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TRANSCRIPT[°]

CONVERGE! REIMAGINING THE MOVEMENT TO END GENDER VIOLENCE

Plenary 2—Redefining Gender Violence

UNIVERSITY OF MIAMI SCHOOL OF LAW

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FLORES: (*ORIGINAL SPANISH*) Voy hablar un poco de la historia de la mujer inmigrante. Cuando emigramos a este país, llegamos con nuestras preocupaciones y nuestras tristezas. Pensamos en aquellos que

[°] This transcript has been edited from its original transcription for clarity.

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[†] Original remarks from the CONVERGE! conference omitted. Julie Goldscheid's remarks were redacted as she contributed the essay Julie Goldscheid, *Gender Neutrality and the "Violence Against Women" Frame*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 307 (2015). Leigh Goodmark contributed to the following introduction and article: Donna Coker, Leigh Goodmark & Marcia Olivo, *Introduction: CONVERGE! Reimagining the Movement to End Gender Violence*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 249 (2015); Leigh Goodmark, *CONVERGEing Around the Study of Gender Violence: The Gender Violence Clinic at the University of Maryland Carey School of Law*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 661 (2015).

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se quedaron en nuestro país, en ese desenlace tan fuerte de familia, tierra y cultura. También llegamos con muchos traumas, traumas que tenemos desde nacimiento porque muchas no fuimos apreciadas, ni si quiera cuando nacimos. Algunas veces nuestra propia familia, específicamente nuestros padres, no nos apreciaban simplemente por haber nacido mujer.

En Mujeres Activas y Unidas (“MUA”),¹ hemos realizado encuestas a muchas mujeres en San Francisco, específicamente en el área de la bahía, y resulta que, por haber sido mujer no tuvieron el derecho a muchas cosas en sus países de origen, especialmente el derecho a estudiar. Los resultados mostraron que más de un 80% de las mujeres solamente llegaron al sexto año de primaria, y muchas ni siquiera fueron a la primaria. Esto ocurre porque el pensamiento en nuestros países es que las mujeres no tienen necesidad de estudiar.

Cuando llegamos a este país, nos damos cuenta que hay derechos que existen y que ofrecen protecciones para mujeres. Pero, ¿Qué sucede? Estos derechos no se cumplen y en el peor de los casos, muchas mujeres ni siquiera saben que existen. Y si saben de estos derechos, muchas traen el autoestima tan bajo que no le ponen la fuerza necesaria para reclamarlos. Esto quiere decir, que mucha de nosotras, mujeres inmigrantes, ya venimos predestinadas a pensar que no valemos nada, porque no tenemos una educación y ni siquiera podemos desarrollar un trabajo. De esto deviene el abuso más grande que sufrimos—muchas veces de proveniente de nuestra sociedad, la iglesia, nuestra familia—y es la idea de que no valemos nada.

Económicamente, como mujeres, estamos en situaciones mucho más terribles y vulnerables. Para empezar, muchas veces no podemos trabajar. Y si logramos salir a trabajar hay abusos en el trabajo también, comenzando con el acoso verbal. Algunas veces también somos víctimas de violación e intimidación; aquí le agregamos el problema de no tener documentos. Entonces, ya se nos va empeorando todos los problemas que estamos pasando.

Le estoy contando esta historia, porque ha sido la historia de muchas mujeres, incluyendo mi historia personal. Lo importante de todo esto, es que cuando aprendemos o cuando reconocemos quienes somos y donde estamos, es cuando comenzamos a hacer cambios. Es muy importante que como individuos, como seres humanos, como personas de la comunidad, tomemos en cuenta que las mujeres tenemos un fuerte valor. Que somos muy fuertes, que somos muy valientes, y que lo único que necesitamos es primero reconocernos a nosotras mismas quienes somos y hasta donde podemos llegar.

¹ WOMEN TOGETHER, <http://www.mujeresunidas.org/> (last visited May 12, 2015).

En MUA, trabajamos mucho con la reparación de la autoestima. La autoestima no se repara diciéndoles a las mujeres, “Mira, lee estas palabras” o “este libro de superación personal” o “ve a estas reuniones donde te vamos a enseñar” No. Nosotros reparamos la autoestima con unas reuniones donde estamos todas juntas y aprendemos unas de otras, porque la historia de una mujer le da el valor y la fuerza a la otra. Lo que una persona tiene como fortaleza, a otra tal vez le está fallando, y así nos complementamos. “¿Cómo lo hiciste? Enséñame que quiero ir contigo a la mano.” Y eso es lo importante que vamos haciendo.

¿Por qué estoy hablando de esto? Porque, es muy importante que a nosotras las mujeres de base inmigrantes no se nos diga qué tenemos que hacer o qué queremos hacer. Los abogados y otros profesionales que creen que saben más que nosotros, no pueden decirnos que podemos hacer. Nosotras queremos estar en la mesa tomando decisiones y diciendo, “Éstas son nuestras necesidades y queremos tomar estos pasos.” Sí, necesitamos mucho de la ayuda y el apoyo de los abogados y otros profesionales, claro que sí, pero queremos que nuestra voz sea escuchada y que seamos nosotras las que tomemos nuestras decisiones— a dónde queremos ir y que cambios son los necesarios para nosotras. Ahí es donde está la fuerza.

Cuando una mujer ya empieza a reconocer qué es lo que puede lograr y qué cambios puede lograr a nivel personal, a nivel familiar y a nivel comunitario, es cuando ya quiere estar también allí, en la mesa tomando las decisiones. Nosotros vemos que esto es muy importante. Yo me siento debilitada cuando nos llaman “víctimas,” cuando nos refieren como simple “clientas,” cuando dicen, “Esta mujer fue víctima de asalto sexual, la violaron, es mi clienta, pero ahora es sobreviviente.” Siempre me siento mal cuando eso se menciona.

Nosotras no somos víctimas. Pasamos unos retos muy grandes, es cierto. Sufrimos cosas que nos hicieron caer y nos hicieron sentir nada, pero ahora somos capaces de seguir adelante y hacer el cambio, y estamos al mismo nivel que todo el mundo. Cuando nos ponen como víctimas o sobrevivientes, todavía se siente que somos inferiores. Y no, ya tenemos la capacidad y tenemos la fuerza. Tenemos que tener en mente que alguien que ha pasado violación, alguien que ha pasado violencia doméstica, que ha pasado muchos abusos, puede lidiar con casi cualquier cosa. Siempre tomando en cuenta que mientras que se puede lidiar con esto, el dolor nunca se va a curar. Nunca.

Muchas veces decimos que ya el dolor se está curando, pero no. Sí estamos sobreviviendo; sí, el dolor está saliendo; pero es con mucha fuerza de voluntad. El dolor que nos hizo sentir como la nada en un momento, ahora lo estamos transformando en fuerza. Si no hacemos los cambios por nosotras mismas, entonces hay que hacerlo por la

comunidad, Pero más que nada, por cada mujer que va llegando y que vea, “Tu dolor fue mi dolor y va ser nuestro dolor, porque si tú sufres, yo sufro. Si tú eres feliz, yo soy feliz. Entonces, ahora vamos a ir a la par.”

Ahora, quiero explicar un poco como lo hacemos en la organización de MUA. Tenemos entrenamientos certificados por el estado de California. ¿Quiénes toman estos entrenamientos? Las mismas mujeres que han tenido estas experiencias y ya han tenido la oportunidad de hablar sobre ello. Muchas veces, lo primero que hay que hacer es hablarlo. Yo veo a las señoras cuando llegan, a veces llorando, muy enojadas, y queriendo hacer mil cosas. Pero cuando empiezan a hablar, aunque no empiecen a actuar, solo con el simple hecho de hablarlo, ya van calmándose y van sintiendo con claridad qué es exactamente lo que quieren hacer. De esta manera, cuando deciden lo que van a hacer, no es algo que luego les va traer más problemas. Cuando ya estén más claras, pueden ir punto a punto y paso a paso como quieran llevar su camino.

Eso es lo que hacemos con las compañeras: llegan, se toman su tiempo, se les escucha, se les apoya, y de ahí ellas mismas, cuando ya se sienten que tienen control de sus propias vidas, empiezan a tomar los entrenamientos. Por esto es que les damos el entrenamiento de liderazgo, para que ellas sepan que tienen voz y que ellas sepan que lo que están pensando y como lo están decidiendo es lo que en verdad quieren.

Hemos visto como las mismas señoras han hecho sus propias campañas y como han contribuido a ser cambios en las leyes. Hemos trabajado mucho por lo que ha sido VAWA y por lo de VISA U. Estamos trabajando ahora con mujeres que han sido trata de personas, que las han vendido en el mismo trabajo, y estas mujeres no quieren estar en esas condiciones, entonces las estamos apoyando. También estamos trabajando, por los derechos de las trabajadoras del hogar, porque muchas veces les dan más trabajo de lo que pueden hacer, a veces no les pagan y también hay mucho abuso emocional, físico, sexual y sino mucho acoso.

En MUA, estamos trabajando con estas campañas a niveles estatales y a niveles nacionales, para que cambien las leyes y reflejen que el poder está en nosotras. Hay que reconocer que en la política son muy pocos los que tienen el poder y que nosotras los superamos en números. Entonces, la organización está trabajando en encontrar la respuesta de la pregunta ¿Cómo vamos a ir cambiando esa mente política para reconocer que nosotros tenemos la fuerza?

FLORES: (*ENGLISH TRANSLATION*) I am going to talk a little about the immigrant woman. When we migrate to this country, we arrive with our worries and with our sadness. We think about those who stayed in our country, of that strong break from family, land, and culture. We also arrive with many traumas, traumas that we have from birth because

many of us were not appreciated, not even at birth. Sometimes our own families, specifically our fathers, did not appreciate us simply for having been born a woman.

At MUA,² we have surveyed many women in San Francisco, specifically in the Bay Area, and it turns out that because they were women they did not have a right to many things in their countries, especially the right to an education. The results showed that more than 80% of women only got to their sixth year in elementary school, and many did not even go to elementary school. This happens because the thinking in our countries is that women have no need to study.

When we arrive to this country, we realize that rights do exist and that they offer protection for women. But, what happens? These rights are not enforced and in the worst of cases, many women do not even know that they exist. If they do know about these rights, many come with such low self-esteem that they do not even try to claim them. This means that many of us immigrant women already come predestined to believe that we are worthless, because we do not have an education and because we cannot even get a job. From this, comes the greatest abuse that we suffer—many times from our own society, the church, our family—and that is the idea that we are worthless.

Economically, as women, we are in much worse and more vulnerable situations. To begin with, oftentimes we cannot work. If we are able to get out and work, there are abuses in the workplace as well, beginning with verbal harassment. Sometimes we are also victims of rape and intimidation; to this we add the problem of being undocumented. So then, all of the problems we are dealing with begin to get worse.

I am telling you this story because it has been the story of many women, including myself. The important part in all of this is when we begin learning and realizing who we are and where we are, that is when we start making changes. It is very important that as individuals, as human beings, as people from the community, we take into account that women are of great value. That we are very strong, that we are very brave, and that the only thing that we need is to first recognize ourselves who we are and where we are able to go.

At MUA, we work a lot with repairing the self-esteem. We do not repair a woman's self-esteem by telling her, "Look, read these words" or "this book about self-improvement" or "go to these meetings where we will teach you . . ." No. We repair the self-esteem with reunions where we all get together and learn from one another, because one woman's story provides courage and strength to another. One person's strength

² WOMEN TOGETHER, *supra* note 1.

could be another's weakness, and in that way we complement each other. "How did you do it? Show me, I want to go with you hand in hand." That is the important thing that we are doing.

Why am I talking about this? Because it is very important that we, immigrant women, are not told what we have to do or what we want to do. The lawyers and other professionals that think they know more than us cannot tell us what to do. We want to be at the table making decisions and saying, "These are our needs and we want to take the steps." Yes, we very much need the help and support of the lawyers and other professionals, of course, but we want our voice to be heard and for us to be the ones making the decisions—where we want to go and what changes are necessary for us. That is where our strength lies.

When a woman begins to recognize what she can accomplish and what changes she can achieve on a personal level, a family level, a community level, is when she wants to also be at the table making decisions. We recognize that this is very important. I feel weak when they call us "victims," when they refer to us simply as "clients," when they say, "This woman was a victim of sexual assault, they raped her, she is my client, but now she is a survivor." I always feel bad when that is said.

We are not victims. It is true we have overcome big challenges. We have suffered from things that brought us down and made us feel like we were nothing, but now we are capable of moving forward and making a change, and we are at the same level as everyone else. When we are pinned as victims or survivors, it still feels like we are inferior. And no, we are now capable and strong enough. We have to keep in mind that someone who has been raped, who has dealt with domestic violence, who has suffered many abuses, can deal with almost anything. Always keeping in mind that while we are capable of dealing with things, the wounds will never heal. Never.

Many times we say that the pain is healing, but no. Yes, we are surviving; yes, the pain is leaving; but it requires a lot of willpower. The pain that made us feel like we were nothing at one point, we are now transforming it into strength. If we do not make the change for us, then we do it for our community, but more than anything, for every woman that arrives so that she can see, "Your pain was my pain and will be our pain, because if you suffer, I suffer. If you are happy, I am happy. So let's get through it together."

Now, I want to explain how we do it in the organization of Women Together. We have trainings certified by the State of California. Who takes these trainings? The same women that have had these experiences and have already had the opportunity to talk about it. Many times the first thing that needs to happen is to talk about it. I see women when they

arrive, sometimes crying, very angry, and wanting to do a thousand things. But when they start to talk, even if they do not begin to act, just merely talking about it, they start calming down and start feeling clearly about exactly it is that they want to do. This way, when they decide what they are going to do it is not something that later on will bring them problems. When they think clearly, they can go point-by-point and step-by-step as to how they want to lead their path.

That is what we do with the ladies: they arrive, take their time, we listen to them, we offer them support, and from there, once they feel that they have control over their lives, they start taking the trainings. This is why we give them leadership training, so that they know that they have a voice and so that they know that what they are thinking and how they are deciding is in fact what they want.

We have seen how the women have made their own campaigns and have contributed to changes in the laws. We have worked a lot for what have become VAWA and the U visa. We are currently working with women who have been victims of human trafficking, who have even been sold in the workplace, and these women no longer want to live in these conditions, so we are offering them support. We are also working for the rights of domestic workers because many times they are overworked, or are sometimes not paid. There is also a lot of emotional, physical, and sexual abuse, and if not, then a lot of harassment.

At MUA, we are working with these campaigns at state and national levels so that the laws can be changed to reflect that we hold the power. It has to be recognized that in politics there are very few people with power and we can surpass them in number. Therefore, the organization is working to find the answer to the question “How do we change the political mindset to recognize that we are the ones with the power?”

RITCHIE: One of the first instances of gender-based violence that I heard of after I moved to United States to attend law school involved a twenty-six year-old Black Miami nursing student whose name is Sandra Antor. Sandra was driving along Interstate 95 when a man in an unmarked car signaled her to pull over. Seeing that she was traveling on an isolated stretch of highway and she had heard about these “blue light bandits,” people who pretend to be police and pull you over and then rob you, she waited until she got to a more well-travelled area of the highway and then stopped.³ A white man charged out of the car, gun drawn, pointed at her head and proceeded to violently yank her out of her car as

³ See INCITE! WOMEN OF COLOR AGAINST VIOLENCE, *Law Enforcement Violence Against Women of Color & Trans People of Color: A Critical Intersection of Gender Violence & State Violence* 30, http://www.incite-national.org/sites/default/files/incite_files/resource_docs/3696_toolkit-final.pdf (last visited May 19, 2015).

she was just trying to unbuckle her seat belt, shoved her face-down on the highway with cars speeding by, rammed his knee in her back, sat on her and all the while hurled abuse and threats at her. What set this incident apart from other instances of gender-based violence that we have been talking about was that the person responsible was a State Trooper and the entire incident was caught on his dashboard camera. The incident received some publicity, but I noticed that it didn't garner the same national attention and outrage that was generated by other incidences of "driving while black" that have been caught on video. The experiences of women of color like Sandra Antor really weren't informing the conversation nationally around policing, profiling and police violence in the national discourse. I also noticed at the time that women's anti-violence organizations were not mobilizing around Sandra Antor's experience as a case of gender-based violence, which really kind of struck me given that I had just come from Toronto where as an anti-violence activist on the board of Women's Shelter, I had been organizing around police shootings of women of color, police sexual assault of women of color, of the kinds of violent and abusive strip searches that women of color were experiencing in Toronto. This was not unlike one of the stories that is a cornerstone of Beth Richie's book, *ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION*—the story of Ms. B⁴—in which a middle-aged black women who was living a public housing complex that was scheduled for demolition in Chicago was terrorized by a group of officers who, among many other things, subjected her to really highly racialized and violent strip searches in her own home. I have been organizing around those issues as gender-based violence and was struck by the fact that they were not being perceived by the mainstream or in most of the national discourse around violence against women as part of that spectrum. It is interesting to me that those kinds of experiences are not generally seen as gender-based violence when they happen in the United States but state violence against women of color is definitely seen as gender-based violence when it happens anywhere else in the world. It seems to me that the almost exclusive reliance on law enforcement and criminal legal responses to violence, that Beth described so powerfully and so eloquently this morning,⁵ has produced some really uncomfortable silences around the experiences of racialized gender and sexuality based profiling and violence at the hands of the very police who we are asked

⁴ See BETH E. RICHIE, *ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION* 8–11 (2012).

⁵ See Beth E. Richie, *Keynote—Reimagining the Movement to End Gender Violence: Anti-racism, Prison Abolition, Women of Color Feminisms, and Other Radical Visions of Justice*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 257 (2015) [hereinafter *Keynote*].

to entrust with our protection. But these kinds of experiences of gender-based violence at the hands of law enforcement—whether it is in the context of routine policing; the war on drugs; immigration enforcement; responses to domestic violence, sexual assault and hate violence; in the context of anti-prostitution and anti-trafficking initiatives—are pervasive in the United States. The experiences of one queer young woman of color who I worked with at Streetwise and Safe⁶ are unfortunately typical of stories I hear every day. She recently testified at a hearing in New York City on the issue of “stop and frisk,” which I am sure you all have heard has been a big issue in New York. She was recently speaking at a hearing and talked about it and said:

My first police encounter was when me and my sisters and cousins were stopped on the stairs of our public housing unit in Brooklyn. We were told to take off our shoes and socks and hoodies and top shirt, leaving us standing there in our under shirts. They told us to unbutton our pants and roll the waistband down. Three of us were in pajamas. Then the officer turned us around by the neck and frisked us. They were looking for weed, they did not find any. We were eight, nine, thirteen, and sixteen. But they took us to the precinct anyway, where our mother had to come get us. I have been told that if I just give a cop my number they will make a summons go away. I have asked an officer for directions only to be asked if I am going to the “stroll.” I have been told to take my newborn baby out of her stroller and put her on the filthy sidewalk while they search my stroller. I have been sexually harassed by police officers as I walk my kids to school and groped during stops and frisks. Recently an officer grabbed my phone during the stop, got the number and has been sending me increasingly sexually explicit text messages and threatening text messages. The police in my neighborhood make me feel less safe not more safe. Who is going to protect ME from the police?⁷

These kinds of experiences, these kinds of voices are largely invisible and largely unheard. These stories are often absent from the

⁶ STREETWISE & SAFE, <http://www.streetwiseandsafe.org/> (last visited May 19, 2015).

⁷ CTR. FOR CONSTITUTIONAL RIGHTS, STOP AND FRISK: THE HUMAN IMPACT—THE STORIES BEHIND THE NUMBERS: THE EFFECTS ON OUR COMMUNITIES 13 (July 2012), <http://stopandfrisk.org/the-human-impact-report.pdf>.

social, political and legal discourse around both policing and gender-based violence. I really want to thank the organizers of this conference for creating this space in which to expand the frame of gender-based violence and also for inviting me to join the conversation today.

There is much that we do not know about what gender-based violence by law enforcement looks like. There are a few things we do know. We do know that women of color and young women are racially profiled and abused by police in many of the same ways as men of color. But they are also specifically profiled as drug couriers, as being engaged in prostitution, as bad mothers, at the border, at the airport, on the corner, and in their homes. We know that young women of color experience the same kinds of daily harassment and excessive force as young men of color but also gender-specific forms of violence such as sexual harassment and assault by police. We know that controlling narratives of women and girls of color as inherently aggressive and dangerous inform systemic police brutality. No matter whether we are as young as Jae'eisha Scott, a five-year old girl arrested in St. Petersburg, Florida for essentially throwing a temper tantrum in her kindergarten class⁸—as five year olds are wont to do—or as old as seventy-nine year old Cora Jones who was shot point blank in the chest as she sat in her wheel chair while Detroit police raided her home.⁹ Whether eight months pregnant like Malaika Brooks who was tased three times by Seattle police during a traffic stop because she refused to sign a ticket for stopping in front of her son's school to drop him off. Whether they weigh 100 pounds like my Latina lesbian client who was thrown to the ground by police in New York City and beaten as she left a club by officers who called her a "dyke ass bitch." Bringing the experiences of women who experience violence at the hands of law enforcement to the center of conversations about gender-based violence reveals that gender and sexuality are central axes around which policing takes place, in conjunction with but also in service of race and poverty-based policing. In other words, gender-based violence by law enforcement officers is not an isolated aberration but is fundamental to the institution of policing itself. Particularly, sexual and reproductive violence is a tool of domination and control, which has been used by law enforcement agents throughout this nation's history, from

⁸ DIGNITY IN SCHOOLS, *Still Haven't Shut Off the School-to-Prison Pipeline: Evaluating the Impact of Florida's New Zero-Tolerance Law*, <http://www.dignityinschools.org/content/still-haven%E2%80%99t-shut-school-prison-pipeline-evaluating-impact-florida%E2%80%99s-new-zero-tolerance-law> (last visited May 19, 2015).

⁹ David Ashenfelter & Joe Swickard, *Detroit Cops Are Deadliest in U.S.: Shooting Figures Need Context, Officials Say*, THE POLICE POLICY STUDIES COUNCIL (May 15, 2000), http://www.theppsc.org/Archives/DF_Articles/Files/Michigan/Detroit/FreePress052000.htm.

colonial armies to “plantation justice” to the present. It is not the product of a few bad apples. The conversation around profiling and policing of women and LGBT people of color and gender-based impacts of current policing practices is not distinct from the conversation around racial profiling and mass incarceration of people of color in the United States. It is central to it. The mechanics of how racialized policing of gender and sexuality take place are complex and often invisible. They happen through these day-to-day, minute-by-minute decisions that police officers make about who is safe and who is suspicious, who to surveil and who to ignore, what constitutes reasonable suspicion, what is probable cause, whose conduct to punish, whose conduct to permit, who has the right to defend themselves, and who is inviolable. Through these kinds of daily acts law enforcement draws and enforces the lines of the gender binary; they police the presence of racially gendered bodies in the public sphere; they ensure compliance with racialized and heteronormative notions of gendered behavior and enforce dominant sexualities. Sometimes that happens explicitly when, for instance, police decide who can be in a certain bathroom and what physical characteristics they should have. Or, when they punch butch lesbians in the chest yelling “if you want to act like a man I will treat you like a man.” But other times, policing departures from racialized norms of appropriate gender expression is more subtle and it is more about reading gender nonconformity as grounds for suspicion and presumption that a person is “disorderly,” and as a basis for securing submission to gender roles. As we expand the lens of gender-based violence to include experiences of violence at the hands of police, it becomes clearer that the role that law enforcement agents play in enforcing racialized gender norms and power relations really does not change when their role shifts from enforcer to protector. In fact, shockingly, all too many instances of profiling and police brutality and sexual abuse of women and LGBT people of color take place in the context of responses to calls for help. Whether it is to Tiawanda’s experience,¹⁰ whether it is a Chicago police officer who would make survivors of domestic violence strip naked for him, or the New York City police officers who beat a domestic violence survivor so bad that they broke her nose and her jaw and her spleen—injuries caused by the police, not the boyfriend who was beating her when she called them for help. Her name was Cherae Williams.¹¹ She later testified “[the officers] beat me until I was bloody . . . They left me there dazed and with a

¹⁰ See *Keynote*, *supra* note 5, at 271.

¹¹ Juan Forero, *2 Officers Are Accused of Beating Woman Who Asked for Their Names and Badge Numbers*, N.Y. TIMES, Mar. 2, 2000, <http://www.nytimes.com/2000/03/02/nyregion/2-officers-are-accused-beating-woman-who-asked-for-their-names-badge-numbers.html>.

warning. They told me that if they saw me on the street, they would kill me . . . I called the police to prevent a serious incident, and they brutalized me.”¹² Women of color and LGBT people of color are often perceived by police as violent and inviolable and therefore deserving of punishment and not protection. Those same stereotypes play out in daily law enforcement interactions with women and LGBT people of color informing who is worthy to be given police protection and who is deemed on the other hand to be subject to arrest, or abuse or denial of protection. The lines around who is a legitimate victim of violence are highly racialized, highly sexualized, highly classed, and those lines are not only lines of exclusion, they are lines along which law enforcement officers are enabled to enact violence against women and LGBT people of color in the name of fighting violence. The more we abhor the violence we seek to address—whether it is sexual offenses or trafficking in persons—the more we are willing to turn away from and ignore the casualties of the reliance of our law enforcement to solve it. Often, all too often, those casualties include among them the very people we claim to protect. Finally, an understanding of gender-based violence at the hands of law enforcement also requires an awareness of the more subtle forms of policing within criminal and immigration systems, but also public housing, foster care, social services and the welfare system. Policing includes not only the presence of actual law enforcement officers in welfare offices, or hospitals, schools and public housing, but also includes less formal policing of sex and gender in the operation of helping institutions extending policing the web of policing to every aspect of society.

The way that policing operates in housing institutions extends the web of policing into every aspect of society: While some of us continue to promote law enforcement-based responses to gender-based violence, others of us envision responses to violence that might not involve the criminal legal system, but might involve alternatively mandating engagement with other systems and institutions, as drug courts have been doing for a long time, and as people are starting to do with “prostitution courts.” In all too many cases, these systems (i.e., drug courts and prostitution court) have already repeatedly failed the people we are shoving them back into. They have been sites of gender-based violence for people who have already fled them, and they do not meet the basic needs that people identify for themselves every day without needing to be arrested to seek the services. As Mitchyll Mora, a staff person at

¹² INCITE! WOMEN OF COLOR AGAINST VIOLENCE, *Police Brutality Against Women of Color & Trans People of Color 2*, http://www.incite-national.org/sites/default/files/incite_files/resource_docs/5341_pv-brochure-download.pdf (last visited May 19, 2015).

Streetwise and Safe recently said something to the effect of “We don’t need to be saved, we are saving ourselves every single day. You need to listen to what we say we need.” Expanding the frame of gender-based violence to include those kinds of experiences really challenges us to truly envision what will actually produce safety, what will actually promote sexual and gender autonomy, and will actually produce ultimately liberation for all of us. Thank you.

SPEARIT: I have been researching prison culture for about the last decade, looking through ethnographic studies, and looking at other people’s work for many years. What I want to do is talk about how imprisonment—how prisons—disadvantage already disadvantaged communities. That is a very simple story to tell. Looking at the prisons and the hood essentially, and what is the relationship. You can look from a political point of view and start to talk about felony disenfranchisement. Millions of Americans cannot vote, and this is concentrated among certain specific ethnic minority communities. So, there is a political dimension; there is a whole financial dimension to how imprisonment disadvantages these communities. Loved ones of an incarcerated person have to send money to commissary accounts, have to go traveling, put wear and tear on vehicles, lose money because of time spent, and pay for babysitters and collect calls from the prison. Every call from a prison is a collect call, right? There is a whole financial dimension to it.

What I want to talk about are some of the cultural ramifications. What are the cultural impacts of imprisonment? So I am looking at the structural costs from a cultural point of view. I want to talk today about prison families—prison families as a means of looking at some of the gender violence problems in prison and how they relate to violence outside of prison.¹³ I am talking about what I call the “destructive cycle of masculinity” or “cycles of destructive masculinity.” The general proposition is that we have gender norms outside of prison, pretty much patriarchal, pretty much heteronormative, sort of a kind of a warped sense of masculinity that is the norm outside. In some of my work I look at pornography. I look at prostitution, prostitution laws and language, how we talk about things. We have this set of norms and so my argument is that we bring some of these norms into prison and they get further warped, and reproduced in very unfortunate ways and then these norms get exported back out to the select communities. That is the cycle of destructive masculinity that I am talking about. The gender norms get

¹³ See generally SpearIt, *Gender Violence in Prison & Hyper-masculinities in the Hood: Cycles of Destructive Masculinity*, 37 WASH. U. J.L. & POL’Y 89 (2011).

imported to prison, get reproduced, and then get exported back out to the hood.

What is a prison family? Now, Let us first of all distinguish a prison family from the family of prisoners. They are two different things. I am talking about what type of family bonding takes place behind bars. Non-biological members create a family where there is none. I guess right away when we start talking about forced families, we can address the distinction that Leigh Goodmark brought up earlier, “What’s the difference between sexual violence and gender violence?”¹⁴ I think you see that gender violence tends to be about making political statements. It is about power. It is about dominance. You might put that on one end of the spectrum and on the other end of the spectrum, this is more complicated, but on the other end of the spectrum you might talk about sexual violence. By sex, I mean how a person relieves himself of that urge and how to satisfy sexual desire. They are on different ends of the spectrum. As one researcher said, there is really nothing sexy about gender violence.¹⁵ It is about power, it is about making a statement, and it is about sending a message to your enemy. Whereas sexual violence encompasses the relief of the sexual urge. There is a lot of gray stuff that goes on in-between. Those are the polar opposites that I would put up as that distinction, at least in the prison context.

I will give a little bit of background to help you understand why prison families form behind bars. For one, we are in a place in time where we have more people locked up than any other time in human history outside the context of war. Right now in the United States we have an enormous prison population and these people are serving some of the longest sentences in the western hemisphere. Twenty-five to life is a pretty normal proposition in our country. We have a lot of people serving lots of time behind bars and the application of the criminal justice system from law enforcement to the courts to corrections is pretty much focused on ethnic minorities. The rest of the country does not feel the problem that I am talking about. It does not feel these problems because criminalization is concentrated in specific ethnic communities. There are several feeder counties that feed the majority of prisons in this country—the majority in terms of population. These are isolated places. We know that when people exit prison they almost invariably go back to their home community or one very similar.

So it is a cycle. That is the backdrop we have in African-American communities and Latino communities that populate prisons. So what is a

¹⁴ Leigh Goodmark asked this question during her opening remarks in this panel, which have been redacted.

¹⁵ ANTHONY M. SCACCO, RAPE IN PRISON 67 (1975).

prison family? There are two types. One is a forced family and one is the volunteer family. I will talk about the forced family first. This is where an individual creates his own family. Remember I mentioned that norms are being imported? Just like on the outside one of the ways for a male to exhibit masculinity is to have a family. It is not very different inside of prison. A man can create a family. You can have your wife, you can have kids, you can have boys, you can have sisters of the boy-“sissies.” You do this by force. You turn out individuals. You break someone—mentally, physically—you break that person. These are ways that the family gets created and it is very similar in structure to what happens on the outside, but it is a very warped permutation on the inside. I will quote one prisoner who talks about it like this: going to work and drinking coffee are the normal thing on the street; having boys and prison wives is a normal thing in here. The same things go on in here as go on out there. When they go to work and make their money we do our hustling and make our money. So from this point of view, the larger family you have means the more power you have. That is your display of power in prison is how many kids you have, how many boys you have.¹⁶ Another prisoner says:

The more boys that I have picked up, the more I wanted. It became a challenge to see a pretty little, young boy come in, everybody shooting at him, everybody trying to get at him, everyone trying to pull him in. It became a challenge. It made me hard, excited to chase him to see if I could get him before anyone else.¹⁷

So how does this happen? How do the forced families come about? Well there is turnout, breaking someone, turning someone into a punk, so forcefully doing it. You can do it by seduction. You can seduce someone into these awkward positions through coercion. Debt relief is how many of these individuals turn into boys or sissies or wives. Borrowing coffee, sugar, cookies can get you into all sorts of trouble behind bars until you have paid back the debt.

How does this finish? How does the family dissolve? How does that happen behind bars? When it is the forced kind of families, usually the daddy is going to turn out the wife or the sissy or the boy and prostitute them or make them sex slaves. The distinction between slavery and prostitution is that the prostitute stands to make something. A sex slave does not make anything and gets lent out and friends borrow the slave. The ultimate sort of dialectical experience is when the daddy himself

¹⁶ TURNED OUT: SEXUAL ASSAULT BEHIND BARS (Interlock Media, Inc. 2004).

¹⁷ *Id.*

gets turned out. He falls in love with one of the boys, with his wife—and once there is penetration of that male or that male engages in some sort of oral sex act, it is over—he loses his status as a man behind bars.

I could talk more about the families by choice, but I am going to get straight to what are the ways to look forward in resolving some of these issues and really changing the dynamics inside and outside of prison. The first thing I would mention is that there has to be a two-pronged approach to deal with this problem I am talking about. Obviously, the first would be to talk about prison culture. How can we change prison culture so that it is not so rapacious and it is not so easy to be sexually assaulted and battered behind bars? I have argued that prison is a heteronormative institution. It is. No sex between men. The only sex that is allowed is for men that have wives and they may be able to come in as conjugal visitors. There are no condoms allowed behind bars because that is contraband. You will get written up and go to solitary. It is designed for male/female sexual relationships. That is the only sexual relationship that is recognized behind bars.

What happens when you report sexual assault or some sort of gender violence episode? Well, you are going to go to solitary confinement. Why? That is the worse punishment for anybody behind bars, but they do it for the individual's protection. So for trying to enforce the rules, an inmate gets put in the most severe administrative segregation. That has to change. The snitching culture has to be changed. Behind bars they say "punks get fucked, snitches get killed." That is the rule. Telling someone about your assault can get you killed. That is all a part of prison culture as well.

What is the standard to make a successful rape claim behind bars? Forget it. It is almost impossible. There is the standard called deliberate indifference and it is a very high bar for any prisoner to make a successful claim.

How can we deal with the prison culture? One way is through the inmates themselves, taking matters into their own hands. In South Africa, they have a system of prisoners who are facing the same kind of issues and they did what they call "taking turns".¹⁸ Playing the man one time, playing the woman another time, and flipping back and forth so that there is no permanent category of the man behind bars. That is one way.

It is not just inside, but how do we change the importation of all those gender norms to the outside? How do we deal with society to make it a less patriarchal, less male-dominated society? I suggest that we need

¹⁸ Sasha Gear, *Rules of Engagement: Structuring Sex and Damage in Men's Prisons and Beyond*, 7 CULTURE HEALTH & SEXUALITY 195, 204 (2005).

to excavate the ways that oppression of women is at the foundation of all sorts of degradation. For example, if you are a seven-year old boy, it is very common to be called a “pussy” out in the yard. That is not a very flattering thing to call someone. If you tell someone, “Wow man, you got balls,” well that is a different scenario. It has a great connotation . . . right?

The last thing I would suggest is that we in society need to really turn an eye to this and make this use of language a source of embarrassment. We need to follow the lead of what happened when crack cocaine was dominating the landscape on the streets. Sociologists have documented that some of the reason crack fell out of favor is because people started making fun of other people, calling them crack heads, base heads, and these sorts of things. I would argue that we have to do the same thing when it comes to gender violence—it has to be made the subject of stigma.