Masculinity as Prison: Sexual Identity, Race, and Incarceration

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C. The K6G Screening Test

After an inmate identifies as homosexual, deputies seat him with other gay and transgender inmates and inmates who otherwise require special handling. Based on this separation, other inmates might infer that a particular inmate has identified as gay. 74 Eventually, deputies direct the inmate to an office for questioning by either Deputy Lanni or Deputy Bell—both heterosexual, white, middle-aged men. 75

The original questions were devised primarily by a senior deputy sheriff, Ernest Cobarrubias, and a formerly incarcerated gay activist, David Glasscock. 76 Glasscock, who was affiliated with the ACLU, is a white man and was middle-aged when he helped to formulate the questions in the mid-1980s. 77 Initially, Glasscock was a volunteer, but the County began paying him to “teach Cobarrubias how to identify homosexual inmates.” 78 Deputies Lanni and Bell took over for Cobarrubias and no longer employ Glasscock or other paid gay consultants. 79

Identifying gay inmates is a full-time job for Lanni and Bell. They spend most of their day screening inmates, interviewing approximately twenty inmates per day. 80 Over the years, Lanni and Bell have revised the questions based on their own research into gay culture. Lanni describes himself and Bell as “self-taught.” 81 Their research includes reading books about gay slang and

74 Id. at 10-11 (stating that after questioning “we have all the K6G guys in one area”).
75 Id. at 3. Sometimes, they both interview an inmate. Id. at 13. See also Ricci, supra note 49, at B1 (describing Bell and Lanni as heterosexual).
77 Lanni Interview, supra note 40, at 1-2; Lerner, supra note 76, at 1 (reporting Glasscock’s age as 50 in 1990).
78 Lerner, supra note 76, at 1.
79 Id.
80 Lanni Interview, supra note 40, at 4 (“The average is about 19.2. .5 [interviews per day].”); id. at 11. They screen “between four and five thousand people a year.” Id.
81 Id. at 23, 25.
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gay magazines, talking with LGBT staff at the Jail, and visiting gay venues.82  
Lanni and Bell attend various gay clubs and bars in the broader Los Angeles  
metropolitan area and note details, which they use to trip up inmates who say  
they have been to a bar but cannot accurately provide details about it.83  
Their initial research focused on West Hollywood, a mostly white gay enclave. More  
recently, they have begun visiting other gay spaces.84  

Gay-identified men receive intense, skeptical scrutiny during their  
interviews. The focus of the deputies’ questions is the inmate’s “gay  
lifestyle.”85 The deputies measure gay identity based on an inmate’s  
connections to the gay community, not on his sexual desires or history.86 Not  
al men who have had sex with men, nor gay-identified men who lead private  
lives, qualify for K6G. A man who had sexual experiences with men during a  
prior incarceration, but does not live a “gay lifestyle” on the outside, does not  
qualify for entry into K6G.87 This litmus test fails to account for the  
mainstream gay community’s exclusion of many potential K6G residents,  
including men of color, bisexual men, and low-income men.  

The deputies have developed a set of questions and, at their discretion,  
draw from this list to engage the inmate in conversation.88 Apparently, they do  
not rely on a written list of questions, nor do they ask every inmate the same set  
of questions. That said, general themes emerge during questioning, with the  
deputies’ questions typically falling into one of three categories: (1) gay  
culture, (2) gay terminology, and (3) coming out experiences. First, they ask  

82. Id. at 22–26. Deputy Lanni also acknowledged that they initially relied substantially on  
David Glasscock, the white gay activist who helped formulate the questions. Id. at 23 (“Dave had a big influence . . . .”).  
83. Id. at 21–23; Lerner, supra note 76, at 1 (describing questions such as “What’s the  
cover charge? Where is it? How is it decorated?”).  
84. Deputy Lanni indicated that they are familiar with Jewel’s Catch One, which is in the  
predominantly black Crenshaw district. Lanni Interview, supra note 40, at 21. They have also  
visited bars in the suburban San Fernando Valley. Bartholomew (Bart) Lanni, Informal Comments  
During Facility Tour (Nov. 16, 2009). If an inmate says he has attended gay clubs primarily out of  
state, the deputies consult a gay travel guide that lists clubs. Id. They might also call gay clubs in a  
distant city to see if a club mentioned by an inmate, but not in a travel guide, actually exists. Id.  
85. Lanni Interview, supra note 40, at 13 (“What I’m interested in is your lifestyle in the  
community”). Lanni further explains: “What I’m looking for, if there’s any documentation where  
this individual has stated in the past that they were gay or they have a relationship with a male or  
their partner comes and visits them. Whatever that connection is to the community.” Id. at 14.  
MSM who have weak connections to the gay community, such as those who have never had a  
partner, or whose partner or ex-partner is not out, are disadvantaged by this focus.  
87. Lanni Interview, supra note 40, at 14 (“I’m not looking for your sexual habit inside a jail.  
I’m looking for your lifestyle outside of here.”).  
88. Delovitch contends that it is misleading to describe the screening interview as a “test.”  
She characterizes the questioning as “detective work.” Delovitch, supra note 1, at 30. In my view,  
the discretion and lack of transparency in the questioning process, including the fact that deputies  
can invent questions at will without oversight or verification of the questions’ validity, makes the  
questioning more problematic than a clear, consistently applied test.
about culture in West Hollywood\textsuperscript{89} and other gay spaces in the Los Angeles area, if the inmate says he socializes elsewhere.\textsuperscript{90} For example, they might ask the inmates to describe the annual gay pride parade that takes place in West Hollywood. They ask where the Abbey—a sprawling, indoor-outdoor lounge in the heart of West Hollywood—is located.\textsuperscript{91} The questions sometimes assume that all gay persons in Los Angeles frequently attend bars and have an awareness of the minute details of those establishments, such as the recent painting of a bar or changes to a sign.\textsuperscript{92} Second, they ask inmates to define several terms that they believe to be part of a universal gay vernacular: What is a “size queen”? Define “glory hole.”\textsuperscript{93} What is a “Prince Albert”? What is a “bird”? What are “cookies”?\textsuperscript{94}

Finally, the deputies ask questions about the inmate’s personal life, which are designed to test credibility and provide outside verification of his gay identity\textsuperscript{95}. “How did your mother react when you came out?”\textsuperscript{96} Tell me about your first sexual intercourse with a man.\textsuperscript{97} Have you ever slept with a woman?\textsuperscript{98} Some questions assume monolithic gay sexual practices—for instance, that all gay men engage in receptive oral sex and swallow semen.\textsuperscript{99} The deputies sometimes ask “What does semen taste like?”\textsuperscript{100} Counterintuitively, describing semen as “delicious” is the wrong answer; “real”

\textsuperscript{89} See Tiedeman Interview, supra note 63, at 5 (characterizing entire test as “very like, white, West Hollywood focused”).
\textsuperscript{90} Lanni Interview, supra note 40, at 14. The questions pertain only to gay spaces. Thus, a gay inmate who says he avoids bars and clubs, or attends only straight bars and clubs, will be disadvantaged.
\textsuperscript{91} See id.
\textsuperscript{92} See, e.g., Hagar Interview, supra note 41, at 16 (listing one question as “What does the dance floor look like?”).
\textsuperscript{93} See id. at 15.
\textsuperscript{94} See id. at 26. Deputy Lanni recognized that this slang may not be known generally to all gay men. See id. at 26 (“[S]ome of it is geared towards certain groups and not others, so some people may not know”). He also contrasted his test with “the handkerchief codes years ago,” noting “[t]hat wouldn’t be relevant today.” Id. Gay men in the 1970’s wore different colored handkerchiefs to signal the sexual role or practice they sought in a casual sex encounter; such as whether the man wanted to play the “top” or “bottom” role in anal sex. MARTIN P. LEVINE \\& MICHAEL S. KIMMEL, GAY MACHO: THE LIFE AND DEATH OF THE HOMOSEXUAL CLONE 66 (1998). Yet it is far from clear that words like “bird” and “cookies” are significantly more widely known to young MSM today than handkerchief codes.
\textsuperscript{95} See Lanni Interview, supra note 40, at 20, 36 (stating that deputies read “body language” and look to “the whole package” or, in legal parlance, “the totality of the circumstances”).
\textsuperscript{96} See id.
\textsuperscript{97} See id. at 16.
\textsuperscript{98} Id.
\textsuperscript{99} This assumption reveals ignorance about the diversity of sexual experiences among MSM. Some MSM, particularly a subset of those who identify as tops, do not perform receptive oral sex, and many MSM do not swallow semen because of uncertainty as to whether it could transmit HIV. See Robinson, supra note 18, at 1517 n.295 (describing medical uncertainty as to the extent of HIV risk from receptive oral sex).
\textsuperscript{100} Dolovich, supra note 1, at 38 n.192.
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...gay men "offer more prosaic observations—that it can be salty, for example[,] or that it depends on what the person ate that day."\(^{101}\)

At this stage of the questioning, the deputies ask inmates to provide names and phone numbers of male partners and family members who can confirm the inmate's gay identity.\(^{102}\) Deputy Lanni says he uses care in questioning family members so as not to "out" the inmate unwittingly.\(^{103}\) Although some inmates say they are not out to their mothers, Deputy Lanni suggests otherwise: "[T]ypically, Mom knows. Even if the son hasn't told her. I've gotten that a hundred times."\(^{104}\)

To the extent that transgender inmates are subjected to this line of questioning, it is apparently a formality so long as they readily appear transgender.\(^{105}\) The staff relies heavily on physical appearance at the time of incarceration to identify transgender inmates, although not all transgender people display breast development or other overtly feminine markers when they are arrested.\(^{106}\) The Jail does not give transgender inmates who do not readily appear as such the opportunity to come out as transgender. Intake staff members ask all inmates, "Are you homosexual?" but not, "Are you...

\(^{101}\) Id.

\(^{102}\) See Lanni Interview, supra note 40, at 14–15.

\(^{103}\) See id. at 15 ("Well, for example, I could ask, as a parent, if I called you, 'Is there any psychiatric history that we need to be aware of, homosexuality, marriages, [etc.?]?' It is unclear whether these veiled questions are effective in protecting the inmate's privacy.

\(^{104}\) Id. at 15. Thus, even if an inmate says he is not out to his mother, the deputy might still ask for her phone number and expect his mother to verify his sexual orientation, which requires the inmate to trust the deputy. Id.

\(^{105}\) Tiedeman Interview, supra note 63, at 12 (stating that transgender people are subject to the "same process" as gay-identified men, but that "if they're trans, they're gonna put 'em in"); Lanni Interview, supra note 40, at 28 ("I'm not like I'm going to take this transgender person and put them in GP [general population], 'cause that's not gonna happen. Right, so I'm not gonna waste 40 minutes of an interview trying to figure out if this person should not be housed in the general population. It's kind of obvious."). Deputy Lanni indicated that he relies on signs such as breast implants, long painted nails and eyebrows that are "done really well," but also that "there are some guys who are very feminine that do not look like women and that identify as trans also." Id. at 29. He failed to explain how he differentiates between effeminate gay men, who would be subject to the extensive interview, and transgender women, who are identified by their gender performance and may not be styled as women (nails, eyebrows, etc.). The reliance on surgical changes and overtly feminine styling appears to disadvantage transgender inmates who do not want to or cannot afford to obtain breast implants or happen to be arrested while they are not groomed in an overtly feminine fashion. Spade, supra note 12, at 754–55. It seems likely that deputies shunt some such transgender women into the gay category and subject them to their questions. Cf. Gonzalez Interview, infra note 268, at 10–11 (statement by government employee who provides services to inmates regarding gay man who was mistaken as transgender in San Francisco Jail and transgender woman who performed as a gay man to avoid assignment to the vulnerable unit).

\(^{106}\) Keating Interview, supra note 42, at 2–3 (statement by transgender activist and educator that one cannot always identify a transgender person simply by sight); Spade, supra note 12, at 754–55 (discussing the diversity of perspectives among transgender people as to whether changing external gender expression through clothing and hairstyling, for example, is sufficient and whether surgery is desirable).
transgender?" The fact that a transgender woman might reasonably reply "no" when asked "are you homosexual?," since she may be attracted to men and view herself as heterosexual, further complicates the issue.\textsuperscript{107} Although they are governed by disparate standards, both transgender and MSM inmates are subject to a "one-size-fits-all" understanding of their identities.\textsuperscript{108}

Some who are familiar with the screening process suggest that men who conform to the stereotype of an effeminate gay man or visible transgender woman are more likely to be admitted.\textsuperscript{109} The deputies admit that they assess gender performance to identify transgender inmates, and that the line between transgender women and effeminate gay men can be blurry.\textsuperscript{110} For these reasons, it is difficult to credit Deputy Lanni's suggestion that he does not attend to gender performance with respect to gay men.\textsuperscript{111}

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\textsuperscript{107} By contrast, San Francisco has a more comprehensive method of identifying transgender inmates and, indeed, all vulnerable inmates. Registered nurses, who work for the city’s department of health, inspect inmates during intake, and the jail is "hooked into the medical clinics throughout the city," which enables it to know whether an inmate is receiving hormones or therapy relating to a gender transition. See Interview with Eileen Hirst, Chief of Staff, San Francisco Sheriff’s Dept., & Lieutenant Kevin McConell, Classification Unit Manager, at 5, 7 (Mar. 26, 2010) (transcript on file with author). The jail also identifies some inmates as transgender because they changed their sex on government ID. \textit{Id.} at 10. Although the jail staff do not ask specifically about gay and transgender identity, after asking about several safety issues, such as gang affiliation or enemies in the jail, they ask all inmates, “And is there anything else you want to tell us?” \textit{Id.} at 15. If an inmate was not taking hormones, but indicated that she had just begun to transition to a different gender, the jail would ask medical staff to interview the inmate. See \textit{id.} at 18.

\textsuperscript{108} Spade, \textit{supra} note 12, at 774.

\textsuperscript{109} Kelley et al. \textit{Interview supra note} 65, at 24–25 (statement by person who works in K6G recounting incident in which Deputy Lanni concluded that a man in GP might be gay because he was painting his toenails); Tiedeman \textit{Interview supra note} 63, at 5; Ricci, \textit{supra} note 49, at B1 (recounting statements by Bell and Lanni describing the “flamboyance” of K6G inmates).

\textsuperscript{110} See text accompanying \textit{supra} note 105.

\textsuperscript{111} As I discuss below, I believe that gender performance is a relevant part of the vulnerability calculus. I worry, however, that the deputies are likely to view white men as more effeminate and in need of protection than men of color, even if viewers of color would assess the men of color differently. See Phillip Atiba Goff et al., "\textit{Am I a Woman?}: Towards an Intersectional Approach to Person Perception and Group-Based Harms," \textit{59 Sex Roles} 392, 396, 401 (2008) (finding that white viewers rated black faces as more masculine than similar white faces); Hagar \textit{Interview supra note} 41, at 18 (description by John Hagar, lead attorney in ACLU lawsuit, of paradigmatic victim for which K6G was designed as blond [i.e., white] and effeminate).
E. Segregating Homosexuality, Purifying Masculinity

The Jail’s designation of gay and transgender identity as the sole site of vulnerability betrays a tension in broader conceptions of sexuality. Eve Kosofsky Sedgwick’s influential Epistemology of the Closet argues that “homosexuality as we conceive of it today . . . [is] a space of overlapping, contradictory, and conflictual definitional forces,” which frustrates any attempt to settle on the ultimate definition of gay identity. The heart of this tension

lies in the conviction that “there is a distinct population of persons who ‘really are’ gay”—which Sedgwick calls the “minoritizing” view—and the belief or fear that same-sex desire cannot be accurately or safely contained in a minority identity, but may reside within “apparently heterosexual persons”—the universalizing view. 281

Sedgwick’s work helps to illuminate the failures in the logic of the K6G screening test as well as the test’s ultimate goal. A key failure is that, in designing a system that requires Deputies Lanni and Bell to ferret out heterosexuals, the Jail has set up an impossible task. As noted earlier, nothing can conclusively prove that a man is heterosexual, for the Jail lacks access to his past sexual behavior and his secret desires, rendering the entire foray speculative. 282 Deputies Lanni and Bell often claim that the presence of a wife or girlfriend, or even the tattoo of a woman, proves that a man is heterosexual. This is simply not true, since gay men have long formed relationships with women to pass as straight. 283 Ignorance of gay culture does not prove that a man is heterosexual any more than demonstrating that a black man is ignorant of black culture proves that he is white.

But what are the deputies really looking for when they interrogate inmates about their “gay lifestyle”? Why do they seek to identify and exclude heterosexuals seeking protection? There is a danger in trying to impose order on a test that is a hodgepodge of questions developed by several participants over time. To ascribe a single, animating goal to these questions would likely give the Jail too much credit. Nonetheless, Sharon Dolovich attempts to make sense of the questions and extracts from them a “binary, essentializing theory of male sexuality that one either is or is not gay and there is no in between...” [w]hat the classification officers seek to determine is whether interviewees are ‘really gay,’ by which is meant that, when they are free, they seek out men and only men for sexual gratification, for romance, and for emotional intimacy.” 284 This appears to be a minoritizing test, which seeks to fix homosexuality in a

281. Id. at 85; see also Katyal, supra note 140, at 117 (“By singling out a particular group as ‘homosexuals’... the rest of society remains facially ‘pure’ and unmarred by sexual ambiguity”); Russell K. Robinson, Structural Dimensions of Romantic Preferences, 76 FORDHAM L. REV. 2787, 2800–01 (2008). Then Justice Rehnquist (joined by Justice Blackmun) illustrated the homophobic fear of sexual contamination in his dissent from the denial of certiorari in a 1978 case involving the University of Missouri’s refusal to recognize a gay liberation student group. See Ratchford v. Gay Lib, 434 U.S. 1080, 1084 (1978) (comparing gay students to people with measles).

282. See infra text accompanying notes 130–131.

283. Even if the presence of a wife may reasonably be said to increase the chances that he is heterosexual—in contrast to the never-married 40-year-old man—no one could reasonably regard marriage as conclusive proof.

284. Dolovich, supra note 1, at 26. Dolovich provides no support for her claim that emotional intimacy plays an important role in the questioning. The inquiries about nightclubs and “gay slang,” such as glory hole and Prince Albert, seem to imagine particular sexual behavior as the defining trait of gay men.
small segment of the Jail population and deny that the remainder of inmates might engage in homosexuality. Like the K6G test, Dolovich’s gloss on the questions proves to be a “somewhat shifting target.” Later in her article, she claims the officers are not trying to “divine an essential truth” as to the inmate’s sexual orientation, but rather identify “those whose characteristics are likely to lead them to be identified as [fundamentally sexually attracted to men] in GP.” Elsewhere, she suggests that these inquiries are one and the same—identifying inmates who others are likely to perceive as gay generally will identify inmates who are fundamentally gay in terms of their sexual attraction. To the extent that the screening test is underinclusive, Dolovich argues that these omissions are because some men who are essentially gay lack the characteristics that would lead a predator to identify them as gay. Such men, she argues, should not be entitled to access to K6G. By contrast, Deputy Lanni asserts that the goal of the deputies’ questioning is to identify and include all gay men, not simply those who are effeminate or otherwise conform to a stereotype of gay identity. But, for the moment, assume that Dolovich’s characterization of the K6G test is a more candid description: the Jail seeks not to include all gay men in K6G, but only those who perform gay identity in such a fashion that they would be targeted. From this perspective, it would make sense to focus the test on a stereotypical version of gay identity.

Even if one accepts Dolovich’s gloss on the test, the Jail’s policy still contains serious lapses in logic. The root of these lapses is the relationship between gay identity on the inside and gay identity on the outside, and the Jail’s failure to understand that both are intertwined with race and class.

The Jail errs in assuming that conduct associated with a “gay lifestyle” on the outside is the only thing that exposes a man to victimization. Dolovich acknowledges that there are many other traits that expose men to victimization, and her gloss cannot account for the Jail’s failure to account for them. The test fails with respect to heterosexual and bisexual men and MSM. With respect to heterosexuals and bisexuals, the test ignores the many traits that make even the most staunchly heterosexual man vulnerable (youth, slight stature, disability, etc.). Moreover, the test ignores the fluidity of gay identity as it is practiced in jail. That a man did not live a “gay lifestyle” will not protect him if he is “punked” because he is naïve or awkward or related to a deputy, as suggested by the prison rape experiences recounted in the

285. Id.
286. Id. at 36.
287. Id. at 64 n.308.
288. Id. at 35 (“[W]hat these officers seek is the same thing predators in GP look for . . . .”).
289. Id. at 64 n. 308.
290. Lanni Interview, supra note 40, at 17 (stating that there is no “poster child” for gay identity).
291. See Dolovich, supra note 1, at 64 n.308.
Introduction. Moreover, once a man is raped, other inmates, but not the Jail, will deem him gay and vulnerable to future rapes. In short, the Jail culture embraces a universalizing conception of Gay Identity—any man could be "made gay" under the right circumstances. But the deputies cling to a minoritizing view—looking outside rather than inside the Jail.

With respect to men who had sex with men on the outside, there is some logic in assuming that out men have made choices that they may have difficulty reversing once incarcerated. That is, once one has come out (or been outed) in his community, he may not be able to put the genie back in the bottle. This is not to say that men who were not out are immune from sexual orientation discrimination while incarcerated. They might possess characteristics, such as effeminacy, that make them targets. Or they might receive letters or visits from a same-sex partner that inadvertently disclose their identities. And it is curious that those who demand that gay men come out would drop that demand and legitimate the closet once a man is incarcerated. But in general, it seems fair to say that out men are more vulnerable than men who were not out, and that the latter will have an easier time hiding their sexual orientation while incarcerated.

However, the K6G policy runs into serious trouble in assuming that there is only one way to be out: frequent club-going, visits to public sex venues, attending gay pride parades, immersion in gay slang from the 1970s, and performing specific sexual roles and acts—i.e., swallowing semen and not enjoying it too much. As I show in Part IV, black, brown, and poor men are particularly likely not to live that lifestyle and to obtain the information assumed to correlate with it. But that does not mean that they were not out in their communities. MSM of color and other MSM have developed multiple identities that mark them as sexual minorities while rejecting Gay Identity and the "gay lifestyle."292 The Jail fails to understand that there are multiple gay worlds in a single city, and race and class structure them.293 There are also multiple forms of masculinity, and the fact that an inmate seems masculine to a white, middle-aged man does not mean that someone of his same race and socio-economic status would read him as masculine.

Moreover, the Jail’s masculinity narrative denies the sexual vulnerability that all people experience, especially in a violent and hierarchical institution.294 The Jail is willing to see vulnerability and extend “protection” only in a sliver of cases—the few in which a gay or transgender inmate (that is, a person with a feminized identity) expresses vulnerability and parrots the Jail’s narrow constructions of gay and transgender identities.295 The Jail assigns a mere 2

292. See infra text accompanying note 394–403.
293. CHAUNCEY, supra note 150, at 3.
294. See generally I. Bennett Capers, Real Rape Too, 99 CALIF. L. REV. 1163 (critiquing legal and social failure to take male rape seriously).
295. Cf. Robinson, supra note 18, at 1487 (challenging the "down low" discourse’s refusal to acknowledge that black men—not just black women—can be victims).
percent of its population to K6G (roughly 300 of 6,000 inmates),\textsuperscript{296} essentially commanding the overwhelming majority of inmates to fend for themselves. Given the K6G deputies’ proximity to GP and the process in which GP inmates “turn out” heterosexuals and bisexuals, it is difficult to attribute their disregard for these victims to ignorance.

Therefore, the K6G deputies’ insistence on the self-reliance of men in GP and the utter vulnerability of gay and transgender inmates—no matter how masculine, physically intimidating, or well connected in the Jail hierarchy they may be—appears to be an attempt to minoritize not just homosexuality, but also vulnerability. One can understand the deputies’ exclusion of formerly heterosexual men who have been raped and “made gay,” and their branding of bisexual men and others who seek protection from the violence in GP as predators and “situational homosexuals” (that is, not “real” homosexuals), as awkward attempts to finesse the ringing incoherence in their efforts to define and cabin homosexuality. Moreover, it bears noting that, historically, homophobic quarters have given rise to efforts to define homosexuality,\textsuperscript{297} and that prisons and jails—including Los Angeles County—sought to identify and isolate homosexuals long before the 1985 ACLU lawsuit and long before anyone could credibly portray government as gay-friendly.\textsuperscript{298} The Jail maintained segregated male and female “gay” units before the ACLU’s intervention, and the abuse that continues today echoes the longstanding subordination that queer and transgender people have faced in jails and prisons.\textsuperscript{299} Before the Jail marked gay inmates with powder blue uniforms, it identified them with “faggot pins.”\textsuperscript{300}

\textsuperscript{296} See Nina T. Harawa et al., Sex and Condom Use in a Large Jail Unit for Men Who Have Sex with Men (MSM) and Male-to-Female Transgenders, 21 J. HEALTH CARE FOR POOR & UNDERSERVED 1071, 1073 (2010).

\textsuperscript{297} See, e.g., Dreibelbis v. Marks, 742 F.2d 792, 795 (3d Cir. 1984) (upholding prison regulation preventing male prisoners from wearing long hair because it “assists in controlling homosexuality within the correctional institution”); CHANCEY, supra note 150, at 91 (noting that prisons in New York segregated effeminate homosexuals as early as 1910); Kunzel, Lessons, supra note 16, at 15 (stating that historically gays have been segregated because prison administrators claimed that they posed a “threat to institutional order and security”). See also AIDS AND THE LAW 14-31 to 14-35 (William H.L. Dornette ed., 2009 supplement) (describing long history of prisons and jails segregating HIV-positive inmates and inmates with AIDS); Report Says HIV Inmate Segregation in Two U.S. States, REUTERS (Apr. 14, 2010, 12:05 PM), http://www.reuters.com/article/2010/04/14/us-usa-health-prisoners-idUSTRE63D38A20100414 (stating that Alabama and South Carolina continue such segregation and Mississippi only recently ended segregation).

\textsuperscript{298} Kunzel, Lessons, supra note 16, at 15 (revealing that butch lesbians were held in a “Daddy Tank” in L.A. “under harsh and maximum security conditions” regardless of the charged offense); Interview with JoAnne Keating, Director, Center of Excellence for Transgender HIV Prevention, transcript on file with author, at 3–4, (Nov. 2, 2009) (statement by transgender activist and educator recounting cramped conditions, lack of access to services and how transgender women in “queens tank” had to walk naked past men in GP to shower about forty years ago).

\textsuperscript{300} Deputy Sheriff Bart Lanni, Testimony Before the National Prison Rape Elimination Commission (Aug. 19, 2005).
This history and Sedgwick's insights suggest that much more is at stake in K6G than protecting gay and transgender inmates. The Jail may use the K6G screening process to reinscribe the meaning of heterosexual masculinity and its necessary corollary, the abject status of homosexuality. Although the Jail exposes many inmates to danger it seems to reserve a special disdain for those who would attempt to defy the Jail's gendered borders. This includes the MSM who refuses to come out as gay and must fend for himself in GP; the heterosexual who identifies as gay because he needs protection, flunks the gaydar test, and then returns to GP newly stigmatized as gay; and the heterosexual or bisexual inmate whose vulnerability the Jail's removal of gay- and transgender-identified inmates enhances.