

The War on Drugs Is a War on Women of Color

Women of color are disproportionately targeted by the war on drugs and broken windows policing.

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Andrea Ritchie | **Invisible No More**: Police Violence Against Black Women and Women of Color | Beacon Press | August 2017 | 18 minutes (4,744 words)

Below is an excerpt from **Invisible No More**, by [Andrea Ritchie](#). This story is recommended by Longreads contributing editor [Dana Snitzky](#).

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“The war on drugs has become a largely unannounced war on women, particularly women of color.”

Drug laws and their enforcement in the United States have always been a deeply racialized project. In 1875, San Francisco passed the country’s first drug law criminalizing “opium dens” associated with Chinese immigrants, though opium was otherwise widely available and was used by white Americans in a variety of forms. Cocaine regulation at the turn of the twentieth century was colored by racial insecurities manifesting in myths that cocaine made Black people shoot

better, rendered them impervious to bullets, and increased the likelihood that Black men would attack white women. Increasing criminalization of marijuana use during the early twentieth century was similarly premised on racialized stereotypes targeting Mexican immigrants, fears of racial mixing, and suppression of political dissent.

The “war on drugs,” officially declared by President Richard Nixon in 1971, has come to refer to police practices that involve stopping and searching people who fit the “profile” of drug users or couriers on the nation’s highways, buses, trains, and planes; saturation of particular neighborhoods (almost entirely low-income communities of color) with law enforcement officers charged with finding drugs in any quantity through widespread “stop and frisk” activities; no-knock warrants, surveillance, undercover operations, and highly militarized drug raids conducted by SWAT teams. It also includes harsh mandatory minimum sentences for drug convictions, which contribute to mass incarceration, and a range of punitive measures aimed at individuals with drug convictions.

Feminist criminologists assert, “The war on drugs has become a largely unannounced war on women, particularly women of color.” According to the Drug Policy Alliance, “Drug use and drug selling occur at similar rates across racial and ethnic groups, yet black and Latina women are far more likely to be criminalized for drug law violations than white women.” Black, Latinx, and Indigenous women make up a grossly disproportionate share of women incarcerated for drug offenses, even though whites are nearly five times as likely as Blacks to use marijuana and three times as likely as Blacks to have used crack. According to sociologist Luana Ross, although Native Americans make up 6 percent of the total population of Montana, they are approximately 25 percent of the female prison population. These disparities are partially explained by incarceration for drug offenses. These statistics are not just products of targeting Black, Latinx, and Indigenous communities; they are consequences of focusing on women of color in particular. From 2010 to 2014, women’s drug arrests increased by 9 percent while men’s decreased by 7.5 percent. These disparities were even starker at the height of the drug war. Between 1986 and 1995, arrests of adult women for drug abuse violations

increased by 91.1 percent compared to 53.8 percent for men.

However, there continues to be very little information about the everyday police encounters that lead to drug arrests and produce racial disparities in women's prisons. For instance, less well known in Sandra Bland's case is the fact that before her fateful July 2015 traffic stop, she was twice arrested and charged for possession of small amounts of marijuana. After her first arrest a \$500 fine was imposed. After the second, she served thirty days in Harris County jail, a facility criticized by the Department of Justice (DOJ) for its unconstitutional conditions of confinement.

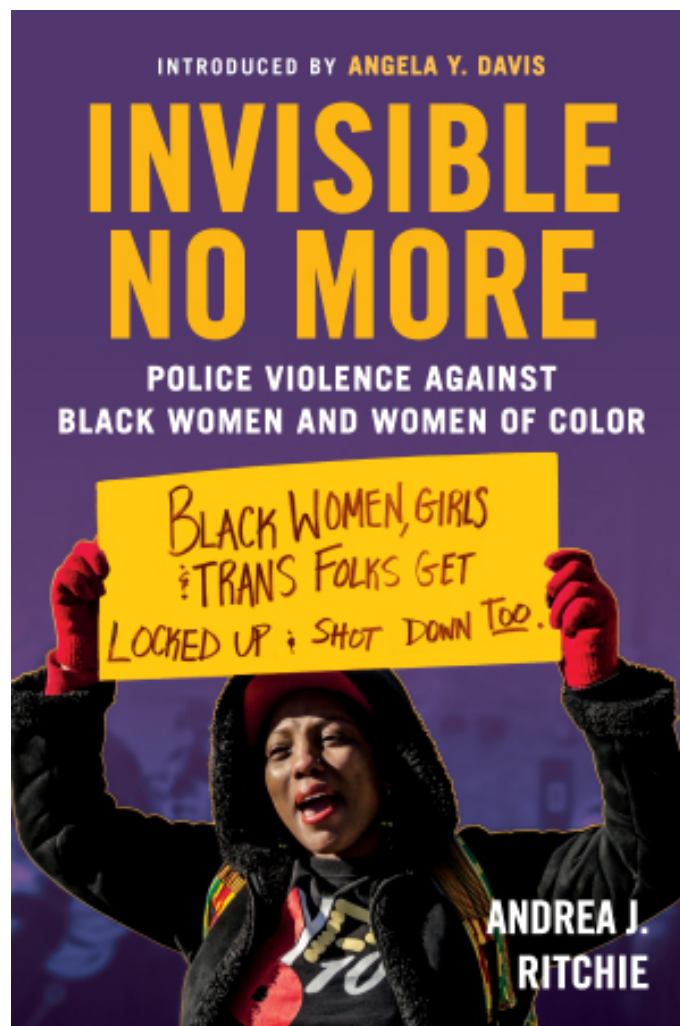
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“Like the slave patrols of the past, Customs officers serve as gatekeepers who contain African American women’s freedom of movement.”

One notable exception to the lack of information with respect to women's experiences of drug law policing was a General Accounting Office investigation, which found that Black women were more likely to be subject to searches of their bodies and personal effects by US Customs and Border Protection agents than any other group. In fact, Black women were nine times as likely as white women to be X-rayed after being frisked or patted down, and two to three times as likely to be strip-searched, even though they were less than half as likely as white women to be found to be carrying contraband. Black women were also searched at a rate one and half times that of Black men and Latinx people, and were less likely to be found with contraband than any other group. The report also found that Asian and Latinx women were strip-searched three times as often as men of the same race, and were 20 percent less likely than white women to be caught with

contraband.

Amanda Buritica, a fifty-two-year-old school-crossing guard born in Colombia, landed in San Francisco in 1994 on her way back from Hong Kong. She was strip-searched, forced to drink laxatives, repeatedly kicked by a US Customs officer, and held more than twenty-four hours before she was returned to the airport, sick and dehydrated from her ordeal. Across the country, shortly after landing in Fort Lauderdale following a trip to Jamaica, Janneral Denson found herself handcuffed to a bed at Miami Jackson Memorial Hospital by US Customs inspectors; she was forced to drink laxatives, her bowel movements were monitored, and she was held without contact with the outside world for two days, all because she allegedly fit the profile of a drug courier. She was seven months pregnant and experienced severe diarrhea and vaginal bleeding upon release. One week later, she delivered by C-section a three-and-a-half-pound baby who required prenatal intensive care for a month. These stories are just a few of the many behind the statistics that reflect pervasive stereotyping of Black and Latinx women as drug couriers.



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In the late 1990s, these violations came to a head through litigation and congressional hearings. In both contexts, Black women described abusive frisks during which inspectors yelled at them, kicked their legs apart, and touched their breasts and vaginas through their clothes. They were subjected to strip searches and visual body-cavity searches during which inspectors insisted that women, including menstruating women, bend over and spread their buttocks, and, at times, inserted their fingers into women's vaginas and anuses. No contraband was found on any of the women who came forward. The women described their experiences as "humiliating," "sexually degrading," and "like slavery." Indeed, the sociologist Yvonne Newsome links these experiences of the war on drugs to the enforcement of slave codes, Black codes, Jim Crow laws, and other historic forms of policing of Black women's movements and social mobility. She submits that "like the slave patrols of the past, Customs officers serve as gatekeepers who

contain African American women's freedom of movement," and elaborates:

African American women who exit and reenter the United States cross two types of boundaries: a geographic boundary that marks the territorial limit of the nation-state and social boundaries that demarcate the power relations between race, gender and social class group. . . . International travel by African American women challenges normative expectations about the appropriate social and spatial locations for their race-gender group. Thus, Customs agents may perceive them as transgressors who—because they are “out of their place”—require scrutiny or other reprisals.

Newsome links the “highly subjective” criteria used by Customs agents in surmounting the relatively low legal bar to conducting searches at the border to specific aspects of controlling narratives shaping how Black women's movements and actions—however innocent—are perceived. Newsome goes on to connect Customs agents' perceptions of Black women to controlling images that “depict them as masculine, crafty, promiscuous, sexually inviolable, pathological and criminally inclined.” In so doing, she relies heavily on the revelations made by Cathy Harris, a Black US Customs inspector-turned-whistleblower who shared both the official and “unwritten rules” used to determine which passengers to target for searches. Newsome concludes that “the drug courier profile seems to have been constructed primarily around stereotypical notions of African American women and other people of color. This profile seems to assume that the only reason African American women travel internationally is to engage in criminal misconduct.”

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“Pulled over on an Arizona highway for making an improper right turn and... strip-searched in full view of male officers.”

Sadly, attention to women’s experiences of profiling and discriminatory and abusive searches motivated by the war on drugs largely subsided into the annals of history after the initial outcry. Yet, profiling at the border is just the tip of the iceberg: pervasive profiling of women of color as drug users, couriers, and purveyors extends into highways, streets, and communities across the country, motivating ongoing strip searches and visual and physical body-cavity searches. In just one example, in 2007, a twenty-seven-year-old Black woman social worker was pulled over on an Arizona highway for making an improper right turn and was strip-searched in full view of male officers on suspicion that she was concealing drugs. She told the American Civil Liberties Union (ACLU) of Arizona, “I was visually raped, unconstitutionally violated, and racially profiled.” Yet Black women’s continuing experiences of violation in the context of drug law enforcement rarely make national headlines, nor are they highlighted in analyses of the drug war’s impacts.

The same is true of Latinxs. According to sociologist Juanita Díaz-Cotto, “The community-wide surveillance of Chicana/o barrios intensified under the war on drugs and made it virtually impossible for Chicanas/os to escape police harassment and brutality. This was regardless of Chicanas/os’ gender, age, sexual orientation, where they lived or socialized, and whether or not they engaged in illegal activities.” She notes that many Chicanxs she interviewed “experienced routine surveillance, harassment, arrests and excessive use of force in the streets, at police stations, and/or during raids of their homes. Almost half . . . were brutally beaten at least once, and sometimes by more than one officer.” One woman interviewed by Díaz-Cotto, Linda, described, “Wherever you got arrested...you could hear words like ‘fucking Mexicans,’ ‘dirty Mexicans’ . . . ‘fucking

whore' . . . 'bitch,' 'slut.' . . . That was routine." Another said, they "put us on the street, faced down, spread eagles. They didn't care if you had a dress . . . They didn't care if you were pregnant . . . That's just the way they're gonna treat you." Searches conducted for the ostensible purpose of locating weapons or drugs "were also frequently part of a pattern of sexual harassment and intimidation to which women suspects were routinely subjected [by male officers] . . . regardless of who conducted the searches and where, they were always invasive and humiliating."

Despite disproportionate rates of incarceration, Native women are even less frequently recognized as targets of the war on drugs and police profiling. Yet, Lori Penner, a Native woman living in Oklahoma, testified at a 2003 Amnesty International hearing about a raid on her house by law enforcement officers claiming to be searching for drugs. According to Lori, police pulled her fifteen-year-old daughter "out of the shower and forced [her] to stand naked in front of three male officers. . . . One police officer had the audacity to tell my daughter she cleaned up nice and looks good for a fifteen-year-old girl." Like colonial wars, the war on drugs clearly features gendered degradation of Native women.

Women's experiences of policing in the war on drugs are thus highly gendered and sexualized. The war on drugs also drives gendered forms of police violence, such as extortion of sexual favors under the threat of a drug arrest that could lead to the loss of a job, a home, or children to child-welfare authorities, or to a long mandatory-minimum sentence, or to policing of pregnancy and motherhood. In just one case that came to light in 2016, two Los Angeles police officers were found to have coerced or extorted sex from at least four women arrested on drug-related charges.

The war on drugs can also prove deadly, as it did for Frankie Perkins, Tarika Wilson, Alberta Spruill, Kathryn Johnston, and Danette Daniels—the roll call of female casualties of the war on drugs is both hidden and long.

Racial disparities in rates of arrests and convictions, and the incarceration of women of color, are connected to the considerable

discretion exercised by law enforcement agents waging the war on drugs when they decide who to stop and who to search. Law enforcement interactions with women of color are informed by perceptions of their bodies as vessels for drugs ingested, swallowed, or concealed and of women of color as “out of control” unfit mothers, community members dependent on drugs and men, or coldhearted “gangsta bitches” prone to inhuman violence. They are also informed by profound notions of the disposability of Black women, Indigenous women, and women of color. This was evident, for instance, in the case of Treasure, a Black trans woman brutally killed and dismembered after Detroit police, who had arrested her for prostitution, set her up as an informant in a drug transaction without any protection whatsoever.

Additionally, “Occupational hierarchies within the drug economy serve to reproduce the gender, race and class relations that structure social relations on a more general level.” Because police focus enforcement on street-based drug markets in low-income communities of color, women of color, relegated to these lower rungs of the trade, are therefore at greater risk of arrest than users and sellers operating in private spaces such as penthouses, fraternity houses, suburban basements, and boardrooms. While at one time the perception was that women were less likely to be stopped or searched by police on the streets, officers’ tactics shifted over time to proactively engaging in public strip searches. According to one Black woman interviewed by Rebecca Maher, “Now these cops around here starting to unzip girls’ pants and go in their panties.” Once caught in the maw of the system, women are subject to criminal sanctions far greater than their actual role in the drug trade.

While rates of arrest and incarceration of women of color in the context of the war on drugs have abated somewhat over the past decade from the levels in the 1980s and 1990s, the drug war continues to shape policing practices and devastate the lives and families of women of color—and is poised to intensify once again. It also serves as the backdrop against which broken windows policing and the policing of prostitution, poverty, and motherhood are superimposed. The ways the drug war is waged in day-to-day police interactions with women of color—and its role in the violation, incarceration, and deaths of women

of color—therefore continue to demand our attention.



A woman is detained while protesters take part in a march against police brutality October 24, 2015, in New York. (Photo: EDUARDO MUNOZ ALVAREZ/AFP/Getty Images)

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“Over half of cities in the United States ban sitting or lying down in particular public places.”

Federal drug enforcement policies of the 1980s were premised on the concept of “zero tolerance,” which promoted allocating additional law enforcement resources to areas where crime was said to be endemic, and mandated immediate and harsh responses to the most minor

violations with little or no consideration for individual circumstances. “Zero tolerance,” particularly of possession of guns and drugs, is most frequently practiced in school settings. It also informed the simultaneous evolution of broken windows policing.

The “broken windows” theory of policing was outlined by neoconservatives George Kelling and James Q. Wilson in a 1982 *Atlantic Monthly* article. It goes something like this: if signs of disorder (like broken windows) and minor offenses (like loitering, panhandling, and graffiti) are left unchecked, then it’s only a matter of time before a community descends into chaos and violence. According to Kelling and Wilson, the only effective form of crime prevention is aggressive enforcement and prosecution of minor offenses—in other words, zero tolerance. The theory evolved to incorporate the premise that individuals who commit minor offenses such as fare evasion on public transit will, if not caught and punished, eventually commit more serious offenses: a sort of slippery slope of criminality. As with earlier vagrancy and indecency laws, broken windows policing focuses not so much on behaviors as on what Clare Sears terms “problem bodies” and their racially gendered presence in the public sphere. Indeed, the article presenting the theory explicitly names particular types of people—youth, homeless people, people perceived to be engaged in prostitution—as embodied signs of disorder. Precursors to Kelling and Wilson’s 1982 article were much more explicit about the racial and gender makeup of signs of neighborhood disorder: “young Black men, young women in short shorts hanging out on corners, interracial couples, and gay folks.”

Even Kelling and Wilson acknowledged in 1982 that it is “not inevitable that serious crime will flourish or violent attacks on strangers will occur” if signs of disorder are left unchecked. Indeed, the two wrote that their entire premise is drawn from what they themselves call “folk wisdom” rather than objective data, based on a belief that perceived disorder somehow renders an area more “vulnerable to criminal invasion” such that “drugs will change hands, prostitutes will solicit, and cars will be stripped.” In a comprehensive review of the literature and summary of his own research, Columbia law professor Bernard Harcourt concludes, “Taken together, the wealth

of research provides no support for a simple disorder-crime relationship as hypothesized by Wilson and Kelling in their broken windows theory. . . . What I have come to believe is that the broken windows theory is really window dressing, and it masks or hides more profound processes of real estate development and wealth redistribution.”

Key to implementation of broken windows policing is the proliferation of “quality of life” regulations criminalizing an ever-expanding range of activities in public spaces, including standing or walking (recast as “loitering”), sitting, lying down, sleeping, eating, drinking, urinating, making noise, and approaching strangers, as well as a number of vaguer offenses such as engaging in “disorderly” or “lewd” conduct. This broad range of potential offenses gives police almost unlimited license to stop, ticket, and arrest, and facilitates targeting homeless people and others who exist largely in public spaces. A 2014 study by the National Law Center on Homelessness and Poverty found that over half of cities in the United States ban sitting or lying down in particular public places, and 18 percent of cities completely ban sleeping in public. In 43 percent of cities it is illegal to sleep in a car. A quarter of cities ban begging citywide, and 76 percent ban soliciting for money in certain public places. Thirty-three percent of US cities ban loitering anywhere, while 65 percent ban it in particular places. According to one researcher, enforcement of such low-level offenses has become the “most common point of contact between the public and the criminal justice system.” In New York City alone, the NYPD issued almost two million summonses for quality-of-life offenses between 2010 and 2015, not including arrests for such offenses.

What is deemed disorderly or lewd is often in the eye of the beholder, an eye that is informed by deeply racialized and gendered perceptions. When I speak at universities or conferences about broken windows policing, I often ask how many members of the audience have ever fallen asleep on a train or in a park at some point in their lives. Dozens of hands shoot up. When I ask how many have ever been ticketed or arrested for it, almost all hands come down. If I am at a drop-in center for homeless youth or adults, or in a low-income Black neighborhood, and ask the same question, many hands remain in the air.

For instance, Giselle, a twenty-year-old Latinx lesbian from New York City was taking a nap on the train as she was going home with her girlfriend. An officer woke her up and ordered her off the train, frisked her, demanded her ID, and then roughly arrested her. Giselle felt that she was targeted based on her race and sexual orientation—and not for the first time. Nevertheless, she says, “I refuse to be victimized.”

Police officers are afforded almost unlimited discretion when determining who and what conduct is deemed disorderly or unlawful. More specific regulations, such as those criminalizing sleeping, consuming food or alcohol, or urinating in public spaces, criminalize activities so common they can’t be enforced at all times against all people. As a result, both vague and specific quality-of-life offenses are selectively enforced in particular neighborhoods and communities, or against particular people, including people who, due to poverty and homelessness, have no choice but to engage in such activities in public spaces.

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“This entire thing has been about your lack of respect for me.”

Scratching the surface of broken windows policing reveals that, ultimately, the paradigm is nothing more than a repackaged and sanitized version of enforcement of age-old vagrancy laws and municipal codes criminalizing cross-dressing, common night walkers, and “lewd” conduct that were explicitly created to criminalize and control the movements of people deemed undesirable throughout US history. In a defense of broken windows policing published in 2015, a year after Michael Brown was killed in Ferguson by an officer who was engaged in it, Kelling acknowledged the lineage directly:

Given the subject of our article, the Black Codes—vague loitering and vagrancy laws passed in the South immediately after the Civil War— were of special concern for us. Under these laws police arrested African Americans for minor offenses and, when they could not pay the fines, courts committed them to involuntary labor on farms—in a sense, extending slavery for many into the 20th century.

Without offering a means of distinguishing broken windows policing from enforcement of Black codes, Kelling submitted that he and Wilson were simply arguing for “doing a better job at maintaining order.” Yet in their 1982 article, Kelling and Wilson acknowledge that there are “no universal standards . . . to settle arguments over disorder . . .” and that charges of being a “suspicious person” or vagrancy have “scarcely any legal meaning.”

Yet, “disorder” has economic and racial meanings. Broken windows policing advances the interests of corporations, businesses, and wealthy residents—and “disorderly people” has come to mean low-income and homeless people displaced into public spaces by a lack of affordable housing and cuts to social programs. The “community” broken windows policing purports to protect became the wealthier, white professionals and businesses moving into urban neighborhoods previously occupied by low-income people and people of color, who fear the presence and existence of the people they are displacing.

Indeed, fear is the undercurrent of broken windows policing—fear of “disorderly people,” “addicts,” people living with mental illness, and aggressive panhandling, squeegee cleaners, street prostitution, ‘boombox cars,’ public drunkenness, reckless bicyclists, and graffiti,” all of which allegedly contribute to “the sense that the entire public environment is a threatening place.” Anti-Blackness, including its specific manifestations with respect to Black women, is embedded within this fear of disorder: a 1994 internal police memorandum entitled “Reclaiming the Public Spaces of New York,” by Republican mayor Rudolph Giuliani and Police Commissioner William Bratton,

cited both Kelling and Wilson's *Atlantic* article and Daniel Patrick Moynihan's controversial report, *The Negro Family: The Case for National Action*, which blamed social dysfunction on Black families, in particular, Black mothers—"Sapphire"-like "matriarchs."

Broken windows policing has always self-consciously been about promoting a particular type of community. A desirable community is one of "families who care for their homes, mind each other's children, and confidently frown on intruders." According to Kelling and Wilson, society "wants an officer to have the legal tools to remove undesirable persons from a neighborhood." Broken windows policing is thus posited as the last bulwark against a "frightening jungle" (a term fraught with racial meaning) in which "unattached adults"—that is, adults operating outside of hetero-patriarchal families—replace traditional families, teenagers gather in front of the corner store, litter abounds, and panhandlers stalk pedestrians. Ultimately, broken windows policing isn't about reducing crime; it's about assuaging white fears, however irrational or racist, of poor and homeless people, Black people, people of color, and queer and gender-nonconforming people.

The result: dramatically increased frequency and intensity of police interactions with Black and Latinx youth, low-income, and homeless people; public housing residents; people who are—or who are perceived to be—engaged in street-based prostitution; street vendors (many of whom are immigrants); and anyone else who is hypervisible in public spaces. This includes—as highlighted by the Audre Lorde Project's (ALP) Working Group Against Police Violence—lesbian, gay, bisexual, trans, and gender-nonconforming youth and adults. Quality-of-life provisions that are associated with congregating in and using public spaces or with living on the streets disproportionately impact homeless, precariously housed, and low-income women and trans people of color, as well as those providing vital outreach services to those communities. Broken windows policing not only increases the number of law enforcement officers on the streets; it also increases the likelihood that women and trans people of color will be approached by police, sometimes with deadly consequences.

This was the case for Margaret Mitchell, a homeless, 102-pound, fifty-four-year-old Black woman described by authorities as “mentally ill.” In 1999, she was confronted by two LAPD officers enforcing a quality-of-life law allowing them to ticket people using shopping carts without a store’s permission and to confiscate the carts, a law almost exclusively enforced against homeless people. Margaret tried to walk away from the police, with her shopping cart full of her possessions. When someone driving by recognized her, they pulled over to try to talk the cops out of hassling her. Margaret began to run, pulling the cart behind her as the cops chased her. The next minute, the police shot her dead.

Even when not fatal, broken windows policing can escalate to the brutal use of force in the most mundane of police encounters. For instance, the year after Margaret Mitchell was killed, in 2000, a police officer in Sioux Falls, South Dakota, violently arrested Sharon Gullikson, a homeless Native woman, for disorderly conduct, panhandling at a grocery store, and trespassing. Witnesses describe the officer approaching Sharon, grabbing her, and slamming her to the ground. Sharon says, “The next thing I knew, I was face down. My glasses broke, and my head hit the pavement. He kneeled on my kidney. . . . A lot of homeless people are scared of him.” Broken windows policing was the excuse for officers to stop Stephanie Maldonado in New York City’s West Village for “jaywalking” and then slam her to the ground, injuring her face, just days before Michael Brown was killed in August 2014 following a similar stop. Some months earlier, in June 2014, another jaywalking incident escalated into physical violence when a police officer stopped Arizona State University English professor Ersula Ore as she walked in the street to avoid construction. When she questioned why she was being singled out, noting that she had never seen anyone else stopped for walking in the street on a university campus, the officer responded by handcuffing her and threatening to “slam” her. In the end, that is exactly what he did, causing her skirt to ride up as she hit the ground, exposing her. On video, Ersula can be heard telling the officer, “This entire thing has been about your lack of respect for me.”

“Arbitrary arrests for minor violations... can lead to deportation.”

Broken windows policing also facilitates racialized policing of gender and sexuality. According to Tanya Erzen, broken windows policing “enables officers to act upon racial and gender biases they may have when they enter the police department—under the guise of enforcement of . . . ‘lewd’ or ‘disorderly’ conduct [laws].” All too often, officers read actual or perceived gender disjuncture as disorderliness, resulting in stops, harassment, and arrests of transgender, gender-nonconforming, and queer people of color for disorderly conduct.

Broken windows policing is also a driving force behind aggressive policing of street-based prostitution, leading to documented racially disparate impacts on women of color, trans and not trans. Street vendors, many of whom are immigrant women, are also marked as signs of disorder and harbingers of crime under broken windows policing. Veronica Garcia of Esperanza del Barrio of New York City testified at a 2003 Amnesty International hearing:

Most of the street vendors in the barrio, we are women, we are immigrants, and we are mothers and we are victims of abuse... and harassment on behalf of the police. . . . They tell us that we are illegal, that we have to go back to Mexico, and that we don't have rights. They also threaten us to take away our children... they have used excessive force... they throw away food and merchandise.

Immigrant women thus find themselves drawn into the criminal legal system through arbitrary arrests for minor violations, which in turn can lead to deportation.

More than thirty years after Kelling and Wilson's article, this unproven theory remains a dominant policing paradigm in urban areas. This reality requires that we pay particular attention to how controlling narratives inform broad exercises of police discretion and fuel police stops, harassment, violence, extortion, and arrests of women of color in the context of broken windows policing across the country.

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