

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 (δ_s) and year (μ_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**

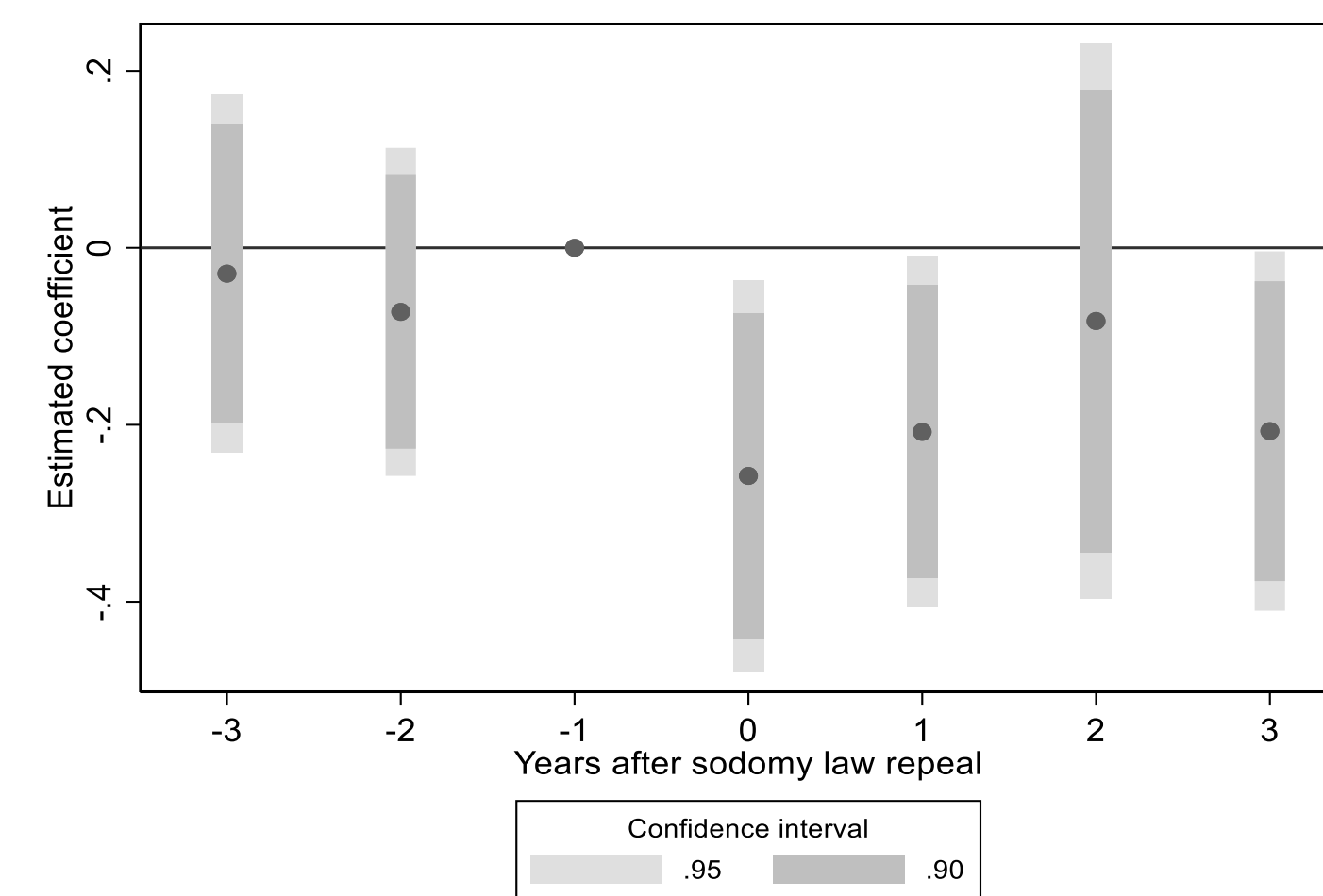


Figure 1: Arrest for sex offenses

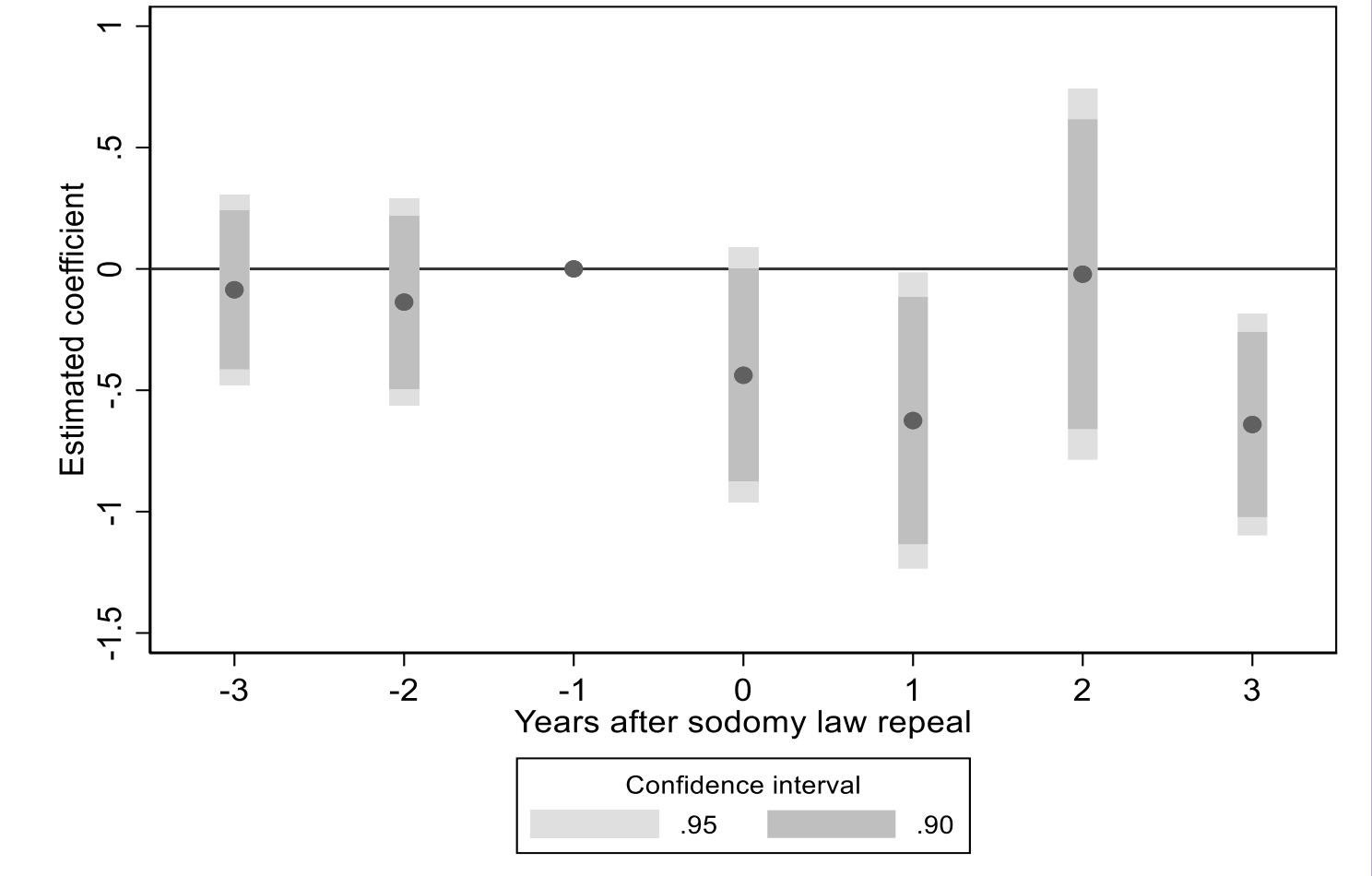


Figure 2: Arrest for prostitution

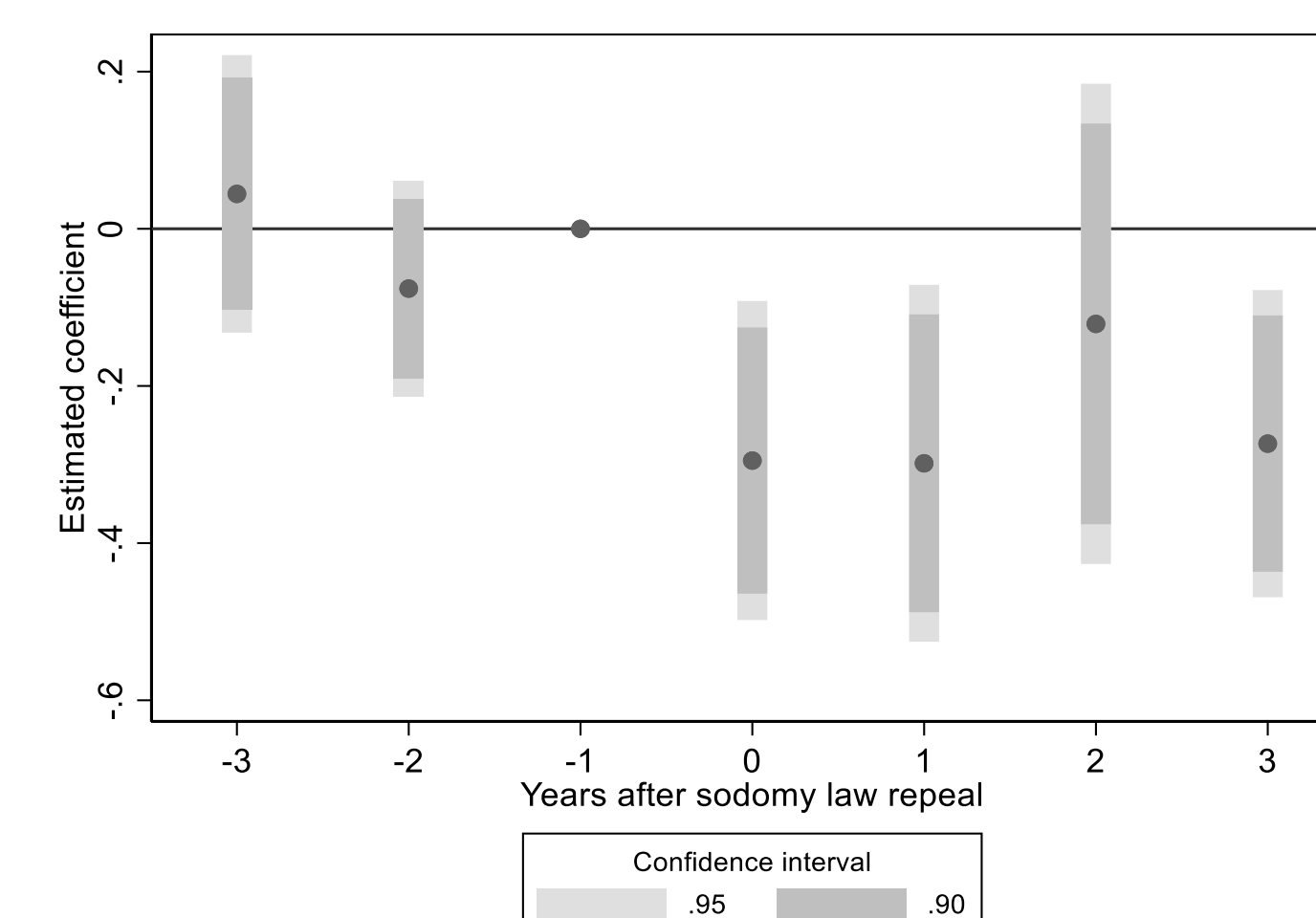


Figure 3: Arrest for disorderly conduct

	Sex offenses (1)	Prostitution (2)	Disorderly conduct (3)	Driving under the influence (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	✓	✓	✓	✓
State control	✓	✓	✓	✓
LGBTQ+ policies	✓	✓	✓	✓
Observations	1,189	1,188	1,179	1,188
Adjusted-R ²	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)

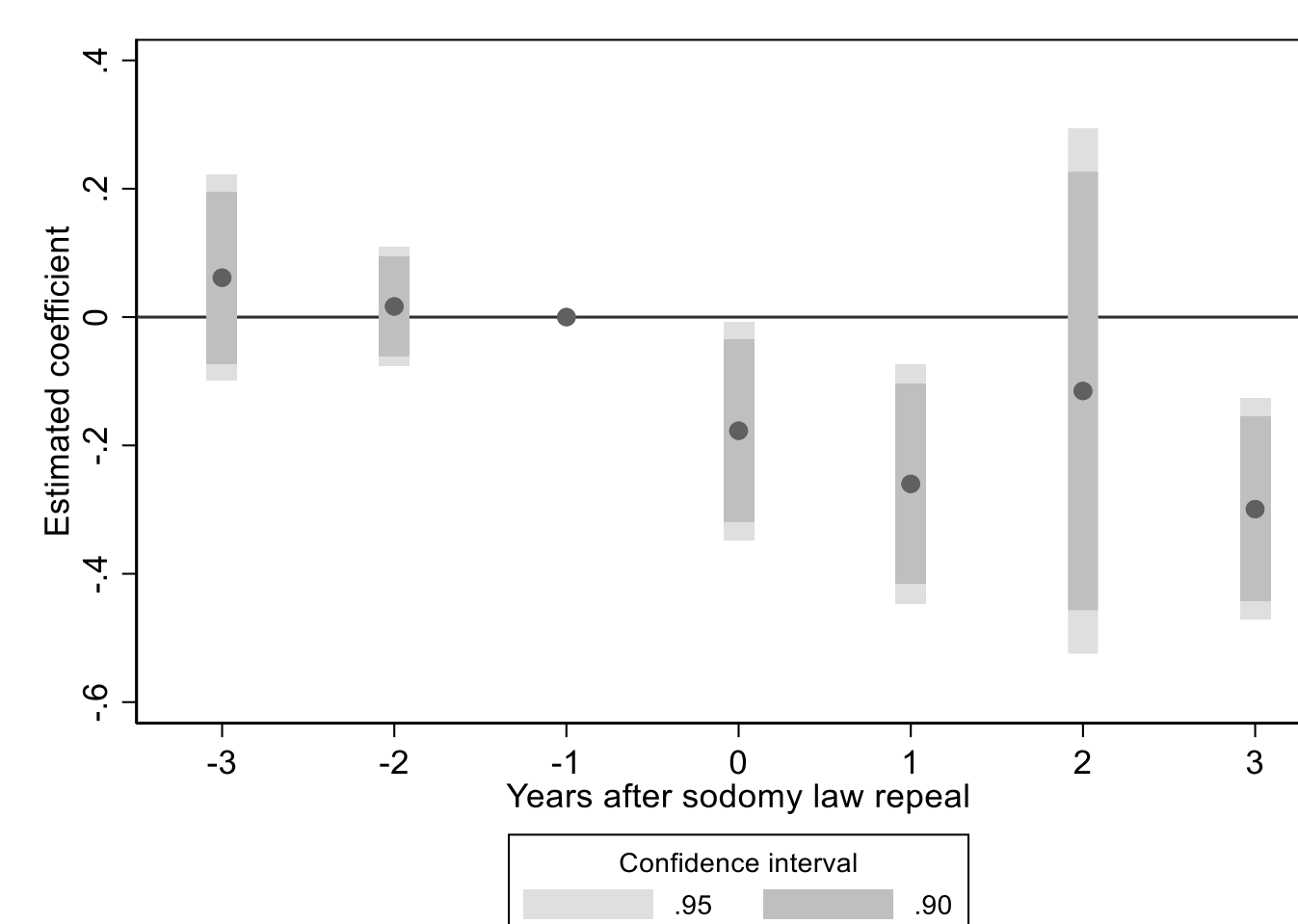


Figure 4: Arrest for driving under the influence

	Suicide (1)	Influenza (2)	Congenital anomalies (3)	All deaths minus suicide (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	✓	✓	✓	✓
State control	✓	✓	✓	✓
LGBTQ+ policies	✓	✓	✓	✓
Observations	1,836	1,836	1,836	1,836
Adjusted-R ²	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

Contact

Dario Sansone
University of Exeter and IZA
Email: d.Sansone@exeter.ac.uk
Twitter: @SansoneEcon
Website: <https://sites.google.com/view/dariosansone/>

Want to know more?
Scan the QR code!

