

ing raped. Given the general underreporting by women in the area of sexual assault, the actual percentages are likely to be much higher.⁶³ The INS incarcerates many women asylum seekers who are fleeing gender-based violence in their home countries; such women may be detained for years without outside contact. Both detainees and prisoners receive little support in facing nightmares, depression, suicidal impulses, and other symptoms resulting from severe trauma.

Sexist and patriarchal notions about women affect the way guards respond to women's complaints and infractions of disciplinary rules. Cassandra Shaylor comments that women at Valley State Prison for Women who speak up and fight back are more likely to end up in isolation in the prison's Security Housing Unit (SHU). For example, if a woman is raped by a guard and becomes pregnant but refuses an abortion, she can be sent to SHU. In essence, Shaylor argues, women prisoners become property of the state.⁶⁴ At the Women's Correctional Center in Montana, according to Luana Ross, both gender and race are treated as forms of deviance warranting additional punishment. Notes Ross, "Native women are disproportionately represented in maximum security: out of eleven women, six are Native. This ... relates directly to Native prisoners' relationships with white guards."⁶⁵

Homophobic practices are also intensified in the prison environment. Lesbian relationships are interpreted in an exclusive context of violence and victimization, with no recognition of consensual relationships. Some women may be lesbians independently of their incarceration; for others, a lesbian relationship may serve as an adaptation to the prison environment. In either case, homophobic, voyeuristic, and oppressive labeling of lesbian relationships can make intimate relationships difficult or impossible to maintain, even though they may be fundamental to prisoners' sanity. Any expression of affection, whether sexual or not, may be penalized. Lesbian couples identified as such may be separated and beaten. Women perceived as butch may be viewed as always trying to make sexual advances to other prisoners, even though male guards may pose a far greater threat. Books and publications about lesbianism, or a lesbian prison visitor, may be thrown out.⁶⁶

Jackie Walker, AIDS Information Coordinator of the ACLU National Prison Project, comments that lesbian partners of prisoners may be harassed during visitation. Individual wardens may impose arbitrary policies prohibiting women from touching one another or even doing one another's hair.⁶⁷ Luana Ross argues that homophobic fantasies, fueled by media stereotypes, "see the imprisoned women as the 'hardened bull-dyke' lurking in the halls, waiting to rape her next victim. Gay women can also be seen as 'unfit mothers' and denied visits with their children, punished excessively, and put in maximum security."⁶⁸

Violence in the Home and Family

The supposedly private space of the home and family is another significant site of enforcement violence against women. The discussion below explores two key concepts: intrusions by law enforcement into the home; and the impact of enforcement violence on women's roles as mothers, and, more generally, caregivers. Both home and family have been pivotal concepts in the development of women's organizing; the present discussion challenges us to rethink our understanding of these social arenas.

Home

As noted in the previous section, the mainstream women's anti-violence movement has sought to protect women from battering by advocating for a more active response from police agencies. The underlying assumption of this strategy is that government intervention is the best way to protect women from intimate violence in their private homes. However, communities of color, both immigrant and US-born, also face a significant threat of violence in the home from state authorities. The supposed privacy and sanctity of the home is a relative concept, whose application is heavily conditioned by racial and economic status.

Police trainings promoted and administered by domestic violence agencies have brought about undeniable improvements in the way police respond to domestic violence calls. In some ways, however, this strategy of reform has backfired. Women who turn to police for protection from battering may still face humiliation or abuse from officers, implicit and sometimes overt encouragement

of the batterer, and wrongful arrest of women as the primary aggressors. Such problems may be compounded through deportation of the batterer against the woman's wishes or disproportionate arrests of men of color.

Women—primarily but not exclusively women of color—must also face the intrusion of law enforcement into their homes in the pursuit of drug or immigration raids, often on the flimsiest of legal grounds. Since home is a space where women are often found, either as homemakers or as primary caretakers (in addition to any role they may play as breadwinners), enforcement violence in the home affects women's lives in a central way.

Numerous cases have been documented in which law enforcement authorities have illegally entered private homes, often when it should have been clear that the person they were seeking did not even live there. Women often face the brunt of such raids, either directly or when they come under suspicion of being accomplices or possessing information about the primary suspect. Such raids can lead to the destruction of property, violence, and illegal arrests, as well as to more drastic consequences such as the temporary or permanent separation of mothers from children, deportation, and the breakup of families. Factors that can render home intrusions particularly traumatic for women include the presence of children, pregnancy, state of undress, and the sense of responsibility for the home and everything in it that women carry as primary caregivers.

House raids by immigration authorities are a frequent occurrence in the regions along the United States-Mexico border. Amnesty International has documented cases of homes being invaded and searched without notice and family members being deported if they were unable to produce appropriate identification.⁶⁹ Tucson attorney Jesus Romo represented a family subjected to such a raid in Nogales, Arizona. Their complaint against the Border Patrol agents involved notes that the woman of the house and her child are US citizens; her husband is a permanent resident. One evening in 1997, Border Patrol agents "pounded" at their home; when the husband answered the door,

one of the agents threw the sliding door open and burst in ... Once inside, the agents asked [the man] for his papers and then

proceeded to confront the frightened child and mother, screaming for "papers." The agents proceeded to search the house without ever asking for permission from anyone in the house. They ... stayed in the household for approximately thirty minutes, causing panic and terror to the occupants.... They never asked for permission, and during their entire stay ... they acted as if the Plaintiffs were under arrest and the agents had the absolute right to go through the Plaintiffs' personal property and rooms without permission.⁷⁰

As a result of the trauma of this incident, the woman of the house, who was two months pregnant, miscarried within forty-eight hours. Home invasions by police are similar to those by immigration agents, with frequent reports of the destruction of property or forced entry. According to one case report,

In New York, a fifty-year-old African American woman was lying in her room and her daughter and dog were in the living room. The daughter heard a drilling noise and went to the door to check it. Just then the cops burst in.... The daughter ran out of the room scared—they shot after her and the bullet went into the wall. She ran to her mother's door. The cops grabbed and pulled her back and broke down the bedroom door. Five officers ran in cursing, wearing riot gear with their faces hidden. They told the woman "to shut the fuck up." They picked up the bed and said, "there is nothing there." They claimed they had reports of heavy drug activity but the women told them they had the wrong house. They made the mother and daughter stand in the hallway in full view of the neighbors while they searched the house. They took them to the precinct, kept them locked up for several hours, and gave them a summons for half a joint and a \$3 bag of marijuana they said they had found.⁷¹

Women may be suspected of withholding information if they are related to a man police are looking for. In other cases, the police have broken into homes searching for people who did not even live there.⁷² Case reports from police accountability groups paint a picture of police behavior that includes physical violence, display of weapons, use of helicopters, wanton destruction of property,

and false arrests. The scale of such actions is entirely disproportionate to any legitimate law enforcement objective.

The aggressiveness displayed in drug and immigration raids is very much at odds with the behavior of law enforcement when called upon to defend the rights of those who are vulnerable and oppressed. In 1999, I received information about a live-in domestic worker, a recent South Asian immigrant working in the home of a wealthy suburban professional couple. She was working around the clock for almost no wages and was forbidden to communicate with the outside world. She was desperate and wanted to escape but did not know how. As immigrants' rights advocates, my then-coworker and I knew that if we simply showed up at the home where the woman was being held, we would be lied to or accused of trespassing. We contacted the police discreetly since she was undocumented. They said they could not help us communicate with her employers and that if we approached them we would be charged with trespassing. In this case, the privacy of these wealthy employers' home was held to be inviolate, while the plight of an immigrant worker being held in a condition of involuntary servitude was not serious enough to merit police action.⁷³

The types of home intrusions described here have resulted in numerous community-based campaigns and legal challenges from legal activists, immigrants' rights organizations, and a variety of watchdog groups. In particular, house raids have been a major focus for organizations seeking to stop INS raids. As in other instances we have cited, however, there has been little involvement by women's organizations in such initiatives, while efforts by enforcement accountability groups have reflected little understanding of women's experience of violence, particularly the ways in which women may be caught in an unbearable double bind when they face violence from both batterers and law enforcement.

Motherhood and Caregiving

The term "motherhood" has traditionally evoked the experiences of economically secure women living in nuclear families—as homemakers, or, increasingly, as affluent professionals. Working-class women and women of color have fought to expand

the discussion of motherhood to include women who are impoverished or working poor, single women, and "physically absent" mothers such as live-in domestic workers or migrant workers. Our understanding of motherhood and caregiving has also expanded to reflect the experiences of lesbian families, extended families (which are more common in communities of color), and other "nontraditional" (that is, non-nuclear) families.

Survivors of enforcement violence challenge us to expand these notions once again to include an understanding of how the caregiving role is shaped for some women by their encounters with the state. The stories presented in this section illuminate how women may be held responsible for parenting even when they have little control over it. We will see how enforcement violence may cause women to be criminalized as "bad" mothers—or to see their lives violently disrupted as they strive to fulfill the responsibilities of motherhood.

Ultimately, violence and other abuses of human rights by law enforcement reconfigure motherhood as a tool for greater state control of women and their communities. As members of extended families—grandmothers, aunts, sisters, and so on—women must also face violent and protracted disruptions of family life caused by enforcement violence, even when authorities did not "come for them."

Such experiences have given rise to organizations led by mothers and caregivers who support each other and organize around enforcement violence and its effects on their families. Examples include Parents Against Police Brutality in New York; Mothers for Freedom in Miami, which focuses on INS detention; and the Boycott Crime Coalition in Newark, New Jersey, a grassroots coalition addressing both police brutality and abusive prison conditions. Legal Services for Prisoners with Children, one of the first organizations to work with prisoners and their children, helped start the Grandparent Caregiver Advocacy Project, in recognition of the role of extended families in prisoners' lives. Locally based grassroots organizations focusing on these issues exist in many parts of the country.

Policing

As women represent an ever-larger proportion of immigrants, increasing numbers of mothers, including single mothers, are affected by INS raids. According to statements compiled by the Washington Alliance for Immigrant and Refugee Justice, a series of INS raids at the Brewster Heights Packing Plant in 1997 and 1998 picked up "lots of women who are single moms with kids in school here in Brewster."⁷⁴ One mother described a raid in March 1998 in these words:

I hid behind a machine.... After they found me the first time, I escaped again and hid in the bathroom. Four agents came in and found me hiding there. They put me in the van and I gave my name and answered other questions they asked. I have five children and I told the agents that I wanted to be with my children. The agents were trying to convince everyone to sign voluntary departure. They said a bus was coming and they could get on it and be in Mexico faster. I, along with another woman, said I would sign voluntary departure if I could get my children to come with me. The agents told us they would get a bus for all of them and they would go get our children. They said this to scare them into signing, thinking we would not want the INS to go get our children. But I told them that was fine with me—I just wanted to be with my children. I called my children and told them to get ready to go.⁷⁵

In addition to the difficulties faced by most mothers in juggling the responsibilities of jobs and parenting, immigrant women face the enormous burden of being continually alert to the possibility of having their family life turned upside down in a matter of hours. Both legally documented as well as undocumented women may be detained and even deported in INS raids.

Immigrant mothers must devise contingency plans for their children in case they are taken away, given that once they are detained, there is little opportunity to make alternative child-care arrangements. Women may need to decide whether or not to take their children with them if they are deported. Children also increase women's vulnerability to coercion by the INS, which may use children as leverage to induce women to sign documents (such as volun-

tary departure) that they could legally refuse to sign.⁷⁶ In Miami, a Mother's Day action in 1998 denounced an abusive and violent workplace raid by the INS the previous month, in which legally documented as well as undocumented women were rounded up.⁷⁷

As primary caregivers, women are often accompanied by their children while running errands. In border towns, being stopped by law enforcement on such everyday occasions is not uncommon. Mothers have been humiliated by being abused by agents in front of their children and have witnessed their children being violently handled while they are helpless to do anything about it. Women who are not directly targeted by INS or Border Patrol agents generally assume responsibility for taking care of the needs of family members who have fallen into the hands of authorities.

US-born women of color face similar anxieties in encounters with police. Mothers may be threatened with major disruptions of family life, including losing their children to the foster care system. In California, "there is no law requiring police officers to allow parents to make arrangements for the care of their children at the time of arrest."⁷⁸ The example below is drawn from case reports collected by police watch groups:

In Stockton [California], a 27-year-old Latina mother was getting her kids ready for school. The police loudly banged on her door, broke it in with guns although she was going to open it, knocked her over bleeding and almost unconscious. Her kids were thrown all over the place. They claimed that they were looking for crack and some man who clearly did not live there.⁷⁹

It is usually women who deal with the aftermath of an encounter with law enforcement, beginning with finding money for bail. Mothers frequently try to ensure fair treatment for their sons at the hands of the police; in the process it not uncommon for them to be assaulted and detained.⁸⁰

A different type of problem is faced by women of color who are arrested or accused of negligence. One well-known case is that of teenage mother Tabitha Walrond of New York, who was unable to obtain adequate medical advice for her newborn due to processing delays and mix-ups by Medicaid and the hospital involved. Af-

ter the death of her son, she was charged with recklessly causing his death and was convicted of criminally negligent homicide, a verdict that could have drawn a prison sentence of four years. Walrond's case drew a great deal of public attention and she was ultimately sentenced to five years of probation with mandatory counseling.⁸¹

The attitudes and actions of law enforcement and other agencies of the state reflect a familiar contradiction, in which women of color, both immigrant and US-born, are prevented from caring adequately for their children, while they are simultaneously accused of child abuse and neglect. A white suburban housewife who stays home to care for her children is applauded, while a poor woman of color who seeks state support to do the same is stigmatized as lazy. An undocumented mother who crosses the border in order to be able to provide for her children is seen as negligent for exposing her children to the considerable risks involved—even though such risks have been entirely created by shifts in state policies over recent years.

Jailing

According to Human Rights Watch, "more than two-thirds of all incarcerated women have at least one child under the age of eighteen, and the majority of these are single mothers."⁸² Motherhood is a compelling force in the lives of many prisoners, and their children may provide a fundamental motivation to rebuild their lives. Women caught up in the criminal justice system, however, are stigmatized far more harshly than men, resulting in profound suspicion by authorities of their ability to be good mothers.

The rapid rise in the incarceration of women of color has led to situations in which mothers and daughters from the same family, and even grandmothers, may all be incarcerated. In the process, mothers are held solely accountable for society's inability to provide a healthy environment for their children. An overriding issue for incarcerated mothers is the lengthy separation they face from their children, coupled with the diminishing hope of ever getting them back.

Both conventional prisons and INS detention are designed in ways that, rather than aiding women to maintain a bond with their children, instead make it as hard as possible. Women sentenced to federal prison are generally shipped out of state, where they may

lose touch with their children and families.⁸³ Services that do exist to support family reunification owe a great deal to sustained pressure by advocates and affected communities.

If a woman with a child is arrested, she often turns to female relatives—her mother, grandmother, aunt, sister, or older daughter—to act as caregivers until she is released. Relatives are routinely investigated by child welfare authorities, and any past criminal record may lead to the child being placed in foster care. Even when a woman is able to obtain a caregiver or guardian, she still faces serious obstacles in maintaining a relationship with her children, who may be her only lifeline. Factors such as intervention by child welfare authorities, the loss of a caregiver, or the caregiver's lack of commitment to keeping the mother in contact with her child may lead to permanent loss of custody.

Once children are placed in foster care, women prisoners face further obstacles maintaining, not only contact, but also parental rights. The foster care agency may move the child without telling the mother; if the mother does not know where her child is, she may be accused of neglect and abandonment.⁸⁴ In California, the Department of Corrections is not required by law to transport women to foster care hearings, yet judges may regard their absence as evidence of the woman's lack of interest.⁸⁵

Donna Wilmott of Legal Services for Prisoners with Children underscores the permanent family destruction caused by the INS detention system.

The vast majority of immigrants are deported after completing their full sentences.... Even if a woman has lived her entire life in the United States, had children here, and obtained a green card, the chances are high she will be deported.... The present policy of deporting people regardless of where their real community ties are is inhumane.⁸⁶

The Extension of Caregiving

In the case of policing, often there is no clear boundary between the person who is mainly affected by law enforcement and their family members or caregivers. Once someone is incarcerated, however, the sharpest of lines separates those inside prison walls

from those outside. Emphasizing the role of women as caregivers for prisoners is not to detract from efforts to support the person who is incarcerated. Rather, it illuminates how women often become invisible when enforcement accountability efforts focus exclusively on the experience of a single (usually male) victim of enforcement violence, and reinforces our understanding of incarceration as a community rather than an individual experience.

Renee Wormack Keels is a member of Silent Warriors, a Massachusetts support group for mothers with sons and daughters in prison. She writes:

My oldest son is in prison.... I attended the trial every day until the jury was given the case.... my son [was] found guilty AND sentenced, all at the same time. I was overwhelmed.... There was no one with whom I could share my grief and heartache. I closed the door to my room and cried most of the day and into the night.⁸⁷

On death row, a large majority of prisoners are men; like most prisoners, they rely on women outside (mothers or partners) for most aspects of their lives. Guilt by association leaves women caregivers of death row prisoners heavily stigmatized; for some, even buying groceries can become a traumatic experience. When they visit their loved ones, they are treated with contempt and suspicion by prison guards.⁸⁸ When released prisoners rejoin their families, everyone in their home may be caught up in the scrutiny and searches of the parole officer. In government-subsidized housing, if a parolee is arrested or anything is found during a search, the family can lose their home.⁸⁹

In immigrant communities, one reflection of the extension of women's caregiving role is the leadership women have taken in challenging abuses of their family members by law enforcement authorities. In early 1999, Mothers for Freedom, a group supporting INS detainees, staged a hunger strike to protest conditions in Florida's notorious Krome Detention Center. The organization played a central role in bringing national attention to the issue of INS detention and in successfully pressuring the INS to change certain policies.

In a very real sense, women caregivers subsidize the United States government by taking care of the largest incarcerated population in the world. Sadly, entrenched patterns of sexism mean that women prisoners may not receive the same level of support from male partners outside; for example, Mary Fitzgerald of Justice Works notes that women prisoners often receive significantly fewer visitors than male prisoners.⁹⁰ Nonetheless, whether from inside or outside prison walls, women of color, both immigrant and US-born, struggle valiantly to prevent the state-sponsored destruction of their families and communities.

Violence Against Women in the Workplace

The door is opened to enforcement violence against women in the workplace when the struggle to earn a living is defined as a criminal activity. On the one hand, this criminalization of women's work stems from the heavy reliance of certain economic sectors on undocumented women workers: in service occupations, whether in motels or restaurants or as workers in private households; in agriculture, where women represent an increasing portion of farm workers; and in such industries as meatpacking, canneries, or the garment industry.

In other instances, women's work is criminalized due to the underground nature of certain types of work, such as sex work or drug sales. Anecdotal evidence suggests that women are a major portion of those who survive through a combination of small drug sales and erratic sex work, trapped in cycles of substance abuse, domestic violence, and often both.⁹¹

A focus on enforcement violence reveals many parallels between these diverse experiences of women's work, even though they are seldom considered together. In both instances, women are subject to harassment, coercion, and outright violence from law enforcement, whether the agency in question is the INS or local police. Although there are important differences in how law enforcement handles workers in these different circumstances, there are also striking similarities.

As "workers on the lowest rung of the occupational ladder," poor immigrant women "are especially vulnerable to exploita-

tion."⁹² Their workplaces are frequently targeted by INS raids, at the United States-Mexico border as well as in inland areas of the United States. AFSC's Maria Jimenez points out that the only type of labor regulation that receives plentiful government funding is control of the undocumented workforce, in sharp contrast to the level of government resources devoted to the enforcement of labor laws that protect workers.⁹³

Extensive documentation from human rights organizations, labor unions, and immigrants' rights groups verifies that workplace raids frequently affect legally documented workers and US citizens as well as undocumented workers. Immigration raids are frequently used by employers as a tactic to disrupt labor organizing efforts. Far from stopping the inflow of undocumented workers, INS raids serve to intimidate immigrant workers and keep them more vulnerable to exploitation by employers.

While INS raids subject undocumented workers to detention and deportation, "employer sanctions" enacted in 1986 have seldom been enforced. In recognition of this reality, in February 2000 the AFL-CIO reversed its long-standing support for employer sanctions, joining immigrants' rights organizations in calling for a new amnesty for undocumented workers.

The cases cited in previous sections have illustrated the impact of INS workplace raids on women as caregivers, as breadwinners, as mothers-to-be, and as sexual beings. It is important to note as well that current immigration policies favor the immigration of skilled high-tech workers and other highly educated people, most of whom are male, given their greater access to such occupations globally. Women are more often eligible to immigrate legally through family (especially spousal) sponsorship, so that they are dependent on their husbands (or sometimes fathers) to attain legal status.

Women immigrants thus face both class and gender bias in the way immigration policies are structured, which carries over into their interactions with the INS. The Washington Alliance for Immigrant and Refugee Justice reports the experience of a woman detained in an INS raid:

"Is it true that he is your husband?" he [the INS agent] said and pointed to my husband who was there. "Yes, and he put papers

in for me," I said.... There were others that were trying to tell him that we had papers in process, too. One woman had some papers to prove that her father had applied for her to get a green card.... This agent ... ripped up her papers. He said we were all liars when we said we had papers in process. I think they don't have the right to rip people's papers. This woman only had two or three years to wait until her papers came through. She's now in Mexico, but all her family is here.⁹⁴

Such an incident could cause a woman's application for legal permanent residence to be jeopardized or revoked.

Domestic work, which is primarily performed by poor women of color, both immigrant and US-born, is another industry that is rife with abuse by employers. Given the lack of decent and affordable child-care, the inexpensive child-care provided by immigrant women makes it possible for many professionals, particularly women, to go to work every day knowing that their homes and children will be safe. Immigrant domestic workers frequently work long hours without any benefits. They are subject to verbal and sometimes sexual abuse and are generally paid well below minimum wage. Many are undocumented, and employers often use the threat of the police and INS to keep them under control.

Sex workers describe many parallel experiences of enforcement violence and its impact on women's efforts to earn a living. The US Prostitutes Collective (USPROS) notes that "many prostitute women are mothers who can't support their children on women's low wages and are being criminalized for finding a way to survive."⁹⁵ Sex work, of course, is well known for its constant confrontations with the police. In addition, in cities where immigrant women are increasingly working as prostitutes, police may also work closely with immigration authorities.⁹⁶

Sex workers' encounters with law enforcement frequently entail a range of abuses, from verbal insults to coerced sex, brutal beatings, and rape. If the police know a woman to be a sex worker, they may harass her even when she is not working. Writing in

Gauntlet Magazine, Jeremy Hay notes:

The most common of police abuses that prostitutes face, requests for sex in lieu of arrest and verbal abuse, are also perhaps

the hardest to verify for purposes of complaint. "Blow me and I won't take you in," is an offer that many prostitutes recount having heard and also having turned down. It seems predicated on the assumption that prostitutes don't care who they have sex with and that they will do anything to avoid arrest. In fact, most experienced street prostitutes are resigned to the fact that they will be arrested over and over again, sometimes for questionable charges. What they object to most are the fear and indignities heaped upon them by bad officers who step beyond the line of normal procedure.⁹⁷

In Chicago, Mary Powers describes women prostitutes being picked up by police at bus stops on their way to and from work. The police ask for sexual services in return for favors.⁹⁸ In New York City sex parlors, local police may threaten to shut down an establishment if they are not given sexual services. Women picked up in police raids may be taken away in their underwear and have their possessions confiscated.⁹⁹

Transsexual women involved in sex work face abuse in even more complex ways. If the woman is unable to afford a sex-change operation, the legal documentation of her gender does not match her own gender representation, so she is essentially incorrectly documented.¹⁰⁰ In encounters with police, she may then become the victim of cruel jokes and other types of verbal abuse. Transsexuals are also subjected to unnecessary and illegal strip searches, presumably for the unofficial motive of gender identification.

USPROS participated in a Task Force on Prostitution established by the City of San Francisco in 1994, to ensure that the voice of sex workers was heard. The task force found that its costs taxpayers over \$7 million a year for the arrest, processing, and jailing of sex workers, even though most voters believe that victimless crimes like sex work should be a low priority for police. Groundbreaking recommendations calling for the decriminalization of sex work have been presented to the city. As USPROS observes, "The police use prostitution and/or suspicion of drugs to profile people they don't like the look of. Anyone they decide looks like a sex worker or hangs out with sex workers, looks transgendered or is Black, Asian, or Latino is stopped on the street, intimidated,

questioned, warrants checked, and very likely arrested."¹⁰¹

On the street, homelessness, drug addiction, and prostitution can often form a continuum of desperate strategies for economic survival. Many women who need treatment are met instead with enforcement violence. New York City activist Mary Barr was a homeless addict for three years, from 1993 to 1996. Today, she views her substance abuse as an escape from the emotional pain of separation from her children and a reflection of her hopelessness about ever living another kind of life. In two and one-half years on the streets, she was arrested forty-five times, but never once offered the option of treatment. Barr notes that women usually sell drugs to support their habits, not as large-scale drug traffickers. She comments that authorities "didn't have money to treat me. But they had money to take away my children," adding that it costs \$750,000 for the state to take care of a child until the age of eighteen, which is thirty times the cost of providing a year of substance abuse treatment.

In recent years, labor and immigrants' rights organizations have increasingly joined in contesting the criminalization of immigrant workers. The lens of enforcement violence permits us to see that in the end, the distinction between "legal" and "illegal" occupations is as limiting as the distinction between "legal" and "illegal" workers. In the case of undocumented labor, enforcement violence serves as one of the principal forces keeping wages low, since workers who live in a state of terror and clandestinity are unlikely to report violations of wage and hour laws or to organize to improve their conditions through collective bargaining. Likewise, although such phenomena are less widely recognized, the underground economy of drug trafficking and sex work, coupled with the lack of "legal" job opportunities, help maintain the cycle of violence, incarceration, and social breakdown that is devastating many urban communities of color.

Although sex workers and undocumented factory or field workers may have markedly different experiences, both reflect the growing criminalization of low-income communities of color, both immigrant and US-born. Both, likewise, form part of an unbreakable continuum of women's strategies for survival, which are

an expression of their commitment to themselves, their families, and their communities.

Looking Forward

As I have argued throughout this discussion, until we understand how women experience enforcement violence, we cannot fully understand how such violence affects our communities. Taking this one step forward, a community-centered perspective challenges us to go beyond a more conventional human rights framework, which seeks to hold law enforcement agencies accountable for violating the rights of individuals. Understanding abuse as a community problem permits us to focus on what strategies will best support the safety and self-determination of communities that find themselves under siege from state agencies.

Gender and Enforcement Violence

Home is a location in which women experience both "private" violence (for example, from intimate partners) and "public" violence (from state authorities). The larger project of defending women against violence and abuse urgently requires us to transcend the artificial and damaging divide in which progressive social movements tend to focus on the first type of violence while disregarding the second. By opening up our understanding of violence in the home, we will be able to better understand how law enforcement operates in communities of color, both immigrant and US-born: targeting the home when it comes to raiding it while avoiding or neglecting it when it comes to protecting the people inside, particularly women and children.

The situation is similar with regard to motherhood and, more generally, caregiving. Enforcement violence in poor communities and communities of color disrupts caregivers' ability to fulfill their responsibilities. At the same time, the legal apparatus of the state is used to accuse women of irresponsibility and abuse—with charges sometimes stemming directly from the harm caused by law enforcement or other public agencies.

An even more extreme example is that of the incarceration of women under the banner of "fetal protection," in which a sup-

posed concern for children is hypocritically used to justify the incarceration of women of color, particularly African-American women. In other circumstances, law enforcement authorities treat the outcome of a pregnancy as an unimportant concern, secondary to the imperative to maintain "law and order."

Advocates of women's rights would do well to consider what implications these assaults on the rights of poor women of color, both immigrant and US-born, may have for the rights of women who may not face similar intrusions from law enforcement. The constant erosion of constitutional protections for the rights of poor women of color weakens such protections for everyone. The state's approach to such women—whether they are migrant workers, pregnant defendants with substance addiction, undocumented workers, asylum seekers, or prisoners—may be taken as an indication of the true value accorded by our society to motherhood, family, home, and women's work.

Caregiving and Criminalization

Feminist critiques have highlighted how women, who are the vast majority of caregivers, bear the brunt of economic restructuring—by working for the lowest wages under the most inhumane conditions; by working a double and triple shift as mothers, homemakers, and wage-earners; by taking on new caregiving responsibilities to compensate for the dismantling of social welfare, health care, and pension systems; and by securing the daily survival of their families in conditions of deepening impoverishment and economic dislocation. Today, increasing numbers of women face these challenges as the sole breadwinners for their families.¹⁰² This feminist understanding must be further expanded to take account of how caregivers are affected by enforcement violence. Such violence represents an assault on the integrity and viability of our communities, reflecting broader social processes of criminalization.

Bridging the Immigration-Criminal Justice Divide

Law enforcement is increasingly a seamless web, in which authorities may move without hindrance between a traffic stop and

deportation, or a hospital visit and prison, or the airport and a maximum-security cell. This unrestricted integration of law enforcement operations is terrifying to contemplate, let alone to experience. Moreover, according to scholars, such integration, and the accompanying adoption of a national enforcement strategy, is also one of the hallmarks of a totalitarian regime.¹⁰³

At the same time, a variety of regressive legislation enacted in recent years has sharply restricted avenues for legal redress by those who are caught up in the law enforcement net. Reduced access to courts and to legal counsel has affected asylum seekers and other immigrants; prisoners, especially those on death row; and all poor people who rely on legal aid. Protections for due process rights have been seriously eroded by a series of court decisions.

The logic of such policies is similar, whether the specific language refers to "quality of life" policing, drug interdiction, counter-terrorism, or national security. All of these terms extend a false promise of increased safety in exchange for restrictions on constitutional rights. In each case, a comparison of the experiences of immigrant and US-born communities of color reveals many parallels. The major difference is that some of these measures purport to protect the national borders of the United States, while others seek to defend interior borders of institutionalized racism and economic privilege. As long as each type of border is understood separately, however, unexamined beliefs about public safety, on the one hand, and national security, on the other, will continue to foster mutual suspicion and mistrust between immigrant and US-born sectors of the community.

New Alliances, New Strategies

What does it mean in practice to fight violence against women of color while simultaneously addressing the structural violence faced by the larger community? The New York-based Institute on Violence, which focuses on how violence is experienced by African-American women in Central Harlem, is one of several groups around the country seeking to develop a new model for anti-violence work. Working in partnership with Harlem Legal Services and the African-American Task Force, the Institute brought

together 300 community members to develop strategies for addressing different levels of violence. The purpose of this project is to strengthen the capacity of different sectors of the community (including residents and business owners as well as health and human services, cultural, religious, and recreational agencies) to respond to violence against women and to affirm the value of African-American women's lives.

In addition to working with community organizations and churches to help strengthen their ability to address violence against women, the Institute is also considering establishing a Community Police Council. As part of this process, it has held meetings with groups of residents to discuss strategies around the criminal justice system. These meetings brought together senior citizens, survivors of domestic violence, people in residential drug treatment programs, and people with disabilities. For everyone involved, the police were a "hot button" issue.¹⁰⁴

In exploring alternatives to an exclusive reliance on law enforcement for protection in domestic violence situations, the Asian Women's Shelter (AWS) in California is attempting to involve local communities in exploring how domestic violence takes place among their members and how to ensure that battered women are safe and supported. One issue that has come up is how to hold batterers accountable. As organizer Beekie Masaki of AWS observes, a close-knit community is a prerequisite for community-based models of accountability. The more communities of color are affected by multiple forces fostering social breakdown, the more difficult such an effort can be.¹⁰⁵

In the Boston area, AFSC's Criminal Justice Program, together with the Dimmock Community Health Center, has supported the development of a coalition seeking to work in new ways around issues of women caught up in the criminal justice system. Under the name "Women in Prison, Families in Crisis," this initiative has brought together people with experience in health issues, substance abuse, domestic violence, legal aid, and community organizing. Several members of the coalition are former prisoners or friends and family of prisoners. Using a community circle model, the group discusses how crime might be redefined as "harm," so

that the issue becomes how to address the harm caused to everyone involved in a "criminal" action—the victim, the perpetrator, and the community.¹⁰⁶

The initiatives described above are all important steps toward the development of new alliances and new strategies to address the devastating impact of violence, in all its forms, on low-income communities of color. Organizations and social movements that have come together around such issues as domestic violence, reproductive rights, sexual assault, immigrants' rights, INS detention, police accountability, and prisoners' rights bring sharply different views and experiences to the discussion. It is precisely by working through these differing and sometimes opposing views, however, that we can begin to address the complexities of the relationship between our communities and the state—and the centrality of women to the development of practical strategies for community self-determination.

- 1 Border control operations also include the US Customs Service, which is part of the Treasury Department, some reports of violence and abuse by customs agents are also included in this essay.
- 2 Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (Austin, TX: University of Texas Press, 1998), 12.
- 3 The Sentencing Project, briefing sheet (Washington, DC: 1997).
- 4 Interview with Jana Schroeder, Criminal Justice Program, American Friends Service Committee (Dayton, OH: 1999).
- 5 Lutheran Immigration and Refugee Service, "Immigration Detention in the United States" (Baltimore, MD: 1998).
- 6 Deanne M. Pearn, "And Justice for All: Understanding and Addressing Human Rights Abuses Against Women in Immigration Detention Centers," unpublished presentation, Women's Institute for Leadership Development for Human Rights (San Francisco, CA: May 11, 1998).
- 7 Interview with Donna Willmott, Legal Services for Prisoners with Children (San Francisco, CA: 1999).
- 8 Amnesty International-USA, "Police Brutality and Excessive Force in the New York City Police Department," AMR Vol. 51, No. 36 (New York: June 1996).
- 9 Daniel HoSang, "The Economics of the New Brutality," *Colorlines* (Winter 1999-2000).
- 10 Joel Najat, "The Historical, Political, and Legislative Context for INS Raids," in *Portrait of Injustice: The Impact of Immigration Raids on Families, Workers, and Communities* (Oakland, CA: National INS Raids Task Force, National Network for Immigrant and Refugee Rights, October 1998).
- 11 Timothy Dunn, *The Militarization of the US-Mexico Border, 1978-1992: Low-Intensity Conflict Doctrine Comes Home* (Austin, TX: University of Texas Press, 1996), 49 and 63.
- 12 Interview with Maria Jimenez, Immigration Law Enforcement Monitoring Project, American Friends Service Committee (Houston, TX: 1999).
- 13 Ethan A. Nadelmann, "Commonsense Drug Policy," *Foreign Affairs*, Vol. 77, No. 1 (January-February 1998).
- 14 NYC Police Watch, "How to Deal with the Police," resource packet (New York: n.d.).
- 15 Interview with Cassandra Shaylor, Legal Services for Prisoners with Children (San Francisco, CA: 1999). At the time of this interview, Shaylor was conducting doctoral research about women and solitary confinement at Valley State Prison for Women in Chowchilla, CA.
- 16 NYC Police Watch, case report (New York: June 1, 1998).
- 17 Interviews with Gloria Hernandez, Immigrant Women Access Project (Fresno, CA: 1999), and Rebecca Brockman, Las Americas Immigrant Advocacy Center (El Paso, TX: 1999).
- 18 Human Rights Watch, "Locked Away: Immigration Detainees in Local Jails in the United States," G1001 (New York: September 1998).
- 19 Eligibility Verification Review is the process to evaluate eligibility for welfare. Elaine Kim, "Women of Color: The Forgotten Members of the