

# A CELEBRATION OF PROFESSOR CATHERINE CARPENTER'S IMPACT IN LAW AND ACADEMIA: CLOSING REMARKS

Catherine Carpenter\*

Carpenter: It's always a great sign when you get a standing ovation before you start talking.

Crowd: \*Laughs\*

Carpenter: I appreciate that so much. What a day this has been, and I just have a few words to express to all of you, and they start with the words “*thank you.*” I think I had to write it on the board several times—because I’m a teacher at heart, and that is why my PowerPoint slides are on an old-fashioned blackboard—because there are so many “thank yous” that I want to give to everybody. To my husband who is here today, my undying love, you are beyond being my arm candy, as Dean Allard remarked—you are much more. We walked into Southwestern together a married couple in 1973—52 years ago, almost—and we’ve never stopped holding hands since. And we are a family of lawyers. We have three fabulous kids. They’re fabulous besides being lawyers, but fabulous kids, and forty-four years later, in 2017, we were incredibly proud when our daughter Erica Jansson entered Southwestern Law School in 2017, so thank you, Erica.

To Dean Dickerson, my thanks for your continued leadership, not just for today but for all that you’ve done in legal education long before you came to Southwestern and for what you’ve done at Southwestern since you’ve been here. I told you privately, and I’m happy to say it publicly, it is my honor to

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\* The Honorable Arleigh M. Woods and William T. Woods Chair and Professor of Law Emerita, Southwestern Law School. I am indebted to Professor Danni Hart, whose idea to honor my work sparked the February 7, 2025 full-day symposium, to Dean Darby Dickerson for her unflagging support, Professor Alexandra D’Italia who has agreed to write my biography for this volume, Piper Hinson, Editor-in-Chief of the Law Review for her unwavering dedication, and to her Law Review Board for its exceptional work in hosting the symposium. I am also grateful for the panelists who came from near and far to offer their wisdom and insights for this symposium. Finally, I owe a deep debt of gratitude to Mr. Cliff Maas, who helped to underwrite this symposium through the Access to Restorative Justice Fund, which he established.

retire with you as my dean. It is my honor that you are my leader, and I really mean that from the bottom of my heart; you can hear my voice quivering when I say this. You have taught me so much with your vision of what legal education and law school looks like and with your tireless energy, and I thank you for that. Professor Danni Hart, thank you so much for even having the idea to honor my work. In private conversations, you called this symposium a “no-brainer.” I didn’t think this was a no-brainer, but I am so appreciative that you did and that you thought that you would want to honor my varied work. Thank you as well to Professor Alexandra D’Italia, who is not here today. She’s writing my bio for this Law Review volume. And Professor D’Italia is a trained fiction writer, so I am really hoping

Crowd: \*Laughs\*

Carpenter: —she brings that training to the table when she actually writes my bio. To the Southwestern Law Review, for the past year, took this idea and developed it. Thank you so much. Piper, Rocco, Misha, and everybody on the Law Review staff including the moderators to today’s panels—So proud of you, you did a fabulous job. Thank you so much.

And for anyone who has put on a conference like this, you know the people it takes behind the scenes. And we have so many people behind the scenes to thank—Deb Leathers, John Kohler, Juan and his team who set it all up, Co-Mark. We owe you a huge debt of gratitude. To my colleagues and my work family, I say it all the time, I continue to be inspired by you, by your dedication, and by what you have taught me. And to my students, current and former. I guess, not so current anymore, but all former. It’s worth repeating that any advice I’ve given you, anything that I taught you, you have given back to me tenfold. I am grateful and humbled, and Piper, I appreciate the bicycle analogy you made in your introduction of me where you compared me to the parent who is holding on to the bicycle and who then let’s go. You are right, I did let go, and I am humbled to be waving at your backs because you have all passed me by. I am excited to see your talent and your journey and your progress. So, thank you for that.

It has been an awe-inspiring day for me to watch and learn from all the panelists today. Thoughtful folks who have brought their wisdom to the school and to these topics. To the extent that the panels represent my four areas of interest, I am here to tell you that I am a pale version of everything that they are. They were kind to me about my contributions to their work, but I learned as much from them as anything that I could have imparted to them. They’re all rock stars in my mind, and I’m immensely grateful for their work and for the time they have taken to be here today.

I never viewed my professional life as this crazy quilt that got stitched together, but I guess it is—my love of teaching, criminal law, and legal

education, which includes my work with the American Bar Association Section of Legal Education, and then my advocacy to correct unjust sex offense registration laws. At first blush, you might say that these disparate interests do not make any sense. It reminds me of when I became a professor. I was teaching Property and Criminal Law, I think there were three of us in the country who did that—it is the same kind of crazy quilt. But I think my interests are all connected, and if you think about it, you will see it as well. It is the word “*passion*.” Each of the presenters we heard from today were all fueled by a similar passion. The first panel on legal education—Dean Scott from Cal Western, Dean Allard from Jacksonville Law School, and our own Vice Dean, Dean Gharakhanian. *What did they talk about?* In their own ways, they expressed their passion for legal education, for the institutions that steadfastly support the rule of law. Dean Gharakhanian uplifting the discussion by describing what we can do to bring more inclusion into the admissions process. And the hard questions that our panelists asked. Dean Allard asking us to consider what leadership looks like, and Dean Scott asking whether we need to consider reforms to legal education.

With our second panel on teaching, you could feel their embrace of passion as they spoke about the keys to effective teaching. Tracy Turner, my fabulous colleague, Professor Steve Friedland, my fellow co-author on our criminal law casebook, and then, of course, the incomparable Dean Michael Schwartz from McGeorge School of Law. They were connected by a similar theme: how to make the classroom as meaningful an experience as it could be.

We’ve heard mention of the importance of law school and what legal education means, and so, even in the face of a potential assault facing the ABA and the Section of Legal Education, I was buoyed by the fact that President Bay of the ABA, just on Monday, reaffirmed the ABA’s commitment to diversity and inclusion in legal education and in the profession, and reaffirmed its support for the rule of law and the essential nature and importance of lawyers.<sup>1</sup> He said pointedly, “The American Bar Association will not shrink from the things we believe in.”<sup>2</sup> And he did this on Monday at a precarious time when rhetoric from the new administration is running hot and is squarely directed at the ABA’s diversity initiatives.<sup>3</sup> And so, we have to thank President Bay for doing that. And then, of course,

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1. Anna Stolley Persky, *ABA ‘will not shrink from the things we believe in,’ President Bill Bay says*, ABA J. (Feb. 3, 2025, 12:45 PM CST) <https://www.abajournal.com/web/article/2025ABAMidyear-BillBay-Speech>.

2. *Id.*

3. See Exec. Order No. 13985, 90 Fed. Reg. 8339 (Jan. 20, 2025) (terminating all Diversity, Equity and Inclusion Programs in the Federal Government).

our third panel on criminal law. Could you not feel the passion? Who wouldn't want to be excited about criminal law? To see Professors Levenson and Gruber and Ms. Erica Jansson speak about Criminal Justice with a capital "J," and everything that's fraught within those words. And for those who have been my students, they would know why I have often said that criminal law is the best subject—apologies to Professor Hart, who thinks it's Contracts—

Professor Hart: I tried, I tried very hard.

Crowd: \*Laughs\*

Carpenter: —it's organic, it's messy. We get it wrong, and then we have to go back and get it right again. And that's what we're always doing, always living through that. I am so in awe to be in the same academic world as Professor Gruber and Professor Levenson. And I really think Erica, you've hit it out of the park with the talk of the devolution of *mens rea* and of the role that money plays in the privatization and outsourcing of criminal enforcement of justice.

And finally, I cannot begin to express my thanks to the guests on the fourth panel, Dr. Elizabeth Letourneau, Attorney Miriam Aukerman, and Professor Wayne Logan, who have been instrumental in challenging the myths associated with those who commit sex offenses and who advocate for their reintegration into society. The commitment to help registrants regain a place in society is based on a belief that registration and notification laws that ostracize and isolate are not effective and are a waste of public money.<sup>4</sup> And most importantly, these laws are not necessary because scientific data is clear—those who commit sex offenses do not recidivate at high rates to warrant these collateral consequences.<sup>5</sup> The only thing that I would like to add to the bios on our fourth panel of presenters is that when I started writing on sex offense registration laws in 2003, my research revealed primarily one

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4. See J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?*, 54 J.L. & ECON. 161, 165, 181 (2011) (offering empirical evidence to support the view that the registration regime lessens public safety, rather than enhances it as the public believes).

5. See, e.g., Ira Mark Ellman & Tara Ellman, "*Frightening and High*": *The Supreme Court's Crucial Mistake About Sex Crime Statistics*, 30 CONST. COMMENT. 495 (2015) (criticizing the Supreme Court's determination that sex offenders recidivate at high rates); Catherine L. Carpenter, *All Except For: Animus that Drives Exclusions in Criminal Justice Reform*, 50 SW. L. REV. 1, 27-34 (2020) (offering empirical evidence on recidivism rates and the reason for the false allegations that they are high); Wayne A. Logan, *Megan's Laws as a Case Study in Political Stasis*, 61 SYRACUSE L. REV. 371, 393-94 (2011) (explaining the various factors that may account for the false claim of high recidivism rates).

faculty member writing in the field, and that was Professor Logan, who has been a trailblazer in this area.<sup>6</sup> My thanks to him for leading the way.

Here's a funny thing that happens when you are passionate about something: mission takes over, and suddenly, you live and breathe that topic or idea. And I want to suggest to the students in the room, even as you are learning the rules and navigating law school, that, like our panelists, you think about what fuels you, and then you think about what your mission might be. I know that our lunchtime speaker, Dean Kellye Testy exhibited that passion, and you felt her mission. She was kind enough to talk about me in her remarks, but the truth is, you could feel her immense pride and resolve to protect the rule of law and the institutions that promote it. Dean Dickerson is the same way. There is a mission that drives our educational leaders to say, "We want to make legal education better. Better because being lawyers, and the rule of law really matters." And what did Dean Testy say to us at lunch? She reminded us that our institutions matter. Please, let's not take them for granted. We have been able to take for granted for 200-plus years that they would be standing, but we can't take that for granted anymore. I'm at the end of my career, but so many in the room at the start of theirs—I am asking that all of us take up her challenge to continue to strengthen legal institutions.

In medicine—I am not a doctor, and I don't play one on TV—the Hippocratic Oath allegedly reports that Rule Number One is, "Do no harm."<sup>7</sup> Actually, when I looked it up, that is a myth. Do you know what Rule Number One is? "Honor your professors."<sup>8</sup>

Crowd: \*Laughs\*

Carpenter:—I was thinking, how did that not possibly last as Rule Number One? Anyway, it now says the first rule is, "Do no harm." And I assume that works well in medicine, but I don't like that rule. I don't think it's a good rule. I think our Rule Number One has to be, "Do good." In the first panel, Dean Allard talked about his dad, who said, and I am paraphrasing, "Step up. Step up and do good. Leave that mark in your life."<sup>9</sup> And that is what I would like to challenge all of us to do, especially in these polarizing

6. For Professor Logan's illuminating look at the origins of sex offense registration regime, see WAYNE A. LOGAN, *KNOWLEDGE AS POWER* (Stanford Univ. Press 2009).

7. See *Greek Medicine "I Swear by Apollo Physician . . .": Greek Medicine from the Gods to Galen*, NATIONAL LIBRARY OF MEDICINE, (Feb. 7, 2012) <https://www.congress.gov/117/meeting/house/114995/documents/HHRG-117-IF02-20220719-SD007.pdf> (explaining although the Hippocratic Oath has been reduced to this first principle, the Oath never explicitly uses the words "Do No Harm").

8. *Id.*

9. Nicholas W. Allard, *Law School Communities Are Field Hospitals for Our Wounded Democracy*, 54 SW. L. REV. # (2025).

times. We cannot leave a positive mark on everything, but we can try to leave our mark in a positive way on some things, to walk away with the place a little better than when we found it. There is a meme—I didn't use it—but there is the meme of the trash can, and the litter is gone because someone put it in the trash can. Corny but true. Try to do good. I have not always succeeded, but that is certainly the rule that I've been trying to live by.

My mission to speak on behalf of those who seek a second chance, and my scholarly writing, led me to become an advocate—to cross that line from a view from the ivory tower to a State Senator's office to argue for changes to the tiered registry bill. For my new-found role as an advocate, I owe tremendous gratitude to two people. First is Mr. Cliff Moss, who's not here today but who—as we would say in Italian Renaissance art—is my patron. He has contributed significant sums to help fund my scholarly work. Because of his contributions, I was able to start Access to Restorative Justice Fund, which is housed at Southwestern Law School. It is a fund that strives to help the marginalized through education and advocacy. He has also helped to underwrite this symposium, and for that I am tremendously grateful. And to Miss Janice Bellucci, who is the Executive Director of Alliance for Constitutional Sex Offenses, where I'm now the President. Also present, and for whom I am thankful, are Professor Elie Miller from Loyola Law School, who serves as Vice President, and Mr. Carlton Morris, who works in Ms. Bellucci's office. Together with our board, we are the largest national organization fighting for the rights of registrants. We have garnered considerable success in California and are moving into other states to seek similar relief. So, for our students, whatever you're going to engage in, to be able to summon that strength inside to stand tall, and stand for what you believe in.

So, because I have a captive audience, I want to spend my remaining time discussing a topic that has come up quite a bit today. It is the subject of moral panics. I want to raise the subject, not only because of the sex panic, which has been discussed by our panelists, but because I think we are in the middle of other moral panics. I call upon us to be able to spot them so that we can fight back. A moral panic is based on an irrational fear that seizes the public; it is an irrational fear that takes over, and once it takes over, there is no way of stopping it.<sup>10</sup> In the case of the public's view toward those who commit sex offenses, the panic has set in. You heard this refrain on the last panel; it does not matter that the statistics show that registrants recidivate at

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10. See STANLEY COHEN, *FOLK DEVILS AND MORAL PANICS: THE CREATION OF THE MODS AND ROCKERS*, xxvii (Routledge, 3d ed. 2002) (commenting that moral panics include “an exaggeration of the number or strength of the cases, in terms of the damage caused, moral offensiveness, potential risk if ignored”).

rates that are low.<sup>11</sup> Like a small child holding his fingers in his ears and saying, “*Na na na na nah* I don’t want to hear it.”

We are a society that is preoccupied with risks, whether they portend real or imagined danger.<sup>12</sup> We fear everything. Panelists talked about what you are most likely to die from, airplane parts falling from the sky or sharks? And everybody believes it is sharks because we’ve heard the stories. But you are not dying from a shark. And you are not dying from airplane parts falling from the sky.

It has not always been this way. When I was five years old—I know it’s a long time ago, but it’s still within our lifetime—I was given money with a note to walk two blocks and go to the grocery store to pick up milk and bread. Nobody ever thought I was going to be kidnapped. Of course, I had to watch for the proverbial white van and the man with candy. But nobody actually thought I was going to be kidnapped. Nobody worried about it.

Today, we are so afraid. We’re afraid of everything now. And because we’re afraid of everything, we demand that legislators enact laws now to quell our fears. I appreciate that in the fourth panel, Professor Logan reviewed my article, *Panicked Legislation*, which was recently published in the Notre Dame Journal of Legislation.<sup>13</sup> It’s like the plant in *Little Shop of Horrors*,—“feed me, feed me”<sup>14</sup>—and that is what the public is asking of its government.

No two moral panics are the same. They have different triggering events. They last for different durations. As Professor Logan mentioned, some have quicker trajectories, and some last longer. But once you see the pattern, you will spot the panic.

Sociologists agree that there are four hallmarks to any moral panic.<sup>15</sup> I want to talk about each one briefly. And when you look at them, I think you are going to say, “Oh yes, of course, that makes sense.” The first hallmark

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11. See Catherine L. Carpenter, *Panicked Legislation*, 49 J. LEG. 1, 33-34 n. 214-17 (2022) (reporting on studies that show that registrants recidivate at low rates).

12. Famed non-fiction writer, Eula Biss, expressed it well: “[R]isk perception may not be about quantifiable risk so much as it is about immeasurable fear. Our fears are informed by history and economics, by social power and stigma, by myth and nightmares. And as with other strongly held beliefs, our fears are dear to us.” See EULA BISS, ON IMMUNITY: AN INOCULATION 37 (2014).

13. See Carpenter, *supra* note 11.

14. “Feed me” comes from the song “Feed Me (Git It!)” in the musical *Little Shop of Horrors*. For the complete lyrics, see GENIUS.COM <https://genius.com/Original-motion-picture-cast-of-little-shop-of-horrors-feed-me-git-it-lyrics>.

15. See, e.g., KENNETH THOMPSON, MORAL PANICS 10 (1998); see also ROGER N. LANCASTER, SEX PANIC AND THE PUNITIVE STATE 1 (2011).

is the mythical narrative.<sup>16</sup> This is what wraps the irrational fear and gives it life. “Haitians eat cats and dogs.”<sup>17</sup> “All teenagers are violent offenders.”<sup>18</sup> “People who have committed sex offenses re-offend in rates that are “frightening and high.”<sup>19</sup> These are mythical narratives, statements that are not supported by empirical data but nevertheless reinforced continually. We have learned that if you repeat a lie often enough, it becomes reality.<sup>20</sup> It is important that we listen for that mythical narrative.

But a false narrative is not enough. You need the messengers, the people with the bullhorns. You need somebody who is going to spread the fear and spread the lies. Sometimes, it is a person running for President who repeats, “Haitians eat cats and dogs.”<sup>21</sup> Sometimes, unwittingly or wittingly, it is the Judiciary, which incorporates the mythical narrative into their opinions, and, without any empirical evidence, keeps it alive.<sup>22</sup> That was the criticism of *Smith v. Doe*, the United States landmark decision that affirmed that

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16. See Daniel A. Krauss et al., *The Public's Perception of Crime Control Theater Laws: It's Complicated*, 27 PSYCH. PUB. POL'Y & L. 317 (2021) (describing the mythical narrative as an important feature that breathes life into the public support for legislative response).

17. This mythical narrative took to the national stage during the 2024 Presidential debate with Vice President Kamala Harris. See, e.g., Daniel Arkin & David Ingram, *Trump Pushes Baseless Claim at Debate About Immigrants 'Eating the Pets'*, NBC NEWS (Sept. 10, 2024 6:44 PM PDT) (recounting that David Muir, the ABC News anchor refuted the mythical narrative by reporting that there had been no credible threats or reports of pets being harmed); see also Merlyn Thomas & Mike Wendling, *Trump Repeats Baseless Claim About Haitian Immigrants Eating Pets*, BBC (Sept. 15, 2024) (reporting that “[t]he baseless claim has spread on social media”).

18. The mythical narrative of the marauding teenager gained traction during the 1990s thanks to John DiIulio, a Princeton professor, who claimed that teenagers were “super-predators.” See John DiIulio, *The Coming of the Super-Predators*, WKLY. STANDARD (Nov. 27, 1995, 12:00 AM), <https://www.washingtonexaminer.com/weekly-standard/the-coming-of-the-super-predators> [<https://perma.cc/KF2E-ATPH>] (describing juveniles as “super crime-prone males”).

19. See *Smith v. Doe*, 538 U.S. 84, 103 (2003) (quoting *McKune v. Lile*, 536 U.S. 24, 34 (2002)) (repeating a false allegation regarding the recidivism rates of those who have committed sex offenses); but see *Does #1-5 v. Snyder*, 834 F.3d 696, 704 (2016) (“The record below gives a thorough accounting of the significant doubt cast by recent empirical studies on the pronouncement in *Smith* that “[t]he risk of recidivism posed by sex offenders is ‘frightening and high.’”).

20. For an explanation of how the mythical narrative that Haitians eat cats and dogs went viral, see Alicia Victoria Lozano, *'It Just Exploded': Springfield Woman Claims She Never Meant to Spark False Rumors About Haitians*, NBC NEWS (Sept. 13, 2024 3:48 PM PDT), <https://www.nbcnews.com/news/us-news/-just-exploded-springfield-woman-says-never-meant-spark-rumors-haitian-rcna171099> (reporting that woman who made the Facebook post never intended for the story to erupt).

21. See Krauss, *supra* note 16.

22. See, e.g., *Doe v. Poritz*, 662 A.2d 367, 374-75 (N.J. 1995) (using flawed data to authorize the first community notification statute called Megan’s Law, named after Megan Kanka, who was brutally murdered by a neighbor).

registration laws are only civil regulations.<sup>23</sup> Even more egregious, the opinion affirmed the myth that registrants recidivate at frightening and high rates.<sup>24</sup> And what did the court use to arrive at its decision? A 1960's Practitioner's Manual, which had flimsy and flawed research to support its conclusion.<sup>25</sup> In addition to the politicians and the judiciary, it is the media. And you all know this. The media takes a high-profile story and stokes the public fear. In our fourth panel, Dr. Letourneau spoke about how Fox News ran a story about a child who molested another child in school. That story resulted in a call for laws against children attending school if they have previously committed a sexual offense.<sup>26</sup> We call these stories "atrocious tales."<sup>27</sup>

It comes as no surprise, then, that with a mythical narrative and a messenger to spread the lie, we need a target. This is a group that we want to "Other," a group upon whom we need to foist our fears.<sup>28</sup> What follows after the public has found the group to vilify? What naturally follows are the laws. And I will tell you, the laws that come in the throes of a moral panic are hardly ever good, they are hardly ever sound, and they hardly ever make sense. But they are drafted and approved very quickly. We must be leery of laws passed in response to public fear.

We have experienced panics in our lifetimes. I want to talk about the kid panic.<sup>29</sup> As Erica [Jansson] mentioned in our third panel, the 70s and 80s

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23. See Catherine L. Carpenter & Amy Beverlin, *The Evolution of Unconstitutionality in Sex Offender Laws*, 63 HASTINGS L.J. 1071, 1101-22 (arguing that registration laws are not civil regulations, but criminal penalties, that should receive constitutional scrutiny).

24. See *Smith*, 538 U.S. at 84; Ellman, *supra* note 5 (criticizing the Court's reliance on *A Practitioner's Guide to Treating the Incarcerated Male Sex Offender* because of its flimsy evidence and poorly drawn conclusion).

25. *Smith*, 538 U.S. at 84; Ellman, *supra* note 5.

26. See, e.g., Chris Papst, *Bill Seeks to Close Maryland Loophole Allowing Juvenile Sex Offenders to Return to School*, FOX45NEWS (Jan. 22, 2025, 10:30 PM), <https://foxbaltimore.com/news/project-baltimore/bill-seeks-to-close-maryland-loophole-allowing-juvenile-sex-offenders-to-return-to-school-alison-healey-mike-griffith-baltimore-city-harford-county>.

27. For a discussion of the role of the media in spreading disinformation, see Heather Ellis Cucolo & Michael L. Perlin, "They're Planting Stories in The Press": *The Impact of Media Distortions on Sex Offender Law and Policy*, 3 U. DENV. CRIM. L. REV. 185 (2013).

28. See, e.g., THOMPSON, *supra* note 15, at 9 (noting agreement among sociologists that a moral panic includes a "high level of concern" and "increased level of hostility" toward a particular group).

29. I have stopped using the word juvenile when associated with criminal law or collateral consequences. I have come to appreciate that the word "juvenile" as in "juvenile delinquent," or "juveniles on the registry" do not properly capture the "othering" that is taking place. When one hears the term "juvenile," one thinks about a 15 or 16-year-old, but that is not the full extent of what is happening. Children as young as nine or ten are being charged as adults and as young as nine or

were a real rebound from the 60s. In the 1960s, judges were able to give indeterminate sentences. They gave probation and we believed in rehabilitation efforts for children who had committed offenses. The 1970s and 1980s brought a different drumbeat, as Erica described. The public wanted retribution. It wanted punishment. And then a professor, listen for the megaphone, a professor in 1992 from Princeton University, Professor John Dilulio, came along and exploited that fear by saying that all teenagers were violent and out of control.<sup>30</sup> And with a quick sticky message, he called them all “*superpredators*.”<sup>31</sup>

Look at the laws we passed as a result of that moral panic. Kids as young as ten were being transferred to adult court. Kids faced life imprisonment without the possibility of parole. Today, we talked about how that fever was broken with United States Supreme Court decisions of *Graham*<sup>32</sup> and *Miller*,<sup>33</sup> so that children who commit offenses as teenagers no longer face automatic life imprisonment without the possibility of parole. But we still have a way to go for those who have committed sex crimes.<sup>34</sup> It took us only a few years to create these laws, and it has taken us more than twenty-five years to dismantle the laws against children that were produced during this panic.

What a weird dichotomy. We want to protect our kids, but we are also afraid of them. That just doesn’t make any sense to me in the world.

Throughout the day, we have talked about the sex panic. As a result of the sex panic, we have passed laws that restrict where registrants can live,<sup>35</sup> where they can work,<sup>36</sup> and with whom they can associate.<sup>37</sup> I have spoken to enough audiences to know that some in this room believe that registrants

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ten are being placed on registries. Therefore, I speak of “children on the registry” or the “kid panic” to capture more fully the reach of the panic.

30. See DiLulio, *supra* note 18 (“They kill or maim on impulse without any intelligible motive.”).

31. *Id.*

32. *Graham v. Florida*, 560 U.S. 48 (2010) (concluding that mandatory life imprisonment without the possibility of parole for a juvenile offender who did not commit a homicide offends the Eighth Amendment).

33. *Miller v. Alabama*, 567 U.S. 460 (2012) (overturning mandatory life imprisonment without the possibility of parole under the Eighth Amendment for a juvenile offender who committed homicide).

34. See Catherine L. Carpenter, *Against Juvenile Sex Offender Registration*, 82 U. CIN. L. REV. 746 (2014) (arguing that the tenets of the juvenile justice system were abandoned in the mandatory registration of children who commit sex offenses).

35. See Catherine L. Carpenter & Amy Beverlin, *The Evolution of Unconstitutionality in Sex Offender Registration Laws*, 63 HASTINGS L.J. 1071, 1097-98 (2012).

36. See, e.g., *Millard v. Rankin*, 265 F. Supp. 3d 1211, 1214-18 (D. Colo. 2017) (describing in detail the burdens facing a registrant in Colorado attempting to meet the registry requirements).

37. *Id.*

are more dangerous than other felons, that those who have committed sex offenses will obviously repeat their offenses. I recognize the stickiness of this narrative. But I want to share again that the data does not support this view, and yet we continue to create outsized laws to match our fears.

When Professor Logan and I started researching in this area, I think that states had approximately eight registerable offenses.<sup>38</sup> That is the world that the United States Supreme Court was considering in *Smith v. Doe* when it considered Alaska's 1994 registration statute. There was no public notification scheme. A member of the public was required to go to law enforcement to view the registrant's profile, and you were only allowed to do so if you had a reason. Now, most states have more than forty registerable offenses, residency and presence restrictions, and lifetime registration,<sup>39</sup> all despite the data. Even if one believes that it is important to have a registration regime, the data shows us that people "age out" after sixteen and a half years on the registry.<sup>40</sup> That is what the empirical evidence supports, and yet, we still have lifetime registration.

Dr. Letourneau spoke about the increase in suicide and suicide ideation in the group of teenagers on the registry. I went to a conference a few years ago. A young man approached me to talk. He said that he was on the registry, but that he was lucky to have a church that supported him. Unfortunately, he told me that Chicago had changed its presence restrictions and now he was not allowed to visit the church anymore, and without it, he felt hopeless. I asked him to hang in there, that lawyers were working on challenges to these laws, and that perhaps the church will offer an alternative to him. The next year, I saw a colleague at a conference who told me that this young man committed suicide six months later. He would not have killed himself if he had not been banished, if he had not been othered. He's not alone in that feeling.

I have described those two panics for us today: the kid panic and the sex panic. But let me ask, are we in the throes of other moral panics? I want us to think about that. Who else are we "othering" today? Who are we looking at as a group to be vilified? Immigrants? The LGBTQ+ community? Those who seek gender-affirming care? I implore you to listen for the panicked comments. Watch for those messengers who are breeding that fear, and especially watch for the hastily crafted laws as a result of the panic. I hope

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38. See Carpenter, *supra* note 35, at 1081-82.

39. See *id.* at 1081-82, 1087, 1096-98.

40. See Declaration of R. Karl Hanson at 7, *Doe v. Harris*, No. 3:12-cv-05713-TEH, 2013 WL 144048 (N.D. Cal. Nov. 7, 2012) (concluding from the empirical research that lifetime registration is unnecessary because those who have committed sex offenses "age out" after sixteen and half years).

that we learn from history and do not become, like we did with the kid panic, a country littered with laws that the next generation must clean up because of our panic.

I think one theme that came out of today is the importance of lawyers as leaders, the importance of our institutions as places to promote leadership. For those in law school or who have just left law school, you are in the most storied profession. You have the world ahead of you that you get to do so much with. Leadership, at an individual level or a collective level, really matters. A short video that I want to share with you called *Leadership Lessons from the Dancing Guy* invites us to consider what it means to be a leader, and the importance of followers to any movement.<sup>41</sup>

My thanks again to Dean Dickerson, Professor Hart, and the Law Review Board for this symposium, which was filled with moving and compelling moments and insights.

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41. *Leadership Lessons from Dancing Guy*, Derek Sivers, YouTube (2010), <https://youtube.com/watch?v=fW8amMCVAJQ>.