovered a loose network of illegal brothels and call houses . . . in towns like New Haven, West Haven, Norwich, Waterbury, Norwalk, Bethany, New London, Mansfield, Southington and Wallingford—though the network extended into New York, Massachusetts, and Rhode Island.”<sup>275</sup>

In New Haven, women like Claire Corso worked both in brothels and on the streets, on their own or with others, depending on which felt safer at the moment. Corso had been born in Bridgeport but moved to Waterbury to begin selling sex. She then spent time in New Haven, before joining a “vice racket” organized by Joe Dest (a.k.a. Joseph DeStadio). Relying on Dest, Corso moved from city to city, covert brothel to covert brothel, often staying in each place no more than a week. Many women were on such a circuit, but in 1936 and 1937 many were

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271. ANNUAL REPORT OF THE UNITED STATES INTERDEPARTMENTAL SOCIAL HYGIENE BOARD 38 (1922).

272. STERN, *supra* note 45, at 194-95.

273. PLILEY, *supra* note 244, at 185-86.

274. CLEMENT, *supra* note 9, at 198.

275. PLILEY, *supra* note 244, at 188-89.

arrested by FBI agents (as Corso herself was).<sup>276</sup> As Piley noted, it was difficult for the FBI to claim that the Connecticut sex workers were young innocents caught up in vice against their will; rather, investigations revealed that most chose to sell sex in an effort to support themselves financially during a brutal Depression and in spite of a labor market that systematically excluded women.<sup>277</sup> Ultimately, fourteen female madams and twenty-five male pimps and procurers (“most Italian, all non-Anglo”) were convicted of violating the Mann Act.<sup>278</sup>

While FBI agents were arresting women like Claire Corso in New Haven and elsewhere in 1936 and 1937, other federal administrators were preparing for a broader effort to combat prostitution and vice. Thomas Parran, the former federal administrator who had been dissatisfied with the limited nature of the Division of Venereal Diseases, became U.S. Surgeon General in 1935, and from that post he began immediately calling for a national campaign against STIs and prostitution. In December 1936, Parran called a national conference on “Venereal Disease Control” and told the conference-goers, “[t]he only way to handle that problem is to repress prostitution . . . Prostitutes and others who viciously and knowingly spread infection should be quarantined, either in jail or in a hospital.”<sup>279</sup> Parran helped to secure millions of dollars, which the federal government began disbursing to the states for “the control of venereal diseases” (which in practice often meant repressing sex work).<sup>280</sup> Cities across the country began locking up more and more women accused of prostitution or promiscuity.<sup>281</sup> The federal government disbursed \$26,518 to Connecticut in 1938, of which some funds were allotted “to aid [the] New Haven Department of Health in maintaining the venereal disease Program in employing a physician and an investigator.”<sup>282</sup>

### 5. World War II, 1941–1945

World War II made policing prostitution a pressing priority for local law enforcement.<sup>283</sup> The war also caused hundreds of federal agents to descend on U.S. cities and begin vehemently urging local officials to arrest women—and sometimes arrest women themselves. Some of these agents were FBI,<sup>284</sup> others

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276. *Id.* at 190-95.

277. *Id.* at 196-197.

278. *Id.* at 189. For more on the Connecticut vice case, see documents in Box 88, Classification 31, Record Group 65, NA.

279. *Finish Battle Opened Against Social Disease*, WASH. POST, Dec. 31, 1936, at 1, 5.

280. STERN, *supra* note 45, at 200-01.

281. *See supra* note 76 and accompanying text.

282. REPORT OF THE U.S. STATE DEP'T OF HEALTH 158 (1939) (on file in NHFPL).

283. *See supra* Part I.

284. STERN, *supra* note 45, at 215.

were part of another agency created specifically for that purpose, the Social Protection Division (SPD).<sup>285</sup> Federal agents arrived in New Haven in June 1942—and found, to their horror, that “there ha[d] been no increase in arrests of women and girls charged with crimes involving moral turpitude.”<sup>286</sup> Over the next month, members of the FBI met with Connecticut’s governor, state police commissioner, and law enforcement officials from across the country, urging them to participate in “an elaborate system . . . to halt prostitution.”<sup>287</sup> Then, on July 29, 1942, at the FBI’s initiation, several federal officials met with prominent New Haven residents, which led Elm City’s police to begin arresting suspected sex workers in earnest.<sup>288</sup> Over the next few years, the New Haven police were monitored and sometimes assisted by federal agents<sup>289</sup>—agents whose biases likely shaped the surveillance. Once, while discussing a “rehabilitation program” for New Haven’s sex workers, a Social Protection Division representative “stressed” to the police chief that he “did not believe that all girls would respond or were fit subjects for such a program.”<sup>290</sup> Across the state in Bridgeport, meanwhile, the “FBI started an investigation regarding the activities of negro prostitutes,” recorded one federal official. “It is expected that this situation will be resolved in the very near future.”<sup>291</sup>

#### 6. *Gray-Flannel Years, 1946–1959*

Federal agents appear to have withdrawn from New Haven following the end of World War II in 1945, but they remained in several communities that were more important militarily. These included nearby New London, where, as late as October 1950, one observer noted, “The cooperation between the local police and the military is now on an excellent basis . . . . It is relatively easy to control the situation in New London because of the close working arrangements with the local authorities.”<sup>292</sup> From 1950 to 1953, many cities across the country were home to soldiers and sailors training for the Korean War, and in several of these

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285. *Id.* at 212-16.

286. Memorandum from John J. Murphy to Eliot Ness (Aug. 20, 1942) (on file in Region I – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA).

287. *Plan Drive on Vice*, HARTFORD COURANT, July 3, 1942, at 6; *see also FBI Will Sponsor State Conferences in Disease Control*, HARTFORD COURANT, July 15, 1942, at 6.

288. Memorandum from John J. Murphy (Aug. 19, 1942), *supra* note 82.

289. *See* correspondence in Region I – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA, which details how federal agents prodded police to action.

290. Memorandum from Joseph J. Kelleher (Jan. 23, 1943), *supra* note 85.

291. Memorandum from John J. Murphy to Eliot Ness (Oct. 16, 1942) (on file in Region I – Connecticut – Bridgeport Folder, Box 67, Entry 3, RG 215, NA).

292. Thomas C. Edwards, *Field Report, New London, Connecticut* (Oct. 20, 1950) (on file in Folder 2, Box 107, Series 7, ASHAR).

sites federal officials again partnered with locals to surveil sex workers.<sup>293</sup> Even after the Korean War ended, federal officials remained closely involved in the local policing of prostitution through Armed Forces Disciplinary Control Boards (AFDCBs)—panels of military officials who worked closely with local police to “bring about clean-ups” and to keep “B-girls, prostitutes, and ‘chippies’ [from] consorting with servicemen.”<sup>294</sup> The AFDCBs continued to play an outsized role in the shaping of anti-prostitution policies in militarily significant communities for decades; the AFDCBs would often declare neighborhoods “off limits” to servicemembers, which could spur police crackdowns,<sup>295</sup> or the AFDCBs would dispatch military police to patrol the streets directly alongside local cops.<sup>296</sup> AFDCBs continue to place businesses known to harbor prostitution “off-limits” to servicemembers to this day.<sup>297</sup>

### 7. *Unrest and Uprisings, 1960–1982*

New Haven, which was not home to a significant military installation, was spared this direct form of federal intervention, but the federal government continued to shape anti-prostitution policies there for decades through indirect means. For instance, federal funding enabled the demolition of Oak Street, the redevelopment of Dixwell, and other “urban renewal” projects that decimated New Haven’s black community; reinforced structural poverty (which likely led some to sell sex in the first place); and led to calls for “law and order” and a police crackdown on prostitution.<sup>298</sup> New Haven received some \$450 million for urban renewal during the mayoralty of Richard Lee—more federal money per capita than any other city in the nation.<sup>299</sup> By the 1960s, wrote historian Mandi Isaacs Jackson, New Haven “had been effectively dismantled, gutted, and rearranged by a generation of experts, using unprecedented levels of federal and state funding.”<sup>300</sup> At the same time, as Elizabeth Hinton and Naomi Murakawa

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293. See Sidney S. Lee, *Military + Civilian = Control*, 38 J. SOC. HYGIENE 363 (1952); Harry Pariser, *Civilian-Military Cooperation in Venereal Disease Control*, 37 J. SOC. HYGIENE 223 (1951).

294. *Off-Limits . . . And The Heat's On!*, 38 J. SOC. HYGIENE 169, 171-72 (1952).

295. See *Aberdeen Citizens Move to Crack Down on Brothels*, EUGENE GUARD, Feb. 5, 1959, at 3; *Armed Forces Panel Declines to Put Community 'Off Limits'*, PHILA. INQUIRER, June 6, 1990, at 2B; *Police Chief Makes Statement on Vice*, FRESNO BEE, Nov. 27, 1957, at 8A.

296. See *St. Robert Faces 'Image Problem'*, SPRINGFIELD NEWS-LEADER, Oct. 6, 1985, at 3E; *Tougher Law Favored in Ft. Wood Vice Fight*, ST. LOUIS POST-DISPATCH, Sept. 8, 1972, at 3A.

297. Edward C. Rothstein, *Off-Limits List Protects Community*, SOUND OFF (BALT. SUN), July 18, 2013, at 2 (on file with author).

298. JACKSON, *supra* note 103, at 7, 33, 61; POWLEDGE, *supra* note 1, at 8-21, 275-78; DOUGLAS RAE, CITY: URBANISM AND ITS END 28 (2008). On the effects of “urban renewal,” see *supra* notes 102-116.

299. John P. Elwood, *Rethinking Government Participation in Urban Renewal: Neighborhood Revitalization in New Haven*, 12 YALE L. & POL’Y REV. 138, 143 (1994).

300. JACKSON, *supra* note 103, at 14.



have argued, liberals within the federal government inadvertently crafted the laws and policies that led to modern mass incarceration.<sup>301</sup> The Boggs Act of 1952,<sup>302</sup> the Narcotic Control Act of 1956,<sup>303</sup> the Omnibus Crime Control and Safe Streets Act of 1968<sup>304</sup> were federal laws that created mandatory sentencing for minor crimes and appropriated funding for local law enforcement to enforce the new, harsh policies.<sup>305</sup> Throughout the 1960s and 1970s, federal money poured into New Haven by the millions, enabling local police to hit the streets with more force than ever.<sup>306</sup> In the 1970s, the federal government disbursed funds for police departments to engage in what later became known as “broken windows” policing<sup>307</sup>—a strategy enthusiastically adopted by the New Haven Police Department.<sup>308</sup>

Federal funding thus incentivized local policing of sex workers. In other words, William Farrell, the Marine who militarized the Elm City police, did not emerge out of nowhere. When Nicholas Pastore later turned down offers of tanks and helicopters, he was responding to the federal government. All this, too, indubitably shaped New Haven’s policing of those who sold sex.

#### 8. *The AIDS Era, 1983–2000*

The 1980s ushered in the presidency of Ronald Reagan, whose administration “exacerbated the tendency within federal crime control programs to reinforce crime in the low-income African American communities that had been the main targets for punitive intervention.”<sup>309</sup> His administration demanded that local police departments “increas[e] the scale of . . . raids, stings, and tactical police units [and] intensified such operations by creating new partnerships between domestic law enforcement and defense agencies.”<sup>310</sup> Departments across the country, including New Haven’s, complied with alacrity.<sup>311</sup> At the

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301. See ELIZABETH HINTON, *FROM THE WAR ON POVERTY TO THE WAR ON CRIME: THE MAKING OF MASS INCARCERATION IN AMERICA* (2016); NAOMI MURAKAWA, *THE FIRST CIVIL RIGHT: HOW LIBERALS BUILT PRISON AMERICA* (2014).

302. Boggs Act of 1952, Pub L. No. 82-255, 65 Stat. 767 (1951).

303. Narcotics Control Act of 1956, Pub. L. No. 84-728, 70 Stat. 567 (1956).

304. Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, 82 Stat. 197 (1968) (codified in scattered sections of 34 U.S.C.).

305. MURAKAWA, *supra* note 301, at 64, 71-73.

306. See *Anti-Crime Programs: Hearings Before Subcomm. 5 of the H. Comm. on the Judiciary*, 90th Cong. 164, 176 (1967) (listing grants awarded under the Law Enforcement Assistance Act of 1965); *id.* at 361 (listing grants awarded under the Juvenile Delinquency Control Act of 1961).

307. HINTON, *supra* note 301, at 289-91.

308. Pastore interview, *supra* note 193.

309. HINTON, *supra* note 301, at 307.

310. *Id.* at 309.

311. Pastore interview, *supra* note 193.

same time, Reagan's administration decimated federal spending on subsidized housing and deinstitutionalized mentally ill patients without providing any social support, turning homelessness from "a cyclical phenomenon, in tune with the boom-and-bust of the nation's economy, [into] a permanent urban fixture."<sup>312</sup>

By entrenching homelessness, the Reagan Administration increased the presence of street people in New Haven, individuals who were likely to use IV drugs, sell sex, and—beginning in the 1980s—contract HIV.<sup>313</sup> Homeless people, IV drug users, and sex workers were among the first New Haven residents affected by the HIV/AIDS epidemic,<sup>314</sup> yet—in part because those with AIDS were members of these stigmatized groups—the Reagan Administration not only ignored the epidemic, but it also “did not allocate adequate funding for AIDS research until the epidemic had already spread throughout the country.”<sup>315</sup>

Again, it appears that New Haven's sex workers bore a disproportionate share of the harm inflicted by the federal neglect. While women represented only 8 percent of AIDS patients nationally in 1988, they represented 28 percent of patients in New Haven.<sup>316</sup>

In 1990, Congress passed its first piece of legislation on AIDS,<sup>317</sup> the Ryan White Care Act.<sup>318</sup> The Act authorized the granting of federal funds for AIDS care and research, but, in order for states to be eligible, their “criminal laws [had to be] adequate to prosecute any HIV infected individual . . . who engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.”<sup>319</sup> As a result of this federal push, some thirty-three states criminalized HIV transmission and

312. Chris Roberts, *The Great Eliminator: How Ronald Reagan Made Homelessness Permanent*, S.F. WKLY. (June 29, 2016), <https://www.sfweekly.com/news/the-great-eliminator-how-ronald-reagan-made-homelessness-permanent> [<https://perma.cc/R5EN-7ZP9>]; see also H.R. REP. NO. 99-47 at 3-7, 14-25 (1985); Marian Moser Jones, *Creating a Science of Homelessness During the Reagan Era*, 93 MILBANK Q. 139 (2015); Margot Hornblower, 'Epidemic' of Homelessness Blamed on Federal Cuts in Social Spending, WASH. POST, Nov. 21, 1984; Sydney H. Schanberg, *Reagan's Homeless*, N.Y. TIMES, Feb. 4, 1984, at 23; E. Fuller Torrey, *Ronald Reagan's Shameful Legacy: Violence, the Homeless, Mental Illness*, SALON (Sept. 29, 2013), [https://www.salon.com/2013/09/29/ronald\\_reagans\\_shameful\\_legacy\\_violence\\_the\\_homeless\\_mental\\_illness](https://www.salon.com/2013/09/29/ronald_reagans_shameful_legacy_violence_the_homeless_mental_illness) [<https://perma.cc/BE3L-DDTD>].

313. Paley interview, *supra* note 224; see also Fischer, *supra* note 75, at 224; Telephone Interview with Paul Gionfriddo (June 6, 2017) (discussing an identical phenomenon that was observed in Middletown, Connecticut).

314. See Filderman interview, *supra* note 177; Telephone Interview with Ella Thomas (Jan. 3, 2017); Telephone Interview with Eric Winer (Aug. 12, 2017); Telephone Interview with Cathie Zampano (July 20, 2017).

315. SHILTS, *supra* note 189, at xxii; see also *id.* at 224-25.

316. Virginia Morris, *Death Rate Takes a Leap for Women*, NEW HAVEN REG., June 16, 1988.

317. Sienna Baskin, Aziza Ahmed & Anna Forbes, *Criminal Laws on Sex Work and HIV Transmission: Mapping the Laws, Considering the Consequences*, 93 DENV. L. REV. 355, 362 (2016).

318. Ryan White Comprehensive AIDS Resources Emergency Act of 1990, Pub. L. No. 101-381, 104 Stat. 576.

319. *Id.* § 2647, 104 Stat. at 603.

exposure;<sup>320</sup> such laws have disproportionately been used to target, harass, and incarcerate sex workers.<sup>321</sup> Responding to the Ryan White Care Act, Connecticut passed a law enabling the HIV testing of those merely charged with prostitution<sup>322</sup> and, while Connecticut did not pass a statute criminalizing HIV transmission, Connecticut law does theoretically allow authorities to bar a person from being released from prison based on their HIV status.<sup>323</sup>

Once again, the federal government made life more dangerous for sex workers in the United States at large and in New Haven in particular. As a result of Connecticut's new law, and the rhetoric that accompanied it, at least some sex workers in New Haven believed that the state had a law under which "if you're caught prostituting and you know you have HIV, [authorities can] charge you with attempted murder."<sup>324</sup> Such fear remained a fact of life for New Haven sex workers at the end of the twentieth century. Over the course of that century, federal intervention in the lives of New Haven's sex workers had changed—from direct surveillance to the funding of surveillance, from coercive social service programs meant to "reform" sex workers to the gutting of social service programs that might have helped them—but the reality of federal influence had stayed constant.

### *B. Elite Women*

Over the course of the twentieth century, local police and federal officials were not alone in directly surveilling New Haven women suspected of selling sex; elite women too were watching and intervening. These elite women worked at first as experts, penal reformers, and parole officers, and later as police and federal agents themselves. They insinuated themselves into the lives of working-class women in ways that male authorities never could and policed their sex lives relentlessly, ensuring the incarceration of poor women who strayed from the moral path elite women set.

#### *1. The Early Years, 1900–1917*

Surprising though it may seem today, sex work was one of the few issues—along with temperance and social purity—around which elite women could organize politically at the turn of the twentieth century. And organize they did.

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320. Baskin, Ahmed & Forbes, *supra* note 317, at 363.

321. *Id.* at 363, 373.

322. CONN. GEN. STAT. § 54-102 (2013).

323. CONN. GEN. STAT. § 18-94; *HIV Criminalization in the United States: A Sourcebook on State and Federal HIV Criminal Law and Practice*, CTR. FOR HIV L. & POL'Y (2017), <https://www.hivlawandpolicy.org/sourcebook> [<https://perma.cc/7X4J-ZKHK>].

324. Interview R1 (II), at 10-11 (Blankenship Papers, on file with author).

Campaigns against the regulation of prostitution overseas and the toleration of white slavery at home<sup>325</sup> were dominated by women—prominent, educated, outspoken women.<sup>326</sup> Activists like Mary Dye Ellis<sup>327</sup> and Katharine Bushnell,<sup>328</sup> and organizations like the Woman's Christian Temperance Union<sup>329</sup> and the National American Woman Suffrage Association,<sup>330</sup> led the charge against the supposed toleration of sex trafficking. These women demanded the abolition of the white slave trade and the end of sex work—as well as their own access to the levers of political power.<sup>331</sup> Activists like Bushnell, who was a missionary and a medical doctor, went undercover to investigate prostitution and white slavery, and their well-publicized reports shaped laws and policies.<sup>332</sup> It was such an investigation that heralded one of the first significant forays by an elite woman into the surveillance of sex workers in New Haven.

In 1915, Mabel Wiley released a report she had conducted on “girl delinquency” in New Haven from 1907 to 1914.<sup>333</sup> Wiley, who was employed by the Civic Federation's Committee on Social and Industrial Conditions, used her report to advocate that “the police take active measures to prevent street-walking and soliciting among young girls.”<sup>334</sup> She also called for a strict curfew law for girls, the careful surveillance of dances and censorship of moving pictures, and the abolition of jail sentences for female juvenile delinquents, but also the compulsory commitment of “all feeble-minded girls over 12 years of age to a custodial institution.”<sup>335</sup>

Wiley's report revealed the presence of other elite women also assisting in the surveillance of suspected sex workers in the Elm City. She mentioned a Miss Parkman, of the “Classes for Mentally Defective in the public schools,” who helped to perform rudimentary IQ testing on young women arrested on morals charges,<sup>336</sup> which found that three-quarters of those tested were “sub-normal

325. See *supra* Part II.A.

326. See RUTH M. ALEXANDER, *THE GIRL PROBLEM: FEMALE SEXUAL DELINQUENCY IN NEW YORK, 1900-1930*, at 37-43 (1995); DAVID J. PIVAR, *PURITY AND HYGIENE: WOMEN, PROSTITUTION, AND THE “AMERICAN PLAN,” 1900-1930*, at ch. 4 (2002); DAVID J. PIVAR, *PURITY CRUSADE: SOCIAL MORALITY AND SOCIAL CONTROL, 1868-1900*, at ch. 5 (1973).

327. PLILEY, *supra* note 244, at 28.

328. BRIAN DONOVAN, *WHITE SLAVE CRUSADES: RACE, GENDER, AND ANTI-VICE ACTIVISM, 1887-1917*, at 115-17 (2010).

329. *Id.* at ch. 3; Byers, *supra* note 244, at 149-50.

330. PLILEY, *supra* note 244, at 28; CLIFFORD ROE, *WHAT WOMEN MIGHT DO WITH THE BALLOT: THE ABOLITION OF THE WHITE SLAVE TRAFFIC* (1912).

331. DONOVAN, *supra* note 328, at 131.

332. *Id.* at 39-43, 115-17.

333. Wiley, *supra* note 25, at 5.

334. *Id.* at 24.

335. *Id.* at 24-25.

336. *Id.* at 7.

mentally,” with nearly half being, “unequivocally, feeble-minded.”<sup>337</sup> Wiley also spent several pages discussing New Haven’s sole female probation officer. According to the report, this probation officer was overworked and underpaid, and every Monday afternoon she would meet with women and girls who had recently been released from imprisonment.<sup>338</sup> The probation officer would also question the released women and issue warnings against misbehavior.<sup>339</sup>

Across the country, a generation of college-educated, white women were becoming parole and probation officers, giving them political power and a massive amount of control over the lives of recently incarcerated, working-class women.<sup>340</sup> These female parole and probation officers scrupulously monitored the sexual and moral behavior of their charges, just as the probation officer in New Haven did; if a woman dated casually, had sex, sold sex, got married without permission, disobeyed her parents, disregarded curfew, or even wore makeup or seductive clothing, she might be labeled a “parole violator” and subjected to reincarceration.<sup>341</sup> Probation and parole officers were especially suspicious of black women.<sup>342</sup> One of the first, and most influential, female probation officers in the country was Maude Miner, educated at Smith and Columbia, who began surveilling released women in New York City in 1906.<sup>343</sup> Miner hit the streets with startling energy. “She has gone into evil houses, she lives with streetwalkers,” one journalist wrote at the time.<sup>344</sup> If a family seemed “immoral,” Miner worked with other reformers to keep it under surveillance. She targeted immigrant and Jewish women in particular, believing them to be inherently defective.<sup>345</sup>

## 2. *World War I, 1917–1918*

When the United States entered World War I in 1917, many of these elite women joined the chorus of voices calling for the repression of prostitution. Yet, unlike their male colleagues—who called for repression in the name of

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337. *Id.* at 14.

338. *Id.* at 29.

339. *Id.* at 29-31.

340. MARY E. ODEM, *DELINQUENT DAUGHTERS: PROTECTING AND POLICING ADOLESCENT FEMALE SEXUALITY IN THE UNITED STATES, 1885-1920*, at 111-12 (1995).

341. ALEXANDER, *supra* note 326, at 125; NICOLE HAHN RAFTER, *PARTIAL JUSTICE: WOMEN, PRISONS AND SOCIAL CONTROL, 1800-1935*, at ch. 5 (1985).

342. CHERYL D. HICKS, *TALK WITH YOU LIKE A WOMAN: AFRICAN AMERICAN WOMEN, JUSTICE, AND REFORM IN NEW YORK, 1890-1935*, at ch. 8 (2010).

343. MAUDE MINER HADDEN, *QUEST FOR PEACE: PERSONAL AND POLITICAL* 47-52 (1968).

344. *Work Miss Miner is Doing*, *IDAHO STATESMAN*, June 22, 1910, at 4.

345. Val Marie Johnson, *Defining “Social Evil”: Moral Citizenship and Governance in New York City, 1890-1920*, at 309-10 (2002) (unpublished Ph.D. dissertation, The New School) (on file with author).

protecting the troops—these women called for repression in the name of protecting the women.<sup>346</sup> In the summer of 1917, Maude Miner wrote to officials in the War Department about the need for “protective work” for girls—preventive policing that would attempt to stop women from becoming sex workers in the first place, or morally reform those who had already gone down that path.<sup>347</sup> Miner was promptly appointed the head of a new Committee on Protective Work for Girls within the War Department; from this position, she began dispatching dozens of female investigators into communities across the country; these investigators, educated and mostly white, expressed a desire to protect “endangered girls,” yet their idea of protection involved constant surveillance and frequent arrests and incarcerations—the better to force young women to conform to respectable sexual mores.<sup>348</sup>

In New Haven, elite women immediately began demanding this method of policing. In June 1917, the Connecticut branch of the Association of Collegiate Alumnae (based in New Haven) adopted a resolution (which it sent to the Secretary of War), calling for “the presence of prostitutes [to be] prohibited.”<sup>349</sup> In September, a group of elite women held the first meeting of the Woman’s Division of the Connecticut State Council of Defense<sup>350</sup>; Margaret Corwin of New Haven, a graduate of Bryn Mawr, was soon appointed its executive secretary.<sup>351</sup> The Woman’s Division approached the military about allowing “state police women” to look for women in the tents of soldiers,<sup>352</sup> and soon state policewomen were patrolling Camp Yale.<sup>353</sup> When Lieutenant Brown<sup>354</sup> inspected the tents of New Haven soldiers for “girls,” he was accompanied by state policewoman Olive Ruhland, and she was the one to take the “girls” into custody.<sup>355</sup> Other policewomen followed women they suspected of promiscuous

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346. STERN, *supra* note 45, at 51-53.

347. Meeting Minutes (Aug. 24, 1917) (on file in doc. A1909, Box 2, Entry 403, Record Group 165, NA); *see also* NANCY BRISTOW, MAKING MEN MORAL: SOCIAL ENGINEERING DURING THE GREAT WAR 114 (1996).

348. STERN, *supra* note 45, at 51-53.

349. Letter from Conn. Branch of the Ass’n of Collegiate Alumnae to Newton Baker (June 15, 1917) (on file in Conn. Folder, Box 5, Entry 395, Record Group 165, NA).

350. Press release (Sept. 11, 1917) (on file in Box 62, Record Group 30, CSL).

351. Press release, Conn. Council of Def. (Oct. 23, 1917) (on file in Box 62, Record Group 30, CSL).

352. Letter from Valeria Parker to Winchester Bennett (Oct. 26, 1917) (on file in Box 58, Record Group 30, CSL). Connecticut was the only state in the country to appoint women as state officers at the time. *See* CHLOE OWINGS, WOMEN POLICE: A STUDY OF THE DEVELOPMENT AND STATUS OF THE WOMEN POLICE MOVEMENT 185 (1925).

353. OWINGS, *supra* note 352, at 186.

354. *See supra* Part II.A.

355. Parker, Extracts and Information Taken from Daily Report, *supra* note 259.

behavior for hours on end, often taking them into custody for questioning.<sup>356</sup> The name of every woman who was arrested or surveilled was reported to Dr. Valeria Parker, the state policewomen's supervisor, who added the name to her card index, kept in her office in Hartford.<sup>357</sup> The Woman's Division also attempted to "regulate promiscuous writing to soldiers, by thoughtless girls."<sup>358</sup>

Within the Woman's Division, this attempt to crack down on promiscuity existed under the auspices of the Committee on the Conservation of Existing Moral and Spiritual Forces of the Nation (later called the Committee on Health and Recreation), led by Dr. Parker.<sup>359</sup> The committee initially consisted of fifteen policewomen—all of whom were "upper-middle-class women"—who were charged with "survey[ing] the areas around training camps in New Haven and Niantic and notify[ing] authorities about prostitutes, young women hanging around, saloons, and other questionable businesses that should be shut down."<sup>360</sup> According to historians Heather Munro Prescott & Toby A. Appel, "Parker emphasized that a policewoman had to be present for a prostitute to be taken into custody."<sup>361</sup>

Many of the young women questioned by the policewomen would ultimately be incarcerated on morals charges—in jails, detention houses, and Christian rescue homes<sup>362</sup>—but demands were increasing for a separate "reformatory" for women, a utopian farm-like penal institution to reform delinquent women.<sup>363</sup> Over the last half-century, female activists in many states had created reformatories to uplift morally their "less fortunate sisters."<sup>364</sup> These reformatories were often more pleasant than traditional jails and stockades, but their elite female superintendents invariably sought to repress or control the sexual behavior of the inmates.<sup>365</sup> In 1917, at the insistence of the "militant, all-

356. See, e.g., REPORT OF MILDRED A. BOGUE, *supra* note 51; Mrs. Philip North Moore, *Health and Recreation*, 79 ANNALS AM. ACAD. POL. & SOC. SCI. 245, 252 (1918); OWINGS, *supra* note 352, at 187-88.

357. Letter from Chester Brown to Conn. Council of Def. (May 27, 1918) (on file in Health Folder, Box 57, Record Group 30, CSL).

358. Meeting Minutes, Woman's Comm. of the Conn. Council of Def. (Jan. 22, 1918) (on file in Box 62, Record Group 30, CSL).

359. Heather Munro Prescott & Toby A. Appel, *Pushing the Cause of Women in Medicine Ahead: Connecticut's Women Physicians during the First World War*, 55 CONN. HIST. REV. 198, 220 (2016).

360. *Id.*

361. *Id.*

362. Letter from Valeria Parker to Raymond Fosdick (Apr. 22, 1918) (on file in doc. 26891, Box 55, Entry 393, Record Group 165, NA).

363. ANDI RIERDEN, *THE FARM: LIFE INSIDE A WOMEN'S PRISON* 46 (1997).

364. REGINA G. KUNZEL, *FALLEN WOMEN, PROBLEM GIRLS: UNMARRIED MOTHERS AND THE PROFESSIONALIZATION OF SOCIAL WORK, 1890-1945*, at 10 (1993); RAFTER, *supra* note 341, at 29-35.

365. JOANNE MEYEROWITZ, *WOMEN ADRIFT: INDEPENDENT WAGE EARNERS IN CHICAGO, 1880-1930*, at 80 (1988); ODEM, *supra* note 340, at 109-18; RAFTER, *supra* note 341, at xxii, 159.

female Committee on Delinquent Women of the Connecticut Prison Association”<sup>366</sup> and other prominent women (including Dr. Parker),<sup>367</sup> the Connecticut legislature passed a law establishing “a state reformatory for women to be known as The Connecticut State Farm for Women.”<sup>368</sup> According to the law, such a reformatory would care for women convicted of felonies and misdemeanors, including “prostitution, intoxication, drug-using, disorderly conduct,” and also “unmarried girls . . . who are in manifest danger of falling into habits of vice or who are leading vicious lives.”<sup>369</sup> Dr. Parker, along with two other prominent women, was appointed to its board of directors.<sup>370</sup>

Relying on the advice of several female War Department officials, the Farm’s board of directors searched for a pastoral location and eventually settled on a 750-acre tract of farmland three miles from East Lyme and Niantic, and nine miles from New London.<sup>371</sup> They renovated the existing farmhouses, turning them into residential buildings, complete with wire screens on the windows.<sup>372</sup> In its first year, the Farm admitted only 29 women, 7 of them from New Haven, nearly all for morals offenses; 18 had been convicted of intoxication, 2 of prostitution, 1 of incorrigibility, 1 of adultery, 1 of disorderly conduct, 1 of being a “[w]ayward woman,” and 4 of being in “manifest danger of falling into vice.”<sup>373</sup> The next year, the Farm admitted 85 new women—so many, in fact, that it became hopelessly overcrowded and the Farm’s board had to beg the governor to forbid further commitments until they could secure additional housing and more parole officers.<sup>374</sup> About a quarter of the new admits were from New Haven.<sup>375</sup> Of the first 114 women committed to the Farm, 24 were sent there for prostitution, 24 for intoxication, 16 for “manifest danger,” 11 for lascivious carriage, and an additional dozen for fornication, incorrigibility, adultery, waywardness, vagrancy, and disorderly conduct.<sup>376</sup>

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366. RIERDEN, *supra* note 363, at 46.

367. GORDON S. BATES, THE CONNECTICUT PRISON ASSOCIATION AND THE SEARCH FOR REFORMATORY JUSTICE 140 (2017); Helen Worthington Rogers, *A History of the Movement to Establish a State Reformatory for Women in Connecticut*, 19 J. AM. INST. CRIM. L. & CRIMINOLOGY 518, 530-38 (1929).

368. Conn. Stat. Rev. § 1721 (1918).

369. *Id.* § 1726.

370. FIRST ANNUAL REPORT OF THE BD. OF DIR. OF THE CONN. ST. FARM FOR WOMEN, 1917-18, at 18 (1918).

371. *Id.* at 7-8.

372. *Id.* at 11.

373. *Id.* at 19.

374. SECOND ANNUAL REPORT OF THE BD. OF DIR. OF THE CONN. ST. FARM FOR WOMEN, 1918-20, at 5-6 (1921).

375. *Id.* at 23.

376. *Id.*



When these women were released, a female parole officer carefully tracked their movements and, indeed, controlled nearly every facet of their lives. Released women were often paroled to work as domestics in the homes of wealthy women, who also scrutinized their behavior (and were thus also complicit in this method of policing). These wealthy women could notify the parole officer about any behavior that might be seen as morally untoward, which in turn might count as a parole violation and trigger reincarceration.<sup>377</sup> As one example, Gertrude Brown was a teenager from Hartford who had originally been sent to the Farm in 1919 for “manifest danger,” but who managed to flee to freedom after seven months of incarceration before she was arrested for “lewd and lascivious cohabitation” a few months later.<sup>378</sup> When she was finally paroled two years later, Brown had to sign a parole agreement acknowledging that her release was conditioned on her employment as a domestic in the house of a prominent New Haven woman for thirty dollars a month, and that she must “remain therein until released by the Parole Officer.”<sup>379</sup> Her incoming and outgoing mail would first be sent to the parole officer for inspection, and she would be allowed to “go out in the evening only when accompanied by someone whom the Parole Officer approves.”<sup>380</sup> She also had to attend church at least once each Sunday.<sup>381</sup> When Brown was officially discharged from parole several months later, the parole officer wrote to her to remind her “of the good that we have tried to do for you.”<sup>382</sup> Under such searching scrutiny, parole violation was common. Of the 28 women paroled between July 1919 and July 1920, 13 violated their parole and 7 were subjected to re-incarceration.<sup>383</sup> Another two returned to the Farm at the whim of unsatisfied employers.<sup>384</sup>

### 3. *The Swingin’ Twenties, 1919–1928*

After World War I ended, dozens of women convicted of prostitution and other morals offenses continued to be sent to the Farm each year, including many from New Haven.<sup>385</sup> The end of the Great War also marked the end of state

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377. See BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1924-26, at 14-16 (1925).

378. See files in Case No. 76, Record Group 17, CSL.

379. Parole Agreement (on file in Case No. 76, Record Group 17, CSL).

380. *Id.*

381. *Id.*

382. Letter from Parole Officer to Gertrude Brown (Nov. 18, 1922) (on file in Case No. 76, Record Group 17, CSL).

383. SECOND ANNUAL REPORT, *supra* note 374, at 11.

384. *Id.*

385. See, e.g., BIENNIAL REPORT [1925], *supra* note 377, at 41-43; BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1920-22, at 41-42 (1923).

policewomen and federal agents present in New Haven, and all of the women in the state police service were out of a job by 1919.<sup>386</sup> Yet just a couple years later, in 1922, the New Haven Police Department hired its first policewoman. The police chief wrote:

Her work so far fully demonstrates the value of such addition to the force. She has been an aid to the detectives on several occasions, and has also been instrumental in helping conditions at many of the public dances. She has also helped conditions relative to waywardness of young girls and restored several runaway girls to their parents.<sup>387</sup>

A report from 1928 added, slightly less rosily, “There is only one woman police officer. She is apparently given discretion in dealing with delinquent girls, and has to spend part of her time in serving warrants and performing various duties assigned her by the Department of Domestic Relations.”<sup>388</sup> Her purpose, noted another observer in 1928, was to give “the female delinquent . . . the benefit of feminine counseling and understanding.”<sup>389</sup> This policewoman, too, fit with a national trend of cities hiring prominent women to track and question female suspects, most of them suspected of prostitution, vagrancy, or other morals charges.<sup>390</sup>

#### 4. *The Depressed Thirties, 1929–1940*

Across the country, the Great Depression altered the policing of sex work by elite women. Beginning during the nation’s economic downturn, policewomen started to turn away from the “protective work” of an earlier generation and toward a more assimilated, professionalized, “crime control” model. Policewomen went from “city mothers” who sought to intervene in the lives of vulnerable women (albeit coercively) to uniformed, gun-toting officers who eschewed social work. This process was largely complete by the end of World War II.<sup>391</sup> At roughly the same time, the Depression resulted in the closure

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386. OWINGS, *supra* note 352, at 190.

387. City Year Book for the City of New Haven 175 (1922) (on file in WL).

388. Winslow, *supra* note 14, at 172.

389. *Progress in New Haven*, POLICEWOMAN’S INT’L BULL., Sept. 1928, at 6.

390. Los Angeles began this trend in 1910 by hiring Oberlin-educated WCTU member Alice Stebbins Wells, who surveilled female suspects and also traveled around the country to promote the policewoman model. Within a few years, there were dozens of policewomen walking the streets, and Chicago had even appointed a female judge. See JANIS APPIER, *POLICING WOMEN: THE SEXUAL POLITICS OF LAW ENFORCEMENT AND THE LAPD* 4-10 (1998); ODEM, *supra* note 340, at 111-12; Mary E. Odem, *City Mothers and Delinquent Daughters: Female Juvenile Justice Reform in Early Twentieth-Century Los Angeles*, in CALIFORNIA PROGRESSIVISM REVISITED 175, 178-79 (William Deverell & Tom Sitton, eds., 1994); AnneMarie Kooistra, *Angels for Sale: The History of Prostitution in Los Angeles, 1880-1940*, at 74-75 (2003) (unpublished Ph.D. dissertation, University of Southern California) (on file with author).

391. APPIER, *supra* note 390, at ch. 5.

or transformation of many of the nation's female reformatories. As a result of the economic downturn, wrote Nicole Hahn Rafter, "states were no longer willing to maintain expensive institutions for the rehabilitation of petty offenders . . . . Misdemeanants were squeezed out, and former reformatories came to resemble men's prisons by restricting their populations to serious offenders."<sup>392</sup>

Commitments to the Connecticut State Farm for Women had increased throughout the 1920s, with the greatest number locked up for "manifest danger," and many others being imprisoned for lascivious carriage, prostitution, immorality, and incorrigibility.<sup>393</sup> New Haven sent the second-most number of women to the Farm each year, just behind Hartford.<sup>394</sup> In keeping with national trends, the Farm did become more like a traditional "men's prison" during the Depression; accepting all of the female inmates from Wethersfield Prison in 1930 and officially housing the Connecticut State Prison for Women under the same roof.<sup>395</sup> Women released from the Farm continued to be closely monitored by female parole officers,<sup>396</sup> but the Depression altered this too. As Elizabeth Munger, the Farm's superintendent, noted in 1932, "[t]here have been several noticeable changes in the parole work attributable to the [D]epression. There has been a falling off in the demand for our girls as houseworkers. We have lost nearly all of our higher type of homes where the employers took a personal interest in the girls placed with them. We are not receiving the maximum of cooperation from the majority of the present employers—their supervision of our girls is lax—their only interest is in having their work done."<sup>397</sup> As the 1930s continued, lascivious carriage replaced manifest danger as representing the largest number of women sent to the Farm, and New Haven replaced Hartford as the city sending the highest number of women.<sup>398</sup>

### 5. *World War II, 1941–1945*

When the United States entered World War II, federal authorities reached an agreement with Superintendent Munger to accept "women and girls, arrested on

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392. RAFTER, *supra* note 341, at xxiii; *see also id.* at 82.

393. *See* BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1928-30, at 45 (1931); BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1926-28, at 42-43 (1929); BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1924-26, at 39-40 (1927).

394. *Id.*

395. REPORT FOR THE FARM AND PRISON FOR WOMEN, 1948-1949, at 467 (1949) (on file in CSL).

396. *See* sources cited *supra* note 393.

397. BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1930-32, at 23 (1933).

398. *See* BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1936-38, at 25, 28 (1939); BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1934-36, at 25, 27 (1937); BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1932-34, at 21, 23 (1935).

charges involving moral turpitude . . . for complete legal, social, and physical examination."<sup>399</sup> This resulted in a much higher number of inmates at the Farm; whereas 77 women were sent there for lascivious carriage from 1938 to 1940, along with 53 for manifest danger and 11 for prostitution,<sup>400</sup> 166 women were sent there for lascivious carriage from 1942 to 1944, as well as 84 for manifest danger and 17 for prostitution.<sup>401</sup> In the last six months of 1941, New Haven authorities sent 75 women to the Farm; in the last six months of 1942, they sent 164.<sup>402</sup> The war also caused problems for the Farm's female parole officers. They were forced to spend more time watching for "the involvement of girls with Service men," and "the marital problems of women whose husbands are in the Armed Forces require understanding and tactful handling."<sup>403</sup> And since the war demanded more paroled inmates being sent to work in "essential industries" and hospitals, this "resulted in more home paroles, where prevailing conditions in industrial communities call for diligent supervision by the Parole Officer."<sup>404</sup>

Fears that promiscuous women were corrupting soldiers and sailors led to greater surveillance of young women, and this surveillance was done by policewomen as well as policemen. In the vital military community of New London, for instance, one policewoman, Mrs. Loretto Noonan, almost singlehandedly surveilled and arrested sex workers.<sup>405</sup> She monitored the sex workers "of local origin" and investigated "[o]ut of town prostitutes," either placing them "on probation" or sending them to the Farm or another female penal facility.<sup>406</sup> "Although Mrs. Noonan is not a trained social worker," commented one observer, "she has the respect and admiration of social agencies, public officials and the community as a whole."<sup>407</sup> By 1942, in addition to her work as a police officer, Mrs. Noonan was also serving as Chairman of the New London

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399. Memorandum from John J. Murphy to Eliot Ness, *Bridgeport, Connecticut – Supplementary Field Report – August 6, 1942* (Aug. 20, 1942) (on file in Region I – Connecticut – Bridgeport Folder, Box 67, Entry 3, Record Group 215, NA).

400. BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1938-40, at 31 (1941).

401. BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1942-44, at 32 (1945).

402. Memorandum from Joseph J. Kelleher to Eliot Ness, *Field Report – New Haven, Connecticut* (Jan. 11, 1943) (on file in Region I – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA).

403. BIENNIAL REPORT [1942-44], *supra* note 401, at 29.

404. *Id.*

405. *New London, Summary of Activities, August 1941 to February 1942* (on file in Connecticut Folder, Box 69, Entry 3, Record Group 215, NA).

406. *Id.*

407. *Id.*

Social Protection Services Committee, harking back to the “protective work” of a generation earlier.<sup>408</sup>

In New Haven, the most significant elite female official was Frances L. Roth, an attorney in town and coordinator of the juvenile court.<sup>409</sup> Late in 1941, Roth had met with another prominent woman to discuss cooperation between state agents and probation officers.<sup>410</sup> By February 1942, Roth had helped to create the state’s Committee on Social Protection and the governor had installed her at its head.<sup>411</sup> A few months later, the governor appointed her as the “liaison between the State health department, the courts, and police departments.”<sup>412</sup> Roth was present at the key July 29, 1942, meeting of New Haven officials, which really set the city’s wartime policing of prostitution in motion.<sup>413</sup> She was accompanied by several other prominent women, including Nora Harris (of the Domestic Relations Office) and Grace Mooney (Assistant Director of the State’s Bureau of Venereal Diseases).<sup>414</sup> In the discussion of “more effective repression of prostitution and control of venereal diseases in New Haven,” it was Roth who suggested “the routine examination of a majority of all individuals booked not only on morals charges but also on charges of drunkenness, etc.”—a suggestion that led the mayor to wonder about its legality.<sup>415</sup> Roth also informed the other attendees “that a new arrangement has been made to meet the problem of detaining women coming into Connecticut from other states and arrested on morals charges. These persons can now be sent from any part of the State to the State Farm for Women at Niantic for short-term detention periods.”<sup>416</sup>

She coordinated the efforts of “the agencies concerned with the problems of prostitution and promiscuity.”<sup>417</sup> By the end of 1943, according to one report, Roth had:

enlisted the cooperation of 67 judges in eleven districts. These judges form the nucleus for any local action. When there is a problem in the community, Mrs. Roth contacts the individual judge and depends upon

408. John J. Murphy, *Field Report* (Mar. 26, 1942) (on file in Region I – Connecticut – New London Folder, Box 69, Entry 3, Record Group 215, NA).

409. *Divisions Set Up by Defense Social Protection Group*, HARTFORD COURANT, Oct. 28, 1942, at 9.

410. Memorandum from John J. Murphy to Eliot Ness, *CONNECTICUT – Summary of State Activities, August 1941 to February 1942* (Mar. 4, 1942) (on file in Connecticut Folder, Box 69, Entry 3, Record Group 215, NA).

411. *See id.*; Memorandum from Cecelia T. McGovern to Robert F. Ott, *New Haven, Connecticut – Interim Report* (Oct. 24, 1944) (on file in Region I – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA).

412. Memorandum from Cecelia T. McGovern (Oct. 24, 1944), *supra* note 411.

413. Memorandum from John J. Murphy (Aug. 19, 1942), *supra* note 82.

414. *Id.*

415. *Id.*

416. *Id.*

417. Memorandum from Cecelia T. McGovern (Oct. 24, 1944), *supra* note 411.

him to enlist the aid of the other interested officials, e.g., the health authorities, police and welfare agencies.

. . . She spoke about the two State policewomen who are now on the force in Connecticut. Their work has been so successful that appropriations have gone through for twelve new ones. The examinations are being held this month and the salaries are adequate enough to attract trained women. Three of these new policewomen will be located in Hartford, two in Bridgeport, one in New London, New Haven, and New Britain.<sup>418</sup>

Roth was, as one male federal official condescendingly wrote, “a human dynamo and merely needs recognition of her work, and will function with a great deal of initiative if she receives this recognition.”<sup>419</sup>

For at least the next year, and likely for the remainder of the war, female protective workers in New Haven took charge of the “possible rehabilitation of girls brought to police court.”<sup>420</sup> Viva E. Bruce of the New Haven Department of Charities checked in with the Detective Bureau daily for referrals, “interviewed the women who were referred, and arranged with the appropriate case work agencies for subsequent interviews.”<sup>421</sup> Of the interviewed women, some were allowed to return to their homes, while others were “committed to the State Farm for Women.”<sup>422</sup> A report from May 1943 noted that New Haven “has been one of the few communities in this Region to develop a case work program for girls and young women coming to the attention of the police, but not placed before the court”—that is, women who were not formally charged with a crime.<sup>423</sup>

### 6. *Gray-Flannel Years and Unrest & Uprisings, 1946–1982*

In the years after the end of World War II, policewomen continued to surveil suspected sex workers in many communities across Connecticut. In New London, for instance, Noonan continued her work at least as late as the 1950s. “She patrols all of the possible places of pick-up, such as bus and railroad

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418. Memorandum from Cecelia T. McGovern (Dec. 29, 1943), *supra* note 89.

419. Memorandum from Robert F. Ott to Eliot Ness, *Field Report – Hartford, Connecticut* (July 19, 1943) (on file in Region I – Connecticut – Hartford Folder, Box 68, Entry 3, Record Group 215, NA).

420. Memorandum from Joseph J. Kelleher (Mar. 1, 1943), *supra* note 84; *see also* Memorandum from Joseph J. Kelleher (Jan. 23, 1943), *supra* note 85.

421. Memorandum from Joseph J. Kelleher (Mar. 1, 1943), *supra* note 84.

422. *Id.*; *see also* Council of Social Agencies, *Case Work Division: Family Welfare and Relief Committee: Meeting of Thursday, March 4, 1943, 10:15 A.M., Chest Office* (on file in Region 1 – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA).

423. Memorandum from Joseph J. Kelleher to Eliot Ness, *Provision of Case Work Services in Social Protection* (May 24, 1943) (on file in Region 1 – Connecticut – New Haven Folder, Box 68, Entry 3, Record Group 215, NA). This report indicated that other communities in New England had trouble replicating New Haven’s case work model.

stations, bars, taverns, drug stores and streets, etc.," wrote one observer in 1950.<sup>424</sup> Noonan "was largely responsible for helping [to keep] the 'pick-up' and 'unescorted women' situation down to a minimum," commented another from 1952.<sup>425</sup> In Hartford, three policewomen (all of whom had attended college) were on the force by 1953. "They accompany the Vice Squad into houses of ill fame and taverns; preview questionable motion pictures and submit a report to the chief," reported the *Hartford Courant*. "Their ability to make children feel at ease with them has led [to] many sex deviates going to State prison, while women in trouble who would normally shy away with a policeman, talk freely to these lady gendarmes."<sup>426</sup>

At the Farm, the number of commitments dropped following the war, but dozens of women continued to be sent there each month, and lascivious carriage continued to be the most common reason.<sup>427</sup> One female law student from the postwar years noted that it would be fair to say that the Farm and other similar institutions "are really prisons with trees and milkcans," though she also felt that the Farm could "be of great psychological value to a demoralized prostitute whose life has been marked by hardship and insecurity."<sup>428</sup> Surveillance by female parole officers likewise continued. By the mid-1950s, the majority of Farm inmates were paroled to relatives.<sup>429</sup> Nonetheless, the system remained punitive and moralizing. As late as 1956, paroled women still had to sign agreements pledging to abstain from "all forms of intoxicants," promising to attend church "at least once on Sunday," permitting all of her mail to be opened by the parole officer, and agreeing "not [to] go out nights unless accompanied by her mother or some member of her family."<sup>430</sup> A parole agreement from 1966 looked very similar, although church attendance had been relaxed to merely "advised" and the promise not to "go out nights" had been replaced with a stipulation that "[h]er companions must be persons approved by the Parole Officer and by her family; hours of recreation to be determined by the Parole officer and family."<sup>431</sup>

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424. Edwards, *supra* note 292.

425. William J. Petrus, *Field Report, New London, Connecticut* (Apr. 4, 1952) (on file in Folder 2, Box 107, Series 7, ASHAR).

426. James M. Owens, *Policewomen Play Big Part in Crime Investigations*, *HARTFORD COURANT*, Feb. 1, 1953, at III.

427. BIENNIAL REPORT OF THE BD. OF DIRS. OF THE CONN. ST. FARM FOR WOMEN, 1944-46, at 37 (1947).

428. Lisa Aversa Sandler, *Repression and Rehabilitation: Janus-Heads in the Criminal Statutory and Administrative Treatment of Prostitutes* (on file in Folder 5, Box 960, Lawrence Z. Freedman Papers, Yale University [hereinafter LZFP]).

429. REPORT FOR THE FARM AND PRISON FOR WOMEN, 1957-1958, at 139 (1958) (on file in CSL).

430. See Parole Agreement (on file in Case No. 5028, Record Group 17, CSL).

431. Parole Agreement (on file in Case No. 6408, Record Group 17, CSL).

In New Haven, the activities of policewomen and other female law enforcement agents are harder to track in the postwar years. Several retired male officers recall “matrons”—female police officials—who would supervise the cells for women at the police lockup at 1 Union Avenue in the 1950s and 1960s.<sup>432</sup> The matrons were not sworn officers, but they were tough and capable.<sup>433</sup> There was a belief at the time that women could not be street cops, though there were at least two female officers who were not matrons—one worked in the youth division, and the other in the courthouse. In the 1970s, times were changing and the New Haven Police Department began hiring more women.<sup>434</sup> By the late 1970s, the police had started using policewomen as “decoys” to ensnare men patronizing prostitutes in the Chapel and Howe area,<sup>435</sup> a practice that continued into the 1980s.<sup>436</sup>

### 7. *The AIDS Era, 1983–2000*

The surveillance of sex workers remained a means of professional advancement for women in New Haven in the late twentieth century, and not just for the women who worked for the police. In the 1980s, Joan Barbuto, a journalist for the *New Haven Register* who reported assiduously on the AIDS epidemic, became obsessed with discovering the identity of Carlotta Locklear, the sex worker who was rumored to be spreading HIV. Many physicians and city officials recall Barbuto with bitterness; one remembered that she was offended by Barbuto’s invasive questions,<sup>437</sup> while another simply recalled her as “a Nazi.”<sup>438</sup> “One day she called me and said, ‘I know you have a woman,’ and said her name, ‘and she’s an active prostitute, and I need to know why your clinic isn’t taking actions to essentially quarantine her,’” recalled one medical professional.<sup>439</sup> After Locklear was arrested, she was briefly held in medical quarantine at the Niantic Correctional Institution.<sup>440</sup> This was an astounding piece of poetic irony—the female-run Niantic Correctional Institution had previously been known as the Connecticut State Farm for Women.<sup>441</sup>

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432. Farrell interview, *supra* note 175; Polio interview, *supra* note 132.

433. Polio interview, *supra* note 132 (“[T]he matrons were stoic. But they weren’t trained to be enforcers.”).

434. *Id.*

435. *17 Arrested in Crackdown*, HARTFORD COURANT, Apr. 19, 1977, at 25; *Decoy Prostitute Grabbed by 3 Men*, BRIDGEPORT TELEGRAM, Feb. 22, 1977, at 15.

436. Polio interview, *supra* note 132.

437. Filderman interview, *supra* note 177.

438. Andiman interview, *supra* note 177.

439. Filderman interview, *supra* note 177.

440. *Three Faces of Crime*, PHILA. DAILY NEWS, Feb. 28, 1984, at 21.

441. *History*, YORK CORRECTIONAL INSTITUTION, <https://portal.ct.gov/DOC/Facility/York-CI>.



In the early 1990s, other bourgeois women surveilled women they suspected of being sex workers, as part of a grassroots attempt to spur the police under Chief Pastore to crack down. One Fair Haven woman told the *Register* that she had personally compiled a list of 49 prostitutes working near her home.<sup>442</sup> Another woman—a resident of the Edgewood neighborhood, where activists were getting headlines for their “john of the week” campaign—told the press that she wanted the police to be “a little more aggressive with the drug dealers and prostitutes.”<sup>443</sup>

It appears that decades of such complicity by other women led female sex workers to be even more fearful in the later years of the twentieth century. In the wake of Barbuto’s reporting, Carlotta Locklear feared for her life.<sup>444</sup> When former sex worker Dolores Russino<sup>445</sup> set out to create a shelter and rehabilitation center for prostitutes, her project was stymied by a belief among some sex workers that Russino was a police informant.<sup>446</sup> The fear New Haven’s sex workers felt was real, and it was informed by a century of surveillance not merely by the police, but by elite private citizens who wished to intervene in their lives.

### *C. The Public Health Establishment*

Throughout the twentieth century, those in positions of power linked sex work to venereal disease. Because of this, public health officials were an integral part of the policing of prostitution in New Haven. In the early 1900s, experts in public health gradually began to integrate the language of morality into their work on prostitution. The world wars provided the impetus to put this morality talk into action, as public health officials began working closely with the police, federal agents, and elite women to surveil sex workers (as well as women simply suspected of promiscuity or of having an STI). The coercive surveillance tactics that public health officials pioneered in the first half of the twentieth century informed the strategies they implemented in the second half, as rates of STIs rose in spite of antibiotics, and as the AIDS epidemic emerged as the defining health crisis of the late 1900s.

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442. Josh Kovner, *Prostitution Sweep Brings 13 Arrests*, NEW HAVEN REG., July 26, 1994, at A5.

443. Josh Kovner, *Officials Get Earful on Crime*, NEW HAVEN REG., Apr. 21, 1994, at A3.

444. Hamm, *AIDS Symptoms Unconfirmed*, *supra* note 183.

445. *See supra* Part I.

446. *See* Kim Blankenship, Field Notes (Nov. 22, 1991) (on file with author).

1. *The Early Years, 1900–1917*

American physicians' obsession with sex work began in Brussels. It was there, first in 1899 and then again in 1902, that hundreds of medical doctors from around the world gathered for two conferences to discuss various public health strategies to control the spread of STIs. The debates held in the aptly named Hall of Solemn Discussions were fierce: the "regulationists" argued that STIs were best controlled when the state closely regulated prostitution, while the "abolitionists" responded that regulationism had failed, STIs were rampant, and the only solution was the complete abolition of the sex trade.<sup>447</sup> Ultimately, they came to agree that their present methods of combating syphilis and gonorrhea had failed. "For the first time," wrote historian Lucy Bland, "the medical profession was considering the need for a *moral* solution to the problem of prostitution and its related diseases."<sup>448</sup> It was this realization, this newfound appreciation of the language of "morality," that would unite doctors with elite female reformers and male bureaucrats.<sup>449</sup> This new coalition would formulate a new philosophy, which came to be called "neo-regulationism."<sup>450</sup> "The new system," summarized historian David Pivar, still demanded that sex workers be surveilled, but now by public health officials rather than the police—"diminishing the role of the police and expanding the role of hygiene authorities. Prostitutes continued to be marginalized under public hygiene law."<sup>451</sup>

Physicians returned to America from Brussels, determined to fight sex work in the name of preventing the spread of STIs. One such physician was the augustly named Prince Morrow, who, in the words of a colleague, came back from Brussels "a burning zealot."<sup>452</sup> He quickly founded a neo-regulationist organization in New York, which soon had hundreds of active members in affiliated branches all over the country.<sup>453</sup> A few years later, in 1912, Morrow's

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447. See CHARLES WALTER CLARKE, *TABOO: THE STORY OF THE PIONEERS OF SOCIAL HYGIENE* 49-54 (1961); PIVAR, *PURITY AND HYGIENE*, *supra* note 326, at 25; Katharine Bushnell, *The Medical Protest Against the Compulsory Treatment of Women*, 147 *LIGHT* 44, 44 (1922); *Society Reports: Second International Conference for the Prevention of Syphilis and Venereal Diseases*, 4 *AM. MED.* 447, 447 (1902).

448. Lucy Bland, "Cleansing the Portals of Life": *The Venereal Disease Campaign in the Early Twentieth Century*, in MARY LANGAN & BILL SCHWARZ, *CRISES IN THE BRITISH STATE, 1880-1930*, at 199 (1985).

449. *Id.* at 199-201.

450. See ALAIN CORBIN, *WOMEN FOR HIRE: PROSTITUTION AND SEXUALITY IN FRANCE AFTER 1850*, at 310-32 (Alan Sheridan trans., 1990).

451. PIVAR, *PURITY AND HYGIENE*, *supra* note 326, at 25.

452. *Notes of Interview with Dr. Keyes, November 12, 1946, Re: Dr. Prince Morrow* (on file in Folder 1, Box 1, Series 1, ASHA Records).

453. See Prince A. Morrow, *Report of Progress*, 3 *SOCIAL DISEASES* 1, 1-2 (1912); see also CONNELLY, *supra* note 4, at 14-15; James Wunsch, *Prostitution and Public Policy: From Regulation to Suppression, 1858-1920*, at 109-24 (1976) (unpublished Ph.D. dissertation, University of Chicago) (on file with author).

group merged with an organization dedicated to eliminating white slavery to become the American Social Hygiene Association (ASHA).<sup>454</sup> The ASHA, which was led by physicians and public health officials, was militantly opposed to sex work, and it would remain the most prominent private organization dedicated to eliminating prostitution for the next half century.<sup>455</sup> The first head of the ASHA was a physician named William F. Snow,<sup>456</sup> who, as secretary of the California State Board of Health a few years earlier had pioneered a policy of making syphilis and gonorrhea reportable contagious diseases, rendering their carriers subject to quarantine if state health officers deemed it necessary.<sup>457</sup>

Meanwhile, other physicians returned stateside from America's imperial holdings, such as Panama and the Philippines, where they had observed or personally regulated foreign prostitutes near military bases.<sup>458</sup> These doctors brought "many colonial practices—and even a new sense of themselves—back to urban health departments in the United States and elsewhere between 1910 and 1920."<sup>459</sup> These men had seen it as their duty to "civilize" dark-skinned natives by teaching them what the officers deemed standards of hygiene and by closely scrutinizing them to make sure they obeyed. All of these men were assured of their own wisdom and expertise, especially over immigrants, racial minorities, and women.<sup>460</sup>

In New Haven, the most prominent public health expert of the early twentieth century was Charles-Edward Amory (C-E.A.) Winslow. Born in 1877 and educated at M.I.T., he arrived in New Haven in 1915 to serve as the first professor in Yale's newly founded Department of Public Health,<sup>461</sup> a department he would lead for the next thirty years.<sup>462</sup> From his new perch in New Haven, Winslow, a bacteriologist by training, immediately embarked on a campaign against STIs and prostitution. In February 1916, less than a year after arriving in New Haven, Winslow was unanimously elected president of the Connecticut Society of Social Hygiene, one of many local branches of the ASHA that were

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454. Kayla Jo Blackman, *Public Power, Private Matters: The American Social Hygiene Association and the Policing of Sexual Health in the Progressive Era 30-32* (2014) (unpublished M.A. thesis, University of Montana) (on file with author).

455. See generally STERN, *supra* note 45.

456. *Id.* at 31.

457. *Id.* at 27.

458. L.M. Maus, *A Brief History of Venereal Diseases in the United States Army and Measures Employed for Their Suppression 5* (June 14, 1917) (on file in Folder 3, Box 131, Series 9, ASHA Records).

459. WARWICK ANDERSON, *COLONIAL PATHOLOGIES: AMERICAN TROPICAL MEDICINE, RACE, AND HYGIENE IN THE PHILIPPINES 8* (2006).

460. *Id.* at 106.

461. *Yale Names Three New Professors*, HARTFORD COURANT, Apr. 20, 1915, at 6.

462. Steve Kemper, *C-E.A. Winslow, Who Launched Public Health at Yale a Century Ago, Still Influential Today*, YALENEWS (June 2, 2015), <https://news.yale.edu/2015/06/02/public-health-giant-c-ea-winslow-who-launched-public-health-yale-century-ago-still-influe>.

springing up all over the country.<sup>463</sup> In his first annual address as president, Winslow acknowledged the Society's "tireless" secretary, Thomas Hepburn, a prominent physician (and father of actress Katharine Hepburn),<sup>464</sup> and its "devoted" Field Secretary, the physician and elite female reformer Dr. Valeria Parker.<sup>465</sup> In 1915, Connecticut had passed a law requiring that physicians report all cases of "venereal disease" to the state, and the Society had spent the year pushing for compliance with this law.<sup>466</sup> The Society's members were dedicated "to the protection of our race stock against hereditary deterioration, and to the maintenance of standards of personal morality."<sup>467</sup> To that end, Society members had traveled around Connecticut, urging municipal officials to "attack . . . commercialized vice."<sup>468</sup> Its members also pushed for the passage of two bills, a "woman's reformatory bill" (to establish the Connecticut State Farm for Women) and a bill to allow citizens to bring legal actions against building owners they believed to be facilitating the sale of sex.<sup>469</sup>

## 2. *World War I, 1917–1918*

In May 1917, just weeks after the nation's entrance into World War I, and days before Congress passed a law empowering the Secretary of War to "do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy-houses" near military installations,<sup>470</sup> the leaders of the ASHA gathered in a Washington, D.C. conference room with the War Department staff devoted to eliminating prostitution. The ASHA agreed to dispatch two of its most experienced investigators to hit the streets on behalf the federal government and find out as much information as they could about prostitution, STIs, alcohol, and drugs near military camps.<sup>471</sup> William F. Snow, the ASHA's leader, relocated to Washington to work more closely with the federal government.<sup>472</sup> By the end of the year, every single one of the ASHA's hundreds of staff members was on the

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463. Report of the Sixth Annual Meeting of the Connecticut Society of Social Hygiene, *supra* note 41, at 13.

464. *Id.* at 8.

465. *Id.*

466. *Id.* at 8-9.

467. *Id.* at 11.

468. *Id.* at 11-12.

469. *Id.* at 14.

470. Selective Service Act, Pub. L. No. 65-12, 40 Stat. 76 (1917).

471. Meeting Minutes, American Social Hygiene Association, May 10, 1917 (on file in Folder 6, Box 5, Series 2, ASHA Records).

472. Meeting Minutes, American Social Hygiene Association, June 21, 1917 (on file in Folder 6, Box 5, Series 2, ASHA Records).

federal payroll, fighting to prevent the presence of liquor and sex work near soldiers and sailors.<sup>473</sup>

At Snow's urging, the federal government pushed states and cities to pass laws (written by ASHA members) enabling local officials not merely to arrest women suspected of selling sex, but also to detain any woman "reasonably suspected" of having syphilis or gonorrhea, examine her for STIs, and incarcerate infected women for compulsory treatment.<sup>474</sup> By the early 1920s, every state had passed such a law, and tens of thousands of women, most of them merely "suspected" of promiscuity, had been examined and incarcerated simply for having an infection.<sup>475</sup> Many of the physicians and ASHA members who most enthusiastically enforced these laws were those who had begun their careers in U.S. colonial holdings, scrutinizing and dictating the behavior of non-white people.<sup>476</sup> Even after World War I ended, these laws were enforced, largely by public health officials, in many places all across the country.<sup>477</sup> This program of surveillance and examination and incarceration was known as the American Plan.<sup>478</sup>

Back on May 23, 1917, the Assistant Secretary of the ASHA wrote to Winslow, informing him that Dr. Parker "called on us yesterday and among other things told us that conditions in regard to prostitution and the use of liquor as they affect the Connecticut National Guard troops doing guard duty in small detachments in various parts of the state are thoroughly unsatisfactory."<sup>479</sup> Dr. Parker thought the Connecticut Society of Social Hygiene might "enlist the interest of other organizations in the state . . . in a state-wide movement to prevent the conditions in question," and the ASHA man asked Winslow if he might be able to "get together an active committee . . . to do some very effective work for the repression of vicious conditions generally."<sup>480</sup> In response to this letter and similar sentiments expressed by Society members, Winslow decided to organize a "local committee" in New Haven to advocate "for the treatment of venereal disease, for the restriction of the social evil [i.e., prostitution], and for the

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473. STERN, *supra* note 45, at 50.

474. *Id.* at 61-65.

475. *Id.* at 6-7, 117.

476. *Id.* at 75-76. These physicians included Claude C. Pierce (Panama and Mexico), Allan J. McLaughlin (Philippines), W.C. Gorgas (Panama), Rupert Blue (Hawaii), and L.M. Maus (Philippines).

477. *Id.* at chs. 11-13.

478. *Id.* at 121.

479. Letter from James Foster to C-E.A. Winslow (May 23, 1917) (on file in Folder 1165, Box 77, CEAWP).

480. *Id.*

maintenance of a generally wholesome atmosphere.”<sup>481</sup> A few months later, Winslow wrote to an acquaintance that he had:

organized this local group as an informal committee representing various public organizations, particularly those in which women are active, to help in the campaign in this city. We had originally two main ends in view. To secure the appointment of police women to supervise general conditions. This end has been very thoroughly accomplished through [Dr. Parker’s Woman’s Division of the] State Council of Defense. Our other interest is the provision of adequate clinical facilities for the treatment of venereal diseases in New Haven, and this matter is now in the hands of a joint committee representing our local group and the Medical School, but no definite steps have yet been taken in regard to the matter.<sup>482</sup>

As a scholar of public health, Winslow was chiefly concerned with the policing of sex workers because of his belief that they spread STIs. According to notes for a speech he gave in 1918 entitled “Social Hygiene Problems in Connecticut,” Winslow believed that the problem of STIs had been “[r]evealed, not created by [the] war . . . venereal disease in the army is a local civilian problem.”<sup>483</sup> He outlined several ways “to fight it.” These included “[c]ombating social evil.” He extolled the “[r]esults accomplished” in the “[e]limination of organized vice” and “[p]rotection of girls.”<sup>484</sup>

By March of 1918, New Haven had established what Winslow called a “fairly good clinic” for the treatment of STIs, and he advised state officials that other communities should do the same.<sup>485</sup> Just two days later, the Connecticut State Council of Defense voted to “consider the advisability of establishing clinics and dispensaries for the treatment of venereal diseases”; at the same meeting, it also voted to consider “the establishment of a temporary detention home for treatment and segregation of prostitutes.”<sup>486</sup> Council members met with the new directors of the Connecticut State Farm for Women, who claimed the state had no right to divert funds toward the establishment of a temporary

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481. See Letter from C-E.A. Winslow to George Blumer (June 22, 1917) (on file in Folder 1165, Box 77, CEAWP).

482. Letter from C-E.A. Winslow to Gertrude Seymour (Feb. 16, 1918) (on file in Folder 1165, Box 77, CEAWP).

483. C-E.A. Winslow, Notes, *Social Hygiene Problems in Connecticut*, Mar. 23, 1918 (on file in Folder 1468, Box 125, CEAWP).

484. *Id.*

485. Letter from C-E.A. Winslow to D. Chester Brown (Mar. 5, 1918) (on file in Folder 1169, Box 77, CEAWP).

486. Letter from “Capt. M R C” to Morgan Brainard (Mar. 9, 1918) (on file in Folder 1169, Box 77, CEAWP).

detention house.<sup>487</sup> Instead, state officials voted to provide funds to both the State Board of Health and the Farm for “the control of venereal diseases.”<sup>488</sup> From the summer of 1918 to the end of the war in November, a majority of the women committed to the Farm had committed no crime but were simply infected with STIs; flush with state funding, the Farm treated these women with the then-standard mercury and arsenic-based injections.<sup>489</sup> As noted *supra* Part II.B, about a quarter of the Farm’s first inmates were from New Haven.<sup>490</sup>

Winslow, meanwhile, put the State Board of Health in touch with the U.S. Public Health Service (USPHS), which sought to “appoint a man to take charge of venereal disease control in your state.”<sup>491</sup> All across the country, young officers in the USPHS’s Division of Venereal Diseases were taking over the anti-STI work of state boards of health, and Connecticut was no exception. By the beginning of 1919 a USPHS officer was in charge of the State Board of Health’s Bureau of Venereal Diseases,<sup>492</sup> overseeing what one state health report would call “an unheralded warfare against social diseases.”<sup>493</sup> Because of their large concentrations of soldiers and sailors, New Haven and New London “were the two points at which to concentrate our efforts,” continued the health report.<sup>494</sup> The “fairly good clinic” Winslow had described in March 1918 was taken over by the state in February 1919, and it quickly expanded to occupy five rooms at 1423 Chapel St.<sup>495</sup> At the same time, it appears that officials in New Haven continued arresting women “reasonably suspected” of carrying STIs, a policy that one New Haven woman called “vile beyond words” in a July 1919 letter to the federal government.<sup>496</sup>

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487. D. CHESTER BROWN, REPORT OF SPECIAL COMMITTEE OF STATE COUNCIL OF DEFENSE TO CONSIDER MATTERS OF PUBLIC HEALTH AND CONTROL OF VENEREAL DISEASES, Mar. 11, 1918 (on file in Health Folder, Box 57, RG 30, CSL).

488. Budget: Extraordinary Measures for Health Protection Made Necessary by War Conditions, Including Proffered Federal Aid, May 27, 1918 (on file in Health Folder, Box 57, RG 30, CSL).

489. SECOND ANNUAL REPORT, *supra* note 374, at 5, 14-15. For more on state funding of this work, see Resolution Adopted by the Board of Control of Connecticut, June 25, 1918 (on file in State Farm for Women Folder, Box 58, RG 30, CSL).

490. See *supra* note 375 and accompanying text.

491. Letter from J.C. Perry to C-E.A. Winslow (Apr. 30, 1918) (on file in Folder 1169, Box 77, CEAWP).

492. Letter from Rupert Blue to Carl Michel, *supra* note 266.

493. REPORT OF THE STATE DEPARTMENT OF HEALTH, 1919-1920, at 193 (on file in NHFPL).

494. *Id.* at 195.

495. *Id.*

496. Letter from Frances Ostrand to William Gibbs McAdoo (July 28, 1919) (on file in Miscellaneous Folder (204.8), Box 21, Entry 42, Record Group 90, NA).

### 3. *The Swingin' Twenties, 1919–1928*

The extent to which Connecticut's Bureau of Venereal Diseases continued to enforce the American Plan in the 1920s is unclear (though evidence is clear that health officials in several other states did so with alacrity).<sup>497</sup> A December 1922 letter from the Bureau's director stated:

[I]n regard to repressive measures in this State . . . little antagonistic work has been done. However, in several instances we have been able to locate the source of infection and where it was due to prostitution have been able to apprehend the parties guilty of this offense. We have received hearty cooperation from the Police Department throughout the State . . .<sup>498</sup>

Three years later this same director wrote that in Hartford "all cases coming into the court under vice charges would be examined and if found infected would be sentenced to a minimum of six months at the county jail and to be treated,"<sup>499</sup> though the director felt the local police were better equipped than state health officials to deal with "the control of prostitutes."<sup>500</sup> The Hartford "program" proved to be influential with other municipal officials; New Haven authorities were "enthusiastic" about it, wrote the director, and in 1926 they too resumed having certain criminal defendants examined for STIs and then compulsorily treated, regardless of whether they were ultimately convicted.<sup>501</sup> This almost certainly affected New Haven's sex workers.

Even though they often deferred to local law enforcement, state public health officials continued to have the power to control women's freedom. In 1929, for instance, the director of Connecticut's Bureau of Venereal Diseases wrote to Thomas Parran (then head of the USPHS's Division of Venereal Diseases) that in Bridgeport there was "a woman who has been in this country twenty-four years, but is still not a citizen and who has a positive Wassermann [i.e., was diagnosed with syphilis]. She will not accept treatment. Can we deport her to the country of her origin, and if so, how shall [w]e proceed?"<sup>502</sup> Parran replied, "There is no authority whereby an alien can be deported for this cause. It is

497. See STERN, *supra* note 45, at ch. 11.

498. Letter from Daniel E. Shea to Mark J. White (Dec. 4, 1922) (on file in Legal Folder (206.7), Box 131, Entry 42, Record Group 90, NA).

499. Letter from Daniel E. Shea to Mark J. White (June 2, 1925) (on file in Legal Folder (206.7), Box 131, Entry 42, Record Group 90, NA).

500. REPORT OF THE STATE DEPARTMENT OF HEALTH, 1923, at 123 (on file in NHFPL).

501. REPORT OF THE STATE DEPARTMENT OF HEALTH, 1926, at 205 (on file in NHFPL).

502. Letter from Henry P. Talbot to Thomas Parran (Oct. 29, 1929) (on file in Legal Folder (206.7), Box 131, Entry 42, Record Group 90, NA).



assumed the State Board of Health Regulations give to the Health Officer the power to quarantine infected persons who refuse treatment.”<sup>503</sup>

Throughout the 1920s, C-E.A. Winslow remained interested in the potential public health threat posed by sex workers. In 1920, he tried to revive the Connecticut Society of Social Hygiene,<sup>504</sup> which considered a new constitution pledging the members “to advocate the highest standards of private and public morality; [and] to suppress commercialized vice, particularly prostitution.”<sup>505</sup> This attempted revival spluttered out by 1921,<sup>506</sup> but Winslow carried on. In 1927, Winslow and his protégé, young public health scholar Ira V. Hiscock, began a “health survey of New Haven.”<sup>507</sup> “We are particularly anxious to get more information than is now available in regard to venereal disease control and the general social hygiene situation,” Winslow wrote to ASHA General Secretary William F. Snow, but “[t]here [we]re no funds available for this survey,” so Winslow asked for ASHA assistance.<sup>508</sup> Snow obliged, providing thousands of dollars in ASHA funding so that Winslow and Hiscock could complete their work.<sup>509</sup>

In 1928, Winslow and Hiscock published their seminal *Health Survey of New Haven*. It included an entire chapter on “social hygiene,” written by Dr. Snow himself. “Up to the time of the World War, little attention was paid to the problem of the control of venereal diseases,” Snow wrote. “Then the United States government put into effect a successful program, known internationally as the ‘American plan,’ consisting of education, recreation, legal and protective measures and medical and public health work. These measures are recognized today as the essentials in a social hygiene program.”<sup>510</sup> In his chapter, Snow implied (though provided no evidence) that “foreign-born” New Haven residents were responsible for spreading a disproportionate share of STIs, as a result of their “superstitions, customs, and habits.”<sup>511</sup> But much of his ire was reserved for New Haven’s sex workers. Though “[p]rostitution in the city of New Haven is neither open nor flagrant,” Snow wrote, a “serious” problem existed as a result

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503. Letter from Thomas Parran to Henry P. Talbot (Nov. 5, 1929) (on file in Legal Folder (206.7), Box 131, Entry 42, Record Group 90, NA).

504. See Untitled Memorandum (Feb. 25, 1920) (on file in Folder 1166, Box 77, CEAWP).

505. The Connecticut Social Hygiene Association, Incorporated, art. II (on file in Folder 1166, Box 77, CEAWP).

506. AMERICAN SOCIAL HYGIENE ASSOCIATION, REPORT OF THE COMMITTEE ON STATES RELATIONS AND ACTIVITIES FOR THE YEAR 1928 (on file in Folder 575, Box 55, CEAWP).

507. Letter from C-E.A. Winslow to William F. Snow (Apr. 2, 1927) (on file in Folder 550, Box 55, CEAWP).

508. *Id.*

509. Letter from William F. Snow to C-E.A. Winslow (Apr. 26, 1927) (on file in Folder 550, Box 55, CEAWP).

510. Winslow, *supra* note 14, at 161.

511. *Id.* at 168-69.

of sex workers “utilizing the roadhouses and automobiles.”<sup>512</sup> He was cheered by the fact that the “city police are active in the suppression of prostitution and other forms of sex promiscuity,” and noted that “most of the persons brought into the city court are charged with ‘lascivious carriage,’” a charge whose flexibility and vagueness he appreciated.<sup>513</sup> To Snow, such policing represented “good beginnings.”<sup>514</sup>

Winslow and Snow hoped this report would result in the formation of a “local social hygiene committee in New Haven.”<sup>515</sup> And on November 13, 1928, the New Haven Board of Health authorized the city’s health officer, John L. Rice, “to call together groups of New Haven citizens interested in social hygiene work for the purpose of forming a New Haven Social Hygiene Committee.”<sup>516</sup> By 1929, such a committee had been created, consisting of Rice, Winslow, Hiscock, and “other members represent[ing] the various interests of the American Social Hygiene program.”<sup>517</sup> Throughout the 1930s, this group “made a material contribution toward the enlightenment of the public regarding the venereal disease problem [through] the arrangement of lectures and public meetings, and succeeded in reaching a substantial number of persons.”<sup>518</sup> This public relations campaign almost certainly involved the further demonization of sex workers.

#### 4. *The Depressed Thirties, 1929–1940*

All through the 1930s, the ASHA continued to promote enforcement of the American Plan, as well as the repression of prostitution; in some cities, ASHA field agents hit the streets themselves, located women they believed to be sex workers, and handed over names to local police officers.<sup>519</sup> At the same time, Winslow’s ties to the ASHA grew ever closer. He corresponded with Snow about how best to lecture on the power of “health authorities . . . to deal with the legal offense involved in commercial prostitution,”<sup>520</sup> and Snow sent Winslow the latest reports on sex work from around the country, such as one from Syracuse,

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512. *Id.* at 170.

513. *Id.* at 170-71.

514. *Id.* at 170.

515. Letter from C-E.A. Winslow to Gertrude R. Luce (Mar. 9, 1928) (on file in Folder 550, Box 55, CEAWP); *see also* Winslow, *supra* note 14, at 182.

516. Letter from Ira V. Hiscock to William F. Snow (Nov. 14, 1928) (on file in Folder 34, Box 3, Ira V. Hiscock Papers, Yale University [hereinafter IVHP]).

517. Letter from Ira V. Hiscock to Valeria Parker (Oct. 31, 1929) (on file in Folder 218, Box 10, IVHP).

518. Ira V. Hiscock, *Up to Now? An Informal Introduction* (on file in Folder 1488, Box 79, IVHP).

519. *See* STERN, *supra* note 45, at 182, 192-93.

520. Letter from Ray H. Everett to C-E.A. Winslow (Sept. 24, 1929) (on file in Folder 551, Box 55, CEAWP).

which claimed, “[c]olored prostitutes seemed to be in the majority, and it was evident that their methods of securing customers were much more flagrant than those practiced by the white women.”<sup>521</sup> In 1934, Winslow was elected to the ASHA’s executive committee.<sup>522</sup> In 1936, and again in 1937, he was elected its vice president.<sup>523</sup>

At just this time, public health authorities across the country were gearing up for a renewed battle against STIs and their spreaders. Surgeon General Thomas Parran (former head of the Division of Venereal Diseases) began calling for a national campaign against STIs and their spreaders in 1936.<sup>524</sup> The ASHA was integral to disseminating Parran’s views, creating a widely popular National Social Hygiene Day in 1937 to get the message out.<sup>525</sup> In the wake of National Social Hygiene Day, dozens of cities set up new organizations “for social hygiene work.”<sup>526</sup> One of these was New Haven. In time for the Second National Social Hygiene Day in 1938, Winslow and Ira V. Hiscock helped to establish “a new and active Social Hygiene Association in New Haven.”<sup>527</sup> The New Haven Social Hygiene Association, a revitalized version of the city’s Society of Social Hygiene, studied the prevalence of syphilis and gonorrhea in the city, organized lectures on “the venereal situation,” and “support[ed] federal legislation providing grants to the states for venereal disease control work.”<sup>528</sup> In the late 1930s, flush with federal grant money, “cities and states across the country began, with fits and starts, to reinforce the American Plan.”<sup>529</sup>

New Haven public health officials were instrumental in this renewed campaign far beyond the city limits. Not only was Winslow helping to run the ASHA, but in 1933 John L. Rice, New Haven’s city health officer, moved to New York to become that city’s health commissioner.<sup>530</sup> Two years after assuming this new position, Rice created a Bureau of Social Hygiene and hired

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521. See *Commercialized Prostitution*, Apr. 12, 1932, and accompanying correspondence (on file in Folder 552, Box 55, CEAWP).

522. See Letter from Susan D. Herter Dakin to C-E.A. Winslow (Feb. 5, 1934) (on file in Folder 553, Box 55, CEAWP).

523. Letter from C-E.A. Winslow to William F. Snow (Feb. 12, 1937) (on file in Folder 554, Box 55, CEAWP); Letter from C-E.A. Winslow to William F. Snow (Feb. 20, 1936) (on file in Folder 553, Box 55, CEAWP).

524. See *supra* notes 279-81 and accompanying text.

525. STERN, *supra* note 45, at 196.

526. *Id.*

527. Letter from Ira V. Hiscock to James A. Shanley (Apr. 5, 1938) (on file in Folder 1428, Box 76, IVHP); see also Letter from James W. Cooper to C-E.A. Winslow (Mar. 14, 1938) (on file in Folder 522, Box 20, CEAWP); Letter from Grace Mooney to C-E.A. Winslow (Mar. 11, 1939) (on file in Folder 522, Box 20, CEAWP).

528. Hiscock, *supra* note 518, at 6.

529. STERN, *supra* note 45, at 196.

530. *Health Guarding Under LaGuardia*, BROOKLYN DAILY EAGLE, Dec. 30, 1933, at 8.

a veteran ASHA investigator to run it.<sup>531</sup> Rice's Bureau quickly returned the American Plan to New York, subjecting all women arrested on "morals charges" to an STI examination and incarcerating the infected ones for treatment without due process.<sup>532</sup> The ASHA proudly trumpeted Rice's accomplishments in New York; in 1937, Snow sent Winslow a report summarizing the work done there.<sup>533</sup> In 1939, Hiscock was one of the ASHA's featured speakers at a "two-day conference in New York which attracted social hygiene executives from sections as widely scattered as Texas, Mississippi, Illinois, Vermont and Massachusetts."<sup>534</sup> "Medical quackery and prostitution were seen as principal obstacles to even greater progress for the control of syphilis," wrote one ASHA official, recounting the conference to Winslow.<sup>535</sup>

### 5. World War II, 1941–1945

World War II revitalized the American Plan—and thus the arrests of sex workers and women suspected of being sex workers.<sup>536</sup> The federal re-entry into local policing was spurred in large part by officials in the U.S. Public Health Service and the leaders of the ASHA, including Thomas Parran and William F. Snow.<sup>537</sup> Medical treatment remained a major justification for the incarceration of arrested women; indeed, thousands nationally were held in what were known as "rapid treatment centers," racially segregated, heavily guarded detention hospitals, surrounded by barbed wire or electric-charged fences, in which women were injected with arsenic-bismuth treatments for syphilis and sulfa drugs for gonorrhea.<sup>538</sup> Some detention hospitals were so unpleasant that they were lambasted in the press; the assistant surgeon general worried about the "undue publicity given to the 'prostitute prison camp' aspect of the Rapid Treatment Centers."<sup>539</sup>

In New Haven in February 1940, the flames of the revitalized American Plan were fanned when William F. Snow visited, and, following an introduction by

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531. Walter Clarke, *The New York City Plan for Combating Syphilis*, 109 J. AM. MED. ASS'N 1021, 1023 (1937).

532. MARGUERITE MARSH, *PROSTITUTES IN NEW YORK CITY: THEIR APPREHENSION, TRIAL, AND TREATMENT, JULY 1939-JUNE 1940*, at 92-95 (1941).

533. Letter from William F. Snow to C-E.A. Winslow (Mar. 3, 1937) (on file in Folder 554, Box 55, CEAWP).

534. Letter from Donald C. Dougherty to C-E.A. Winslow (Nov. 1, 1939) (on file in Folder 555, Box 55, CEAWP).

535. *Id.*

536. *See supra* Parts I, II.A, and II.B.

537. *See* STERN, *supra* note 45, at 206-09.

538. *Id.* at 219.

539. *Id.*

Winslow, spoke about the national campaign against STIs.<sup>540</sup> At the same time, it appears that the New Haven Department of Health began ramping up its more coercive anti-STI practices. That year, according to its annual report, the Department of Health “pursued its policy of hospitalizing cases of infectious syphilis whenever there is any possibility of the spread of disease,”<sup>541</sup> which certainly included suspected sex workers. By the following year, the “[i]nvestigative duties of the staff ha[d] been increased many fold,” with investigators sent out looking for the sources of infection reported by military men who tested positive for STIs.<sup>542</sup>

At the pivotal meeting on July 29, 1942, which fully revived the wartime policing of prostitution, New Haven’s health officer, Joseph Linde, along with members of the Department of Health’s Bureau of Venereal Disease, were present to plan “more effective machinery for the repression of prostitution and the control of venereal disease in New Haven.”<sup>543</sup> Indeed, it was Health Officer Linde who had called the meeting, and he opened it by “explain[ing] the necessity of immediate action on the problem,” before turning the floor over to Hiscock,<sup>544</sup> who had served on the Department of Health’s Board of Commissioners for the past fifteen years.<sup>545</sup> The two physicians dominated the meeting, repeatedly chiming in about “the necessity from the standpoint of the Health Department of finding and examining sources of infection and contacts.”<sup>546</sup> Linde and Hiscock led the mayor, chief of police, city officials, federal officials, and prominent women to agree that the city had to create and fund a centralized “clinic” at which detained women could be held, examined, and treated for STIs.<sup>547</sup>

The Department of Health moved quickly, and the court clinic opened on September 17, 1942.<sup>548</sup> “At that time,” a New Haven health official would write years later,

the law, in connection with court orders for venereal disease examinations, held that if there was no conviction, there would be no

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540. Letter from Grace Mooney to C-E.A. Winslow (Jan. 20, 1940) (on file in Folder 522, Box 20, CEAWP).

541. CITY OF NEW HAVEN, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH 20 (1940) (on file in NHFPL).

542. CITY OF NEW HAVEN, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH 22 (1941) (on file in NHFPL).

543. Bohan, *supra* note 86, at 997.

544. Memorandum from John J. Murphy [Aug. 19, 1942], *supra* note 82.

545. *Ira V. Hiscock (1892-1986)*, HARVEY CUSHING/JOHN HAY WHITNEY MED. LIBR., <https://library.medicine.yale.edu/content/ira-v-hiscock-1892-1986>.

546. Memorandum from John J. Murphy [Aug. 19, 1942], *supra* note 82.

547. *Id.*

548. Bohan, *supra* note 86, at 997.

court order for examination. The health officer, however, could issue an order for examination if he had reasonable grounds . . . .

Early in 1943, the State legislature made it mandatory, effective October 1943, for every individual arrested for an alleged morals offense, to be examined for venereal disease. This section of the statute was passed more or less as a war measure with the approval and sponsorship of the Connecticut State Department of Health. At that particular time, as the courts were quite concerned about venereal disease, the law was adopted promptly. This court examination requirement has worked out quite satisfactorily.<sup>549</sup>

The clinic involved the cooperation of public health authorities, the police, and female-run "social agencies."<sup>550</sup> In 1944, some 30 percent of those arrested on morals charges were found to be infected.<sup>551</sup> At least some women who tested positive were sent to the Farm for treatment.<sup>552</sup>

#### 6. *Gray-Flannel Years, 1946–1959*

As the war came to a close in 1945, penicillin became widely available in the United States for the first time. It proved to be an astoundingly effective treatment for STIs—"[b]y the late 1940s, authorities were aware that a single injection of penicillin could cure gonorrhea, and it took just ten to fourteen days of outpatient care to cure syphilis."<sup>553</sup> The Farm's annual report for 1953 noted, "There has been a gradual decrease in venereal disease for the past five years (due no doubt to new drugs and better community control)."<sup>554</sup> This fundamentally altered enforcement of the American Plan; no longer was it necessary to imprison infected women for months or weeks for treatment, and cities began detaining significantly fewer women merely suspected of having an STI.<sup>555</sup>

Still, some degree of enforcement would remain in many places for several years.<sup>556</sup> Remarkably, New Haven's court clinic remained open for decades after the end of World War II. An article in *Public Health Reports* from 1960 noted, "All persons arrested on a morals charge are examined by the court clinic doctor for evidence of a venereal disease prior to trial. On the morning following their

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549. *Id.* at 997-98.

550. Memorandum from Harold L. Burk (Dec. 18, 1942), *supra* note 87; CITY OF NEW HAVEN, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH 16 (1943) (on file in NHFPL).

551. CITY OF NEW HAVEN, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH 21 (1944) (on file in NHFPL).

552. Council of Social Agencies, *supra* note 422.

553. STERN, *supra* note 45, at 239.

554. REPORT FOR THE FARM AND PRISON FOR WOMEN, 1952-53, at 185 (1953) (on file in CSL).

555. STERN, *supra* note 45, at 239-40.

556. *Id.* at ch. 13.

arrest, they are brought to the court clinic for that purpose by a probation officer.”<sup>557</sup> Though few of those examined after 1945 were imprisoned for forcible treatment, this clinic was still a way for public health officials to surveil and monitor New Haven residents, including many sex workers. As a result of “newer drugs and antibiotics,” wrote the Department of Health in 1947, “cure is apparently effected in a few weeks, but follow-up for a period of two years is necessary.”<sup>558</sup>

The Department of Health also increased its investigations of those named as contacts by infected people. “Greater emphasis was placed on contact investigation,” continued the Department’s annual report for 1947. “399 contacts were named by 252 cases. Of these, 119 residents were sufficiently identified to warrant investigation.”<sup>559</sup> Fifteen years later, in 1962, the ASHA released a report on the New Haven court clinic, noting that the “case finding program is centered around efforts to interview reported cases of venereal disease and the follow-up of suspects, either known or referred to the Department of Health. Suspects followed include the sexual and familial contacts on infectious cases.”<sup>560</sup> The precise gender ratio for contact tracing in New Haven is unclear, but in its annual reports the Department of Health grouped contacts into three categories: “Familial,” “Clandestine,” and “Prostitute.”<sup>561</sup> In many other places across the country, contact tracing was remarkably discriminatory, with some authorities disproportionately or exclusively focusing their investigations on women,<sup>562</sup> especially sex workers.<sup>563</sup> In Washington, public health investigators “carried out a number of surveys of commercialized prostitution conditions in several communities in order to assist local law enforcement agencies in the repression of this activity.”<sup>564</sup>

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557. Bohan, *supra* note 86, at 998.

558. CITY OF NEW HAVEN, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH 21 (1947) (on file in NHFPL).

559. *Id.*

560. American Public Health Association, Survey of City of New Haven: Department of Health 198 (1961-1962) (on file in Box 2, Series 25, RG 16, CSL).

561. CITY OF NEW HAVEN, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH 18 (1950) (on file in NHFPL); CITY OF NEW HAVEN, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH 20 (1949) (on file in NHFPL); ANNUAL REPORT OF THE DEPARTMENT OF HEALTH [1947], *supra* note 558, at 23.

562. STERN, *supra* note 45, at 240; Nicholas J. Fiumara, *The Police Role in Contact Investigation*, 37 J. SOC. HYGIENE 274, 276 (1951); see also ILL. DEP’T OF PUB. HEALTH, THIRTIETH ANNUAL REPORT 56 (1947).

563. WASH. STATE DEP’T OF HEALTH, ANNUAL REPORT 16 (1947).

564. *Id.*

### 7. *Unrest and Uprisings, 1960–1982*

It appears that the court clinic closed at some point during the 1960s,<sup>565</sup> but contact tracing continued throughout the 1960s and at least into the mid-1970s.<sup>566</sup> This would have significant ramifications when, a decade later, the AIDS epidemic appeared in New Haven and sex workers were once again labeled a grave public health threat. In his seminal work on AIDS and stigma, the historian Richard A. McKay noted how “[d]ecades of work in VD control” convinced public health officials of the “the power of the contact tracing method” and also led them to “pathologize men who had sex with other men.”<sup>567</sup> This, in turn, shaped how they understood AIDS.<sup>568</sup> For centuries, public health officials studying STIs had believed “certain individuals—particularly female prostitutes and wet nurses—to be not simply conduits but sources of venereal disease,” wrote McKay.<sup>569</sup> Suddenly, in the mid-twentieth century, they began focusing on another group: gay men.<sup>570</sup> Over the next three decades, “venereal disease investigators were taught to expect that many homosexual men would attempt to conceal their sexual identity and the names of their sexual partners, and that it was the investigator’s responsibility to deftly wrest that information from them.”<sup>571</sup> This experience “laid the groundwork . . . for some of the early investigations into AIDS.”<sup>572</sup>

These dynamics are evident from the New Haven Department of Health’s annual reports. When the rate of gonorrhea increased in the late 1960s, the Department of Health claimed that some of the blame rested with “changing moral values and the growth of communal living patterns.”<sup>573</sup> In 1972, the Department wrote, “[v]irtually eliminated from New Haven five years ago, infectious syphilis has reappeared, predominantly among male homosexuals, and is once again a serious threat to the community.”<sup>574</sup> Two years later, the Department added, “a high percentage of the new [syphilis] cases are seen in

565. It ceased to be mentioned in the Department of Health’s annual reports from 1964 onward.

566. See NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 44 (1974) (on file in NHFPL); NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 32 (1973) (on file in NHFPL); NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 33 (1972) (on file in NHFPL); NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 23 (1969) (on file in NHFPL); NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 18 (1968) (on file in NHFPL); NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 19 (1967) (on file in NHFPL); NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 18 (1966) (on file in NHFPL). Contact tracing ceases to be mentioned in the annual reports following 1974.

567. RICHARD A. MCKAY, *PATIENT ZERO AND THE MAKING OF THE AIDS EPIDEMIC* 80-81 (2017).

568. *Id.*

569. *Id.* at 89.

570. *Id.* at 87-90.

571. *Id.* at 92.

572. *Id.* at 137-38.

573. NEW HAVEN DEP’T OF HEALTH, ANNUAL REPORT 24 (1970) (on file in NHFPL).

574. NEW HAVEN DEP’T OF HEALTH (1972), *supra* note 566, at 34.



homosexuals, a phenomenon explained by their generally greater rate of promiscuity.”<sup>575</sup> “As in the last years,” summed up the Department in 1980, “syphilis is seen more in the homosexual population segment where it is also more difficult to control.”<sup>576</sup> Thus, the Department was primed to consider gay men to be a source of AIDS, and a recalcitrant and slippery one at that. In the early 1980s, recalled Yale-New Haven Hospital staff member Tom Urtz, “Everybody knew it [AIDS] was a gay disease.”<sup>577</sup>

#### 8. *The AIDS Era, 1983–2000*

The same dynamics were at play when it came to female sex workers. One of the first articles about Carlotta Locklear, the allegedly HIV-positive sex worker, noted that some New Haven residents described her as a “modern-day Typhoid Mary,”<sup>578</sup> linking Locklear to another purportedly pathological health threat of yesteryear. In an essay on Locklear, Michael S. Gerber noted that “most public health officials argued against isolation” in her case,<sup>579</sup> but the public health strategies of the past, which had so often been deployed against sex workers, remained very attractive to those in power. After her arrest, Locklear was briefly chained to a bed in Yale-New Haven Hospital,<sup>580</sup> which harkened back to earlier punitive policies against sex workers intended to force them to accept treatment. A few months later, in direct response to the Locklear case, the Connecticut legislature passed a law giving local boards of health the power to confine someone with a communicable disease who “poses a substantial threat to the public health . . . when confinement is necessary as the least restrictive alternative in the protection of the public health.”<sup>581</sup> Though this law has never been invoked for a case involving HIV,<sup>582</sup> it immediately led to a series of copycat measures being proposed across the country.<sup>583</sup> By the end of 1987, “nine states had amended existing quarantine laws or passed new ones explicitly authorizing quarantine for those carrying AIDS.”<sup>584</sup> At the same time, legislators

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575. NEW HAVEN DEP'T OF HEALTH (1974), *supra* note 566, at 44.

576. NEW HAVEN DEP'T OF HEALTH, ANNUAL REPORT 69 (1980) (on file in NHFPL).

577. Telephone Interview with Tom Urtz (June 15, 2017).

578. Sides, *supra* note 178, at 17.

579. Michael S. Gerber, “A Modern-Day Typhoid Mary”: The Response to a New Haven Prostitute with AIDS in the Early 1980s, at 3 (2001) (unpublished senior essay on file with author).

580. *Id.* at 23-25.

581. 1984 Conn. Acts 3 (Reg. Sess.) (amending CONN. GEN. STAT. § 19a-221); Christine Guilfooy, *Quarantine Bill Passes in Connecticut*, GAY COMMUNITY NEWS, June 2, 1984, at 3.

582. Richard L. Melchreit, *HIV Infection in Connecticut, 1980-1990*, 38 CONN. HIST. 45, 46 (Fall 1997-Spring 1999).

583. Christine Guilfooy, *Connecticut Quarantine Law Out of Committee*, GAY COMMUNITY NEWS, May 12, 1984, at 3.

584. Stern, *supra* note 188, at 195.

began proposing laws that specifically targeted convicted or merely arrested sex workers for mandatory HIV testing.<sup>585</sup> More than two dozen states ultimately passed these laws.<sup>586</sup>

Ironically, scientific studies would later show that sex workers were not major vectors in the spread of HIV. In large part this is because, "while HIV could potentially be transmitted from women to men through vaginal intercourse, this would be exceedingly rare, since vaginal excretions contained only tiny amounts of the virus. Rather, the primary way women (even sex workers) transmitted STIs to men was by sharing needles."<sup>587</sup> Further, "prostitutes are more likely to use condoms during intercourse than any other group of sexually active women."<sup>588</sup> As one press release from the sex worker organization COYOTE slyly noted in 1988, "If prostitutes were effectively transmitting the AIDS virus to their customers, there would be far more cases of white, heterosexual males diagnosed with AIDS than is reflected in the current statistics."<sup>589</sup>

Nonetheless, in large part because of widespread injection drug use, AIDS was a real problem for New Haven's sex workers. One study of the city's sex workers in the 1990s found that more than 50 percent self-reported being HIV-positive.<sup>590</sup> Certainly, as AIDS became one of the world's greatest public health crises, their demonization and criminalization was not helping anyone.

#### *D. Yale University*

On Sunday, October 20, 1901, alumni and students gathered in New Haven to celebrate the two hundredth anniversary of Yale. The celebration opened with prayers in Battell Chapel, on the perimeter of the recently-cleared Old Campus, and proceeded with speeches by Mark Twain and Teddy Roosevelt, two football games (one by the current team and one by a team made up of "the greats of yesteryear"), a pageant, the dedication of several buildings, the "publication of a large group of scholarly books," and a "great torchlight parade of five thousand graduates and students in costumes illustrating Yale's history."<sup>591</sup> And then the party was over. "After all the joy and celebration, after the five thousand graduates and all the dignitaries who attended had gone home," recounted the

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585. *Id.* at 198-99.

586. *Id.*

587. *Id.* at pt. IV.A.

588. Tracy M. Clements, *Prostitution and the American Health Care System: Denying Access to a Group of Women in Need*, 11 BERKELEY WOMEN'S L. J. 49, 60 (1996).

589. Women and AIDS/Prostitutes and AIDS (1988) (on file in Folder 1, Carton 1, COYOTE Records, Schlesinger Library).

590. Blankenship, *supra* note 231, at 255.

591. BROOKS MATHER KELLEY, YALE: A HISTORY 318-20 (1974).

school's celebrated historian, Brooks Mather Kelley, "Yale was left to face its problems."<sup>592</sup> The school needed a stronger endowment and modern administration; it needed to transform into "a real university instead of merely a collection of schools surrounding a dominant college"; and, with a dwindling interest in the classical curriculum and the rise of organized extracurriculars, the school needed to reckon with its own identity.<sup>593</sup>

What Kelley neglected to mention in this litany of troubles was the school's continued problem with sex work. Specifically, the presence of sex workers on campus threatened the school's image, its reputation, and (according to the medical experts of the day) the health of the student body. Over the next century, Yale administrators would repeatedly intervene in New Haven's policing of sex workers, in order to protect the reputation of the school and the supposed moral rectitude and health of its students. Yale would also contribute experts who were influential in the policing of prostitution in New Haven and beyond. In this way, Yale's role in the surveillance of sex workers is emblematic of other prominent universities in U.S. cities—university administrators enacted policies that perpetuated inequality and oppression and repression in their home cities, in large part to protect the reputations of their institutions.

### *1. The Early Years, 1900–1917*

Sex workers were everywhere in New Haven, wrote one journalist in 1897: "They have decked themselves out in gaudy attire afoot, and frequently on diamond frame bicycles, a most demoralizing example to shop-girls and many young women who see them daily and nightly."<sup>594</sup> In so many words, he blamed Yale: "Their capers have been going on for some years, but during the past few months they have been more brazen than ever. Since Yale opened [for the academic year] nearly a score of girls and women have arrived from Bridgeport and Hartford."<sup>595</sup> It was this brazenness that led the superintendent of police to stand on a chair and tell the New Haven police force that they could tolerate the presence of sex workers no longer. The patrolmen began going out every afternoon at four o'clock and arresting all of the sex workers they could find.<sup>596</sup>

Such a policy did not last long, and it did not accomplish much—it certainly did not stop sex workers and Yale students from associating. In 1901, for instance, just days after the end of the two hundredth anniversary celebration, a student named Charles Smith was arrested on the steps of Woolsey Hall, in the

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592. *Id.* at 320-21.

593. *Id.* at 298-300, 321-22.

594. *Crusade Is on in Earnest*, NEW HAVEN REG., Oct. 16, 1897, at 3.

595. *Id.*

596. *Id.*

heart of campus, along with “a girl who gave the name of Grace George.”<sup>597</sup> Both were charged with lascivious carriage.<sup>598</sup> A few years later, in her study of “girl delinquency in New Haven,” Mabel Wiley lamented:

The streets are full of girls walking up and down and standing on corners until late every night. Many of these street-walkers are out of town girls, attracted to New Haven by the large student body, who leave during the summer and come back in the fall with the opening of college.<sup>599</sup>

The crackdown of 1897 was clearly long past. “The police know the girls—in fact, have been seen joking and talking with them, and still they interfere very little, especially with the younger ones.”<sup>600</sup> Wiley blamed Yale for much of the trouble and noted a sexist double standard:

It is felt that the influence which a small proportion of the students of the University has upon girl delinquency is great, but the majority of this never gets into court. Sometimes a girl appears in court whose delinquency has been caused by a student, but the man never appears nor receives any punishment.<sup>601</sup>

In the enhanced campaign against sex workers that resulted from the “white slavery” scare of the early 1910s, several Yalies played leading roles as “experts” on sexual deviancy. In Wiley’s study, for instance, she relied on a Yale psychologist to “ma[k]e the mental examinations” of the female delinquents in her study, “using the Binet test.” It was this Yale scholar, as well as a Miss Parkman of the “Classes for Mentally Defective in the public schools,” who were “largely responsible for the very definite statements which are made concerning the percent of mentally deficient among delinquents in New Haven.”<sup>602</sup> A few years later, Yale psychologists likewise performed eugenic intelligence testing on the female inmates of the Farm.<sup>603</sup> In addition, many of the Connecticut Society of Social Hygiene’s earliest members were Yale professors, including the influential neoclassical economist Irving Fisher.<sup>604</sup> At a 1915 meeting of the Society, Yale Professor William B. Bailey, chairman of the social evil committee, was reported to have said:

[T]hree important movements toward lessening the extent of the social evil in Connecticut had been brought into activity during the past year, namely: Investigation as to the need of a Women’s Reformatory, the

597. *Arrested on Woolsey Hall Steps*, NEW HAVEN MORNING J. & COURIER, Nov. 16, 1903, at 6.

598. *Id.*

599. Wiley, *supra* note 25, at 17.

600. *Id.*

601. *Id.*

602. Wiley, *supra* note 25, at 7.

603. SECOND ANNUAL REPORT, *supra* note 374, at 5.

604. REPORT OF THE SIXTH ANNUAL MEETING OF THE CONNECTICUT SOCIETY OF SOCIAL HYGIENE, *supra* note 41, at 43.

appointment of a Vice Commission for the city of Bridgeport and an investigation to the causes of juvenile delinquency . . . .<sup>605</sup>

And C-E.A. Winslow became the Society's president in 1916.<sup>606</sup>

## 2. *World War I, 1917–1918*

As in New Haven, and the country more broadly, World War I marked an inflection point of sorts, when it came to Yale's role in the national campaign against sex work. Yale men had been training for World War I since the summer of 1913; artillery arrived for formal drills in March 1916, and ROTC officially began in February 1917.<sup>607</sup> When war broke out in April, the Yale Aerial Coast Patrol represented almost the entirety of the U.S. Navy's air force.<sup>608</sup> Students returned from spring break to find themselves "in a 'voluntary' military camp. Nearly the entire student body was enrolled in an informal artillery training course. Physical exercises were held every morning, chapel was shortened, and classes were speeded up. Even many faculty members began to do military drills."<sup>609</sup> Many students joined active units and army officers began arriving on campus to turn students into soldiers.<sup>610</sup>

With all of these young men—students and others—gathering on campus to train for war, the university's leaders made sure to accommodate and promote enforcement of the American Plan in their city. After the Connecticut State Council of Defense appointed a Committee on the Control of Venereal Diseases (which included Yale Professor C-E.A. Winslow) in March 1918,<sup>611</sup> the Yale Medical School repeatedly made rooms available for the Committee to meet.<sup>612</sup> A year later, Yale hosted a screening of the federal propaganda film *Fit to Win* in the university's grand Woolsey Hall, for 2,000 students.<sup>613</sup> In *Fit to Win*, five young drafted men (including two college students) go out for a night on the town and are approached by sex workers; four agree to follow the women to a brothel, and the three who succumb to the sex workers' advances end up contracting debilitating STIs. The film ends with the one soldier who refused the sex workers' advances punching another, shouting that a man is "not a coward

605. *Social Hygiene Society Meeting*, HARTFORD COURANT, Nov. 30, 1915, at 7.

606. REPORT OF THE SIXTH ANNUAL MEETING OF THE CONNECTICUT SOCIETY OF SOCIAL HYGIENE, *supra* note 41, at 13.

607. KELLEY, *supra* note 591, at 348-50.

608. *Id.* at 351.

609. *Id.*

610. Macaluso, *supra* note 42, at 138-43.

611. BROWN, REPORT OF SPECIAL COMMITTEE, *supra* note 487.

612. See Letter from C-E.A. Winslow to J.W. Alsop (Apr. 9, 1918) (on file in Health Folder, Box 57, Record Group 30, CSL); Letter from George A. Quigley to Charles C. Godfrey (Mar. 22, 1918) (on file in Folder 1169, Box 77, CEAWP).

613. "Best Definition of Moral Is Yale Spirit" —Wright, '92, YALE DAILY NEWS, Mar. 11, 1919, at 1.

because he won't go with a dirty slut," and the others, awed by his chastity, pledging to live clean lives from then on.<sup>614</sup> In addition to the screening, the students heard from two military men, including a Yale alumnus serving as "the government's supervisor of vice repression in New England and New York," who told the audience "of the government's great morale work and campaign against prostitution and venereal diseases."<sup>615</sup> Yale's dean introduced the speakers and "in a brief speech emphasized the fact that the film was not being shown as a means of improving the students themselves, but rather to educate them in order that they might be able to teach others to keep themselves fit to live."<sup>616</sup>

Clearly, such policies influenced student sentiment, for one Sunday in February 1919, the student editors of the *Yale Daily News*, along with the editors of the *Harvard Crimson* and the *Princetonian* met:

[They] adopted unanimously certain principles of post-war policy . . . . One of the underappreciated duties of the present day citizen is to see that the government's successful war program of combating prostitution and venereal disease is made a part of our peace-time administration. To the advocacy of increased study of the principles and duties of citizenship the three papers are pledged.<sup>617</sup>

Another Connecticut man, this one living in Hartford, saw *Fit to Win* a few months later and was so inspired that he wrote to the U.S. Public Health Service offering to "do all I can to Protect my Friends [from] the Disease" and calling the government's attention to the "Several Prostitutes right Here in Hartford . . . . [I]t would be a treat to the town if they were cleaned up."<sup>618</sup>

Finally, there is a possibility that the U.S. Public Health Service may have paid special interest to enforcing the American Plan near Yale's campus. In December 1918 (a month after World War I formally ended, and with soldiers beginning to return stateside in droves), a Cleveland woman who called herself Mrs. M.J. Gries wrote to the Public Health Service "to call the attention of your bureau to conditions in New Haven Conn. The Flower of the Youth of this Nation are in attendance at Yale University and I understand that conditions [there] were most appalling."<sup>619</sup> She claimed that her information came from her son, who was a Yale student, and one of his friends:

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614. BRANDT, *supra* note 44, at 68-69.

615. "Best Definition of Moral Is Yale Spirit," *supra* note 613, at 1.

616. *Id.*

617. *Editorial*, YALE DAILY NEWS, Feb. 3, 1919, at 2.

618. Letter from D.W. Lyman to U.S. Pub. Health Serv. (Feb. 10, 1920) (on file in Law Enforcement Folder, Box 25, Entry 42, Record Group 90, NA).

619. Letter from Mrs. M.J. Gries to U.S. Pub. Health Serv. (Dec. 24, 1918) (on file in Law Enforcement Folder, Box 25, Entry 42, Record Group 90, NA).

They tell me that they are afraid to think of what New Haven will be when school opens in January and the men have full liberty after what they have seen under military discipline. I shall be much interested to hear that this matter has been taken up by your bureau for I know that when our government attempts something it will not fail.<sup>620</sup>

Gries signed off as “Yours in the interest of a pure young manhood.”<sup>621</sup>

A week later, the head of the Public Health Service’s Division of Venereal Diseases wrote back, calling Gries’s concern “commendable” and asking her to “obtain such facts from your son and his friend” as were possible to gather.<sup>622</sup> “The U.S. Public Health Service is determined to wage a relentless war on venereal disease and the cause of its spread, prostitution. Be assured that prompt action will be taken if the facts justify same.”<sup>623</sup> Gries wrote back asking for assurances that any information she provided would be kept in the “strictest confidence and our name never mentioned in your investigation. I am asking this because it would be impossible for these boys to continue at school if they were known & suspected of being informants.”<sup>624</sup> The Department head responded assuring her they would be discreet.<sup>625</sup> There the documentary record ends, possibly because of the government’s discretion. It is impossible to know whether Gries followed up by providing concrete information, or whether the government took enforcement actions in New Haven as a result. Nonetheless, this exchange encapsulates a reality about America’s universities at this time: they could be focal points for anti-prostitution policies, in order to protect the “Flower of the Youth of this Nation.”

### 3. *The Swingin’ Twenties and Depressed Thirties, 1919–1940*

Even after the federal government ceased to oversee the American Plan in the early 1920s, Yale’s leaders remained interested in the sex education aspect of the Plan—with its punitively anti-prostitution message, embodied in films like *Fit to Win*. In the mid-1920s, for instance, leaders of the ASHA wrote to Yale President James Angell, urging him to appoint a “faculty social hygiene committee” to formulate “an acceptable program of sex-social education.”<sup>626</sup>

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620. *Id.*

621. *Id.*

622. Letter from C.C. Pierce to Mrs. M.J. Gries (Dec. 31, 1918) (on file in Law Enforcement Folder, Box 25, Entry 42, Record Group 90, NA).

623. *Id.*

624. Letter from Mrs. M.J. Gries to C.C. Pierce (n.d.) (on file in Law Enforcement Folder, Box 25, Entry 42, Record Group 90, NA).

625. Letter from C.C. Pierce to Mrs. M.J. Gries (Jan. 13, 1919) (on file in Law Enforcement Folder, Box 25, Entry 42, Record Group 90, NA).

626. See Letter from M.J. Exner to James R. Angell (Nov. 5, 1924) (on file in Folder 157, Box 14, James Rowland Angell Papers, Yale University [hereinafter JRAP]).

Such a program certainly would have been sex-negative and virulently anti-prostitution. Believing that the ASHA was “interested in improving the existing social conditions in the student body,”<sup>627</sup> Angell agreed, appointing James C. Greenway, Director of the Department of University Health, to head the committee.<sup>628</sup> Greenway had been trying to add “sex hygiene” to the freshman curriculum for some time, so he was “glad” to join the committee,<sup>629</sup> along with C-E.A. Winslow and M.C. Winternitz, Dean of the School of Medicine.<sup>630</sup> Just what Greenway’s vision of “sex hygiene” consisted of is unclear, but his letter to Angell accepting the position provides a hint:

Five years ago we had Mr. Bascom Johnson, a classmate of mine [at Yale College, several years earlier], who is in charge of the law enforcement branch of the [American] Social Hygiene Association work, come to New Haven several times and talk over with us local problems in connection especially with the control of venereal disease.<sup>631</sup>

The committee amounted to very little, due in part to a disagreement between Greenway and another member, who “believe[d] that it [was] a matter best left alone”—almost certainly Winternitz.<sup>632</sup> Nonetheless, ASHA officials continued to cultivate relationships with Yale’s leaders—for instance, corresponding with Yale President Charles Seymour in the late 1930s about the campaign and prostitution and STIs.<sup>633</sup>

In 1928, C-E.A. Winslow and Ira Hiscock released their *Health Survey of New Haven*, including the chapter on social hygiene written by William F. Snow. Snow claimed in the chapter that “[t]he annual influx of Yale University students adds several additional thousands to the city’s population, but the study indicates that although they add to the community’s social problems their venereal disease incidence rate is thought to be low.”<sup>634</sup> This suggested that Yale students were perhaps less likely to patronize local sex workers, whom Snow believed were vectors for STIs. Yet such a suggestion is belied by other records, such as FBI files from the Bureau’s 1936–1937 investigation into trafficking in Connecticut,

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627. See Letter from M.J. Exner to James R. Angell (Dec. 14, 1924) (on file in Folder 157, Box 14, JRAP).

628. See Letter from James R. Angell to James C. Greenway (Nov. 28, 1924) (on file in Folder 157, Box 14, JRAP); Letter from M.J. Exner to James R. Angell (Jan. 21, 1925) (on file in Folder 157, Box 14, JRAP).

629. Letter from James C. Greenway to James R. Angell (Nov. 29, 1924) (on file in Folder 157, Box 14, JRAP).

630. See Letter from James C. Greenway to M.J. Exner (Dec. 13, 1927) (on file in Folder 157, Box 14, JRAP).

631. *Id.*

632. Letter from James C. Greenway to James R. Angell (Nov. 14, 1927) (on file in Folder 157, Box 14, JRAP).

633. See Correspondence between ASHA Officials and Charles Seymour (n.d.) (on file in Folder 125, Box 15, Charles Seymour Papers, Yale University).

634. Winslow, *supra* note 14, at 169.



which mention a New Haven brothel that catered “exclusively to a high-class clientele, such as students of Yale University, professors of that University, and other ‘respectable persons.’”<sup>635</sup> Likewise, one account of Yale in the 1920s describes some students “hit[ting] New Haven dives like the Knickerbocker to pick up prostitutes and get in fights with townies.”<sup>636</sup>

#### 4. *World War II, 1941–1945*

World War II again provided an impetus for increased surveillance of suspected sex work in order to protect Yale students. At the pivotal July 29, 1942 meeting that revitalized the policing of prostitution in New Haven, the federal, state, and local officials present were joined by at least three Yale officials: Hiscock, Dr. Orville F. Rogers (Director of Yale’s Department of University Health), and H.B. Fisher (Yale’s liaison to the federal government).<sup>637</sup> Dr. Rogers’s testimony at that meeting revealed that Yale students who were diagnosed with STIs were being questioned about whom they had gotten the infection from, though they “usually refuse[d] to reveal the names of sources and contacts of infection.”<sup>638</sup> A year later, at another meeting between federal, state, local, and Yale officials, the assembled authorities discussed “a local problem [that] exists among the young girls who hang around the ‘Green’ and the University gates trying to make ‘pick-ups.’”<sup>639</sup> It is likely that this discussion led to increased policing near campus.

World War II also provided yet another opportunity for Yale professors to play leading roles in the broader statewide campaign against sex work. Public health professor Ira V. Hiscock, for instance, spent two months performing a health survey of Bridgeport and then presented his findings to Army, Navy, FBI, and state officials.<sup>640</sup> Hiscock concluded that “the prostitution situation is centered in the colored section of the City,” and, as a result of the survey, city officials agreed to take “necessary action.”<sup>641</sup> Back in New Haven, Hiscock was appointed chairman of the New Haven Social Protection Committee, in charge

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635. PLILEY, *supra* note 244, at 191 (quoting L.G. Turrou, Sept. 15, 1936, 31-42685-111, sec. 4, p. 14, Box 88, Record Group 65, Records of the Federal Bureau of Investigation—FBI Headquarters Case Files, Classification 31, National Archives, College Park, Md.).

636. GEOFFREY KABASERVICE, *THE GUARDIANS: KINGMAN BREWSTER, HIS CIRCLE, AND THE RISE OF THE LIBERAL ESTABLISHMENT* 53 (2004).

637. Memorandum from John J. Murphy (Aug. 19, 1942), *supra* note 82.

638. *Id.*

639. Memorandum from Cecelia T. McGovern (Dec. 29, 1943), *supra* note 89.

640. Memorandum from John J. Murphy to Eliot Ness, *Bridgeport, Connecticut – Supplementary Field Report – July 24, 1942* (Aug. 20, 1942) (on file in Region I – Connecticut – Bridgeport Folder, Box 67, Entry 3, Record Group 215, NA).

641. *Id.*

of the city's anti-sex work campaign,<sup>642</sup> he then offered to put the ASHA in touch with a criminal law professor at Yale Law School, who, Hiscock believed, would be interested in "starting a study of the Connecticut laws relating to prostitution, disorderly conduct, and related subjects, and also an analysis of how they were being applied," and might assign such a project to his students.<sup>643</sup>

### 5. *Gray-Flannel Years and Unrest and Uprisings, 1946–1982*

In the years after World War II, Mabel Wiley's observation from two generations earlier—that Yale students were often the instigators in sex work transactions, yet rarely faced legal penalties<sup>644</sup>—almost certainly continued to be a reality in New Haven. As John D'Emilio and Estelle Freedman recount in their comprehensive history of sexuality in America, "[c]ollege status gave young men power in their negotiations with working-class girls. Labeled as 'pickups,' they were sexual objects with whom one pushed 'as far as you can.'"<sup>645</sup> The maintenance of this double standard was largely the result of class differences between college men and local women:

By pursuing sex with working-class girls, middle-class males could expect chastity from their peers without relinquishing access to intercourse themselves. One youth felt it was "all right for a boy to go as far as he wants, but not with the girl he is to marry or with a girl in his own class."<sup>646</sup>

In New Haven, this double standard is best exemplified by an infamous sex scandal from the first days of the 1960s, in which 20 Yale undergraduates pleaded guilty to "lascivious carriage" for engaging in sexual acts with a fourteen-year-old girl known to them as "Suzi."<sup>647</sup> In 1959, Suzi had begun using her new telephone to call Yale dorm rooms and ended up meeting many Yale students for oral sex; the story broke in the *Register* on January 18, 1960.<sup>648</sup> "News that Yale boys had been getting blowjobs from a townie—a freshman townie—was bad news indeed," wrote journalist Mark Oppenheimer decades

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642. Memorandum from John J. Murphy (Aug. 19, 1942), *supra* note 82.

643. *From the Files of Mrs. Luce, American Social Hygiene Association, Washington, D.C. Office* (on file in Region I – Connecticut – "ASHA Material" Folder, Box 67, Entry 3, RG 215, NA).

644. *But see* Andrew Houlding, *Some Fragments From the 'Model City' Era*, NEW HAVEN ADVOC., Nov. 15, 1978 (on file in Folder 613, Box 42, Thomas Irwin Emerson Papers, Yale University) (mentioning a "Yale University student arrested on lascivious carriage" charge in the mid-1960s).

645. D'EMILIO & FREEDMAN, *supra* note 71, at 263.

646. *Id.*

647. *See* Mark Oppenheimer, *Suzi at Yale*, TABLET MAG. (Aug. 21, 2017), <https://www.tabletmag.com/jewish-news-and-politics/242877/suzi-at-yale-2> [<https://perma.cc/N2YD-9D29>].

648. *Id.*

later. “[T]his was the kind of thing that Yale might want to cover up.”<sup>649</sup> The Yale administration began responding to a barrage of angry and concerned letters, claiming in one reply that the “young woman involved in these distressing events is seriously unbalanced in certain respects.”<sup>650</sup> One of the students involved similarly dismissed Suzi as “a very deranged little girl.”<sup>651</sup> Suzi soon started using a different name and ultimately moved far from New Haven. The Yale students, on the other hand, faced minimal fines, took time off, and then mostly returned to school. “We were thrown out . . . and we were welcomed back,” recalled one of the men. “It wasn’t like walking around campus with a big ‘A’ on your forehead. There were no issues.”<sup>652</sup>

At roughly the same time, Yale “experts” were continuing to shape the city’s (and state’s) anti-sex work policies. In the early 1960s, for instance, as the New Haven Department of Health tracked suspected sources of STIs (who, recall, were grouped into three categories: “Familial,” “Clandestine,” and “Prostitute”<sup>653</sup>), the Department’s investigator was a Yale divinity school student.<sup>654</sup> In the late 1960s, as the American Law Institute (ALI) was preparing its Model Penal Code, the publication of which would result in Connecticut eliminating the antiquated statute outlawing lascivious carriage,<sup>655</sup> the ALI consulted with Yale psychiatry professor Lawrence Z. Freedman. Freedman, who had read up on sex work in New Haven to learn more about the treatment of prostitutes,<sup>656</sup> provided advice as the ALI drafted the section of the Model Penal Code that dealt with “Prostitution and Related Offenses.”<sup>657</sup>

Even Yale students voiced their opinions regarding the policies governing sex workers’ lives with surprising frequency in the 1960s. In 1961, a student named Van V. Burger wrote in the pages of the *Yale Daily News*, “I saw in the papers a couple of weeks ago that a renegade grand jury in Philadelphia made a legislative proposal that prostitution be legalized. As you might guess the jury was predominantly a pack of women flexing their emancipated muscles.”<sup>658</sup> Burger considered their proposal “not too sharp.”<sup>659</sup> A year later, another student, Ross D. Mackenzie, added his two cents in the *Yale Daily News*, “The

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649. *Id.*

650. *Id.*

651. Bohan, *supra* note 86.

652. *Id.*

653. See sources cited *supra* note 561.

654. ASHA, Survey of City of New Haven, *supra* note 560, at 198.

655. See *Modernizing Sex Laws*, *supra* note 129.

656. See Sandler, *Repression and Rehabilitation*, *supra* note 428, (noting that a paper on sex work—based on observations of New Haven—was found in Freedman’s files).

657. See correspondence in Folder 4, Box 760, LZFP.

658. Van V. Burger, *Brawling in the Caves*, *YALE DAILY NEWS*, Mar. 13, 1961, at 2.

659. *Id.*

integrate-or-else boys are at it again. This time the seat of racial turmoil is Okinawa, where the Kennedy administration, in its foremost civil rights action to date, is full steam ahead to de-segregate prostitution.”<sup>660</sup> In 1966, the Yale Intercollegiate Debate League kicked off its twentieth season by considering the proposition: “Resolved: That Prostitution should be legalized.”<sup>661</sup> The *News* did not record which side won the debate, but perhaps it is indicative of the result that a few months later, during Yale’s annual Charities Drive, the students raised thousands of dollars for the ASHA, which, recounted the *News*, “believes that the specific social ills of venereal disease, prostitution and narcotic addiction are rooted in family and community failure. Its efforts since 1912 have been devoted to an attack upon each of these problems.”<sup>662</sup>

In 1969, Yale began admitting female undergraduates, which almost certainly altered the market for sex work on and around campus. Previously, Yale students had to venture outside campus—either to nearby women’s colleges, or to seedier sites closer to home—for the chance to meet potential female sexual partners. (One New Haven resident recalled a joke from the 1960s: lascivious carriage was “a carload of Yalies heading up Route 10 toward Smith.”)<sup>663</sup> Now, at the apex of the sexual revolution, female undergraduates suddenly moved into Yale’s residential colleges. Following the advent of coeducation, traces of Yale students paying for sex largely disappear from the archive. Yet this would not be the end of Yale “experts” influencing the policing of sex workers in New Haven. In 1983, a Yale Divinity student named Paul Keane heard about Carlotta Locklear from a nurse at a diner; it was Keane who brought Locklear’s story to Hampton Sides, a Yale student journalist; and it was the two of them who broke the story that led to Locklear’s persecution.<sup>664</sup>

During these same decades, New Haven was undergoing its celebrated “urban renewal,” and the architects of this renewal deliberately carved up New Haven to “create a buffer” between the Yale and city’s central business district on the one hand, and the “less-desirable neighborhoods of Wooster Square to the east, Dixwell to the northwest, Dwight to the west, Hill to the southwest, and other areas to the south” on the other hand.<sup>665</sup> Yale deliberately bought up property in several neighboring black neighborhoods in order to raze the existing structures and separate the heart of campus from the neighborhoods beyond.<sup>666</sup>

660. Ross D. Mackenzie, *Borborygmi*, YALE DAILY NEWS, Apr. 13, 1962, at 2.

661. Stephen B. Bedrick, *Intercollege Debating Teams Tackle Prostitution Tonight*, YALE DAILY NEWS, Oct. 18, 1966, at 3.

662. *Yale University Charities Drive 1966*, YALE DAILY NEWS, Nov. 28, 1966, at 3.

663. O’Connor interview, *supra* note 120.

664. Telephone Interview with Paul Keane (May 8, 2017).

665. WILLIAM RICHARDS, REVOLT AND REFORM IN ARCHITECTURE’S ACADEMY: URBAN RENEWAL, RACE, AND THE RISE OF DESIGN IN THE PUBLIC INTEREST 91 (2010).

666. *Id.* at 92.

Following the construction of new dormitories (called “residential colleges”) in the 1950s and 1960s, Yale’s administrators began installing locked gates. “We did not object to the fact, which indeed rarely crossed our minds, that the residential colleges especially were designed to cut Yale off from New Haven,” recalled Yale’s famed architectural historian Vincent Scully.<sup>667</sup> These choices perpetuated the increasing economic and geographic isolation of poorer and less white parts of New Haven.

#### 6. *The AIDS Era, 1983–2000*

They also presaged the increased police presence around Yale’s campus. Especially after the murder of a Yale student on campus in 1991 (and the media firestorm that followed), university administrators “made plans to beef up the security and police budgets,” recounted a student journalist in the *Yale Daily News*.<sup>668</sup> “Since 1991 the University has installed a network of emergency blue phones, improved lighting, expanded its police department and created a new security force.”<sup>669</sup> All of this further isolated New Haven locals from Yalies—almost certainly including New Haven’s sex workers. Thus, Yale has contributed to the polarization of New Haven, to the entrenched poverty in certain neighborhoods even as the area around the university thrives.<sup>670</sup> All of this affects New Haven’s sex workers. It means that, if they venture close to the university, they are potentially subject to increased scrutiny. It means that the places where many of them live are poorer and have fewer opportunities for residents to escape such poverty. It means that they live in a city that boasts one of the most prestigious universities in the world, but is also home to endemic, racialized poverty.

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667. *Id.* at 94.

668. Andrew Paciorek, *The Murder That Changed It All*, YALE DAILY NEWS (Feb. 16, 2001), <https://yaledailynews.com/blog/2001/02/16/the-murder-that-changed-it-all>.

669. *Id.*

670. See Braden Curry, *Gentrification in New Haven, 200–2014*, YALE DAILY NEWS (Nov. 20, 2015), <https://yaledailynews.com/blog/2015/11/20/gentrification-in-new-haven-2000-2014>; *Yale University and New Haven Team Up to Remake Broadway for Retail, Restaurants*, NEW HAVEN REG. (May 16, 2015), <https://www.nhregister.com/connecticut/article/Yale-University-and-New-Haven-team-up-to-remake-11357057.php> (“Among the critics of Yale’s strategy is Caitlyn Fuchs-Rosner, a graduate student, who said, ‘I think the shops are overpriced and meant to gentrify the neighborhood.’ . . . [Sterling] Johnson, former co-coordinator of the Dwight Hall social justice organization at Yale, called Yale’s selection of stores ‘very intentional and strategic . . . It’s not that open community that they’re discussing or is their public face or public message,’ which he said purports to be open to all classes of people.”).

## CONCLUSION

As I write this, I live just a block from Chapel and Howe. Formerly the most notorious intersection in New Haven, Chapel and Howe is now conspicuously empty of sex work, drug dealing, and other visible forms of crime. Instead, one corner now boasts The Novella, a glossy, glassy, expensive apartment building that is home to Yale graduate students and affluent young professionals. It is very much within what students call the “Yale Bubble”—an expensive, developed part of New Haven where Yale students and staff predominate. When I tell my neighbors that this intersection used to be known for all of the sex workers who worked there, many react with bemusement or shock.

The transformation of Chapel and Howe was not accidental. It was the result of a confluence of forces stretching back a century—of increased federal intervention into municipal policing and increased federal funding of jails and urban redevelopment projects; of political mobilization on the part of ambitious women who fulfilled their ambitions by perpetuating an oppressive system; of a public health establishment that pathologized disease and justified the increased surveillance of marginalized populations; and of a university administration that sought to prevent the troubles of its home city from reaching its students, and that also contributed experts to justify the methods of isolating the gown from the town.

This Note is a work of history, yet the point I have attempted to make is still one with contemporary relevance. The lives of sex workers are controlled by systemic forces with deep historical roots; poverty, racism, gendered violence, and militarized policing all have genealogies that go back a century at least. The policies that impact sex workers are the product of more than merely police, prosecutors, and judges; they originate in federal anti-drug legislation, in the career advancement of elite reformers, in the reports of medical professionals seeking to prevent the spread of infection, and in the pronouncements and policies of elite academic institutions. It is a truism that those who forget their history are doomed to repeat it. It is my hope that we can instead learn from our history, and better see the ways that nearly invisible forces shape the lives of marginalized people.