

## CHAPTER 6

# Queering Antiprison Work

*African American Lesbians in  
the Juvenile Justice System<sup>1</sup>*

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Questions of the mass incarceration of women and, more broadly, the gendered dynamics of criminalization become even more politically and intellectually salient when we attempt to integrate issues of violence against women and heteronormative sexuality into the discussion. I do so as an antiprison activist as well as a scholar interested in the new analytic framework that Black feminism and queer theory bring to understanding incarcerated women and girls. At first glance, these appear to be primarily theoretical concerns. However, as I continue to work to influence social policy around the mass incarceration of women, I have come to understand how critical it is to shift public consciousness in Black communities with regard to gender violence and heteronormativity, for ultimately, the larger political project of reducing structural inequality and eliminating the concentration of disadvantage that leads to mass imprisonment requires that the most marginalized group become most central to the struggle against global lockdown.

This chapter will argue for an expansion of antiprison rhetoric and subsequent organizing strategies to include an analysis of how the impact of the prison-industrial complex is, for some, made much more pernicious by gender violence and queer sexuality.<sup>2</sup> It will point to the ways in which the current formulations of the social costs of imprisonment that tend to minimize questions of gender and ignore sexuality altogether render queer prisoners, crimes related

to nonnormative sexuality, and violence against incarcerated women invisible to even the most activist-oriented communities of resistance. By considering the case of Black adolescent lesbians who are incarcerated, the limits of even the most progressive race- and class-based paradigms used to study penal policies and practices will become apparent, demanding new methods and new analytical categories. Presented here as more than simply “outliers” or “atypical” cases, the experience of Black young lesbians will be centered in this chapter as an epistemological strategy; as a way to challenge the established paradigm and offer a broader analysis of the impact of mass incarceration. The chapter concludes with a reconsideration of questions of power, deviance, and heteronormativity as a way to develop an expanded social justice framework for antiprison work.

To begin, consider the following stories, which were shared by young women who were participating in a support group conducted in a large urban juvenile detention facility in the United States<sup>3</sup>:

I didn't go to school the morning I was arrested. Just like some friends, I was not feeling the boys that day. We just get sick of them hitting on us. And we are over the teachers too. It happens on a regular basis, in school, around school and in the neighborhood. And don't those security guards care a thing about us. (Linda, age 14)

But staying home didn't help either in some cases. The boys at home are not better. It's bad when you have to watch your back when you bathe, sleep, cook or sit down to watch TV. Being gay, they will run a train on you in a minute. But especially the older ones who can't seem to keep their hands to themselves. (Keisha, age 14)

To me, it was better to just hook up with a younger brother even if you are gay. He won't know as much about how to rein you in. But they get smart really fast, and once you do it, they think they own you. And then they start treating you like you are a punching bag. (Angel, age 16)

And don't try to get into a stable either. Used to be that was a good way to be safe. Now when you hook up with an older man—even one who you might be working for—you are really being set up. It's like you've got to turn tricks all day just to not get beat at night. And still you end up here. (Rehema, age 14).

I got so tired of that life. Way too much sex with men that I didn't want, but I had to do it for money, a place to stay, and even though I got my ass kicked, it was some protection. I went to the neighborhood clinic to get birth control, but don't you know I showed up positive for HIV? Here it

is, I live with a pimp who takes advantage of me and I am pregnant again. How can that be true if I am gay? All because of his customer who forced himself on me when I was only supposed to be dancing for him. (Nickki, age 15)

The clinic couldn't really help because what could I tell them? I am hooking? I don't use condoms? I'm gay? I don't even know how it feels to be loved? I picked up some of their papers and tried to read them, but I just stopped. They are not talking to me. (Tiffany, age 16)

Sisters. Get real. Like me, you have to stop thinking the security guards, older men acting as pimps, workers at health clinics will help you. You need to find a way to hook up with one of these brothers who will really stand by you. How? Show them you will stand by them first. Get involved in his con game, spot for him, carry his bundles, put out for his crew even if you are funny. You've got to give up on the straight life and run with those who will really protect you. No girl, no programs can cover for you. (Latara, age 15)

And even if you get caught, find a way to turn the officer out. That's right, if you can't lie or cover for yourself, then turn him out and offer the only sure way to get out of any hard spot you find yourself in; use the p-thing. (Tiffany, age 16)

I know it sounds hard, ladies, but you all have to understand that we don't have a chance in this world. Look around you. Do you see anyone protecting us? Look at your mamas. Who is there for them? Does your teacher care? Does your counselor care? Do your people care? Do the police care? You've got to care for each other . . . raise each other up. And we've got to take care for ourselves before they bang us out of our minds. (Shelia, age 15)

### Background

This discussion is typical of those occurring among African American young women in low-income communities who find themselves caught between their intimate desires, their loyalty to people in their community who hurt and betray them, and the tremendous force of conservative laws and public policies. Unlike their privileged counterparts, these young women are negotiating the troubled waters that characterize even so-called normal adolescent development as queer girls in very dangerous urban neighborhoods in the United States during repressive political times. Their accounts describe their attempts to understand the circumstances in which they find themselves and the

survival strategies they use to protect themselves that ultimately resulted in their arrest and detention.

At the macro level, they tell a troubling story of a generation of young queer African American women in crisis and the cumulative negative impact of stigmatized racial, class, sexual, and gendered identities. There is also a story of the astonishing extent to which they are exposed to and at risk of various forms of violence and how the combination of their communities' failure to recognize them, social service agencies' failure to support them, and law enforcement's aggressive posture toward them leaves them in very precarious positions. Finally, there is a story of the ways that the work against mass incarceration has been unresponsive to their plight. In the end these young queer Black women are left, as Shelia said, "to raise themselves up" without allies, advocates, or analysis.

Our capacity to understand them, build prevention or intervention programs to support them, let alone to organize antiprison struggles around them is limited by the dominant paradigms we use to study incarceration and the ways we understand gender violence among young people. The efforts to respond to their needs are thwarted by our inability to develop a complex analysis that includes systematic and simultaneous attention to both individual agency and structural inequality and to racism as well as gender oppression (including compulsory heterosexuality). Our intellectual and political agenda will not accommodate the challenge that their reality poses; they threaten both the gender-neutral analysis of racism that characterizes much of the antiprison work and the race-neutral analysis of patriarchy and sexuality that many feminist scholars and activists rely upon. Politically, some antiprison activists worry about losing the focus on the issue of mass incarceration to studies of queer sexuality and deviance. Indeed, although these stories pose a serious challenge to the rhetoric of the antiprison project, I hope to show that they also provide an opportunity for a reformulated, more radical antiprison praxis.

### Young Black Lesbians in Detention

Although we see a troubling increase in the population of young African American women imprisoned or under state supervision in United States, it is important to note that contrary to popular media images, there is no new crime wave among Black girls.<sup>4</sup> On the contrary. Despite the image that has been constructed of them, girls in jails, prisons, and detention centers and under state supervision are less dangerous to the world around them than the world is to them.

When compared with their white counterparts, Black girls have a much higher rate of arrest, quickly becoming one of the fastest-growing cohorts of incarcerated people in this country.<sup>5</sup> Studies of the pattern of their lawbreaking reveal little evidence that they commit more serious crimes; however, the

charges they face are more severe, their cases are less likely to be dropped, and bail is set at such high rates that African American girls are more likely to serve time in pretrial detention than was previously the case.<sup>6</sup> Their lawyers, who are more likely to be public defenders, are less likely to arrange a plea bargain for them, and so they are more likely to serve time as sentenced juvenile offenders in correctional facilities far away from their families.<sup>7</sup> They are more likely to serve their whole sentence today than five years ago, and even when released, they face the long-term consequences associated with having a juvenile conviction that will follow them throughout their lives.

When compared with their Black male counterparts, who, arguably, share many of the cumulative affects of the disadvantaged circumstances and negative consequences mentioned earlier, girls like those whose stories were shared at the beginning of this chapter are much more likely to have been sexually assaulted in both the public and the private sphere and they are less likely to be protected by adults in their lives.<sup>8</sup> On average, they are less likely to receive services or treatment and more likely to run away and attempt to survive through prostitution or establishing relationships with an adult who uses their sexuality to exploit them.

If they are abused or witnesses to domestic violence, girls are more likely to cope with abuse by using drugs or alcohol (and thus are labeled addict not survivor); they face a set of unique reproductive health problems, such as pregnancy, which results in their being studied as threatening unwed mothers rather than rape survivors.<sup>9</sup> Later in their lives, they are more likely to face abuse in their adult relationships and much more likely to face long-term physical and emotional consequences as a result of this abuse.<sup>10</sup> They are also more likely to face social consequences as a result of abuse, such as poverty and involvement in illegal activity.<sup>11</sup> The abuse they experience is more likely to be from multiple perpetrators, including authority figures upon whom they rely for access to services but ultimately face further disenfranchisement.<sup>12</sup>

In order to register fully the challenge that young Black lesbians in detention pose to the antiprison project, a more empirically based review of the literature is warranted. It is worth noting at the outset that most of the research does not explore sexuality as a distinct variable, so in places inferential conclusions must be drawn. Still, as the following data will suggest, young Black lesbians from low-income neighborhoods are profoundly vulnerable and this vulnerability leads some to be involved in illegal activity in very particular ways. Linda's account of sexual harassment is one example. Affecting 84 percent of all young women in this country,<sup>13</sup> the sexual harassment of this population ranges from milder forms such as pornographic graffiti and comments on their body parts to more aggressive physical assaults, reported as early as during elementary school years.<sup>14</sup> Thirty-one percent of girls experience sexual harassment often, and 13 percent report being "Forced to do something sexual at school other

than kissing.<sup>15</sup> The rate of sexual harassment of lesbians is between 30 and 50 percent as reported by advocacy groups. This harassment tends to be ignored in formal studies because of the assumptions of heterosexuality that prevail in scientific research.<sup>16</sup> As Linda suggested, even getting to school can pose a physical and emotional risk for young women in neighborhoods where street harassment is part of their journey.<sup>17</sup> The extent to which young women like Linda describe feelings of shame and embarrassment is significant; 25 percent of young women who experience sexual harassment report that they had, indeed, stayed home from school or away from classes because of fear of being harassed or abused.<sup>18</sup> There is some evidence to suggest that these concerns are even more serious and limiting for lesbians,<sup>19</sup> helping to establish the link between sexual harassment, fear, truancy, and juvenile delinquency of young queer girls.<sup>20</sup>

Keisha's account of staying home renders the analysis of gender violence and sexuality even more complicated. For girls like her, home is not a safe place, for, in addition to the possible legal consequences associated with truancy, the risk of physical and sexual abuse of young lesbians in their homes represents a serious problem. According to the national data, unwanted sexual attention affects 54 percent of all girls regardless of sexual identity, which includes 24 percent of all girls who have experienced rape or coercive sex and 17 percent who have experienced incest.<sup>21</sup> National surveillance data indicate that young women experience the highest rate of victimization.<sup>22</sup> As is the case with adult women, roughly one third of all rapes take place during daytime hours, half occurring in or near the victim's home.<sup>23</sup> Of the adolescents who have run away from home, an astonishing 68 percent reported forced intercourse before they left.<sup>24</sup> Lesbians have one of the highest rates of any subgroups of adolescent runaways.

Research on relationship violence—the type that Angel described—suggests that 35 to 50 percent of young women who are dating experience some level of physical abuse.<sup>25</sup> Ethnographic data on Black youth have suggested that the nature and extent of this violence are severe and that even when these young relationships begin and end quickly, they put young women in them at very significant risk.<sup>26</sup> Although partner violence in same-sex relationships is relatively understudied, it has been established as at least as severe as and even more complex than violence between heterosexual partners.<sup>27</sup> Analysis of dating violence among adolescents reported in the *Journal of the American Medical Association* suggests that girls with a history of physical or sexual abuse from dating partners experience the kind of serious consequences (including illegal activity) that the young women described in the support group highlighted. For example, those who are hurt by their dating partners are significantly more likely to engage in substance abuse, including cocaine use, and they are four to six times more likely than their nonabused peers to become pregnant.<sup>28</sup> It is

important to note that for some young women who identify as lesbians, the heterosexual imperative leads them to have sexual relationships with boys as a way to avoid shame and stigma.<sup>29</sup> For others, the risk of rape by peers is heightened if their sexual identity becomes known.<sup>30</sup> Even though most research on pregnancy and rape does not disaggregate the data according to sexual identity, between 11 and 20 percent of all girls who become pregnant do so as the direct result of rape, and there is little reason to assume that these studies do not include young women who are lesbians or involved in same-sex relationships.<sup>31</sup>

The extent to which this threat of abuse and forced pregnancy extends to young women, including lesbians, who are in relationships with older men has been established by inferential analysis. There is evidence that in relationships where there is a wider than usual age differential (and by extensions other power imbalances) the risk of abuse is greater. Adult men are responsible for over 59 percent of the babies born to girls fifteen to seventeen years old.<sup>32</sup> Although experiences such as Nicki's of forced intercourse during a sex-for-money transaction are not well studied, it is known that males involved in teen childbearing may not be dating partners but rather adult men who pay adolescents for sex.

Further analysis of the research on prostitution in the United States illustrates the vulnerability of lesbian adolescents in low-income communities of color. National estimates suggest that there are more than 300,000 young women involved in the illegal sex industry in the United States.<sup>33</sup> The arrest rate for juvenile prostitution and other crimes is increasing, the sanctions are becoming more severe, and it could be expected that there would be a disproportionate impact on Black queer youth.<sup>34</sup> In self-reported data, female heterosexual and lesbian survivors of sexual abuse are four times more likely to report exchanging sex for money, often as a way to survive as a runaway. Further, the extent to which early childhood abuse leads to later criminality for adult women has been clearly established by several national studies.<sup>35</sup>

Tiffany's account suggests how complex the issues of sexuality are and how central they are to the pattern of criminalization of Black lesbians. Her story of the consequences of a stigmatized queer identity is supported by the research that suggests that lesbian, gay, bisexual, transgender youth face serious emotional and social consequences, including rejection from family and harassment from peers that is often violent in nature.<sup>36</sup> Where there are few causal studies linking violence toward queer youth and their involvement in illegal activity, it has been established that isolation, abuse, and fear may complicate adolescent antisocial behavior. When combined with the systems' pathologizing of sexual minorities, further negative outcomes can be expected. In fact, the lack of response to these young women as victims *and* as targets of harsh law enforcement strategies has heightened their vulnerability. Left without official institutional protection, activist advocacy, or community support, some young

Black lesbians respond to persistent victimization, threats to their physical and emotional well-being, and the ongoing assault on their psyche by acting in ways that put them in conflict with the law: running away from home, becoming truant, carrying weapons, “buying” protection through associations with male peers or adult men, creating public disturbances, using violence, and selling sex for money or drugs.

The race and class dimensions of the social pattern require explicit discussion. Neither the data on incarceration nor research on gender violence against young women is analyzed by sexuality. However, it is obvious to most social theorists and most activists that there are key differences in the ways that differently situated people experience victimization. As the stories so clearly suggest, cultural factors, institutional racism, and patterns of gendered reactions to subordination have a profound impact on how girls experience aggressive penal practices.

Young Black lesbians not only are more vulnerable to race and class factors that lead to mass imprisonment but also are victimized by similarly situated men and are revictimized by the criminal justice system once they are in it. At best, this population of prisoners is ignored or misunderstood. Worse, they are overtly criminalized because of their stigmatized identities as African Americans, as young people, as young women, and as lesbians. The strategies they use to ensure even minimal safety and small measures of protection are so far outside the dominant understanding of crime and justice that even those who advance a progressive racialized analysis of mass incarceration leave them politically and programmatically unprotected. In the remainder of this chapter, I will show that Black feminist and queer approaches can offer both theoretical and strategic remedies.

### A Queer Antiprison Project

What would it be like to “queer” antiprison work? To add theoretical complexity to our understanding of the various forces that lead to social disadvantage and the overimprisonment of certain groups? How can we expand our understanding of the deadly impact of the security state apparatus to include regulation of sexuality (including but not limited to queer sexuality)? What role do communities of resistance play in this equation? What does the term “queer” mean in this context?

A serious exploration into these questions would require that we take as a starting point the need to interrogate the ways that gender, sexuality, race, and class collide with harsh penal policy and aggressive law enforcement to entrap young Black lesbians. To begin this interrogation, I offer a brief review of three prevailing analyses that, in my view, constrain the potentially radical project: dominant feminist understanding of gender violence, the civil rights analysis

deployed by lesbian, gay, bisexual, and transgendered (LGBT) activists to frame sexual liberation issues, and the race/class analysis of criminalization. Although each of these approaches provides some theoretical momentum, their impact is limited because they fail to consider the ways in which other variables intersect with sexuality. I offer a different—“queer” paradigm as an alternative.

Feminist researchers and activists who subscribe to mainstream “race-neutral” analysis have firmly established the problems of gender violence as a problem of the abuse of power and patriarchal control of women by men.<sup>37</sup> The advocacy and policy reform that result from this analysis depend heavily on the ability to establish a set of universal vulnerabilities that all women experience similarly. The rigor with which this perspective is argued leaves very little room for the consideration of difference based on race, class, age, sexuality identity, or involvement with illegal activity.<sup>38</sup>

A similar critique could be made of that dimension of the “gay liberation movement” that relied primarily on a mainstream “civil rights” analysis of discrimination based on sexuality.<sup>39</sup> The theoretical work and the subsequent activism on behalf of LGBT people that grew out of this approach focused on civil rights arguments, challenging laws as a way to gain full access to constitutionally guaranteed opportunity and protections. Increasingly, this approach has been a principal organizing strategy, and although many successes have resulted from this approach, the extent to which this political strategy depends on the ability to frame demands for equal rights on respectability is significant.

Those within the LGBT movement who rely on a mainstream civil rights analysis of the problem consider access to mainstream social institutions to be possible and desirable, especially for those who can prove themselves deserving because of their otherwise privileged status. The LGBT people whose primary concerns fall outside the narrow confines of that approach, those whose race, class, appearance, or lack of interest in marriage or other institutional privilege, are seen as threats to the larger civil rights-oriented project of LGBT liberation. Indeed, there is virtually no space in the public discourse that emerges from this analysis for consideration of queer youth who are juvenile delinquents or people who are arrested for nonnormative sexual identity or practices.

The last analytical approach that requires mention in this discussion is the argument that understands imprisonment as fundamentally a question of structural inequality based on race and class and directed toward youth of color. Advanced in a well-crafted set of arguments related to the long-term impact of racial inequality and divestment from low-income communities in the United States, this analysis links issues, such as poverty, concentration of disadvantages, and biased law enforcement, to the criminalization of youth and low-income people of color.<sup>40</sup> It centers racism as the master narrative, not allowing much room for an understanding of the variables of gender and sexuality. As with the dominant approaches to issues of LGBT rights and ending

violence against women, my objection is not with the essence of the analysis of structural inequality as a cause of mass incarceration. Rather, the conceptual and political concern with the aforementioned analyses is the extent to which they are static and preclude considerations of other key dimensions of the problem of imprisonment. This critical review presents a necessary backdrop to developing a different analysis, building on (rather than simply rejecting) the premises of the white feminist movement to end violence against women, the civil rights-oriented LGBT liberation work, and antiracist work against mass incarceration.

A queer antiprison politic would call for a dramatically different way of understanding the criminalization and incarceration of young Black lesbians, beyond the three prevailing analyses that might be brought to bear. As the following discussion will show, the stories of Black lesbians in detention demand a queering of antiprison work and the establishment of a more radically oppositional perspective that will broaden the political and intellectual agenda against mass incarceration beyond U.S. borders. Strategically, this would require a reframing of questions of power and deviance embedded in the issue of imprisonment as a way to problematize issues of gender and sexuality within the context of antiprison activism.

Queering the antiprison project requires that we remember that in the most general sense, antiprison work has been a project attempting to look critically at how deviance and, by extension, criminalization have been socially constructed to serve people in power. The contemporary mechanisms of mass incarceration and the associated prison-industrial complex must be understood, at their core, as a project that relies on the production of a criminal class who play a key role in feeding the economic and political interest of the conservative state. Simply put, because prisons require prisoners, criminals must be produced. In the contemporary context, we see a vicious and elaborate web of new laws that require increased sanctions, aggressive policing strategies, and harsh sentencing policies. The system is buttressed by persistent poverty, virulent racism, and the rapidly narrowing of social options for poor people. The targeting of young people from low-income communities of color as “good candidates” for transformation into prisoners, combined with the steady erosion of citizenship rights, keeps the revolving door between correctional facilities and communities spinning. From this point of view, it should be no surprise that those who are the most vulnerable will be the first targets. A truly radical antiprison project would then have to look strategically at how mass incarceration affects the most marginalized groups in order to build an effective praxis of resistance.

That is the promise of queering antiprison work. Such a project would explore the ways in which gender and sexuality factor into the equation where race and class are so solidly placed. Instead of allowing racism and economic

inequality to stand conceptually on their own, a Black feminist queer theory of criminalization would enable an analysis of race and class to work alongside heteronormative imperatives.

At the most basic level, this shift would add variables so that antiprison activists would challenge a broader range of processes of criminalization. Child maltreatment charges for substance abuse during pregnancy; involvement in prostitution, which in some states can lead to a felony sex conviction; and the criminalization of consensual sexual relationships between same-sex partners are obvious examples. Currently, these issues fall outside the antiprison work that is based only on an analysis of structural inequality and focuses on issues such as the death penalty and police mistreatment. Although these issues are critically important, it is important to note that there are more people affected by behaviors that have been criminalized because of “sexual deviance” than capital crimes.

This is certainly true for the young women whose stories were told earlier in this chapter. If we relied on Black feminist theories of queer sexuality (where gender is linked directly to power even in poor communities, where nonnormative sexuality is considered adaptive rather than pathological or inconsistent with a race analysis and where variables are understood to intersect), we would be much better prepared to respond to their situation. We could explain how a queer young Black woman can be both a victim of violence and also use violence, how she may identify as queer but also engage in heterosexual activity because of the pressure of heteronormative imperatives, and how even though she and her peers are stigmatized and labeled as outsiders, they still turn to their community because they share a race and class identity with those who isolate them. We might be in a better position to understand their agency as well as their vulnerability to the label of “deviant” and their subsequent criminalization.

Such a lens opens other possibilities. An analysis that positioned gender and sexuality more centrally in the analysis of masculinist tendencies of the law would offer new and productive ways to discuss judicial bias. A Black feminist analysis of Black masculinity would help explain why some men can trace their legal trouble to complicated gender expectations in communities of color and the tenuous relationship with signifiers of patriarchal privilege that are bound by racism.

A Black feminist queer framework would prompt investigations that are both qualitative and quantitative in nature about the process of criminalization and the rate of imprisonment of LGBT people, as well as those who express, demonstrate, or are thought to be involved in transgressive, deviant, or alternative expressions of sexuality. Antiprison activists and scholars would therefore be able to develop a more complicated and sophisticated theoretical understanding, which would lead to a more successful intervention and more radical praxis. The impact of our work would be much further reaching and

would include groups who have very little interest or trust in the antiprison work in which we currently engage. And, in the end, young Black lesbians who are living in detention centers because of their multiple identities in dangerous times would have a greater change of being free. That, it seems to me, is the most compelling imperative to queer the antiprison project in the face of increased and concentrated imprisonment.

## References

- I would like to acknowledge Cathy J. Cohen, Lisa P. Jones, and Julia Sudbury for their contributions to this chapter.
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