

UC San Diego

UC San Diego Electronic Theses and Dissertations

Title

Sexuality as a guise : the impossibility of queering the New Jersey 4/7 and the politics of representation for black women

Permalink

<https://escholarship.org/uc/item/97h3w8wv>

Author

Carney, Christina J.

Publication Date

2012

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA, SAN DIEGO

Sexuality as a Guise: The Impossibility of Queering the New Jersey 4/7 and the Politics
of Representation for Black Women

A Thesis submitted in partial satisfaction of the requirements for the degree of Master of
Arts

in

Ethnic Studies

by

Christina J. Carney

Committee in charge:

Professor Yen Espiritu, Chair
Professor Boatema Boateng
Professor Dennis Childs
Professor Denise Ferreira da Silva

2012

Copyright

Christina Jessica Carney, 2012

All Rights Reserved

The Thesis of Christina Jessica Carney is approved and it is acceptable in quality and form for publication on microfilm and electronically:

Chair

University of California, San Diego

2012

TABLE OF CONTENTS

Signature Page.....	iii
Table of Contents.....	iv
Abstract.....	v
Introduction.....	1
Chapter 1 Literature Review.....	12
Chapter 2 Media.....	36
Chapter 3 Court Trial.....	48
Conclusion	60
Notes.....	67
Bibliography.....	80

ABSTRACT OF THE THESIS

Sexuality as a Guise: The Impossibility of Queering the New Jersey 4/7 and the Politics of Representation for Black Women

by

Christina J. Carney

Master of Arts in Ethnic Studies

University of California, San Diego, 2012

Professor Yen Espiritu, Chair

Although scholars emphasize the transformative aspects of liberal and Civil Rights ideology as a remedy to past injustices, more consideration must be given to the history of identities that shape self-authorization for black women. This thesis is an intertextual analysis of the *New York v. Brown, Dandridge, Hill, Johnson* (N.Y. App. Div. 2007) criminal court case. Newspapers, cable news shows, and court transcripts illustrate how the focus concentrated on the women's performance of a supposed female

masculinity, rather than the possibility of homophobic violence. This characterization of the women must be placed within the context of the racialization of gender and sexuality in the antebellum American south and moments that proceed. Injury to black women's bodies, in the form of rape, murder, forced removal, were not viewed as crimes because of their legal and moral standing as non-humans and property-plus. Reconstruction up to the early 1990s conveniently used representations of the black community as scapegoats and distractions of U.S. economic failures. Interestingly, the representation of the women involved in *New York v Brown* vilified them in the media as inherently violent not only because of their blackness, but the performance of gender. Though there has been recent legislation on hate crimes to prevent violence and the realistic possibility on the institutionalization of gay/lesbian marriage, the continued violence against black queer youth remains unchallenged and invisible. While the prison and military industrial complexes have become containers for poor and racialized bodies, critiques against rights-based redress and the creation of spaces for alternative representations offer possibilities.

Introduction

When I began working on this project in 2009, I was interested in how the courtroom reinforced ideologies/discourses of blackness, queer identity, and gender. I asked myself: Why did the media fixate on the New Jersey 4/7 (NJ4/7) as violent aggressors and not Dwayne Buckle? Why did Buckle walk away innocent? Why was his character not judged/disputed? My work as an undergraduate concentrated on the discourses of black women in the U.S. Though the black community signaled a type of abject discourse, it was specifically black women who were ideologically constructed as the culprits of pathology and violence.

During the summer of 2009, I traveled to New York City to do research at the New York City Supreme Court library. This allowed me to access the original court transcripts, which were not available electronically, and an opportunity to see first hand the original courtroom and New York as a space. I also traveled to Newark, New Jersey and spoke to several people that did grassroots campaign specifically towards the murder of Sakia Gunn. I was also fortunate to connect with Blair Doroshwalther who is directing a documentary about the women who promote awareness and activism against violence towards queer female black youth.

How does visibility connect with queer women of color, redress, and the construction of their pathology? Cultural representations of black women were constructed to reinforce symbols as the mammy character (generated during slavery), the matriarch (after slavery), the welfare queen (1980/Reagan's reversal of Civil Rights legislation) and black lady (post-Civil Rights). These have all combined to serve as common-sense notions of black women and the larger U.S. black community's pathology

in general. The constructions build upon past reflections of black womanhood and were resignified temporally. As such, in the context of the U.S., black women have served as scapegoats for U.S. economic failures and racial anxiety for the entire nation's trajectory. It was President Reagan who was instrumental in the reversal of Civil Rights legislation. During his preceding presidential campaign he would routinely use the example of a black woman from the south side of Chicago who exploited welfare services.ⁱ For Reagan, the exploiters were not whites (who comprised the majority of social service participants because it was historically denied to black Americans), big businesses (who reinforce segregation and other forms of institutional racism), but black people in urban spaces.

It is this representation of blackness as abject that I principally interrogate in my thesis entitled, 'Sexuality as a Guise': The Politics of Representation for Black Women and the Impossibility of Queering the New Jersey 4/7. On the night of August 18, 2006 at 1:55 a.m., Terrain Dandridge, Renata Hill, Venice Brown, Patreese Johnson, Chenese Loyal, Lania Daniels, and Khamysha Coates were stopped by independent filmmaker Dwayne Buckle while walking toward the Metro to return to Newark, New Jersey. Though both the defendants and their accusers stories differ, according to the women, Buckle was sitting in made inappropriate remarks. They claimed he stated the following toward Patreese Johnson: "Let me get some of that."ⁱⁱ This incident happened in front of the Independent Film Center Theater in Greenwich Village in New York City. It was also reported by the women that upon telling Buckle of themselves as lesbians and how he was being "disrespectful," Buckle called them "dykes," and how he would "fuck [them] straight."ⁱⁱⁱ From there, a physical confrontation ensued between the women,

Buckle, and several men (who remained unidentified) that resulted in the bruising of one of the women and the stabbing of Buckle in the kidney by Johnson. The defendants were originally charged with assault (which carried gang citations) and attempted murder by New York City prosecutors. While three of the women accepted plea bargains, four women decided to go to trial. All four were convicted in April of 2007. Dandridge (20 years old at the time) was sentenced to 3.5 years, Brown (19) to 5 years, Hill (25) eight years and Johnson (19) to 11 years. For a non-fatal stabbing, the sentence was seen as being extremely excessive in relation to the minimum requirement. Dwayne Buckle contends that he was a victim of a “hate crime against a straight man.”^{iv}

The questions that I attempt to answer in this thesis are (1) How and why are the NJ4/7 not able to seek redress? (2) How is the discourse of the NJ4/7 as inherently pathological constituted and maintained ideologically and discursively, and (3) Are there any other sites, besides the U.S. court room that offers the possibility for resistance?

The NJ4/7 incident is not exceptional, but serves as an example of the general predicament not only queer women face on a daily basis but also black men and other people of color. Street harassment, and the violence it produces (especially upon refusal of the sexual advance) serves as a reflection of greater investments in heteronormativity. This case also serves, as proof, that rights for black Lesbian/Gay/Bisexual/Transgender/Queer (LGBTQ) people does not guarantee that redress will be allocated properly because of the discourse of blackness to juridical universality. Silva argues that for Hegel modernity is both the most advanced stage of human development and the most advanced temporal stage in which transparency and the transcendental subject meet.^v Thus, universality and historicity are conceptualized by Hegel as “intrinsic difference”

that constructs post-Enlightenment Europe as particular and the bearers of Spirit.^{vi} By its constitutive nature, it also established other parts of the world as “elsewhere in time, either awaiting or hopelessly unable to recognize that human mind and action are but the raw materials, tools, and products of Spirit.”^{vii} In the path toward the trajectory of spirit, Hegel cites the “East,” the “Greek World,” the “Roman World,” the “German World,” and lastly modernity, excluding precolonial America and Africa, and stating that “‘Europe is absolutely the end of history.’”^{viii}

Crenshaw offers an opening in her analysis regarding black women and the legal system- which concludes that redress becomes less about behavior and more about *identity*. Saidiya Hartman’s work emphasizes how the performance and self-authorization is different for U.S. enslaved compared to free whites. The impossibility of the black female body to embody virtue and a respectable womanhood is still engrained in our society. Unfortunately, a prime example in the investment of blackness as abject is reflected in contemporary queer politics. Though spaces such as the Village in New York City may serve as an example of contesting heteronormativity, for scholars such as Lisa Duggan it has only produced another problematic discourse- homonormativity.^{ix} Nationally these new economically revamped spaces have become hubs for entertainment, nightlife, and other forms of consumerism. These urban spaces have served as the primary center for generations of young men and women (queer and straight) who have grown up primarily in suburban spaces and unlike their parents and have returned back to the city to reclaim space and economic investments. Black and brown bodies serves as the entertainment and *consumers*, but are not welcomed as

desirable neighbors. This gentrification and privatization of public space has served the interest of gay white residents at the expense of poor/racialized communities.

It is my hope that I do what I consider justice to women who face similar situations like the NJ4/7, but whose stories remain invisible because of discourses that reinforce them as worthy of the violence against their bodies. While the stories of Matthew Sheppard, a Casper city, Wyoming teen murdered because of his sexuality, generated a significant amount of national attention and the introduction of hate crime legislation- many women and men of color are not allocated the same attention and space. The women of the NJ4/7 articulate a vulnerability because their sexuality was impossible. It was an impossibility because a discourse of blackness, in the particular context, negated a claim of lesbian/gay identity. Instead lesbian/gay identity, as space, is constructed as white and preferably male (patriarchal). Instead, women as victims were automatically labeled as perpetrators. The black body and space (adjacent neighborhoods to the Village, for example) yet again become symbols of violence and excess- regardless of gender.

I use Critical Race feminist, Kimberle Crenshaw's discussion/analysis, in "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," as a starting point to make the point that black women and women of color (in general) are not able to seek legal redress effectively. However, I depart from Crenshaw in regards to her placement of black women's redress relationally to black men/men of color. The articulation of women of color identity politics makes invisible how black people, as a whole and people of color more broadly, are rarely represented or able to seek redress effectively at all. For example, feminist and Ethnic Studies scholar, Sara

Kaplan, in a KPBS San Diego segment, discussed how false accusations against men of color make it hard for people of color, and especially men of color, to seek redress fairly within U.S. courts.^x In September of 2010 a teenage Encinitas (San Diego County) girl falsely accused three Latino men of rape. It was later revealed that she had consensual sex with a man she met online who was later arrested and incarcerated. However, before she admitted the fabrication, police began an intensive manhunt for the accused Latino rapists. Kaplan discussed how false accusations of rape serves to reinforce black pathology. Kaplan stated how the discourse validated black men/men of color as racialized as “sexually deviant[s].” Kaplan explains as an effect, it “becomes easier, say, for police, who have no intention of enacting racism and who seriously take all charges of sexual assault... it allows them to perhaps take more cases that lack evidence because it sounds possible or sounds more probable the idea that black and brown men are sexual predators has been naturalized to a certain extent.”^{xi} Furthermore, Kaplan situates San Diego as a space of whiteness (and I would argue is becoming a neo-liberal conceptualization of a supposed gay-friendly space- i.e. Hillcrest) that already has tension because of racialized hostility on the Mexican/U.S. national border. This and other examples of sensationalized coverage of black/brown criminality makes communities of color apprehensive of police who, because of discourses of racialized communities, already target these communities/spaces. Actually, identity politics often work against people of color because of representation.

Additionally, CRT positions the *perpetrator perspective* and the *logic of exclusion* which positions discrimination as the instance of racism. This results in claims of *reverse racism/sexism* that produce unintended results. For example, in *Ricci v. DeStefano*, 2009,

19 New Haven Firefighters sued the City of New Haven claiming they were discriminated against. Seventeen white and two Latino males convinced the Supreme Court that by throwing out their test scores, that would have allowed them promotions, it violated their civil rights as white men. The City of New Haven argued that they invalidated the test scores because none of the black test takers scored high enough to receive a promotion, unlike the white firefighters. Thus, New Haven concluded that there must be some type of institutional discrimination that resulted in the low-test scores of all black firefighters. However, the Supreme Court decided that since the City of New Haven could not effectively prove the discrimination against the Black firefighters existed, they ironically discriminated against the white firefighters. Similarly in *Grutter v. Bollinger* (2003), the Supreme Court cited that the University of Michigan's admissions quota system, regarding race, was unconstitutional. They too claimed that affirmative action programs violated and jeopardized the civil right of whites. *Ricci v. DeStefano* and *Grutter v. Bollinger* were both preceded by a landmark, precedent setting case- *Regents of the University of California v. Bakke*. In 1978 the Supreme Court ruled that the University of California's quota system regarding race in admissions was unconstitutional. Both *Ricci v. DeStefano* and *Grutter v. Bollinger* cited the precedence of *Bakke*.^{xii} Consequently, since race could not be explicitly explained as the determinant, institutionalized racism prevailed.

Critical gender studies scholar, Dean Spade, also highlights the complexities of institutional juridical redress and the ineffectiveness of the perpetrator perspective with CRT which is more about individual instances of violence instead of systematic. Spade notes, "The individual role often results in a lot of scapegoating. It results in a way of

redeeming the entire culture by focusing on the individuals who have committed the most noticeable act. They direct our attention away from looking at systemic inequalities and systemic remedies, and instead focus our attention on punishing perpetrators and redeeming the few individuals who can jump the overwhelming hurdles necessary to prove the discrimination they've experienced."^{xiii} Spade also makes the point that LGBTQ violence is not protected due to hate crime legislation. Spade argues, "I think it's misleading to say hate crime laws protect LGBT people for that reason. What they do is increase the punishing power of the criminal justice system which we know disproportionately affects low income people and people of color. And it is shown, there are some really great law review articles written on this, that hate crimes laws often themselves are disproportionately used to *punish* people of color."^{xiv} He then explains how "victories" usually only benefit white people with property. Like other critical legal scholars, Spade consequently believes "the interventions of the LGBT movement have moved away from Stonewall's original protest of police brutality and toward a push for hate crime legislation."^{xv} The proceeding literature review will highlight the work of Martin Manalansan's, "Race, Violence and Neoliberal Spatial Politics in the Global City," (2005) and Christina Hanhardt's "Butterflies, Whistles, and Fists: Gay Safe Streets and the New Gay Ghetto, 1976-1981" (2008) to demonstrate contemporary queer politics' investments in antiblack racism.

I bring in Saidiya Hartman's, *Scenes of Subjection: Terrors, Slavery, and Self-Making in Nineteenth Century American* (1997), to actually discuss how these identities (which produce inequalities) are constituted. For example, the rape of black women was not deemed an injury not only because black was synonymous with the non-human, but

because rape reinforced chattel slavery's economic interest in relation to reproduction. In addition, when charges of murder by whites were brought forth, it was never in relation to black sympathy, but the loss of property for the plantation. This legacy not only complicated self-authorization for certain identities, but articulated the dynamic relationship establishing the construction of the black family as either labor to be fully exploited or an excess of life that is a financial burden to the nation-state. Regardless, blackness signals abjection. More importantly, the pleasure/seduction discourse was used by slave masters in the U.S. south to validate the enslavement of the enslaved. Blackness was seen as cultural and inherent to black people's construction as humans.

In order to contextualize the reinforcement of blackness in different historical moments and indicate how the narrative has a gendered component, I use Patricia Hill Collins' (2000) discussion of the representations of black women (i.e. mammy, matriarch, welfare queen, black lady). This text is urgent because it also illustrates the political conversation of the particular moment, which blames blackness (in all its forms) as the culprit of social and economic anxiety.

I use Kara Keeling's, *The Witche's Flight* (2007), to discuss the potentiality for the transformative aspects of cinema, and how they are appropriated in order to reinforce heteronormativity or 'common sense' discourses towards race, gender, and sexuality. For instance, in her discussion of black nationalism, black youth appropriated masculinization as a redemptive strategy to counter dominant discourses of the feminization of the black community generated from chattel-slavery (i.e. made popular in/by the movie *Sankofa*). However, while black nationalist discourse critiqued feminization, it failed to critique masculinity. This proved to be detrimental. While the black woman as masculine was

embraced, it was acceptable as long as it was heteronormative. For instance, the black masculine woman was appropriated for popular blaxploitation films, however the heroin's redemption from queerness was usually through the act of rape. In other words, the black masculine woman is acceptable as long as she is linked back to heterosexual desire. Nevertheless, I situate the NJ4/7 documentary as a site for the contestation of the denial of redress that explicitly addresses New York City spatial politics.

The aforementioned texts are vital to my project because they contextualize the performance of queer identity as not only an impossibility, but something that has to be met and redeemed through violence. Within contact on the street, violence against women of color remains marginalized. Furthermore, articulations of the violence within the U.S. court room are denied and the focus remains on the construction of a deviant black body. The aforementioned literature/theory will be used to analyze the data of media coverage of the NJ4/7- which includes mainstream newspapers and media outlets. Following that analysis, the mirroring of the language in the courtroom is examined. I would like to note that my methodology is intertextual. While I look at cultural products (i.e. video, news reports, courtroom transcripts), the analysis is situated within a broader structural framework that is responding in similar ways to the incident within different sites. Additionally, the engagement with discourse places importance of the intersections of race, gender and sexuality. Discourse is a group of statements which provide a language for talking about – i.e., a way of representing – a particular kind of knowledge about a topic.^{xvi} When statements are made about a topic, discourse makes it possible to construct and also places limitations on expression/language. Essentially discourse is about the production of knowledge through language. Thus, discourse is not only

meaning, but also an act. All social practices entail meaning and influences all social practices. The aforementioned sites of knowledge production work within the same framework of understanding not only female queer identity/sexuality as abject, but also how blackness informs neoliberal conceptualizations of the racialized subject.

Chapter 1 Literature Review

Kimberlé Crenshaw's concept of "intersectionality," Patricia Hill Collins' *Black Feminist Thought* (2000), Saidiya Hartman's *Scenes of Subjection* (1997), Kara Keeling's *Witches Flight* (2007), and Cathy Cohen's "Punks, Bulldaggers, And Welfare Queens: The Radical Potential of Queer Politics?" (1997) emphasize the importance of critically examining the social contexts of identity formations and the contradictory implications that the construction of identity has in relation to redress in U.S. law and representation in the media. Patricia Hill Collins in *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* discuss how the stereotypical constructions of black women impact their survival, representation and access to certain resources. She argues that the construction of black women as welfare recipients, matriarchs, and mummies contribute to their subjection in contemporary U.S. culture. However, Saidiya Hartman further contextualizes black identity formations in order to articulate how the everyday, music-dance-religion and other self-expressions and the construction of the neutrality of law, facilitates and reinforces racial and sexual subjection. By examining the social context of the enslaved and the African American experience, Hartman contextualizes exactly how the white plantation owner (the self imposed sovereign subject/identity) produced manipulative discourses (i.e. *seduction*) that foreclosed the possibility of agency and redress amongst the black enslaved and their descendents. The discourse of seduction and its focus on blackness as non-universal experiences was used as cultural reason to legitimate slavery. I also use Hartman as a framework in order to argue that black sexuality, constructed as pathological, has contributed to contemporary conceptualizations of the black female body, and the larger

black community as the object that must be disciplined. I will also review Denise da Silva's discussion of blackness in attempts to not only offer a longer trajectory of the temporal legacies of raciality, but also her important intervention in modern conceptions of the juridical.

It is exactly a thorough examination of race/gender/sexuality that Kara Keeling concentrates on in *Witches Flight*. Kara Keeling shows how black female masculinity, though initially conceptualized as a critique to white female domesticity and black men's constructed emasculation, consequently reinforced heteronormativity as a necessity. By examining blaxploitation films and their appropriation by Black nationalist leaders during the 1960s and 1970s, Keeling links the discourse of black female masculinity and the violence inflicted on queer bodies challenge its connection to heteronormativity. Lastly, Cathy Cohen, in "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" re-examines the liberatory politics and possibilities of queer theory instead of the return to identity politics. What is of most importance is that the mainstream discourse of queer politics had produced a discourse of homonormativity that continues to reinforce anti-black racism and black pathology. The texts of Martin Manalansan IV, "Race, Violence, and Neoliberal Spatial Politics in a Global City" (2005), and Christina B. Hanhardt, "Butterflies, Whistles, and Fists: Gay Safe Streets Patrols and the New Gay Ghetto, 1976-1981 (2008), will assist in articulating the failures of queer activism.

Intersectionality

Although CRT advance inclusion and assimilation for legal redress, Kimberle Crenshaw actually details the risks in the investment of identity politics in- "Mapping the

Margins: Intersectionality, Identity Politics and Violence Against Women of Color.”ⁱ Her essay uses immigration law, domestic abuse advocacy, and liberal legal discourse in relation to rape to explore how race and gender intersect in forming the “structural, political and representational aspects of violence against women of color.”ⁱⁱ Crenshaw finds that class, gender, sexuality, and race work together simultaneously to create certain subjectivities. She insists that antiracism and feminist discourses have “failed” and are methodologically limiting because women of color’s experiences completely differ from those of men of color and white women.ⁱⁱⁱ Antiracist discourse is limiting because it privileges patriarchy and “racial solidarity” which ignores violence against women of color. These respective communities risk the non-protection of women of color in order to not reinforce the historical stereotype of men of color as violent and aggressive. Additionally, she argues that feminist interventions are limiting because they fail to acknowledge the lived experiences of women of color activists by using their own identities as white/privileged women (which signify more power in these political situations) as models to discuss dynamics of other racial identities. Her research suggests that, contrary to traditional Civil Rights discourse, these risks are too disturbing to be left unnoticed. Rather, CR legislation and discourse privilege the identities of black/men of color.

Saidiya Hartman’s *Scenes of Subjection*

Saidiya Hartman’s *Scenes of Subjection* interrogates racial subjection and the shaping of black identity. She argues that liberal/anti-slavery discourse actually facilitated, reinforced and maintained violence of the black enslaved. She interrogates subjectivity and the discourse of *will, injury, agency, responsibility, and individuality*.

Hartman's discussion of gender, law, and identity are very critical to understanding the some of the initial experiences black female subjectivity. The discourse of pleasure/*seduction* was used to make unintelligible the violence of the enslaved. In the chapter, "Seduction and the Ruses of Power," Hartman contends that articulations of choice and autonomy of the enslaved was constructed as an impossibility. Blackness reinforced the invisibility of white culpability. For Hartman, "*blackness* is defined here in terms of social relationality rather than identity; thus blackness incorporates subjects normatively defined as black, the relations among blacks, whites, and others, and the practices that produce racial difference. Blackness marks a social relationship of dominance and abjection and potentially one of redress and emancipation; it is a contested figure at the very center of social struggle."^{vi} For Hartman, blackness is not a romanticized community of homogeneity, but one that inherently is embodied with violence and limitations. This homogeneity produces the naturalization of social relations.^{vii} In actuality, the lives of the black enslaved were under total domination by white plantation owners. Black women's rape was actually an act that benefitted the economics of chattel slavery. Thus, injury to black women was not viewed as an injury. Injuries to the enslaved were only equated to the devaluation of the black body for labour. Furthermore, anti-slavery/abolitionist campaigns reinforced the invisibility of white culpability by constructing the enslaved as having a choice to resist their brutalization. As such, the contemporary invisibility of black female sexual assault illustrates how a history of black suffering was constructed as an impossibility in order to mask institutional/economic policies in order profit from and thus reinforce blackness as abject.

In Hartman's examination of will and consent, in the chapter "Seduction and the Ruses of Power," she examines court cases to articulate how sexual control and domination of the enslaved was used to erase white sanctioned violence.^{viii} Hartman concludes that the agency of the enslaved was viewed as criminal and not the culpability of whites.^{ix} In *Missouri v. Celia*, Celia was convicted and murdered for the assault of her owner who was accused of her frequent sexual battery. The violence against a white man by Celia, a black woman, was deemed unimaginable.^x The murder of a white man, at the hands of a *black* woman was deemed impossible. It was her sexuality, constructed as deviant and abnormal, that was the discourse debated by the court. Thus the culpability of whites was made invisible and escaped punishment. Celia, because she was enslaved, was not able to testify against white people. She was a willing subject because black sexuality was marked as being instinctual, overindulgent, uncontrollable, and animalistic. It was this discourse of the deviant sexuality availability of black women that reinforced their criminality and made invisible white guilt. In another case, *Alfred v. State*, an enslaved woman, Charolette, who was raped by her overseer, Coleman, was charged with his murder. Since the slave system did acknowledge the traditional kinship forms- such as marriage, Celia's husband was not able to testify that her motivation was sexual violation. The injury of rape was juxtaposed with a discourse of the excess of black female sexuality that was privileged as the behaviour that was the root of the issue- not rape by white plantation owners.

By interrogating the normative attributes of the category of 'woman,' Hartman contextualizes how the term was constituted through a "particular *racial* economy of property that intensified its control over the object of property through the deployment of

sexuality.^{xvi} Therefore, instead of reinforcing the gender as an identity, Hartman examined “gender formation in relation to property relation, the sexual economy of slavery, and the calculation of injury.”^{xvii} It is not that gender for the enslaved did not exist, but that it was leveraged differently for enslaved women and men. The protection of the enslaved was minimum because they were not deemed a “total person.”^{xviii} “White regulatory norms” like chastity, marriage, kinship, etc. was not extended to the slaves because of their civil status.^{xix} The enslaved women’s sexuality was deemed as promiscuous and willing, and thus negated white femininity’s idealizations of virginity and purity. The characteristic of virtue was a racial entitlement only allocated toward white women- not the enslaved. Though virtue was a problematic/unrealistic construction for white women to attain, it still materialized into freedom for white women to perform self-authorization differently than black women.

Saidiya Hartman’s, *Scenes of Subjection*, aids in the importance of complicating resistance in the context of total racial/sexual domination over the black body for economic gain. Additionally, she positions the law as implicit in the seduction of the construction of law as universal and attainable by all. Hartman demonstrates how the enslaved were positioned as non-total persons and constructed white people as their benevolent guardians. Their constructed blackness engulfed their subject-hood and reinforced their primitiveness and incapability for living independent lives. This was used to validate the use of black bodies for the profit of white plantation owners. More importantly, her conversation of the position of black women highlights how the sexual violation of black women was deemed inexcusable because their bodies were always sexually available for rape. Hartman’s text is important to this thesis because it

demonstrates not only the historical implications of the validation of violence against black women, but also how law is implicit in reinforcing and masking of institutional culpability, responsibility and the materiality of inequality.

On Blackness...

But the logic of exclusion itself was first introduced in the initial version of the sociology of race relations, in the early twentieth century, in investigations of the destiny of Africans, Asians, and Native Americans in the United States, which assumed their ‘original’ outsideness to the space of ‘Anglo-Saxon’ modernity, immediately signified in their bodies. A central consequence of these early sociological studies was to write their subaltern conditions as an effect of their race difference [mine]. In this movement, blackness was constructed to signify this ambiguous territory which, while located within the boundaries of universality, would consistently signify that which belongs to its outside.^{xv}

As an effect, blackness is constructed as “outside the terrain of the legal” and thus the race as deterrent to modernity.^{xvi} Though during our current moment where multiculturalism and tolerance for racial difference is constructed as progress, Silva stresses how difference of racial others was fundamentally used to reinforce abjection and mental incompetence:

With this formulation, the sociology of race relations introduced the argument that the consciousness of ‘racial difference’ (‘race consciousness’) produces the unbecoming ideas (‘race prejudice’) and practices (‘race conflict’) of exclusion, and that in societies lacking barriers to miscegenation, exclusion would not take place.^{xvii}

So, instead of concentrating emphasis on the legacies of white supremacy (US and beyond), blame is inscribed onto racialized bodies and spaces. Race difference is a “substantive dimension invoked to justify social (political/economic) ideas and practices that produce exclusion.”^{xviii} Therefore, the U.S. court, as a site, is also affected by the race regardless of its theories of colorblindness and equality amongst men. Like

Hartman's articulation of the complexities of identity and the juridical, the treatment of people of color in U.S. courts is already predetermined.

Because principles, procedures, and judicial decision-making are informed by the principles associated with the culture of the dominant 'racial group', and because those implementing them usually share the interests and principles of those who will benefit from race-based exclusion, the argument that racism is foreign to the domain of Law cannot be sustained.^{xix}

Silva's arguments in regards to universality and race, in which she uniquely situates Brazil and the U.S. as sites of analysis, is important to my own departure from Critical Race Theory. Though Crenshaw's work is informative to my inquiry into the complexity of race and gender, CRT theories use the logic of exclusion as their foundation to situate anti-racists scholarship. CRT's appropriation of the logic of exclusion sees their object (race) as foreign to modern conceptions of justice. The U.S, in their precedent cases involving race, explicitly acknowledge the "the line separating blackness from whiteness" as a representation of the "social (moral) distance and not political inequality."^{xx} Blackness is situated as not only a concept, but validated through its scientific construct which places their possibility of integration into the white landscape as an impossibility. Using Plessy and Brown as examples for the need to remedy the exclusion of racialized bodies, CRT fails to trace how race, or what Silva calls the *analytics of raciality*, informs our own understanding of justice, freedom, liberty and equality.

In my inquiry into the construction of the New Jersey 4/7 (NJ4/7), I argue that the legacies of blackness, situated alongside concepts of the criminal (which is highly racialized) and the spaces they reside (or housed) have become the re-signified

conception of blackness. Silva argues that "...the association of criminality and material (economic) dispossession has become the new signifier of the affectability of the racial subaltern."^{xxi} Concentration on space, instead of bodies, is important because of the way statistics has been constructed and manipulated to construe the occurrence of so-called racialized violence. For example, police brutality in communities of color does not invoke the same ethical crisis because they are "already constructed as indigenous zones of violence."^{xxii} In addition to a critical examination of the construction of gender through race, I also want to conclude with an analysis of ant-racist organizing that are not civil? rights based. As my case study will examine, LGBTQ rights seems to be downplayed in comparison to the desired discourse surrounding the women's blackness instead of the possibility of violence inflicted onto their bodies. The current moment has popularized the interest in rights for subaltern peoples. However Silva warns, "Unmasking 'domination', unveiling the state's self-defining violence, I think, requires more than a critique of the notion of right because...these occupations take place under the guise of a worldwide demand for the expansion of (civil and human) rights."^{xxiii} Additionally Silva adds, "spaces associated with whiteness have been produced to signify the principles of universal equality and freedom informing our conceptions of the Just, the Legal, and the Good. I believe only by examining how the racial has produced the domain, universality, will it be possible to work towards the enlargement of the horizons of Justice."^{xxiv} As such producing LGBTQ rights, anti-hate legislation, and other remedies and the expectation of their just implication will not erase the legacies of blackness.

Representations of Black Women

Though the work of Hartman demonstrates the construction of *blackness* embodied by the enslaved and their descendants as an abjection, there still tends to be a need to reinforce the former during different historical moments in U.S. history. This section uses the work of Patricia Hill Collins's *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* 2nd ed., and Wahneema Lubiano's "Black Ladies, Welfare Queens, and State Minstrels: Ideological War by Narrative Means" in Toni Morrison's edited anthology *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas, and the Social Construction of Social Reality* (year?), to examine the construction of discourse of black women during different historical/economic moments in U.S. history. Collins interrogates black women's constructions as *mammies*, *matriarchs*, *black ladies*, and *welfare queens* in U.S. culture. Likewise, Lubiano demonstrates how the discourse of the black 'lady' influenced the construction of Anita Hill as a victim. Interestingly, 'blackness' (a construction that Hartman critiques) is used as way to generate support for Clarence Thomas. Overall, these two texts contextualize the ideological work entailed to continue the discourse of blackness as abjection. More importantly, it suggests that these constructions are gendered in the fact that black women are exclusively targeted as the problems of not only the black community, but the greater U.S. society as a whole.

Collin's *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (2000) attempts to highlight a distinct philosophical tradition of the lived experiences of African-American women. Furthermore, she argues for a framework that is simultaneously afrocentric and feminist. According to Collins, the lived experiences of black women threaten the dominant (white/male) power structure. She argues or states,

“Intersecting oppression of race, class, gender, and sexuality could not continue without powerful ideological justification for their existence.”^{xxv} Collins work is insightful because of the contextualization of the mammy, matriarch, welfare queen, and the Black lady.

The construction of black women during U.S. chattel slavery and its reinforcement in civil rights law, was implemented to ease anxiety surrounding black resistance and sexuality. The black female body was used to justify exploitation and ease anxiety of black sexuality. The asexual mammy was constructed in order to create the perfect subject that supposedly was grateful for her subjectivity. Since black women’s identity foreclosed access to privileges such as marriage, inheritance, and control over reproduction, their labor was directed toward the maintenance of the white plantation and the greater chattel-slavery economic system. This representation reinforced the normativity of the total domination of the black body. Additionally, it masked the sexual brutalization of the black bodies- in particular black women. While the black male body was constructed to be feared because of his potential to rape white women, the black female body was constructed as exploitable and thus also rapable. Black women’s representation was constructed relationally to white women. The *cult of true womanhood*, which the identity that white woman embodied, was expected to deny black female sexuality.^{xxvi}

The second construction that Collins looks at is of the matriarch. Black women were constructed as contributors of social ill because of their matriarchal role over black men as proper patriarchal subjects within the home. Again, black women are faulted for

not only their failure to form respectable/normative home structures, but also were a financial burden to the U.S. economy.

Although the work of black men and women were either denied or not recognized, the black family as a public charge was recycled in the post-Civil Rights discourse of the *welfare queen*. Collins articulates this characterization (or something similar to this),

...tied to working-class Black women's increasing access to U.S. welfare state entitlements. At its core, the image of the welfare mother constitutes a class-specific, controlling image developed for poor, working-class Black women who make use of social welfare benefits to which they are entitled to be law.^{xxvii}

Lastly, Collins introduces the construction of the Black lady. In relation to the aforementioned controlling constructions of black women, the latter's characterization seems "benign."^{xxviii} This construction appropriates a *politics of respectability* that was first an appropriation of the performance of white femininity. This performance of femininity was advanced by black women's club movements as a way to show white people that black women could be properly socialized into respectable women. However, Collins argues that its construction does not counter, but "builds upon prior images of Black womanhood in many ways."^{xxix} First, it connects to the mammy because it represents black woman as extremely hardworking who "works twice as hard as everyone else."^{xxx} It connects to the matriarch in that the Black Lady's job is so demanding that they deter black men's advances and courtship. Collins contextualizes this construction in relation to the historical moment of the 1990s. The political rhetoric of the 1980s and 1990s in regards to affirmative action and antidiscrimination programs produced a discourse of reverse racism. Consequently, for the Black lady "no matter how highly

educated or demonstrably competent Black ladies may be, their accomplishments remain questionable.^{xxxix} The Black lady remain a mysterious subject because we will never know if her accomplishment are because of her intellect (highly doubtful) or because of unfair entitlement programs. For most, she will remain problematic.

Lubiano Wahneema's "Black Ladies, Welfare Queens and State Minstrels: Ideological War by Narrative Means" highlights the constructed discourse of blackness. The construction of the post-Civil Rights Black 'lady' recycles the matriarch in that she is too strong and assertive, but positions Civil Rights (inclusion, redemptive strategy) as an unequal advantage for blacks- thus taking away opportunities from more qualified non-blacks. Wahneema contends that this construction/narrative becomes, "...so naturalized, so pushed by the momentum of their ubiquity, that they seem to be reality. That dynamic is the work of ideology."^{xxxix} In other words, these characterizations of black women have real life implications. During Clarence Thomas's nomination to the Supreme Court, incidents of sexual harassment by Anita Hill were brought forth. Though Thomas was a Republican who was not a proponent of affirmative actions programs (though he directly benefitted from those programs) or any policies to help the African-American community, he used his blackness conveniently to garner support.^{xxxix} Thomas's nomination hearing suggests that blackness, as part of the construction of black identity, reinforces the invisibility to claims of violence- especially in the case of Anita Hill. Thomas used blackness in order to argue that the charges of sexual assault against him was an act of a "high-tech lynching."^{xxxix} Thomas's power was masked because of the discourse of himself as one with "dignity," "character," and "integrity."^{xxxix} His characterization was based on the fact of how unlike most black children, he grew up

with his father. He used his father's occupation as a sharecropper in order to articulate his own humbleness and redemption of his father's hard work in possibly becoming the 2nd African-American Supreme Court judge in U.S. history. The nation-state, Clarence Thomas, and the broader society use the gendered constructions of the welfare queen and the Black lady in the culture of poverty discourse to devalue Hill's claims of sexual harassment.

Jack Halberstam's *Female Masculinity* uses textual analysis, historical research and ethnography to look at embodiment of a constructed masculinity by queer women. Halberstam examines how the performance of what society deems as "masculine," embodied by queer women, "affords us a glimpse of how masculinity is constructed as masculinity."^{xxxvi} Masculinity is naturalized as a type of essence that biological males can only embody. The performance of femininity is reserved for women, while masculinity is reserved for males. When biological females attempt to perform what is deemed only accessible by men, it becomes a threat. Halberstam contends, "...although we seem to have a difficult time defining masculinity, as a society we have little trouble in recognizing it, and indeed we spend massive amounts of time and money ratifying and supporting the versions of masculinity we enjoy and trust."^{xxxvii} Again, the masculinity that is privileged is its embodiment by men. Halberstam explains the dynamics and power of masculinity:

Masculinity in this society conjures up notions of *power* and legitimacy and privilege; it often symbolically refers to the power of the state and to uneven distributions of wealth. Masculinity seems to extend outward into patriarchy and inward into the family; masculinity represents the power of inheritance, the consequences of traffic in women, and the promise of social privilege.^{xxxviii}

The embodiment of masculinity by males materializes into public policies that enforce masculinity of males as a norm and offer economic incentives and also produces resentment, anxiety and violence to those who fail to conform to the common sense/naturalized performance of gender, race, and sexuality. For women of color, and specifically for this context, black women's failure to subscribe to femininity offers another discursive formation of deviance and abjection to their already non-sovereign subjectivity.

Meda Chesney-Lind and Michele Eliason's "From Invisible to Incurable: The Demonization of Marginalized Women and Girls" examines how when media and dominant discourses of aggression and femininity intersect, they contribute to the increased incarceration of women of color and also the portrayal of lesbians as criminals and in particular "violent predators."^{xxxix} Additionally, Lind and Eliason critique academia and the social sciences as contributors to these constructions by positioning girls/women of color as problems which reinforce the authenticity of their punishment. The connection with girls of color and criminality is linked with their participation in gangs. Beginning in the 1990s media outlets, such as the *Washington Post*, *Newsweek*, *ABC Primetime Live*, and the *New York Daily News*, they aired segments about the "equal-opportunity" of supposedly increased acts of violence by black and Chicana girls in gangs.^{xl} These gendered characterizations are intensely racialized. Media constructions usually tend to make aggressiveness an innate characteristic of women of color. While black/brown girls are inherently violent, white girls are coded as simply "sneaky."^{xli} The girls' racial identities either negate certain forms of aggression/violence (white adolescents), while others reinforce their racial subjectivity (adolescents of color).

Although *data* on these specific crimes decreased in the 1990s, increased surveillance by police authorities centralized these bodies as a new threat which needed to be controlled.^{xlii} Statistics from the Commission on the Status of Women in San Francisco highlighted that although the city of San Francisco comprised only 2% of California black girls, they comprised 12% of the state's female arrest for robbery.^{xliii} Additionally though white female adolescent detention is down in San Francisco, there was a 90% increase in the number of black girls detained and a 209% increase in the detention of Latino adolescents.^{xliv} Eliason-Lind contend that the high visibility of queer bodies surrounding the reality of LGBTQ civil rights institutionalization has created anxiety surrounding girl-gone-bad with adolescents of color as the true culprits.

While constructions of black women are created, recycled, and reinforced to create 'common-sense' notions of blackness as abject, resistance to these constructions is often complex and contradictory. Kara Keeling's *The Witch's Flight: The Cinematic, the Black Femme, and the Image of Common Sense* uses Henri Bergson's theory of affect, Gilles Deleuze's theory of the cinematic, Antonio Gramsci's common-sense, and Frantz Fanon's conceptions of temporality and blackness to discuss how the *cinematic* offers possibilities for resistance, but it is often reframed in order to conform itself to heteronormativity. By situating Black Nationalist discourse, Keeling positions how the construction of black femme is introduced in queer cinematic moments to bring visibility of queer subjectivities. These queer moments of disruption are abruptly halted and make their valorization impossible. For example, the use of the black femme, Pam Grier, in blaxploitation films has moments where she engages in lesbian desire. However, this queer moment does not last. She must be redeemed from her queer existence in the rape

by men, thus bringing her back to heteronormative desire. However, in the film *Set It Off*, the producer creates, reinforces and contests conceptions of race, gender, and sexuality in this powerful and important medium.

In her analysis of a more contemporary film, Keeling positions *Set it Off* and the character of Cleo. Cleo, played by Queen Latifah, performs common-sense notion of black representation with the embodiment of masculinity by a black woman- the bulldagger. The black femme performance is by Ursula- Cleo's girlfriend/partner. According to Keeling, Ursula secures Cleo's masculinity. The discourse of the film positioned her sexuality as "simply a byproduct of her female masculinity."^{xlv} However, *Set It Off* attempts to erase the problematic dynamic by centralizing the lives of black queer women as its focus. Cleo's character is the embodiment of black masculinity but Ursula's presence in the movie is what makes it transformative- Cleo isn't just another black male body that is killed by the hands of the state. Ursula's crying when she is watching the news of Cleo's death, demonstrates the presence of black female queer desire and subjectivity.

This section on the discursive constructions of the identity of black women attempts to examine the complexity surrounding their development and maintenance in U.S. society. Collins addresses how the constructions of black women as mummies, matriarchs, and welfare queens are historical/economic productions used to reinforce the abjection of the black community. Keeling complicates responses to black female sexuality however, she also offers new possibilities for articulating queer identity that contest or disrupt heteronormativity.

Queer Possibilities?

Cathy J. Cohen, in “Punks, Bulldaggers and Welfare Queens: The Radical Potential of Queer Politics” (1997), critiques the use of queer politics as a way to reinforce a homogenized identity centralized around sexuality, but also positions “theoretical conceptualizations of queerness” as holding the potential for transformative politics.^{xlvi} Queer theories and interventions seek to challenge the prevalence of *heteronormativity*. Heteronormativity seeks to, “legitimize and privilege heterosexuality and heterosexual relationships as fundamental and “natural” within society.”^{xlvii} However, Cohen argues that the most present form of queer politics “prioritize[s] sexuality as the primary frame through which they pursue their politics.”^{xlviii} Furthermore, sexuality is again naturalized between those deemed queer and heterosexual. Cohen argues that a more expansive view of queerness must be interrogated: “Such a broadened understanding of queerness must be based on intersectional analysis that recognizes how numerous systems of oppression intersect to regulate and police the lives of most people.”^{xlix}

I positioned the work of Cohen as a precursor to Manalansan and Hanhardt as an articulation of a black feminist’s warning of the appropriation of queer politics for other interests. Martin Manalansan’s “Race, Violence, and Neoliberal Spatial Politics in the Global City” discusses how the remapping of a space once inhabited by mostly queer of color is now being reclaimed for white middle class heterosexuals and gay men. Christina Hanhardt in “Butterflies, Whistles, and Fists: Gay Safe Street Patrols and the New Gay Ghetto, 1976-1983” contextualizes how desirable and undesirable bodies are constituted- racially.

Martin Manalansan in “Race, Violence and Neoliberal Spatial Politics in the Global City,” uses ethnography to examine how heteronormativity is appropriated specifically by the discursive formation of queerness as an identity for consumption. This consumption of queerness reinforces and contributes to the erasure of the complicity of predominately middle/upper class white gay men’s ownership of space in New York City- at the expense of the surveillance and continued criminalization of men of color. The historical context of the post-9/11 moment highlights the criminalization and racialization of Middle Eastern and South Asian men in the Greenwich Village and Jackson Heights communities of New York. According to Manalansan, in exchange for “domestic privacy and the freedom to consume,” many queers fail to realize the intersections of experience and thus are victims to the lure of heteronormativity. He goes farther to critique the failure of analysis in relation to space because of the lack of distinction between “queer cultural production and struggles with race and political-economic processes.”¹

Manalansan discusses how people of color are now marked as undesirable bodies in the Village and Christopher Street- especially after business hours have ended. Even though many people of color travel from spaces in close proximity to the Village (i.e. Queens, Brooklyn, the Bronx, New Jersey), they are marked as ‘tourists’ to the area. The residential spaces of the Village are now marked to upper-middle class white persons (gay and heterosexual). The past-historical visual of black/brown body’s sense of ownership of the space has now been reclaimed by neo-liberalist interest.”^{li} Manalansan explains how the Village and the adjacent Christopher Street were spaces where black/brown gay men would congregate and come together from many places in the New

York area to vogue (certain style of street modeling associated with queer people of color) and do runway shows. In addition to this space becoming more expensive, Manalansan's informers expressed how the area was also hostile to their existence.^{lii} Giuliani's "Quality of Life" campaign targeting the "cleaning up" of the Village/Christopher Street toward those involved in "gangs" and "other 'unwanted' groups."^{liii} Between the hours of 2 and 5 a.m. the police show up in "full force" to usher these racialized/gendered undesirables out of the area so that the middle-upper class white residents can feel comfortable at night.^{liv} He cites that physical violence is a more "overt manifestation of structural violence," reports of increased attacks against queers of *color*. In particular, this pinpoints the urgency in the problematic discourse that revamped queer spaces are inherently tolerant and free from gay bashing and hate. For the Greenwich Village area, protection is only allocated toward white residents and not the black/brown bodies that originally claimed the space for the greater LGBTQ community- amidst hostility from other New York/New Jersey spaces.

"Butterflies, Whistles, and Fists: Gay Safe Streets and the New Gay Ghetto, 1976-1981," by Christina B. Hanhardt, explicitly examines how the undesirables (i.e. loiterers, gangs, etc.) of the Village areas are constituted. Hanhardt continues Manalansan's conversation of the appropriation of anti-black/anti-brown urban spatial discourse. Though many LGBTQ activists cite the Stonewall riot as the beginning of radical politics nationwide, many have forgotten that part of the critique of that era was a challenge to violence against LGBTQ person by the police.^{lv} Nevertheless, beginning in 1950s and 1960s (during the Civil Right movement), there was a push for police accountability for violence against LGBTQ identified persons. Hanhardt explains how contemporary social

scientist research has not properly linked the context of urban politics in examining the “effectiveness of advocacy” versus the “ideologies of activism.”^{lvi} Hanhardt’s study seeks to highlight the actual *actors* of grassroots activism instead of the production of subjects.^{lvii} This shift in focus highlights how the so-called investments in the protection of queer spaces is now being premised on property ownership. Furthermore, this focus on property revisits the discourse regarding the origins of poverty, and positions the former as reinforcing the abjection of adjacent racialized communities and bodies. Ironically, black and brown male bodies are positioned as the culprits of anti-gay violence because of the discourse of the ‘culture of poverty’ and its production of a ‘wounded masculinity’ that positions queer male/white bodies as redemptive from the failures of the black/brown heteronormative family.

The Society to Make American Safe for Homosexuals (SMASH) was founded two years after the *Butterfly Brigade* (San Francisco) in 1976 by new gay residents of Chelsea- north of Greenwich Village.^{lviii} Chelsea was inhabited by mostly poor and working class Puerto Ricans and African-Americans who were now being relocated out of their housing projects, apartments and single family homes because of gentrification. The area was also home to NYC’s leather and S&M bars. The highest threat, according to SMASH, was the neighborhood’s teenage boys.^{lix} The new residents said that the neighborhood boys were “targeting ‘macho’ gay men as a way to assert their own masculinity.”^{lx} In order to “elicit a formal response from the police” these gay men sent out “decoys” to prove the “power of gay masculinity.”^{lxi} SMASH contributed the anxiety to psychological trauma; not surprising since some members were also professional psychologists.^{lxii} According to Larry Durham and Louis Wignarden, SMASH’s

founders, young men from the neighborhood were trying to assert their masculinity because “half their fathers were out of work.”^{lxiii} Though they tried to shy away from saying the actual race of their perpetrators, black/brown men of color were directly implicated. Durham insisted that since these youth did not have after-schools programs and resources alike respectively, gay white men were a “testing ground” for these men/boys of color to assert their masculinity. This assumed idle time, loitering, increased the risk for violence on middle class gay white men- according to them. Instead of critiquing deindustrialization and the flight of capital the urban victim is positioned as the fault. However, there was no attention in reference to the violence against people of color by these new white residents; for example, there was an attack on a Puerto Rican and their attackers were assumed to be Italian.^{lxiv} This invisibility was reinforced because another discourse of how white ethnics were true victims of urban violence juxtaposed to their peers of color.

This discourse of psychological causation by SMASH reinforced the positioning of the black family, and their predecessors- Latino/as, as inherently deviant. It is important to note the *shift* in blackness from black bodies to Latino/as. Hanhardt cites how the *The Negro Family: A Case for National Action* (Moynihan Report- popularly termed) positioned black families as culturally inferior and pathological: “at the center of this indictment were female-headed households and the negative impact that they allegedly had on normative masculinity and self-esteem.”^{lxv} As such, black women were the true culprits of the dysfunction that was threatening the safety of gay men. Gay identity and its public displays of identity were seen as having self esteem- contrary to the black/brown body. It seems ironic how LGBTQ activist would support a discourse

that was premised on the negation of the heterosexual family life- which the former unapologetically critiqued.

Conclusion

Chapter 1 serves as this thesis' literature review. The work of Kimberle Crenshaw, Saidiya Hartman, Patricia Hill Collins, Chandan Reddy, Lubiano Wahneema, Meda Chesney-Lind & Michele Eliason, Kara Keeling, Cathy Cohen, Martin Manalansan and Christina Hanhardt are discussed in order to articulate the complexities surrounding black women's redress and the discursive formations that reinforce their subjectivity. Cathy Cohen, in "Punks, Bulldaggers, and Welfare Queen: The Radical Potential of Queer Politics?," critiques another potentially transformative framework- queer theory. Cohen concludes that queer theory has not produced a radical set of politics. The appropriation of queer politics, especially by white gay men, has refocused the attention on sexuality- instead of reaching out to people of color who are also deemed outside the heteronormative. Cohen argues, "Such a broadened understanding of queerness must be based on an intersectional analysis that recognizes how numerous systems of oppression interact to regulate and police the lives of most people."^{lxvi} Furthermore, it has reinforced the divide between those deemed heterosexual and homosexual. This divide inherently does not include welfare queens (black women) who potentially work together in the queer movement to critique a collective subjectivity. In addition to sexuality, class, gender and race deemed certain bodies outside the heteronormative and sovereign. Cohen emphasizes, "Queers who operate out of a political culture of individualism assume a material independence that allows them to disregard historically or culturally recognized categories and communities or at the very least to move fluidly among them without ever

establishing permanent relationships or identities within them.^{xxvii} As such, the appropriation of queer culture has reformed into political interests more with consumerism than on the intersectional approach to issues regarding those deemed outside the sovereign. Martin Manalansan and Christina B. Hanhardt both show consequences of the failure to incorporate a more expansive definition of queer politics that interrogates the intersection of race, gender, and sexuality and how they are constituted. Lastly, Denise Ferreira da Silva's work encourages scholarship that examines the link between gender and race, but also how blackness is fundamentally situated outside of the universal.

The chapters that proceed this literature review will explicitly examine the media responses to the NJ4/7 incident (Chapter 2) and the court trial (Chapter 3). The media analysis of the NJ4/7- which includes mainstream NYC headlines, FOX News analysis and the silencing of LGBTQ/black press- will be examined. Following that analysis, the mirroring of the discourse in the courtroom will be explained. Mainstream media analysis portrayed the women as animalistic and predatory. The same discourse was reflected and validated during the court trial that ultimately sentenced them to prison sentences for the attack.

Chapter 2- Media

Chapter 2 focuses explicitly on the media's response to the NJ4/7 incident. I analyze various popular print media (*New York Post* and *New York Times*), as well as *The O'Reilly Factor*, *365 Logo News*, and the counter-narrative documentary, *The Fire This Time*. I find that the mainstream media positioned the NJ4/7 subjects as the true culprits of aggression, which is reinforced by the logic of degenerate blackness. In the U.S. context, this logic has re-signified black women as the fundamental contributors of pathology. The documentary serves as a counter-narrative to this logic of pathology highlighting the spatial politics of New York City that positioned the women as unwelcome guests in a supposedly queer-friendly, and thus protected, space. As such, the embodiment of queer sexuality by black women is deemed an impossibility that also has the potential to disrupt the true gains/sovereignty of LGBTQ justice.

The Headlines

This section analyzes the print media that was produced before the court trial and after the sentencing of the New Jersey 4/7. During my search for print media I noticed that many alternative black press sites (i.e. *Amsterdam News*, *Chicago Defender*, etc.) failed to address the incident. Likewise, mainstream LGBTQ newspapers were generally non-responsive to the incident. However, more mainstream newspapers, such as the *New York Post* and *New York Times*, profiled the incident from its beginning until the New Jersey's 4/7's sentence.

The automatic characterization is of the women as perpetrators. The headline for the *Times* article, August 19, 2006, reads: "Man is Stabbed in Attack After Admiring a Stranger."ⁱ According to the article,

It all began harmlessly, the victim, a 28-year-old man from Queens said, with a comment he made to a woman who walked past him early yesterday on a Manhattan sidewalk. But things quickly escalated into an ugly and ultimately violent confrontation that led to the man, Dwayne Buckle, being stabbed in his abdomen with a steak knife, and the arrest of seven women, ranging in age from 18 to 31 who are accused in the attack, police say.ⁱ

It was not until April 14, 2007, five days before the NJ4's conviction, that the *NYT* decided to offer a different perspective. The *Times* headline stated, "Woman in Gang Assault Trial Says Man Started the Fight."ⁱⁱ Yet, it was not until the final days of the trial that the *Times* articulated "one of the lesbians'" testimony.ⁱⁱⁱ Patresse Johnson explained that Buckle shouted "Let me get some of that" and pointed at Johnson's vagina to suggest his intentions.^{iv} Instead of the sarcastic remark as previously reported, Johnson's reply was: "No thank you, I'm not interested in that."^v Buckle admitted calling one of the women an "elephant" and told another that she "looked like a man."^{vi}

On the day following the publication of the initial *Times* article, on August 20, 2006, the *New York Post* headlines read "'Hatred' by Lez Gang; Straight-Bash Claims." Two months later, a new article was released titled "Lesbian Gang-Stab Shocker" (October 4, 2006). In the August 20th publication, Buckle claimed that "20 gay women" attacked him.^{vii} He even argued that he was the victim of the confrontation and that, despite their convictions, the women were looked upon with innocence even though they had "hatred from men."^{viii} He then insisted that he had no problems with gay people because he has worked with and employed those he considered homosexual.^{ix} Very similar to the *Times*, the *Post* published the counter-narrative of the New Jersey 4's testimony during the court trial. Even though the *Post* reported that Buckle had called the women "fucking dykes," saying that he would "fuck [them] straight" even charging that

Johnson looked “effeminate” compared to the other women, the *Post*’s headlines still asserted Buckle’s innocence. During the trial the headlines read: “Man ‘Felt Like I Was Going to Die,’”^x “Gal’s Growl: Hear Me Roar: ‘Puncher’ Raged: ‘I’m Not a Women,’”^{xi} and “‘Crotching’ Tiger Knifer Says Victim Got A Beatdown Because He Pointed At Her Privates.”^{xii} Regardless if the women were the victims of homophobic behavior, they were still a “she-wolf pack” that was inherently abject.^{xiii} Just like the *NYT*, the women’s allegation of homophobic slurs (i.e. “I’ll fuck you straight”) on the part of Buckle, still failed to grant them empathy from editors or their readers. The spectacle of racialized violence, especially between parties of the same race, was thus normalized and individualized. The concentration is on the spectacle of women’s refusal to be objectified not Buckle’s sexual advances, which are actually normalized in this case.

The hysterical fear of girls/women of color is not unique to the NJ4/7 case, but follows a trajectory of sensationalized new coverage of women of color as criminal. This phenomenon was ushered in with the conception of equality/power for women. Eliason and Lind highlight that “scholars and political commentators issu[ed] dire warning that women’s demand for equality would result in a dramatic change in the character and frequency of women’s crime.”^{xiv} Thus feminism, the articulation of access to opportunity, is appropriated via law enforcement and criminologists as a risk that assumes that the naturalized behavioral violence of men (especially men of color) will now be appropriated by women. This access to power, ironically a discourse of violence, is being contested because of its supposed embodiment by women of color. Eliason and Lind cite how the *NYT* was instrumental in reinforcing the discourse between second wave feminism and women’s participation in crime: “Now, though, there also appeared to be

‘scientific’ evidence that the second wave of feminism was producing a surge in women’s crime, a theme which articles in prominent women’s newspapers like *The New York Times* made sure to showcase. Not only did it appear that women’s arrests were increasing (particularly in offenses that were not traditionally female)... [but] embraced the notion that the women’s movement was either directly or indirectly encouraging women into behavior that would cause them problems with the law...”^{xv} During the 1990s several newspapers reported the link between women’s empowerment and the current generations’ epidemic female criminality. In 1992 *The Washington Post* ran a story entitled “Delinquent Girls Achieving a Violent Equality in D.C.” This story, in addition to others, usually used “ethnically coded names” and pictures of black girls to illustrate not only the crimes, but the race of the perpetrators. In 1999 the *New York Daily* headlined a story entitled, “Bad Girls: Violent Crime among Young women is Surging,” which depicted a “six-inch mug shot of a 20 year old African-American girl” who was charged with stabbing her teacher.^{xvi}

The *Post* and the *Times* did not differ significantly in their responses to the NJ4/7 incident. Both privileged the position of Dwayne Buckle as the victim. Though the *Times* changed from its initial support of Buckle recounting an attack by a group of women it then became somewhat neutral. However this transition still fails to seriously critique Buckle’s comments as homophobic. The *Post* sensationalized the incident throughout. In addition to their failure to add neutrality to the incident, because of the reality of street harassment, the *Post* and *Times* contribute to a discourse that positions queer communities as safe only for white upper-middle class inhabitants (gay or straight). Additionally, the link between women of color and criminality was heightened during the

1990s along with sensationalized representations of the fictionalized increase in violence perpetrated by women of color. Eliason and Lind have noted that the discourse of female masculinity was heightened with the inclusion of its supposed performance by black/brown youth. The increased incarceration of black and brown youth in the post-Civil Rights period affected both male and female youth. However, the discourses that rationalized their constructed criminality differed. For black men, it was business as usual. For example, black/brown men as sexual aggressors served as trademarks for decidedly inherent qualities. However, for black women, their fall from virtue was the refusal of heterosexual desire.

O'Reilly

On June 21 2007 Bill O'Reilly aired a 'Back of the Book Segment', on his FOX News cable show-*The O'Reilly Factor*, on the topic of the threat of violent lesbian gangs. The 3-minute episode was headlined "Lesbian gangs: A new threat?" O'Reilly is a conservative talk show host on FOX News network, who has been known for his homophobic and racist political commentary. Nevertheless, the show was the most-watched cable news show in the US and in September of 2009 it had been the #1 US cable news show for 106 consecutive months. While O'Reilly is portrayed as ignorant on this potential threat, his fellow FOX News crime analyst, Detective Rod Wheeler (a black man) is his informant on this national threat. Wheeler is a former Metropolitan D.C. police officer that is also a member of the Jericho City of Praise- a conservative mega church that actively critiques the inclusion of LGBTQ civil rights in the U.S.^{xvii}

The segment on the O'Reilly Factor opens up with O'Reilly explaining how "29 year old Dwayne Buckle was attacked by a lesbian gang here in New York City last

August.” Buckle’s picture of him walking outside the NYC courtroom with his phone to his ear, taken from the *New York Post*, is positioned in the right hand corner of the screen. Wheeler becomes O’Reilly’s informant in this urban world of mayhem and chaos. O’Reilly proclaims to have “never heard of this” and urges Wheeler to “tell [him] what’s going on?” Wheeler proclaims that this is a “national-underground network” of lesbians and “some men groups” who “recruit kids as young as ten years old.” This coercion is carried out by groups of coercive lesbian women. . This criminal entity is labeled as a gang, who according to Wheeler “carry a number of weapons and commit a number of crimes.” O’Reilly clarifies that that these gangs are a “lower socio-economic crew, who band together, just like some of the ethnic gangs do, to do harm.” O’Reilly then relates this to another supposed attack by a lesbian gang in Tennessee, “Gays Taking Over” (GTO), who are accused of “raping young girls” and also an incident in Philadelphia with “Dykes Taking Over” (DTO) who were “attacking people as well.”

The association between lesbians and criminality has been sensationalized since the 1930s and 1940s. Movies like *Female Convict: the Inside Story of Women’s Prisons* (1934) and *Girls in Prison* (1956) locates the roots of sexual deviance, lesbian desire, in an already criminalized space- the prison. “Early conceptions of the ‘invert’ and the ‘mannish lesbian’ persisted in popular discourse and academic discourses throughout the last century. Until recently, film depictions of lesbians were limited to women’s prison films, where lesbians were masculine sexual predators, and vampire movies, with lesbians living off the blood of beautiful, innocent girls and women.”^{xviii} Eliason and Lind argue that depictions in all media portray lesbians as “murderous” and a threat.^{xix} Additionally, one of the first published articles on consensual sex in prison discussed the

“‘unnatural’ relationships between black and white girls in reform schools and all-girl institutions.”^{xx} Social scientist and popular culture curiosity of same-sex unions were positioned in a space already deemed unnatural and deviant; as such, it was no surprise to the former that these unions produced queer sexualities. In other words, crime is portrayed as a precursor to lesbianism; lesbian behavior is coded as unnatural- just like the grouping of women (without men).

After this summary by Wheeler, O’Reilly proclaimed, “I never thought of this; it makes sense if you had a law-less gay people they would do this kind of thing, but you don’t associate it; you associate homosexuality more with a social movement, not a criminal movement, but you are saying that this is all over the country detective?”

Logo

In 2009, CBS news collaborated with LOGO (the cable network marketed exclusively toward LGBTQ-orientated entertainment) in a program called *365 Gay News*. The NJ4/7’s story was broadcast virally on the 365gay.com website. Renata Hill speaks exclusively with Chagmion Antoine about the incident. The video begins with Renata stating that she was “assaulted” with a segment of the video from the Independent Film Center Theatre and the subtitle of “Ganging Up” at the bottom.^{xxi} A male voice introduces the graphics with the commentary: “...a lesbian convicted of assaulting a straight man with her gang during this scuffle; but was he really the victim or did he or the entire system gang up on her?” The video transitions to the commentator Ross Palombo. While he is explaining the response from the media of the incident, Hill’s photo is fixed in the right corner with the subtitle “Lesbian Wolfpack?” and “Pack of Lies.” Before the conclusion of the clip, Chagmion states that people worldwide are showing

support for the “lesbian killers.” In this audio and visual montage, LOGO reinforces the dangerous space of the neighborhoods that surround the Village. Chagmion concludes that it is problematic that Johnson is sentenced to almost 30 years in prison while her knife had no blood on it. She asks a question, “Why would a young girl feel the need to carry a knife on a day trip?” Chagmion answers herself by explaining that she carries a knife for protection. The video then highlights a quote from a newspaper, which states, “A defendant says she carried a knife for protection, because she lives in Newark.” The camera shifts to Hill, thus drawing a connection to the violence they face daily; Hill states, “...it’s a battle, it’s a battle [she shakes her head as in contemplation]. I’ve basically been through it all.”^{xxii}

The logo segment is interesting. While it does not compare, at any level, to the *O’Reilly Factor* segment it still reinforces the spectacle of problematic girls (criminality/violence), but also reinforces how the neighboring community of Newark, New Jersey is a threat because of normalized acts of violence. Hanhardt cites in as early as the 1980s, *NBC Late Night* linked gentrification of Western Addition and Mission (in San Francisco) to the violence against white gays.^{xxiii} This not only positions true victims of anti-gay violence as exclusive to white people only, but that gentrification of racialized communities is not equally as violent. The forced relocation of people of color due to property taxes, increased racism from police with the influx white residence, and other such scenarios are not seen as violent.

As such, the clips from the *O’Reilly Factor* and LOGO reinforce the connection of lesbian identity as criminality (which is becoming completely racialized as

black/brown). In addition, LOGO (queer friendly news report) also reinforced the women's claims of a hate crime as suspect and positioned Newark as inherently violent.

The Counter-Narrative

In reviewing the media's analysis of the incident, it is also important to discuss attempts to construct a counter-narrative by the women involved in the incident. In *Witch's Flight* Kara Keeling discusses the transformative potentiality for cinema to reframe our common-sense notions of race, gender and sexuality. In a phone conversation between Blair Doroshwalther (the director of *The Fire This Time*) and I, she expressed how the full conception of the counter-narrative has not been realized because of attempts by Buckle to profit from the documentary and also because the three women who opted for the plea bargain currently have been ordered, by law, not to speak on the case. Nevertheless, the testimony of the women offers a contextualization of the dynamics of the case. I have decided to use the trailer, accessed from YouTube.com, for analysis. This four-minute six second clip focuses on the reality of the Village in NYC as not always a safe space for LGBTQ youth of color.

Renata speaks on what attracted her and her peers to the Village of NYC: "...I like to go to the village because there is nothing but gay people...people I never thought would be gay...like wow, I didn't even know they had gayness out in like 1920. You got people like 80 years old that's gay."^{xxiv} Renata continues on the Village, "You're around your own kind, you don't have to worry about getting judged by people."^{xxv} However, this space turned out to not be so safe for these women. Their articulations of verbal and physical abuse were made invisible. Though the Village offered a sense of comfort regarding their sexual identity, it did not offer the same comfort in regards to race and

police response to the crisis. Terrain Dandridge comments on street harassment of women, “as far as a man trying to get female’s attention, which is being outrageous with the way they do it, I don’t think that will ever change either.” Venice Brown, one of the New Jersey 4, adds, “no means no, just take no.” Renata’s mom concludes, “this goes on everyday in our neighborhood. It’s called ‘gay bashing,’ but they won’t call it that...they will call it everything but that.” Patresse Johnson’s mother, Dell, comments on the tension between the black community and police: “Patresse has seen how her brother and cousin has been harassed by the police. So I guess it took away a lot of trust. After the fight she thought it was over and it was no need to call the police.” Hill adds, “...if we would have been able to call 911, instead of defending ourselves, one of us would have been dead.” The trailer ends with the question: “Who does justice work for?” Justice, in the form of police and the legal authorities, does not work for women of color.^{xxvi} For the NJ4/7, gay bashing not only happened in the place where one would think it would be rare, the neo-liberal queer space, but also in their neighborhoods along the outskirts of most desirable neighborhoods. For the NJ4/7 and other queers of color, justice remains unequal and mostly invisible. The lack of outrage on the part of the greater LGBTQ movement reflects the statements of Spade, queer of color theorists and Cohen who remarked how Stonewall’s central critique of police brutality and violence are invisible.

Conclusion

This analysis of the media serves as explicit examples of how the discourse of the black lesbians as the true culprits of crime is circulated and validated. The *Post* and *Times* were analyzed to not only show how they converge and diverge in discourse, but also the spatial politics of NYC and the Village that mark brown/black bodies as abject- even in a

proclaimed queer space. O'Reilly reinforces mainstream social science research that positions black girls as problems that must be solved by positioning themselves more in line with femininity. This discourse of the criminality of girls is also code for deviant sexual behavior- lesbian desire. O'Reilly's assessment of LGBTQ identities moving from a culture to a criminal movement is reflective of the impossibility for queer people of color to embody the neoliberal image of queer identity- for consumption and whiteness. LOGO's articulation of violence, on the part of the NJ4/7, is premised on their home communities as violent which they bring with them to white neighborhoods. Lastly, the counter-narrative of *The Fire this Time* conceptualizes the NJ4/7's realization that the Village was not necessarily an open and welcoming place for them. The aforementioned demonstrates how black queer youth brought violence to queer communities. The discourse of the NJ4/7 as violent masks the everyday reality of violence against LGBTQ youth. Crimes against their bodies are irrelevant and their abject sexuality is centered as the main focus. Though mainstream press has always constructed the black male as always initially guilty (i.e. lynching, New York Jogger Rape Case), this incident was different because of the involvement of black lesbians. Black lesbians have been constructed as criminal because of their performance of gender that is deemed as a threat to heteronormativity. By positioning adolescents of color as problems, it validates the state and the police's authority to carefully monitor women of color and then erase the violence on the account of a failed performance of femininity. This supposed redemption from abnormal gender identification is seen as the proper strategy that communities of color must adhere to if they want to insure their future generation's livelihood. However, we know this is an impossibility. The work of Collins demonstrates that regardless of the

actions of black women, they will continually be faulted for pathological behavior. This latter is justified explicitly through the scientific construct of black people as unable to live freely within the U.S. moral landscape. This ignores white and institutional culpability and places the responsibility on their respective communities. This discourse masks the continuing legacy of positioning black women as the culprits of poverty and obstructions to black people's success in the U.S. As discussed in the literature review, Manalansan and Hanhardt's texts demonstrate a discursive shift in queer politics from one centered on the intersectionality of experiences to one focused on consumer culture and economic access. The inclusion of racialized bodies remaps this cultural movement toward the criminal, because the black body is already criminalized. The inclusion of people of color in the LGBTQ movement risks tainting the true goal of recognition towards a sovereign subjectivity. In addition to the positioning of mainstream criminology theory, queer spatial theory has articulated how queer spaces are complicit in anti-black racism.

Chapter 3- The Trial

Chapter 3 of this thesis looks at the dominant discourses that position the NJ4/7's sexuality as the focal point of the trial rather than the issue of violence and homophobic sexual. I contextualize the Village as a space that constructs black and brown bodies as abject and undesirable. Furthermore, acts of violence are constructed as inherent to communities of color. Ironically, it is LGBTQ-identified persons who also reinforce this 'discourse of poverty' that pathologizes the black heterosexual family. The discursive power of gender, sexuality and race work in conjunction with each other in interesting ways. While this chapter will also a critique on the spatial politics of New York, it looks more closely at the discursive contestation of power that entangles race, gender and sexuality.

The People of the State of New York against Venice Brown, Renata Hill, Patresse Johnson, & Terrain Dandridge began on January 19, 2007 and ended on June 14, 2007. The initial judge presiding over the case was the Honorable Rena K. Uviller, who was later replaced by the Honorable Edward McLaughlin. New York district attorney Sharon Laveson was the prosecutor of the case. Brown was represented by Michael Mays, Hill by David Delbaum, Johnson by Alan C Lippel, and Dandridge by Kevin Roe and Nina Remson. Hill's lawyer was later replaced by Susan Tipograph. Testimonies from witnesses, Buckle, the seven women involved, and video from the Independent Film Channel (IFC) theatre in Manhattan New York City confirmed that there was a physical confrontation; Buckle was stabbed in the kidney during the incident and the rest of the women suffered various physical bruising. Though the women claimed self-defense, they were all charged with first-degree assault charges and the attempted murder of Buckle.

While three of the women accepted plea bargains, the remaining four [Johnson, Hill, Dandridge, and Brown] decided to go to trial. Within only 5 hours and amongst an all-white co-ed jury, the women were convicted on April 18, 2007. Dandridge (20 years old at the time) was sentenced to 3.5 years, Brown (19) to 5 years, Hill (25) eight years and Johnson (19) to 11 years.

The prosecutor, Laveson, expressed how the NJ4/7 attempted to use their “sexuality as a guise” in order to cover up their unprovoked act of violence.¹ Laveson concludes that there was no homophobic comment made against the NJ4/7. She alludes to the fact that their sexuality was not considered a vulnerability. For Laveson, the women came into the city with the desire to do harm. Usually men of color, not queer women, were suspected of bringing violence to white spaces, as black men are frequently constructed as inherently violent. Though the NJ4/7 are queer women, because they are black- violence is similarly articulated as inherent to their culture. As such, the NJ4/7 are not assumed to be victims- but perpetrators. They are welcomed in order to reinforce capitalist consumption in queer spaces, but their presence to residents (both gay and heterosexual whites) are undesirable. The black/brown body is constructed as pathological. The historical justification for their pathology is no longer centered on the racial, but resignified via heteronormativity.

Denial of Femininity

The construction of black/brown youth as sexual deviants links their behavior to sexual/gender confusion. Furthermore, these girls/women are constructed as sexually deviant aggressors that manipulate heterosexual youths, coercing them into performing queer sexual acts. The logic of abjection and inherent difference is buffered by the

intersecting institutions of law and science. In particular, mainstream legal discourse cites biological causation to the women's physical appearance. Not only are female youth of color deviant because of their sexual choice, but their appearance can be scientifically linked to their sexual choices. Lastly, the anxiety over lesbian desire is articulated as redemptive through 'proper' and 'healthy' heterosexual relations. Criminological literature and intense media attention validates the state's role in maintaining heteronormativity, as well as society's view of black/brown female youth as sexually perverse deviants that must be redeemed through the violence of the state (incarceration). The goal, then, is a 'return' to heteronormative desire (however available). These aforementioned scientific-backed theories regarding the cause of deviant sexuality are specifically linked to the relationship between criminologists who develop these theories and public policy makers who they inform. Furthermore, these narratives serve the particular interest in discussing primarily racialized subjects because blackness is constructed as criminal and pathological.

Bruce Nussbaum, a juror of the trial that was later removed by the judge, expressed concern in response to the following question raised by the judge: "Given the nature of the crime and the allegations, and that these defendants were lesbians- and perhaps violent lesbians- you didn't think there was an occasion to mention that?"ⁱⁱ In response, Nussbaum replied, "When you use—when one uses the term "gay" it generates a number of connotations. One of them that crossed my mind was, you know, a nationally organized gang, very powerful, that could reach out and try to influence members of the jury."ⁱⁱⁱ For Nussbaum, being gay and the reference of a 'gang' not only linked LGBTQ-identified persons with criminality, but the possibility of them as violent *perpetrators*.

Nussbaum is currently suing the judge for the inconsideration of the possibility of violence against his family because their guilty verdict did indeed affirm the “violent lesbian” discourse.^{iv} This discourse of female masculinity and gangs is what O’Reilly’s segment on “lesbian gangs” demonstrates by representing ‘girl gangs’ (primarily girls of color) as participating in criminal behavior such as violent schoolyard fights and as potential forceful transmitters of lesbian culture to young, impressionable, heterosexual girls—as discussed in Chapter 2. The symbolization of ‘gangs’ becomes a signifier of organized violence in the inner city usually perpetrated by Black/Latino male youth. The sensationalism of shows like *Gangland* and *The Peacemaker* on the cable TV network ‘A&E’ shows Black and Latino males claiming sovereignty within neighborhoods by terrorizing police authorities and threatening innocent civilians. This construction of women of color as aggressive even informed Michael May’s characterization of his client, Renata Hill, who he proclaimed “...at times [Renata] has a big mouth [and is] a little aggressive...”^v Though the judge did not witness the aggressiveness of the women himself, he believed that it necessarily existed and that the women were merely creating an “affront.”^{vi} Laveson also believed that this hidden aggression materialized into Hill’s “egging on the others [women of the NJ4/7], [and] egging on the victim” during the incident.^{vii}

During the cross-examination of witness Louis Barak by lawyer Susan Tipograph, he explains what stood out most in his mind from the incident: “There’s only one comment that stuck out most in my head. A. He- he said to her a certain*--he was, like, ‘calm down woman.’ And then she-she said to him—it was pretty bizarre, that why it stuck out in my head—she’s, like, ‘I’m not a woman. I’m a nigga (sic). I’m a man.’”

That's—that's—that's like the only—it was kind of strange. I remember that.”^{viii} This articulation of a masculine-like subjectivity is also expressed by Buckle, the court and other witnesses as well. Buckle adds: “And one girl—another girl came. She had a low haircut. She had like what you call a ‘wife beater’ on, which is like a tank top—what the guys wear. And so after being disrespected I told her she looks like a man because, in my eyes, she did appear to be like a man. She had a wife beater on, and she was dressed like a man, and she was talking loud and talking wild.”^{ix} Buckle’s added commentary on appearance such as the “low hair cut, “wife beater,” “do-rag,” and “black and blue shorts” indicates a commonsense appearance of masculinity.^x

During initial court proceedings on January 19, 2007, Prosecutor Sharon Laveson stated that the initial contact between Buckle and the women began when Buckle made a “flirtatious comment to Ms. Johnson.”^{xi} Buckle claimed that the women’s response surprised and upset him because he “approached them in a nice way and they came back to me in an aggressive way.”^{xii} Buckle then proclaimed that he had the “right” to speak to any women on their appearance because “it’s free speech in America.”^{xiii} Although Buckle contends that he only said “hi” to Johnson, her written account to the near-by precinct explained that Buckle was being “disrespectful” by saying “fuckin dikes” and that he would “fuck all of [them].”^{xiv} Nevertheless, Laveson says that the altercation was a “... vicious and unprovoked attack” on Buckle by the NJ4/7.^{xv} Laveson characterizes the “verbal altercation” as started by the women because of “insults” exchanged between both parties.^{xvi} During the sentencing, the judge primarily blamed Hill for inciting the conflict: “Ms. Hill is one of the initial primary aggressors. She pursued Mr. Buckle

throughout. She punches him often. She is older. She is a lot older.”^{xvii} In her concluding remarks, Laveson stated,

There was no homophobic comment made. This was not a hate crime. That was not the basis of how this confrontation occurred... Anti-gay violence is a serious problem and should not be used as a guise. These women were not the victims of an angry heterosexual man. Instead, they were the aggressors both because of their number and the knife. They do a disservice to every bias crime victim by using this as an excuse. They made choices that night. These choices should come with consequences.^{xviii}

In this case, gender is complicated through the transgressive performances of masculinity as embodied by the women of the NJ4/7 case. Aggression, which is generally associated with masculinity, simply becomes a “byproduct” in the construction of masculine blackness as pathological and inherently criminal.^{xix} The NJ4/7’s alleged aggression has been rehearsed not only throughout U.S. history within juridical proceedings, but also within popular representations as well. In other words, the bodies of the NJ4/7 were read through the lens of black masculinity as violent and pathological. The identity of them as ‘proper’ women, i.e. docile and having less-power, is erased and they become perpetrators. The body loses its value as a hetero-normative subject and is instead discursively produced as abject and transgressive. If we concentrate (reason) so much on the body [the material or empirical] gender becomes an exclusionary theory. For example, the concentration on the body of Buckle, as a source of power (physical aggression), could undermine his agency as a possible target of violence. Nevertheless, traditional gender constructions of female identity are irrelevant because blackness as masculine/aggressive is always already discursively produced and inscribed onto the bodies of the NJ4/7. The link between blackness and lesbian identity is one that does indeed reinforce the former as pathologically violent. Now that the link between

blackness and violence becomes explicitly evident through the lens of the state's involvement, how can we translate that analysis into broader instances of violence on accounts of homophobia, a reality for many women (regardless of race)? What are the power dynamics of modern conceptions of gender that make it an impossibility to not give the same power (regardless of its material form; i.e masculinity) to less power forms (i.e. the construction of the female body and its labor)? Again, the body [concept of femininity/masculinity and its naturalized link to sex] becomes the legitimacy needed and discourse is its agent. However yet again within the case of the NJ4/7, gender, as a concept, is erased. Their construction as masculine vis-à-vis their alleged aggressive behavior links them with criminality- as an inherent product of blackness.

In an email he wrote to an organizer in support of the women, Buckle articulated how lesbians were “delusional” in their thinking.^{xx} Buckle proclaimed that his sub-profession was a *psychologist* and wrote the following:

Maybe men should never say a word to any woman again and reproduce only through egg banks and test tubes, and thus realize the glorious dream of never being approached by men again^{xxi}
 ...the stories of the Bible such as Sodom and Gomorrah will tell you the results of an overabundance of sexual behavior in society^{xxii}
 ...your natural acts of childbirth and nourishment are key ingredients to the sustenance to life on Earth^{xxiii}
 ...your 28 day cycle is the same cycle as the universe. You are indeed superior to men. You already as naturally. You just don't recognize and appreciate what makes you equal in your struggle with me^{xxiv}

Laveson describes Buckle's commentary as a type of love and affection towards women:

“...while you may disagree with what Mr. Buckle says, is what he said in reality so unfactual in your minds? Does it demonstrate any homophobia on his part? He in fact says that women are superior to men. Decide for yourselves what you think it means.”^{xxv}

Buckle claims that women are superior to men because of their alleged connection to nature and reproduction.

Although the court proclaims Buckle's initial sexual advances as non-violent, Deirdre E. Davis suggests otherwise. In "The Harm that Has No Name: Street Harassment, Embodiment, and African American Women," Davis concludes that women face the threat of violence through everyday street harassment by men. "Normatively, the following characteristics identify particular acts of street harassment: the locale; the gender of and the relationship between and the harasser and the target; the unacceptability of "thank you" as a response; and the reference to body parts."^{xxvi} In addition to the verbal threats, Buckle also pointed to Johnson's private parts to indicate the sexual nature of his sexual nature of his advances- according to the women. This act of sexual terrorism is expressed through normative advances, but also is coded with the threat of "actual and implied violence."^{xxvii} "Rape may begin with an act of street harassment... Regardless of whether there is the possibility of actual rape, when women endure street harassment, they fear the possibility of rape."^{xxviii} For Davis this reality remains "invisible" because it is not a reality that affects men.^{xxix} The illegibility of the NJ4/7's articulation of homophobic violence serves as a "reminder of vulnerability."^{xxx} The NJ4/7's response to Buckle was a confrontation with this normalized street harassment. In this confrontation, the women repudiated object desire, or Buckle's advances toward Hill, and were consequently punished in the court system for this repudiation. Laveson states: "Miss Hill is the one responsible for the instigation of physical contact in this case, but for her, this physical confrontation would not have happened."^{xxxi}

Blackness made impossible the legibility of gendered street harassment as violence toward the NJ4/7 women. In this way, the court also made strategies the women used to deter such attacks, such as carrying a knife, predatory acts. However, this tactic of self-defense is widely justified within juridical universality, which is overwhelmingly encouraged amongst women—especially when entering public spaces. Again, while not advocating for gender differentiation, I would argue that as black women, the NJ4/7 were not deemed victims of an ethical crisis because they were already discursively produced as criminal. As such, the complexity of identity politics (a legacy of the analytics of raciality) is revealed as Buckle is allowed redress on the account of the denial of femininity to the NJ4/7 not because of their sexuality, but ironically for the very same blackness that is also prescribed onto the body of Buckle, as well. The proper performance of gender becomes a marker of the more desirable Black body, the one that is more deserving of redress.

Likewise, the NJ4/7 also discuss their subjectivity in relation to naturalized constructions of gender and work. Johnson stated that “...everyone jumped in because he was a *man*.”^{xxxii} In defense of Johnson carrying a 6-inch blade, she explained: “Because of my size. I’m a female, and I get hit up on a lot, disrespected a lot, especially when I’m by myself.”^{xxxiii} Laveson interrogates Johnson for carrying a knife and poses whether a call to the police would have been better suited.^{xxxiv} Johnson responded that if she had waited on police her friend would have been dead.^{xxxv} However, the example of the murder of Sakia Gunn is important to discuss because of the risks and consequences when street harassment and protection is not made legible through hegemonic

representations of race, gender and sexuality. Laveson, during sentencing, references the case of Sakia Gunn:

There has been reference, I expect there to be further references to case Siceal Gunn (Phon), which occurred in Newark, New Jersey. While that was a terrible incident that bears no relevance to this incident, and to my knowledge. There is no specific knowledge by any of these defendants of the victim Siceal Gunn personally, and any suggestion that this incident colored their action that evening is simply unbelievable in that if they were truly afraid as to what would happen, then *because of their sexuality and what had happened to her, then, again, these women would have fled.* They would have called police. They wouldn't have stayed and engaged in the confrontation which ultimately resulted in the injury to Mr. Buckle.^{xxxvi}

Sakia Gunn, a butch black queer girl, was murdered at the age of 15 after returning home from the Village to Newark, New Jersey May 11, 2003. Similar to the NJ4/7, Gunn and her friends were verbally harassed by Richard McCullough and his friend. When Gunn and her friend countered their sexual advances by stating that they were lesbians, both men attacked them. Gunn died from a stab wound. Her murderer, McCullough, was sentenced to 20 years. Though general reaction to the incident critiqued the police for not being stationed nearby, I wonder if Gunn had more support from friends or community members with her that night or if she had a kitchen knife in her possession before getting on the PATH- would that have deterred her death? Or, would her knife and the anxiety of a group of queer black youth/women be criminalized just the same? We will never know. However, what we do know is that cases such as Gunn's and the NJ4/7 serve as examples of how black queer women are unable to articulate experiences of violence, in full actuality, because of their blackness. Johnson and Gunn distrusted the police so much that the use of their bodies for defense was the only realistic response. Like black men, police surveillance also targets women of color as criminal entities. Though, in general, youth crime is down, the incarceration of black/brown female youth has increased

dramatically. “Girls’ detentions (youthful jailing) are now starkly up, and it is the detention and judicial processing of girls of color, not those of white girls, that have increased the most markedly. African American girls make up nearly half of those in secure detention and Latinas constitute 13 per cent of these (ABA, 2001). African American girls are also far less likely than their white counterparts to have their cases dismissed: 7 out of 10 cases involving white girls were dismissed compared to 3 out of 10 of African American girls (ABA, 2001).”^{xxxvii}

Like Collins’ examination of the historical trajectory of the representation of black women, Eliason and Lind also demonstrate the discourse of the intersection of lesbian identity and blackness, which is relationally positioned to white female identity (whiteness). They state, “While white heterosexual women have arguably gained some power in our society, particularly if they conform to the passive, Stepford Wives/Laura Bush role assigned them by white men, the effects of this backlash are felt most significantly by women of color, poor women, and lesbian/bisexual women. And the results are readily apparent in the actions of the criminal justice system.”^{xxxviii} For example, while black/brown girls are inherently violent, white girls are coded as simply “sneaky.”^{xxxix} White youth/women’s essential nature is juxtaposed relationally to black/Latina youth/women such that White girls/heterosexual girls are deemed good, and Black/brown/queer youth as bad.

Conclusion

The NJ4/7’s judicial predicament serves, as a reflection of Hartman’s critique of identity, which suggests that self-actualization, in regards to gender, is different for black

women. Furthermore, the link between their sexuality and race resulted in their blackness being used to make their articulation of violence invisible.

Conclusion

Throughout this thesis I have argued that the articulation of street harassment as an act of violence is illegible because of the discourse of the NJ4/7 as inherently criminal. The intersections of not only race and gender, but how sexuality intersects with the aforementioned that positioned the NJ4/7 as worthy of their attack. Additionally, the gay space of the Village offered no protection from homophobic violence because mainstream politics appropriates anti-black racism in order to enforce their sovereignty of space and access to capital. I want to conclude this analysis by saying that redress for black women in U.S. courts is an impossibility because the discourse regarding people of color, specifically black people, engulfs articulations of violence because the black body is constructed as pathological and violent.

The judge's articulations of the women as foreign to the space further illustrates how the city's gay space is not one of sexual identification, but of consumption. The judge's characterization of the women as "tourists" during the sentencing illustrates how their bodies are foreign and not part of the Village community- the city's official gay space:

New York encourages tourism. People to come from near and far. In that context the more the merrier across the country. However, as states and entities view groups of criminal conduct, there is a realization that when there is a group involvement, the likelihood for things to get out of hand increases. There is far less opportunity and expectation that somebody won't be able to maintain or regain control of the situation because of all of all the possibilities with respect to peer pressure. All the possibilities of not being able to control the reactions or actions of somebody with how many were involved at the outset. And that undoubtedly is in part what occurred here.¹

The erasure of the articulations of Stonewall's central critique of police violence is ironically an invisibility- especially in a space that is marketed as gay and inclusive. However, this space is only inclusive for economically privileged people (e.g. white gay men), at the expense of excluding a huge demographic (e.g. queer of colors). Thus, Greenwich Villages is a protected space for the white male residents. For the women of the NJ4/7 Greenwich Village did not offer protection nor does Newark, New Jersey. The death of Sakia Gunn, who was a cousin and acquaintance of one of the women, in Newark illustrates how violence for queer of colors still remains an invisibility.

While thinking about the impossibilities in certain spaces, I also want to think about possibilities in other sites. Resistance is possible, but how?

Organizing is always constrained by recognition: How do people come to actively identify in and act through a group such that its collective end surpasses reification of characteristics (e.g. identity politics) or protection of a fixed set of interests (e.g., corporatist politics) and, instead, extends toward an evolving, purposeful social movement (e.g., class politics)?ⁱ

The above statement was made by scholar/activists Ruth Gilmore in her text, "You Have Dislodged a Boulder: Mothers and Prisoners in the Post Keynesian California Landscape." This thesis has not only discussed the limits of representation, but also suggests the complexity of the strategic use of identity politics for anti-racist, anti-patriarchal and anti-homophobic political mobilization. For the conclusion of my project, I would like to end on an optimistic hope for racialized subjects, which moves us away from relying on the state. Ruthie Gilmore's analysis of a community-based organization, Mothers ROC, comprised mostly of mothers of incarcerated youth of color, demonstrates the necessary work needed to create strategies that attempt to counter state-sponsored violence against communities of color. Gilmore explicitly states, "The structure of

Mothers ROC gives them a framework for hope as well as for action, and it provides the basis for an expansion of their attention from seeking remedies in the courtroom (law) to exposing and changing the ways the system operates (politics).ⁱⁱ The participants, who are not limited to just women or African-Americans, know the urgency of the situation because it is exactly their own sons and daughters who are sentenced to harsh prison sentences due to petty property-related crimes that work in tandem with mandatory sentences for repeat offenses (i.e. three strikes mandatory federal time). Additionally, Gilmore foreshadows a conversation that Manalansan and Spade discuss in relation to how the post-9/11 moment has increased state power to criminalize its domestic terrorist (black/brown people).ⁱⁱⁱ ROC's mission of "EDUCATE, ORGANIZE, EMPOWER" can encourage hope for re-articulations of justice and power by moving away from one of the most explicit tools for racialized subjectivity- the state.^{iv}

Barbara Meredith and activist Francie Arbol founded Mothers ROC. The urgency was the imprisonment of Meredith's son who was incarcerated, but who was also active with an LA gang truce.^v Mothers ROC's mission is simple: "to be seen, heard, and felt in the interest of justice."^{vi} They are not interested in why their children are incarcerated for specific criminal offenses.^{vii} This act of resistance assist in de-naturalizing laws that specifically target subaltern subjects. In addition to the 3-strikes law which mandate prison times for repeat offenses, the state is increasingly becoming more powerful in terms of surveillance and incarceration of what Gilmore calls the state's industrialized punishment of black and brown youth.^{viii} In an examination of material effects, Gilmore suggests that the accumulation of wealth that had been generated between 1994-1997 due to the military industrial complex, contributed to an abundance of social service programs

for the country as now shifted.^{ix} To reclaim wealth, the prison has become a tool for the investment of the prison industrial complex. Just like with the 3-strikes law which was developed in part due to discourses of blackness (which links to criminality in the urban centers; and thus creates jobs in mostly rural white areas), the post 9/11 moment has increased punishing mechanisms for the imprisonment and thus exploitation of free labor.

Dean Spade notes on the historical shift,

The Drug Wars was a really great way to get a lot of people into the prisons. Also there are a lot of states that are ending parole which is a great way to fill up a prison you've built. So there are lots of different ways the U.S. is expanding prisons and increasing policing and expanding definitions of crime. Of course the people primarily impacted by these change are disproportionately people of color, disproportionately low income, and there is a rising population of women who are being pushed into prisons. It is important that we recognize that the folks who are changing these policies, raising penalties for non-violent crimes and making what were once ticketable offenses into arrestable offenses, are aware of the results that come from these changes. There are lots of things that are crimes that lead to incarceration now that didn't used to be, even in very local examples in cities like New York City we have these new "quality of life crimes," where things that used to be ticketable like jumping a turn style, sleeping outside, public urination- things that are mostly crimes of being poor- are now things that you actually go to Rikers Island for. These create a new way to funnel more people into incarceration.^x

Likewise, Manalansan makes the connection with New York's increasing use of legislation passed post-9/11 within terrorist discourse,

Thus these public spaces are subject to intense monitoring that once started with former mayor Rudolph Giuliani's "quality of life" program and now blur into questions of "national security." This is evident in my informants' lingering suspicions that the police and "other authorities" have equated the brown, black, and yellow bodies to be possible dangerous entities, purveyors of terror by reason of their color and in some instances of their so-called suspicious maleness.^{xi}

In order to counter these increased punishment measures against black and brown youth, Mothers ROC began the work of awareness by leafleting spaces such as prisons, schools, etc. to gain visibility.^{xii} The organization does not simply provide “services” to people’s whose loved ones are incarcerated, but offers them tools for educating themselves on legality and coalition building amongst different people-regardless of race, class, gender and sexuality:

The groups does not provide services to mothers but rather helps them learn how each part of the system works and, as we shall see, to grasp the ways in which crisis can be viewed as an opportunity rather than a constraint.

In the process, which can be thought of as cooperative self-help, the mothers transform their reproductive labor as primary caregivers into activism; the activism expands into the greater project to reclaim all children, regardless of race, age, residence, or alleged crime.^{xiii}

The activism of ROC has assisted in helping the women re-conceptualize how they talk about resistance/agency/crime/race (i.e. language) and thus how they *de-approach* the state. “The systematic critique of state power with respect to criminalized children required the mothers also to question the authority of the state’s representatives-police, judges, prosecutors, and other lawyers.” As such, the legitimacy of the state is now the question- not how the state can assist. Additionally, the activists within ROC also assist each other with informative knowledge like working through the bureaucracy of the legal system, which at times can increase the punishing power of the state. Gilmore argues,

The ROC set up the systems of court monitoring, legal workshops, and outreach activities described at the beginning of this paper. The workshops became primary centers for people to learn about topics such as self-representation, sentence enhancement, and related issues. One crucial area emerges consistently in the workshops: the assumption that a private attorney is preferable to a public defender is rooted in US common sense

assumptions that “you get what you pay for.” The fact that working people, including the mothers, “pay” for all the public defenders via taxation is invisible in this schema.^{xiv}

What the aforementioned knowledge about the state and power produced were alternative strategies for advocating for the incarcerated. An example of this was their own articulation to gang members to have a “truce” between gangs so ROC could have a peaceful memorial for a deceased youth killed at the hands of the police. This successful “truce” occurred instead of going to the police which would have contributed to more anxiety amongst South Central residents and the LAPD.^{xv} Also, the women blatantly refused a desired joint effort with an African-American male who was interested in establishing a “locked-down” facility for drug offenders- endorsed by the state.^{xvi} ROC’s reasoning: “The ROC told him, over and over, that they would not remedy the disappearance of jobs at GM, Firestone and Kaiser by putting half the population into prisons so the other half could make good money minding them. They sent him on his way, somewhat bruised by their blunt words.”^{xvii} These actions prove the importance of knowledge production and grassroots organization.

Though ROC had many productive moments, organizing can be very difficult and even promote fear of retaliation from the state. Gilmore states, “In the ROC and elsewhere, the similarity of mothers’ stories can produce a sense of commonality, but there are no guarantees that such a sensibility will serve as the basis for collective action. Within a social order of wide and deep inequality- most forcefully expressed as racial inequality- mothers are cautious because they know not all children are equally vulnerable to the law’s harsh punishments.”^{xviii} However, the focus on “power” and the

violence it produces creates a “scene” where other forms of knowledge production can be conceptualized and implemented.^{xix}

Notes

Introduction

ⁱ “‘Welfare Queen’ Becomes Issue in Reagan Campaign,” *New York Times*, February 15, 1976, 51.

ⁱⁱ Hartocollis, “Woman in gang assault trial says man started the fight,” *New York Times*, Section B, Column 2, Metropolitan Desk, Pg. 4, April 14, 2007

ⁱⁱⁱ Hartocollis, “Woman in gang assault trial says man started the fight,” 4.

^{iv} Hartocollis, “Woman in gang assault trial says man started the fight,” 4.

^v Denise Ferreira da Silva, *Toward a Global Idea of Race*, (Minneapolis: University of Minnesota Press, 2007), 86.

^{vi} Denise Ferreira da Silva, *Toward a Global Idea of Race*, 89.

^{vii} Denise Ferreira da Silva, *Toward a Global Idea of Race*, 86.

^{viii} Denise Ferreira da Silva, *Toward a Global Idea of Race*, 85.

^{ix} Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy*, (Boston: Beacon Press, 2003), 50-51.

^x Maureen Cavanaugh, *False Rape Accusation Have Racial Implications*, KPBS San Diego, <http://www.kpbs.org/news/2010/oct/04/sd-rape-accusations-have-racial-implications/>, Aired October 4, 2010

^{xi} Maureen Cavanaugh, *False Rape Accusation Have Racial Implications*.

^{xii} Bill Mears, “High court backs firefighters in reverse discrimination suit,” *CNN Politics*, June 29, 2009, http://articles.cnn.com/2009-06-29/politics/supreme.court.discrimination_1_promotional-exams-white-firefighters-test-results?_s=PM:POLITICS

^{xiii} Dean Spade, *The Identity Victim*, Symposium: Sex, Gender and Crime: The Politics of the State as Protector and Punisher, 7 *Geo. J. Gender & L.*, 2006, 273.

^{xiv} Dean Spade, *The Identity Victim*, 273.

^{xv} Dean Spade, *The Identity Victim*, 274.

^{xvi} Stuart Hall, "The West and the Rest: Discourse and Power," In *Formations of Modernity*, ed. by Stuart Hall and Bam Gieben (Polity Press, 1992), 275-332.

Chapter 1

^{xviii} Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," in *Critical Race Theory: The Key Writings that Formed the Movement*, Edited by Crenshaw, et al. (New York: The New Press, 1995), 357-383.

^{xix} Crenshaw, "Mapping the Margins," 358.

^{xx} Crenshaw, "Mapping the Margins," 357.

^{xxiii} Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*, (New York: Oxford University Press, 1997), 57.

^{xxiv} Hartman, *Scenes of Subjection*, 60.

^{xxv} Hartman, *Scenes of Subjection*, 81.

^{xxvi} Hartman, *Scenes of Subjection*, 82.

^{xxvii} Hartman, *Scenes of Subjection*, 83.

^{xxviii} Hartman, *Scenes of Subjection*, 100-101.

^{xxix} Hartman, *Scenes of Subjection*, 97.

^{xxx} Hartman, *Scenes of Subjection*, 94.

^{xxxii} Hartman, *Scenes of Subjection*, 100.

^{xxxiii} Silva, Denise Ferreira. "Towards a Critique of the Socio-logos of Justice: The Analytics of Raciality and the Production of Universality." *Social Identities* 7:3 (2001): 426.

^{xxxiiii} Silva, "Towards a Critique," 423, 426.

^{xxxv} Silva, "Towards a Critique," 434.

^{xxxvi} Silva, "Towards a Critique," 426.

^{xxxvii} Silva, "Towards a Critique," 424.

^{xxxviii} Denise Ferreira da Silva. *Toward a Global Idea of Race* (Minneapolis: University of Minnesota Press, 2007), 210.

^{xxxix} Silva, *Towards a Global Idea*, 265.

^{xl} Denise Ferreira Silva. "No-Bodies: Law, Raciality and Violence." *Griffith Law Review* 18 (2009): 228, 213.

^{xli} Silva, "No-Bodies," 220.

- ^{xli} Silva, “No-Bodies,” 423.
- ^{xlii} Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2nd Ed., 2000), 69.
- ^{xliii} Collins, *Black Feminist Thought*, 74.
- ^{xliv} Collins, *Black Feminist Thought*, 78.
- ^{xlv} Collins, *Black Feminist Thought*, 80.
- ^{xlvi} Collins, *Black Feminist Thought*, 81.
- ^{xlvii} Collins, *Black Feminist Thought*, 81.
- ^{xlviii} Collins, *Black Feminist Thought*, 81.
- ^{xliv} Wahneema H. Lubiano, “Black Ladies, Welfare, and State Minstrels: Ideological War by Narrative Means,” in *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas and the Construction of Social Reality*, Edited by Toni Morrison (New York: Pantheon Books, 1992), 329.
- ^l Lubiano, “Black Ladies,” 343.
- ^{li} Lubiano, “Black Ladies,” 326.
- ^{lii} Lubiano, “Black Ladies,” 329.
- ^{liii} Judith Halberstam, *Female Masculinity* (Durham: Duke Press, 1998), 1.
- ^{liv} Halberstam, *Female Masculinity*, 1.

- ^{lv} Halberstam, *Female Masculinity*, 2.
- ^{lvi} Eliason and Lind, "From Invisible," 29.
- ^{lvii} Eliason and Lind, "From Invisible," 32.
- ^{lviii} Eliason and Lind, "From Invisible," 35.
- ^{lix} Eliason and Lind, "From Invisible," 36.
- ^{lx} Eliason and Lind, "From Invisible," 36.
- ^{lxi} Eliason and Lind, "From Invisible," 36.
- ^{lxii} Kara Keeling, *Witch's Flight: The Cinematic, the Black Femme, and the Image of Common Sense* (Durham: Duke, 2007), 127.
- ^{lxiii} Cathy Cohen. "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ* 3 (1997): 440.
- ^{lxiv} Cohen, "Punks, Bulldaggers," 440.
- ^{lxv} Cohen, "Punks, Bulldaggers," 440.
- ^{lxvi} Cohen, "Punks, Bulldaggers," 441.
- ^{lxvii} Martin Manalansan, "Race, Violence, and Neoliberal Spatial Politics in the Global City," *Social Text* 23 (2005): 144.
- ^{lxviii} Manalansan, "Race, Violence," 144.

^{lxi} Manalansan, “Race, Violence,” 150.

^{lxx} Manalansan, “Race, Violence,” 150.

^{lxxi} Manalansan, “Race, Violence,” 150.

^{lxxii} Christina B. Hanhardt, “Butterflies, Whistles, and Fists: Gay Safe Streets Patrol and the New Gay Ghetto, 1976-1981,” *Radical History Review*, 100 (Winter 2008): 61.

^{lxxiii} Hanhardt, “Butterflies,” 63.

^{lxxiv} Hanhardt, “Butterflies,” 63.

^{lxxv} Hanhardt, “Butterflies,” 70.

^{lxxvi} Hanhardt, “Butterflies,” 71.

^{lxxvii} Hanhardt, “Butterflies,” 71.

^{lxxviii} Hanhardt, “Butterflies,” 71.

^{lxxix} Hanhardt, “Butterflies,” 71.

^{lxxx} Hanhardt, “Butterflies,” 71.

^{lxxxi} Hanhardt, “Butterflies,” 72.

^{lxxxii} Hanhardt, “Butterflies,” 72.

^{lxxxiii} Cohen, “Punks, Bulldaggers,” 441.

^{lxxxiv} Cohen, “Punks, Bulldaggers,” 450.

Chapter 2

^{lxxxv} Buckley, Hammer. “Man Is Stabbed in Attack After Admiring a Stranger.” August 19, 2006, *New York Times*.

^{lxxxvi} Buckley, “Man is stabbed.”

^{lxxxvii} Hartocollis, “Woman in Gang.”

^{lxxxviii} Hartocollis, “Woman in Gang.”

^{lxxxix} Hartocollis, “Woman in Gang.”

^{xc} Hartocollis, “Woman in Gang.”

^{xc}i Hartocollis, “Woman in Gang.”

^{xcii} Doyle Roberts Akram. “‘Hated’ By Lez Gang; Straight-Bash Claim.” *New York Post*, August 20, 2006, 21.

^{xciii} Akram, “Hated”

^{xciv} Akram, “Hated”

^{xcv} Italiano, “Man ‘Felt Like I was going to Die.’” *New York Post*, April 12, 2007, 11.

^{xcvi} Italiano, “Gal’s Growl: Hear me Roar ‘Puncher’ Raged: ‘I’m not a Woman,’” *New York Post*, April 13, 2007, 19.

^{xcvii} Italiano, “‘Crotching’ Tiger Knifer Says Victim Got a Beatdown because he Pointed at her Privates,” *New York Post*, April 14, 2007, 15.

^{xcviii} Gregorian, “‘She-Wolf’ Beat Charge Tossed,” *New York Post*, June 20, 2008, 17.

^{xcix} Eliason and Lind, “From Invisible,” 30-31.

^c Eliason and Lind, “From Invisible,” 32.

^{ci} Eliason and Lind, “From Invisible,” 33.

^{cii} The O’Reilly Factor. “Violent Lesbian Gangs a Growing Problem.” Fox News Cable Network, June 21, 2007. Accessed May 22, 2008

http://www.dailymotion.com/video/x3q4vj_o-reilly-female-gangs-in-washington_shortfilms

^{ciii} Eliason and Lind, “From Invisible,” 37.

^{civ} Eliason and Lind, “From Invisible,” 37.

^{cv} Eliason and Lind, “From Invisible,” 38.

^{cvi} “Renata Hill Interview on 365 Gay News on LOGO,” *365 Gay News* online [site no longer available], accessed May 22, 2012, <http://vimeo.com/6415720>.

^{cvi} Renata Hill Interview on 365 Gay News on LOGO.

^{cviii} Hanhardt, “Butterflies,” 67.

^{cix} Blair Doroshwalther, *The Fire This Time*, 2012, Accessed January 1, 2011, <http://thefirethistimethefilm.com/>

^{cx} *The Fire This Time*

^{cxⁱ} *The Fire This Time*

Chapter 3

^{cxⁱⁱ} *New York v. Brown, Dandridge, Hill, Johnson*, Sentencing, 6 (21), June, 14, 2007.

^{cxⁱⁱⁱ} *New York v. Brown, Dandridge, Hill, Johnson*, 231 (19-23), April, 12, 2007.

^{cx^{iv}} *New York v. Brown, Dandridge, Hill, Johnson*, 231 (17-22), April, 12, 2007.

^{cx^v} Hartocollis, Anemona. "In an Assault Trial, Off the Jury, but Not Off the Hook." April 17, 2007. New York Times.

http://www.nytimes.com/2007/04/17/nyregion/17juror.html?_r=1.

^{cx^{vi}} *New York v. Brown, Dandridge, Hill, Johnson*, 12 (2-3), June, 14, 2007.

^{cx^{vii}} *New York v. Brown, Dandridge, Hill, Johnson*, 33 (11), June, 14, 2007.

^{cx^{viii}} *New York v. Brown, Dandridge, Hill, Johnson*, 8 (5), June, 14, 2007.

^{cx^{ix}} *New York v. Brown, Dandridge, Hill, Johnson*, 520 (14-24), April, 12, 2007.

^{cx^x} *New York v. Brown, Dandridge, Hill, Johnson*, 281-282 (20-3), April, 11, 2007.

^{cx^{xi}} *New York v. Brown, Dandridge, Hill, Johnson*, 289-290 (22-2), April, 11, 2007.

^{cx^{xii}} *New York v. Brown, Dandridge, Hill, Johnson*, January 19, 2007.

^{cx^{xiii}} *New York v. Brown, Dandridge, Hill, Johnson*, 309 (17-18), April, 11, 2007.

- ^{cxxiv} *New York v. Brown, Dandridge, Hill, Johnson*, 438 (11), April, 11, 2007.
- ^{cxxv} *New York v. Brown, Dandridge, Hill, Johnson*, Indictment, 76 (12-13), January, 19, 2007.
- ^{cxxvi} *New York v. Brown, Dandridge, Hill, Johnson*, Preliminary Instruction/The Court, 242 (22-23).
- ^{cxxvii} *New York v. Brown, Dandridge, Hill, Johnson*, 20 (3-7), January 19, 2007.
- ^{cxxviii} *New York v. Brown, Dandridge, Hill, Johnson*, 31 (14-19), June 14, 2007.
- ^{cxxix} *New York v. Brown, Dandridge, Hill, Johnson*, 5 (17-20) and 6-7 (20-3), June 14, 2007.
- ^{cxxx} Keeling, *Witches Flight*, 127.
- ^{cxxxi} *New York v. Brown, Dandridge, Hill, Johnson*, 342 (14), April 11, 2007.
- ^{cxxxii} *New York v. Brown, Dandridge, Hill, Johnson*, 343 (1-5), April 11, 2007.
- ^{cxxxiii} *New York v. Brown, Dandridge, Hill, Johnson*, 344 (7-9), April 11, 2007.
- ^{cxxxiv} *New York v. Brown, Dandridge, Hill, Johnson*, 344 (7-9), April 11, 2007.
- ^{cxxxv} *New York v. Brown, Dandridge, Hill, Johnson*, 344 (10-14) April 11, 2007.
- ^{cxxxvi} *New York v. Brown, Dandridge, Hill, Johnson*, 1158 (9-15), April 16, 2007.
- ^{cxxxvii} Deirde Davis . “The Harm That Has No Name: Street Harassment, Embodiment, and African American Women,” In *Critical Race Feminism: A Reader*, ed. Adrien Katherine Wing (New York: New York Press, 1997), 192.

xxxviii Davis, “The Harm,” 192-193.

xxxix Davis, “The Harm,” 193.

cxl Davis, “The Harm,” 194.

cxli Davis, “The Harm,” 193.

cxlii *New York v. Brown, Dandridge, Hill, Johnson*, 7-8 (25-3), June 14, 2007.

cxliii *New York v. Brown, Dandridge, Hill, Johnson*, 76 (22-23), January 19, 2007.

cxliv *New York v. Brown, Dandridge, Hill, Johnson*, 871 (14-18), April 13, 2007.

cxlv *New York v. Brown, Dandridge, Hill, Johnson*, 929 (8-10), April 13, 2007.

cxlvi *New York v. Brown, Dandridge, Hill, Johnson*, 929 (17-18), April 13, 2007.

cxlvii *New York v. Brown, Dandridge, Hill, Johnson*, 4 (11-12), June 14, 2007.

cxlviii Eliason and Lind, “From Invisible,” 36.

cxlix Eliason and Lind, “From Invisible,” 42.

cl Eliason and Lind, “From Invisible,” 35.

Conclusion

cli *New York v. Brown, Dandridge, Hill, Johnson*, Sentencing, 23-24, June, 14, 2007.

^{clii} Ruth Wilson Gilmore, “You Have Dislodged a Boulder: Mothers and Prisoners in the Post Keynesian California Landscape,” *Transforming Anthropology* 8 (1999): 24.

^{cliii} Gilmore, “You Have Dislodged a Boulder,” 20.

^{cliv} Gilmore, “You Have Dislodged a Boulder,” 14.

^{clv} Gilmore, “You Have Dislodged a Boulder,” 13.

^{clvi} Gilmore, “You Have Dislodged a Boulder,” 12.

^{clvii} Gilmore, “You Have Dislodged a Boulder,” 12.

^{clviii} Gilmore, “You Have Dislodged a Boulder,” 13.

^{clix} Gilmore, “You Have Dislodged a Boulder,” 14.

^{clx} Gilmore, “You Have Dislodged a Boulder,” 14.

^{clxi} Spade, “Identity Victim” 272.

^{clxii} Manalansan, “Race, Violence” 146.

^{clxiii} Gilmore, “You Have Dislodged a Boulder,” 12.

^{clxiv} Gilmore, “You Have Dislodged a Boulder,” 13.

^{clxv} Gilmore, “You Have Dislodged a Boulder,” 19.

^{clxvi} Gilmore, “You Have Dislodged a Boulder,” 15.

clxvii Gilmore, "You Have Dislodged a Boulder," 22.

clxviii Gilmore, "You Have Dislodged a Boulder," 22.

clxix Gilmore, "You Have Dislodged a Boulder," 20.

clxx Gilmore, "You Have Dislodged a Boulder," 20.

Bibliography

- Akram, Doyle Roberts. “‘Hated’ By Lez Gang; Straight-Bash Claim.” *New York Post*, August 20, 2006.
- Buckley, Hammer. “Man is stabbed in attack after admiring a stranger.” *New York Times*, 3, August 19, 2006.
- Cavanaugh, Maureen. *False Rape Accusation Have Racial Implications*. KPBS San Diego, <http://www.kpbs.org/news/2010/oct/04/sd-rape-accusations-have-racial-implications/>, Aired October 4, 2010.
- Cohen, Cathy. “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?” *GLQ* 3 (1997): 437-465.
- Collins, Patricia Hill. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. New York: Routledge, 2nd ed., 2000.
- Crenshaw, Kimberlé. “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color,” in *Critical Race Theory: The Key Writings that Formed the Movement*. Edited by Crenshaw, et al, 357-383. New York: The New Press, 1995.
- Davis, Deirde. “The Harm That Has No Name: Street Harassment, Embodiment, and African American Women.” In *Critical Race Feminism: A Reader*, ed. Adrien Katherine Wing 192-202. New York: New York Press, 1997.
- Doroshwalther, Blair. *The Fire This Time*. Accessed August 1, 2011. <http://thefirethistimethefilm.com/>.
- Duggan, Lisa. *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy*. Boston: Beacon Press, 2003.
- Eliason, Michele, and Meda Chesney- Lind . “From Invisible to Incurable: The Demonization of Marginalized Women and Girls.” *Crime, Media, Culture* 2-1 (2006): 29-47.
- Gilmore, Ruth Wilson. “You Have Dislodged a Boulder: Mothers and Prisoners in the Post Keynesian California Landscape.” *Transforming Anthropology* 8 (1999): 12-38.
- Gregorian, “‘She-Wolf’ Beat Charge Tossed.” *New York Post*, June 20, 2008.
- Halberstam, Judith. *Female Masculinity*. Durham: Duke Press, 1998.

Hall, Stuart. "The West and the Rest: Discourse and Power." In *Formations of Modernity*, edited by Stuart Hall and Bam Gieben, 275-332. Polity Press, 1992.

Hanhardt, Christina B. "Butterflies, Whistles, and Fists: Gay Safe Streets Patrol and the New Gay Ghetto, 1976-1981." *Radical History Review*, 100 (Winter 2008): 60-85.

Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*. New York: Oxford University Press, 1997.

Hartocollis, Anemona. "In an Assault Trial, Off the Jury, but Not Off the Hook." April 17, 2007. *New York Times*.

http://www.nytimes.com/2007/04/17/nyregion/17juror.html?_r=1.

Hartocollis, Anemona. "Woman in gang assault trial says man started the fight," *New York Times*, 4, April 14, 2007.

Italiano. "'Crotching' Tiger Knifer Says Victim Got a Beatdown because he Pointed at her Privates." *New York Post*, April 14, 2007.

Italiano. "Gal's Growl: Hear me Roar 'Puncher' Raged: 'I'm not a Woman.'" *New York Post*, April 13, 2007.

Italiano. "Man 'Felt Like I was going to Die.'" *New York Post*, April 12, 2007.

Keeling, Kara. *Witch's Flight: The Cinematic, the Black Femme, and the Image of Common Sense*. Durham: Duke, 2007.

Lubiano, Wahneema H. "Black Ladies, Welfare, and State Minstrels: Ideological War by Narrative Means." In *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas and the Construction of Social Reality*, Edited by Toni Morrison, 323-361. New York: Pantheon Books, 1992.

Manalansan, Martin. "Race, Violence, and Neoliberal Spatial Politics in the Global City." *Social Text* 23 (2005): 141-156.

Mears, Bill. "High court backs firefighters in reverse discrimination suit," *CNN Politics*, June 29, 2009. http://articles.cnn.com/2009-06-29/politics/supreme.court.discrimination_1_promotional-exams-white-firefighters-test-results?_s=PM:POLITICS.

New York v. Brown, Dandridge, Hill, Johnson, 52. 3d (N.Y. App. Div. 2007), Accessed August 2009.

The O'Reilly Factor. "Violent Lesbian Gangs a Growing Problem." Fox News Cable Network, June 21, 2007. Accessed May 22, 2008

http://www.dailymotion.com/video/x3q4vj_o-reilly-female-gangs-in-washington_shortfilms

“Renata Hill Interview on 365 Gay News on LOGO.” *365 Gay News* online [site no longer available]. Accessed May 22, 2012. [Http://vimeo.com/6415720](http://vimeo.com/6415720).

Silva, Denise Ferreira. “Law, Raciality and Violence.” *Griffith Law Review* 18 (2009): 212-236.

Silva, Denise Ferreira. “Towards a Critique of the Socio-logos of Justice: The Analytics of Raciality and the Production of Universality.” *Social Identities* 7:3 (2001): 421 – 454.

Silva, Denise Ferreira. *Toward a Global Idea of Race*. Minneapolis: University of Minnesota Press, 2007.

Spade, Dean. *The Identity Victim*, Symposium: Sex, Gender and Crime: The Politics of the State as Protector and Punisher. 7 *Geo. J. Gender & L.* 2006, 255-285.

“‘Welfare Queen’ Becomes Issue in Reagan Campaign,” *New York Times*, February 15, 1976