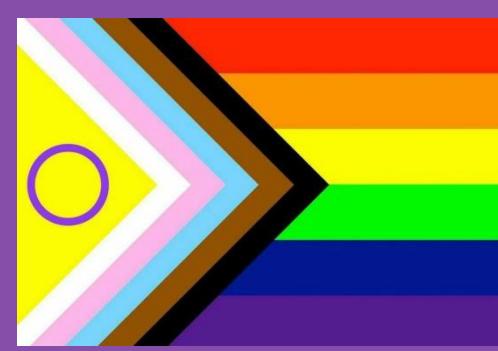


# The Impact of Sodomy Law Repeals on Crime



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## Abstract

We exploit variations in the timing of decriminalization of same-sex sexual intercourse across US states to estimate the impact of these law changes on crime through difference-in-differences and event study models. We provide the first evidence that sodomy law repeals led to a decline in the number of arrests for disorderly conduct, prostitution, and other sex offenses. Moreover, in line with the hypothesis that sodomy law repeals enhanced mental health and lessened minority stress, we show that these repeals led to a reduction in arrests for drug and alcohol consumption. Further analysis also suggests that our findings are aligned with a drop in the number of suicides among men following such repeals.

## Introduction

- Sodomy laws: laws criminalizing same-sex sexual activities
- Hostile environment after WWII: 6,600-21,600 people arrested each year 1946-1961 for non-conforming gender and sexual behaviors
- Sodomy laws used against sexual minorities to limit their rights to adopt or raise children, to justify firing them, and to exclude them from hate-crime laws
- Even in the 1990s and early 2000s, the penalty for violating sodomy laws ranged from a \$500 fine in Texas to a maximum life sentence in Idaho
- Research question: Does the repeal of sodomy laws affect crime?**
- Staggered implementation of sodomy law repeals across US states**
  - Illinois first state to decriminalize same-sex sexual activities in 1961
  - 36 US states (plus DC) legalized same-sex sexual activities by 2003
  - 2003: US Supreme Court ruled that sodomy laws were unconstitutional (*Lawrence v. Texas*)
- Expected effects:**
  - Decline in arrests for sex offenses
  - Decline in demand and supply of prostitution
  - Improvements in attitudes toward sexual minority
  - Improvements in mental health among sexual minorities

## Data and Methods

- Data from 1995-2018 FBI Uniform Crime Reporting (UCR) Program arrest database
- Main identification strategy: difference-in-differences (DiD) and event study models:
$$Arrest\_rate_{st} = \alpha + \sum_{k=T}^{\bar{T}} \beta_k Sodomy_{st}^k + \delta_s + \mu_t + x'_{st}\gamma_1 + LGBTQ'_{st}\gamma_2 + \varepsilon_{st}$$
- State ( $\delta_s$ ) and year ( $\mu_t$ ) fixed effects
- $x'_{st}$ : unemployment rate, income per capita, number of agencies reporting their crime data to the FBI
- $LGBTQ'_{st}$ : other LGBTQ+ policies such as constitutional and statutory bans on same-sex marriage
- Most sodomy law repeals after judicial decisions: exogenous timing
- Recent DiD advances included in robustness section
- Limitations:
  - Measurement errors, inconsistent reporting, hierarchical rule used for classifying arrests. Yet, UCR remains the best dataset available
  - No data on arrests specifically for same-sex sexual intercourse

## Results

- Sodomy law repeals led to a significant and persistent reduction in the arrest rates for sex offenses (Fig.1), prostitution (Fig.2), and disorderly conduct (Fig.3)
- DiD results are in line with these event studies (Tab.1)
- None of the lead operators is statistically significant: support for parallel trends assumption
- Impact of decriminalizing sodomy detected both in year in which law was abolished, as well as in years afterwards: **long-lasting effects**

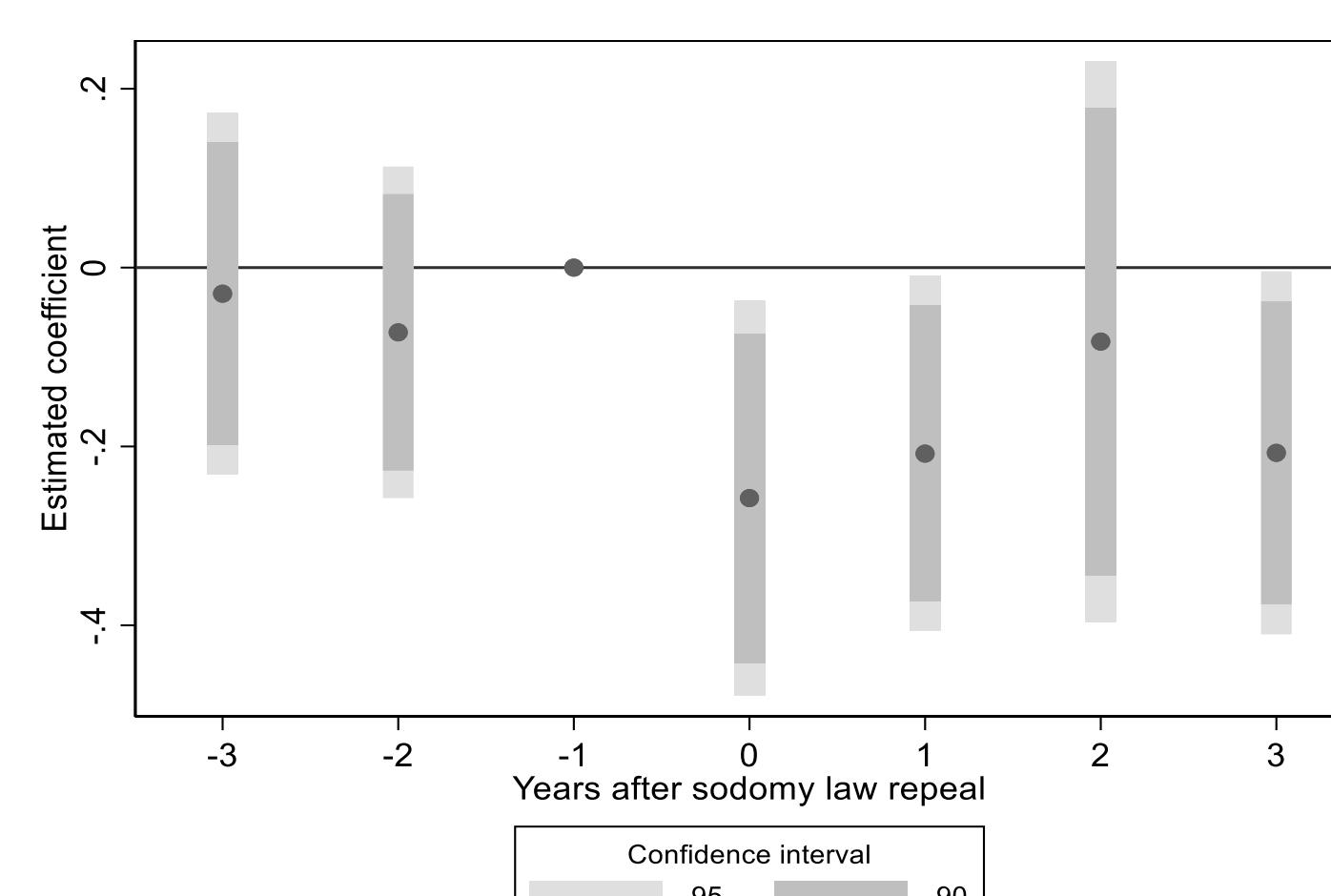


Figure 1: Arrest for sex offenses

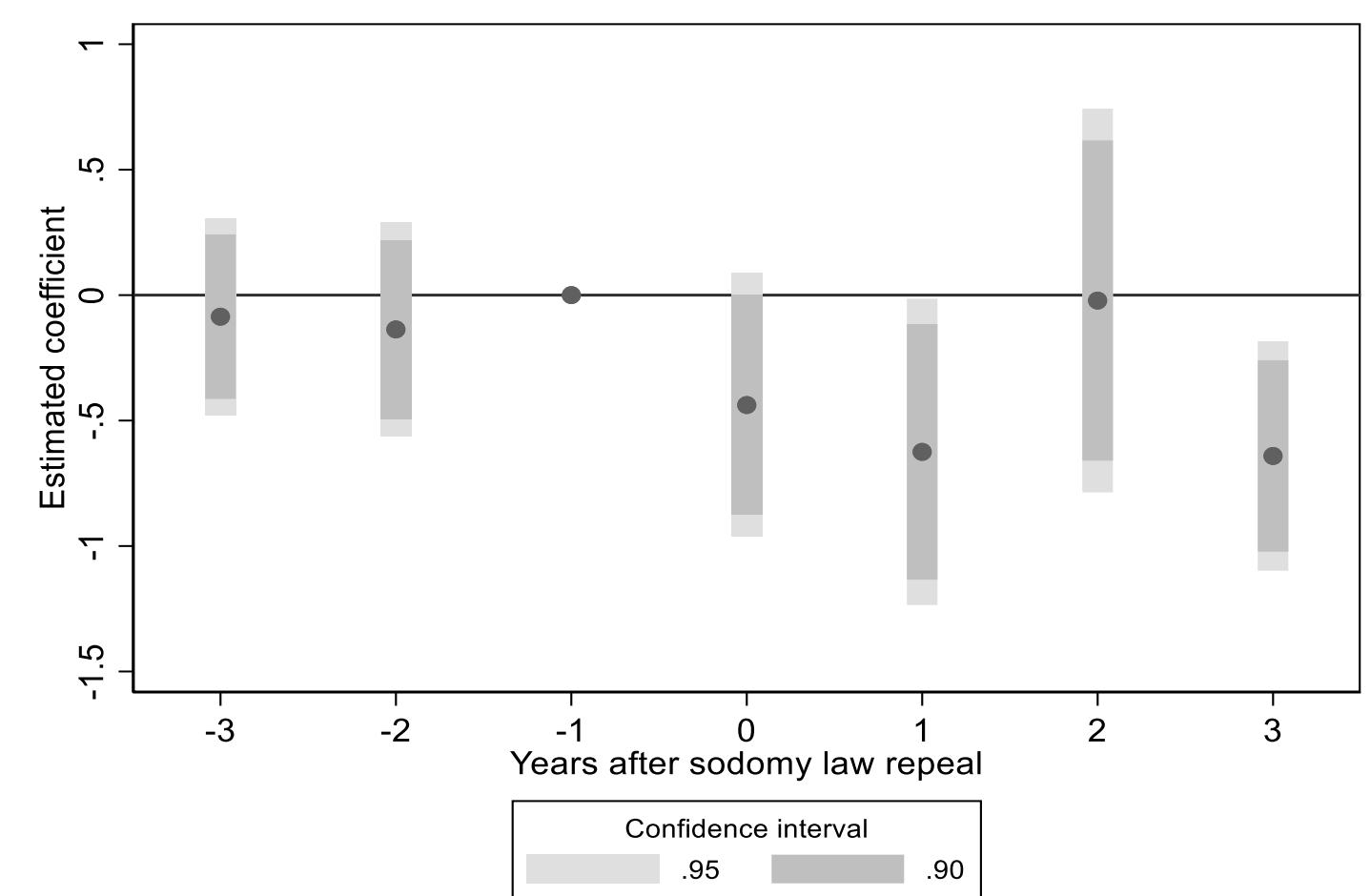


Figure 2: Arrest for prostitution

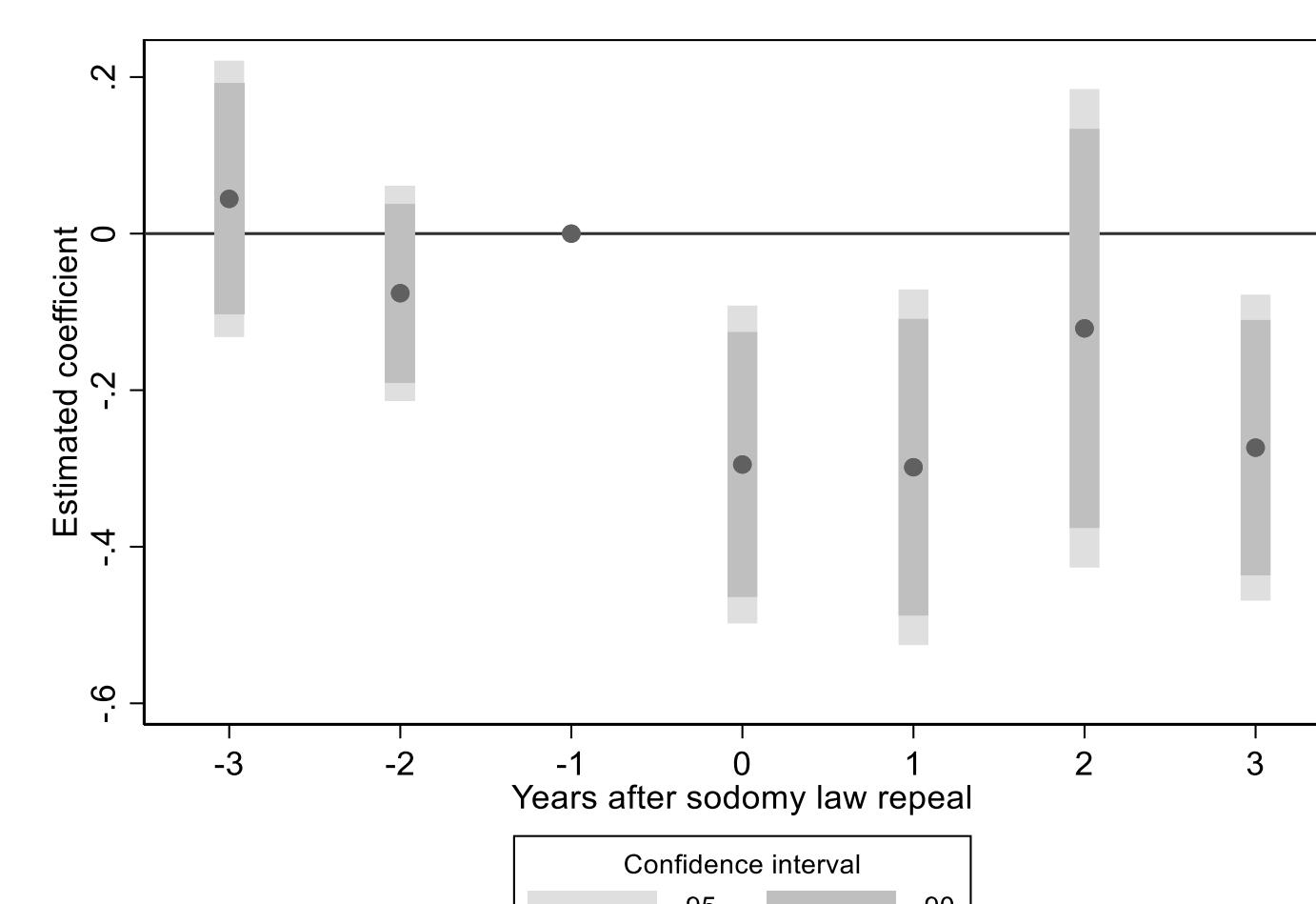


Figure 3: Arrest for disorderly conduct

	Sex offenses	Prostitution	Disorderly conduct	Driving under the influence
	(1)	(2)	(3)	(4)
Sodomy law repeal	-0.170* (0.094)	-0.464** (0.176)	-0.277*** (0.092)	-0.297*** (0.079)
State fixed effects	✓	✓	✓	✓
Year fixed effects	✓	✓	✓	✓
Stat control	✓	✓	✓	✓
LGBTQ+ policies	✓	✓	✓	✓
Observations	1,189	1,188	1,179	1,188
Adjusted-R <sup>2</sup>	0.762	0.681	0.822	0.805

Table 1: DiD estimates

## Potential Mechanisms

- Hypothesis: sodomy law repeals reduced **minority stress** and led to a reduction of drinking and drug use as a common coping mechanism
- Drop in the number of arrests for driving while mentally or physically impaired as the result of **consuming alcoholic beverages or using drugs** (Fig.4). DiD estimates support this finding (Tab.1)
- Fall in **suicide rates** among men (Tab.2)
- Falsification tests: precise zero effects on deaths caused by factors unlikely to be directly or indirectly impacted by sodomy law repeals (Tab.2)

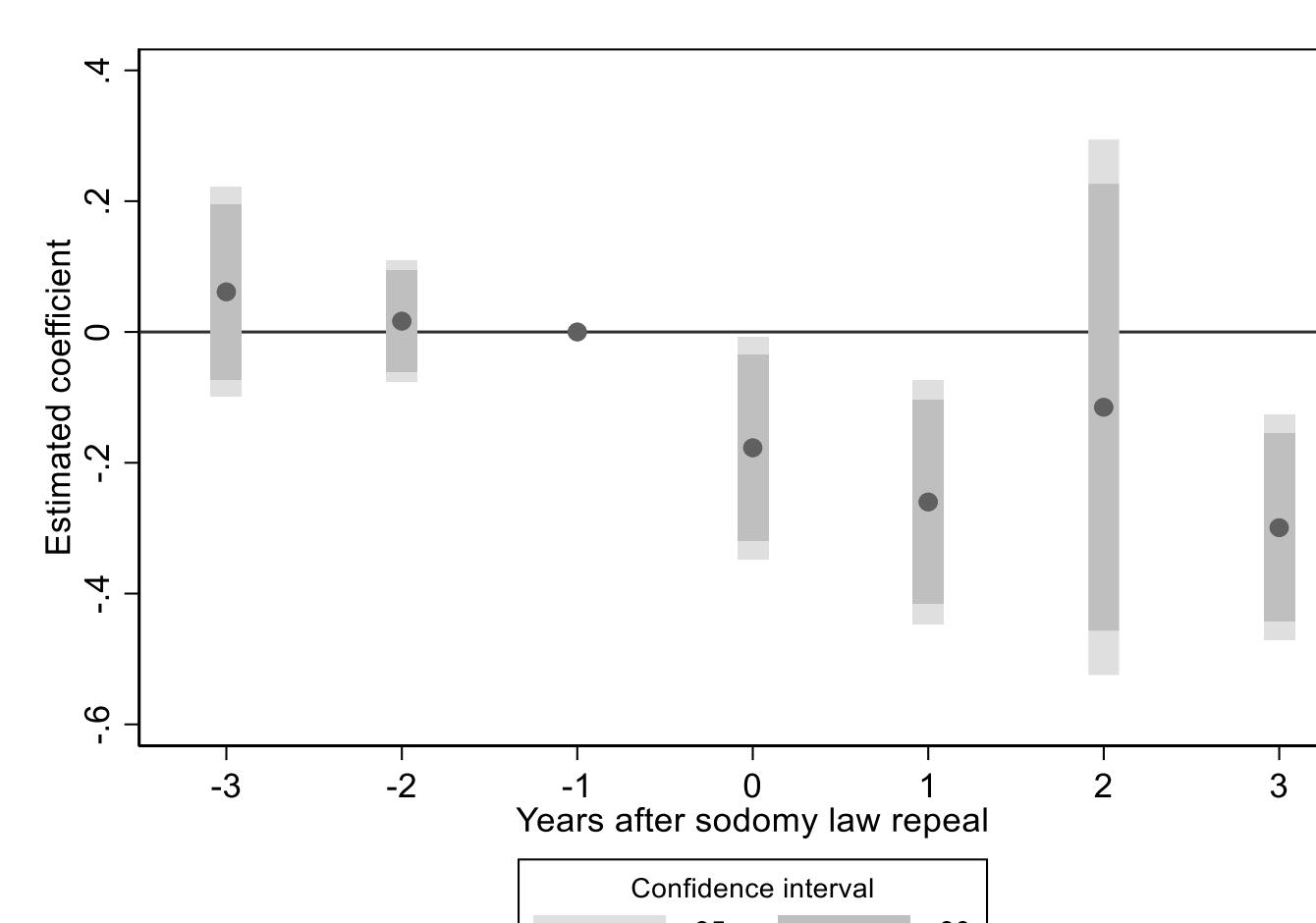


Figure 4: Arrest for driving under the influence

	Suicide	Influenza	Congenital anomalies	All deaths minus suicide
	(1)	(2)	(3)	(4)
Sodomy law repeal	-0.041*** (0.014)	-0.002 (0.027)	-0.008 (0.023)	-0.015 (0.011)
State fixed effects	✓	✓	✓	✓
Year fixed effects	✓	✓	✓	✓
Stat control	✓	✓	✓	✓
LGBTQ+ policies	✓	✓	✓	✓
Observations	1,836	1,836	1,836	1,836
Adjusted-R <sup>2</sup>	0.853	0.819	0.792	0.947

Table 2: Mechanism

## Policy Implications

- Support for international institutions evaluating costs and benefits of pressuring countries violating basic LGBTQ+ rights
- Policymakers in countries that still persecute LGBTQ+ individuals to recognize the potential benefits of repealing sodomy laws

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