

# BLACK WOMEN VICTIMS OF POLICE BRUTALITY AND THE SILENCING OF THEIR STORIES

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## INTRODUCTION

Black women in the United States have endured centuries of race- and gender-based violence, unable to find refuge in neither their communities nor the law. This paper will discuss police violence through the lens of Black feminist theory by first giving a historical review of state-sanctioned violence in Black communities; then, examining violence done to Black women through a Black feminist framework; followed by an exploration into why Black women’s experiences of police violence are largely overlooked and what can be done to bridge the gap between advocacy for Black men and women victims of police violence.

### I. BRIEF HISTORY OF STATE SANCTIONED VIOLENCE AGAINST BLACK PEOPLE IN THE UNITED STATES

Black people have experienced violence at the hands of white Americans for centuries. This violence predates American independence and transcends present day. It is this country’s history and cannot be fully expressed in these few pages. What follows is the foundation needed to understand the significance of violence against Black women and what makes it so heinous. This section reviews slave patrols, lynching, and the criminalization of Black activism.

#### A. *Slave Patrols as the Foundation of Modern Policing*

Modern day policing has a long and dark history in the United States and has always been racially motivated.<sup>1</sup> Modern policing can be traced back to slave patrols which were first formed in 1704 in South Carolina and lasted for over 150 years.<sup>2</sup> The purpose of

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1. *Slave Patrols: An Early Form of American Policing*, NAT’L L. ENFORCEMENT OFFICERS MEM’L FUND, <https://nleomf.org/slave-patrols-an-early-form-of-american-policing> [<https://perma.cc/CZK8-WJPG>] (last visited Mar. 22, 2023).

2. *Id.*

these patrols was to (1) “chase down, apprehend, and return” runaway slaves to their owners; (2) “provide a form of organized terror to deter slave revolts”; and (3) “to maintain a form of discipline for slave-workers” who were not considered persons subject to the law.<sup>3</sup> Patrollers were compelled to beat and torture captured slaves by local authorities, and, in some areas, could be fined for not doing so.<sup>4</sup> After the Civil War, attributes of slave patrols including systemic surveillance and the enforcement of curfews were carried over into police departments nationwide.<sup>5</sup> We continue to see the influence of slave patrols today when Black protesters are met with tear gas and rubber bullets during mourning marches for people killed by police.<sup>6</sup>

The current system of policing was built on a foundation designed to prevent Black liberation and is still operating from a framework of white supremacy. Slave patrols have a direct correlation with the over-policing of Black communities. Modern policing being a derivative of slave patrols shows that Black communities have always been the target of police action. Slave patrols fed off Black fear and promoted white power, in large part because of slave owners’ fear of a rebellion. They sought to control the way Black people interacted with each other and subdue any ideas that a better life was possible. Policing has continued to be a major issue in Black communities, and as a direct result of the constant patrolling of Black neighborhoods, Black people make up nearly 40 percent of the prison population but only around 13 percent of the national population.<sup>7</sup> Black people are also more likely to have fatal encounters with police than white people.<sup>8</sup>

One theme that remains present generation after generation is the threat of white violence in response to Black protest. Slaves ran away and revolted in protest of the torture they routinely experienced at the hands of their masters. Black people have continued to protest the violence done to them for generations and police

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3. *Id.*

4. *Id.*

5. *Id.*

6. Corinthia A. Carter, *Police Brutality, the Law & Today’s Social Justice Movement: How the Lack of Police Accountability Has Fueled #Hashtag Activism*, 20 CUNY L. REV. 521, 541–46 (2017).

7. Amber Pariona, *U.S. Prison Population By Race*, WORLDATLAS (July 18, 2019), <https://www.worldatlas.com/articles/incarceration-rates-by-race-ethnicity-and-gender-in-the-u-s.html> [<https://perma.cc/2FDR-ZM42>].

8. Gabriel L. Schwartz & Jaquelyn L. Jahn, *Mapping Fatal Police Violence Across U.S. Metropolitan Areas: Overall Rates and Racial/Ethnic Inequities, 2013–2017*, 15 PLoS ONE 1, 16 (June 24, 2020).

have continued to respond in a similar manner to slave patrols *did*.<sup>9</sup> For example, in 1943, a Black soldier was shot by police officers for stepping in when the officer attempted to arrest a Black woman for disorderly conduct.<sup>10</sup> Shortly after, a riot began and Mayor Fiorello La Guardia requested the assistance of the U.S. Army to put a stop to the riot.<sup>11</sup> There were two days of civil unrest that led to six deaths and 500 arrests.<sup>12</sup> Countless riots that have ensued since then because police chose violence against unarmed Black people, and this state sanctioned violence has been routinely met with Black protest.<sup>13</sup>

#### B. *The Lynching Period and Law Enforcement's Involvement*

White Violence against Black people has been unwavering since the days of slavery. However, there was a brief period after the Civil War when Black people were able to exercise their rights as American citizens and receive some protections in law called Southern Reconstruction. Unfortunately this era was short lived, and immediately following this period, the Federal Government restored white supremacist control to the South by adopting a "laissez-faire" policy that resulted in disfranchisement, as well as the social, educational, and employment discrimination of Black Americans.<sup>14</sup> This policy allowed for violence against Black Americans who pursued full access of their constitutional rights to go unpunished and pushed Black Americans back into second class citizens, subject to extrajudicial white violence.<sup>15</sup> Between 1882 and 1968, approximately 4742 people were lynched; of the victims, 73 percent were Black.<sup>16</sup> Victims were typically hung or burned to death by White mobs in front of hundreds of spectators who would often take pieces of the dead person's body as souvenirs to memorialize the event.<sup>17</sup>

These heinous crimes were often justified by the presumption that the person being lynched had committed a crime against a white

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9. Carter, *supra* note 6.

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.*

14. Robert A. Gibson, *The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950*, 2 CURRICULUM UNITS BY YALE-NEW HAVEN TCHR. INST. (Feb. 4, 1979).

15. *Id.*

16. Richard M. Perloff, *The Press and Lynchings of African Americans*, 30 J. OF BLACK STUDIES 315, 315 (Jan. 2000).

17. *Id.*

person.<sup>18</sup> No finding of guilt was necessary for lynch mobs to kill, just an accusation.<sup>19</sup> Politicians and other public officials not only condoned “lynch law,” but they often openly supported these mobs and used this to gain political power.<sup>20</sup> The first anti-lynching bill was introduced in 1918 by Congressman Leonidas Dyer of Missouri and failed in the U.S. Senate.<sup>21</sup> Anti-lynching bills were introduced in Congress two hundred times before finally being passed in 2018, in large part due to opposition from Southern senators.<sup>22</sup> Evidence of this opposition can be found as recently as 2018, when Republican Senator, Cindy Hyde-Smith said she would sit with a supporter in the front row of a public hanging.<sup>23</sup> Additionally, mob participants were almost never punished. White judges, prosecutors, jurors, and witnesses often sympathized with lynchers, and if they were punished for the crime, they were often pardoned.<sup>24</sup> In his study of one hundred lynchings, Arthur Raper estimated that at least half of these lynchings were carried out with the help of law enforcement.<sup>25</sup>

Even after the abolition of slavery and the end of slave patrols, Black people had no refuge from white violence in the law. The normalization of lynch mobs along with Black people being their victims, created a permanent stain on American society that made blackness inherently criminalized, and whiteness victimized. The prevalence of lynch mobs created a reality where killing Black people is routinely justified so long as they can be accused of committing a crime. The most famous of these instances is the case of Emmett Till. Emmett was a fourteen-year-old Black boy who was lynched for whistling at a white woman while visiting family in Money, Mississippi, in 1955.<sup>26</sup> Against all evidence, his killers were acquitted by an all-white, all-male jury.<sup>27</sup> Today, white police officers killing Black people on camera is routinely met with same

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18. Gibson, *supra* note 14.

19. *Id.*

20. *Id.*

21. *History of Lynching in America*, NAACP, <https://naacp.org/find-resources/history-explained/history-lynching-america> [<https://perma.cc/7USC-Q76W>] (last visited March 22, 2023).

22. Dana Sanchez, *Anti-Lynching Legislation Is A Reminder Of Lawmaker Who Condoned Public Hangings*, *THE MOGULDOM NATION* (Dec. 20, 2018), <https://moguldom.com/166870/anti-lynching-legislation-is-a-reminder-of-lawmaker-who-condoned-public-hangings> [<https://perma.cc/89JS-FL23>].

23. *Id.*

24. Gibson, *supra* note 14.

25. ARTHUR F. RAPER, *THE TRAGEDY OF LYNCHING* 13–14 (1933).

26. CHRISTOPHER METRESS, *THE LYNCHING OF EMMETT TILL: A DOCUMENTARY NARRATIVE* (2002).

27. *Id.*

leniency afforded to Emmett Till's killers.<sup>28</sup> According to Statista Research Department, "In the United States between 2005 and 2020, of the 42 nonfederal police officers convicted following their arrest for murder due to an on-duty shooting, only five ended up being convicted of murder. The most common offense these officers were convicted of was the lesser charge of manslaughter, with 11 convictions."<sup>29</sup>

### C. *Historical Account of the Criminalization of Black Activism*

Illegitimate lynch mobs hung their hats on criminal accusations while federal government agencies worked to criminalize Black people's everyday fight for survival. From slave patrollers hunting down runaway slaves to peaceful protestors being met with lethal force, American history is filled with evidence of the continuous criminalization of Black activism. This section explores three of the most prominent examples of this criminalization in American history: the Second Red Scare, the Civil Rights Movement, and the persecution of the Black Panther Party.

#### 1. Second Red Scare

Beginning in the late 1940s, with the Second Red Scare, Black activists were put on trial for treason as American government entities convinced themselves that the Soviet Communist Party was running the Civil Rights Movement.<sup>30</sup> As the Communist Party embraced the concerns of Black Americans, white Southerners began to fear that the demand for racial justice would alter life in the South.<sup>31</sup> Because of the connection between communist theory and Black liberation theory, Southern "red-and-black baiters," a term coined by Jeff Woods to describe people who believed that the communist party was in charge of the Civil Rights Movement, were suspicious of anyone who was a proponent of civil rights and Black equality.<sup>32</sup>

This version of the Red Scare was initially unique to the South, it gained national validation through congressional hearings held

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28. Carter, *supra* note 6.

29. *Number of Convictions of Police Officers Arrested For Murder by Charge 2005–2020*, STATISTA RSCH. DEP'T (June 10, 2020), <https://www.statista.com/statistics/1123386/convictions-police-officers-arrested-murder-charge-us> [<https://perma.cc/45CK-PPYM>].

30. Carolyn Dupont, Book Review, 102 KENTUCKY HISTORICAL SOC'Y 266–70 (2004) (reviewing JEFF WOODS, *BLACK STRUGGLE, RED SCARE: SEGREGATION AND ANTICOMMUNISM IN THE SOUTH, 1948–1968*; DAVID L. CHAPPELL, *A STONE OF HOPE: PROPHETIC RELIGION AND THE DEATH OF JIM CROW*).

31. *Id.*

32. *Id.*

by the House Un-American Activities Committee (HUAC) and the U.S. Senate Committee on Government Operations and the Permanent Subcommittee on Investigations, both chaired Senator Joseph R. McCarthy of Wisconsin.<sup>33</sup> HUAC was formed by the U.S. House of Representatives in 1953 and its investigations primarily focused in exposing Communists in the federal government and Hollywood film industry.<sup>34</sup> In the 1940s and 1950s, HUAC held multiple hearings in which they interrogated prominent Black Americans to gauge their loyalty to the United States, including baseball superstar Jackie Robinson.<sup>35</sup> Similarly, McCarthy used his position as committee chair of U.S. Senate Committee on Government Operations and Permanent Subdivision on Investigations to spearhead investigations of Communist Party members and sympathizers eventually extending beyond those employed by the government.<sup>36</sup> He was notorious for his use of hearsay and intimidation to ruin the reputations and careers of anyone who disagreed with him.<sup>37</sup>

This Red Scare prompted the FBI, directed by J. Edgar Hoover, to start the Counterintelligence Program (COINTELPRO) “to disrupt the activities of the Communist Party of the United States.”<sup>38</sup> In a letter related to COINTELPRO, the FBI described Black activists as immoral, subversive, and criminal.<sup>39</sup> Black activists such as Paul Robeson, W.E.B. Du Bois, Shirley Graham Du Bois, Claudia Jones, and others who pursued antiracist, anti-imperialist agendas were heavily investigated and silenced by

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33. Marc G. Pufong, *McCarthyism*, *THE FIRST AMENDMENT ENCYCLOPEDIA* (2009), <https://mts.u.edu/first-amendment/article/1061/mccarthyism> [<https://perma.cc/N5VX-EWSZ>].

34. *Red Scare*, HISTORY.COM (June 1, 2010), <https://www.history.com/topics/cold-war/red-scare> [<https://perma.cc/7YX5-KPE2>].

35. UNITED STATES CONGRESS, HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES, SUPPLEMENT TO CUMULATIVE INDEX TO PUBLICATIONS OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES: 1955 THROUGH 1960 (84TH, 85TH, AND 86TH CONGRESS) (1961), <https://archive.org/details/supplementtocumu1961unit/page/2/mode/2up> [<https://perma.cc/DHP6-3365>].

36. *Red Scare*, *supra* note 34.

37. *Id.*

38. *Counterintelligence Program (COINTELPRO)*, FBI RECORDS: THE VAULT, <https://vault.fbi.gov/cointel-pro> [<https://perma.cc/UH35-ZS3C>] (last visited Mar. 22, 2023).

39. Mudassar Toppa & Princess Masilungan, *Struggle For Power: The Ongoing Persecution of Black Movement by the U.S. Government*, THE MOVEMENT FOR BLACK LIVES (M4BL) & THE CREATING LAW ENFORCEMENT ACCOUNTABILITY & RESPONSIBILITY CLINIC (CLEAR) (Aug. 9, 2021), <https://m4bl.org/wp-content/uploads/2021/08/Struggle-For-Power-The-Ongoing-Persecution-of-Black-Movement-by-the-U.S.-Government.pdf> [<https://perma.cc/49UC-55B6>].

the United States government because of this Second Red Scare.<sup>40</sup> Additionally, more radical activists were essentially erased from American teachings of Black history following these hearings, and a number of activists fled the country.<sup>41</sup> The idea of Black liberation has always been radical in the United States, and overt acts to this end have always been punished; however, the Second Red Scare reinforced the antebellum idea that education is a weapon when wielded by Black people and the free exchange of ideas that challenge the status quo threaten societal norms in a way that cannot be tolerated.

## 2. Civil Rights Movement

The Civil Rights Movement was at its peak in the 1950s and 1960s and is most known for achieving passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.<sup>42</sup> Another notable attribute of the Civil Rights Movement was its use of nonviolent direct action.<sup>43</sup> On February 1, 1960, four Black Students attending North Carolina Agriculture and Technical State University decided to seek service at a whites-only lunch counter in Greensborough, North Carolina and stay there even if asked to leave or refused service.<sup>44</sup> This was the first nationally recognized sit-in, and before the year ended, 70,000 other students across the South had also sat in.<sup>45</sup> Participants were met with physical assault by white patrons but stood their ground peacefully.<sup>46</sup> Of the 70,000 that sat in, about 3600 were arrested.<sup>47</sup> These sit-ins gave the movement its status as a mass phenomenon and led to the creation of the Student Nonviolent Coordinating Committee (SNCC).<sup>48</sup>

This trend of nonviolent resistance to societal norms being met with white violence was continuous throughout the movement.<sup>49</sup> Freedom Riders from SNCC and Congress of Racial Equality

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40. Erik S. McDuffie, *Black and Red: Black Liberation, The Cold War, and The Home Thesis*, 96 J. OF AFRICAN AM. HISTORY 236, 236 (2011).

41. *Id.*

42. *Civil Rights Movement*, HISTORY.COM (Oct. 27, 2009), <https://www.history.com/topics/black-history/civil-rights-movement> [<https://perma.cc/J7Y6-Z442>].

43. Mary Elizabeth King, *Civil Rights Movement: Methods of Nonviolent Action*, OXFORD INT'L ENCYCLOPEDIA OF PEACE (Nigel J. Young ed., 2010).

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

(CORE), another civil rights organization, were met by violent white mobs in Alabama that set their busses on fire and healthcare workers that refused to treat them for exercising their right to integrated interstate travel.<sup>50</sup> In 1963, large scale demonstrations and boycotts aimed at desegregating Birmingham, Alabama, were met by police violence routinely.<sup>51</sup> On May 3, 1963, Birmingham police turned police dogs and high-pressure water hoses on Black children marching in what is now called the Children's Crusade.<sup>52</sup>

If we learned nothing else from the Civil Rights Movement, we learned that public opinion affects change. It is the reason Black activists marched in suits. It is the reason they eagerly welcomed media coverage. It is the reason they chose Rosa Parks. It is the reason they remained committed to nonviolence. They needed public support to create the change they sought, and they earned it. However, this public support reignited the FBI's COINTEL-PRO program, headed by Director J. Edgar Hoover.<sup>53</sup> Shortly after the 1963 March on Washington, Hoover resumed his surveillance and interrogation of Black movement leaders including Dr. Martin Luther King Jr., Malcom X, and various members of the Black Panther Party.<sup>54</sup>

### 3. Black Panther Party

The public support the Civil Rights Movement garnered was crucial to legislative change benefitting Black people, but many activists believed that continuously subjecting themselves to violence could not be the way to equality.<sup>55</sup> The Black Panther Party (the Party), founded by Bobby Seal and Huey Newton was the best-known revolutionary nationalist organization in the United States from 1966 to the mid-1970s.<sup>56</sup>

Revolutionary nationalism was at the heart of the Black Power movement and revolutionary nationalists held the belief that Black Americans could not achieve liberation within the existing political and economic system plaguing the United States.<sup>57</sup> Therefore, the Party called for the fall of capitalism, imperialism, racism, and sexism through revolutionary tactics including multiracial

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50. *Id.*

51. *Id.*

52. *Id.*

53. Toppa & Masilungan, *supra* note 39 at 3.

54. *Id.*

55. King, *supra* note 43.

56. Jessica C. Harris, *Revolutionary Black Nationalism: The Black Panther Party*, 86 *J. OF NEGRO HISTORY* 409, 410–11 (2001).

57. *Id.*

alliances.<sup>58</sup> The Party had a ten-point program designed to meet the needs of the Black community in Oakland, California, where it has its origins.<sup>59</sup> A few of those points being: that black people have the privilege of being tried in courts by a jury of their peers (people from their Black communities); education that exposes the true nature of white supremacy within American society; and an end of police brutality to Black people and murders of Black people by police officers.<sup>60</sup>

To end police brutality against Black people, Huey Newton and Bobby Seal organized the Black Panther Party for Self Defense.<sup>61</sup> The Party set up a system of armed cars to patrol the Black community and monitor police stops to ensure that no constitutional rights were violated. At that time, carrying firearms openly was still legal in California, so police officers could not stop the Party from patrolling and protecting their neighborhoods.<sup>62</sup> The patrols made community members feel safe from police violence, but ultimately led to a nationwide repression campaign against the Party.<sup>63</sup>

In 1967, two major events stemming from the self-defense patrols put the Party on the national stage.<sup>64</sup> The first was the disruption of the California State Legislature by twenty-nine armed Black Panthers in protest of a bill that would make carrying a loaded weapon within city limits a crime.<sup>65</sup> The second was a shootout between the police and Black Panthers that led to the death of a police officer and the arrest of Huey Newton for the murder of said police officer—both extreme measures by Party members to ensure Black safety made the Party a nationally recognized target.<sup>66</sup> Director Hoover named the Black Panther Party for Self-Defense “the greatest threat to internal security of the country.”<sup>67</sup> In response to this outright battle cry, the FBI’s COINTELPRO program targeted

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58. *Id.*

59. *Id.* at 412.

60. *Id.*

61. *Id.* at 412–13.

62. *Id.* at 414.

63. *Id.*

64. Charles E. Jones, *The Political Repression of the Black Panther Party 1966–1971: The Case of the Oakland Bay Area*, 18 J. OF BLACK STUDIES 415, 415–17 (1988) (defining repression as “government action which grossly discriminates against persons or organizations viewed as presenting a fundamental challenge to existing power relationships or key governmental policies, because of their perceived political beliefs”).

65. *Id.* at 417.

66. *Id.*

67. Toppa & Masilungan, *supra* note 39 at 3.

the Illinois chapter of the Black Panther Party, and in 1969, Chicago police raided Hampton's home, killing him and his head of defense, Mark Clark.<sup>68</sup>

In a study conducted by Black Studies Scholar, Charles E. Jones, the Black Panther Party experienced political repression at all levels of government through both the law and behaviors of individual government officials.<sup>69</sup> The study shows that Black Panthers were routinely arrested because of harassment and public order laws including assault, robbery, and weapon charges.<sup>70</sup> In this context, "harassment" is defined as "when a simple law that was originally passed with no political purpose is used to repress."<sup>71</sup> Notably, of the 42 members arrested under this definition of harassment, roughly 36 percent had their charges dropped.<sup>72</sup> The abusive use of these laws by local law enforcement caused the dissipation of organization funds and disrupted its normal activities.<sup>73</sup> It also created adverse publicity for the Black Panther Party and painted them as a group of criminals.<sup>74</sup> The study also shows that there were numerous covert operations by the FBI in an attempt to disrupt the Party's community programs.<sup>75</sup> In one such instance, FBI agents sent anonymous, inflammatory letters to contributors of the Panthers' Free Breakfast Program, attempting to discourage property owners and churches from allowing the Panthers to hold the Free Breakfast Program in their facilities.<sup>76</sup> The Black Panther party was a threat to the status quo with a willingness to act in any way necessary to dismantle societal norms that harmed Black people, and instead of creating laws to effect such change, government officials at all levels sought to silence the noise through violence disguised as law and politics.

D.    *Twenty-First Century Police Brutality and #BlackLivesMatter Movement*

Today's racial justice activists face the same violence as their predecessors, so after surveying government conduct towards Black people through different eras of Black activism, it is no surprise that Black peoples' deep tradition of not trusting law enforcement

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68. *Id.*

69. Jones, *supra* note 64, at 415–33.

70. *Id.* at 421.

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.* at 423–24.

75. *Id.* at 425–26.

76. *Id.*

continues well into the twenty-first century with no sign of resolution. A Pew poll conducted shortly after the 2014 shooting of Black teenager, Michael Brown, shows that 71 percent of white participants expressed a “great deal or fair amount” of confidence in local police to treat Black and white people equally, compared to 36 percent of Black participants.<sup>77</sup> Additionally, 70 percent of Black participants said police forces across the country did a “poor job of holding officers accountable when misconduct occurred”; only 23 percent of white participants shared this opinion.<sup>78</sup> These numbers are attributable to the long history of police defending white supremacy and being in direct opposition of Black liberation that continues today.

In tandem with police violence against the defense of Black rights, police violence in demonstrations for the defense of white supremacy is almost unheard of.<sup>79</sup> In recent history, hundreds of white protesters stormed the Michigan state capitol in opposition the state’s COVID-19 lockdown making threats and bearing the arms to back them up.<sup>80</sup> Instead of unleashing the United States armed forces, President Trump supported protestors by tweeting “these are very good people.”<sup>81</sup> Even without the apparent support of white supremacy, the trend of government entities defending and upholding white supremacy is evident in police responses to recent protests defending the rights of Black people in the U.S. This violence has historically been grossly undocumented, but with the help of modern technology and social media, incidents of police brutality are now available for the world to see at just the click of a button.<sup>82</sup>

The Black Lives Matter movement started in 2013 as a Twitter hashtag in response to the acquittal of George Zimmerman for the murder of Trayvon Martin and has since become the heart of protests demanding the protection of Black people from police brutality. The slogan was coined by three Black women: Patrice Cullors, Alicia Garza, and Opal Tometi.<sup>83</sup> Before sparking a mass

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77. Otis S. Johnson, *Two Worlds: A Historical Perspective on the Dichotomous Relations Between Police and Black and White Communities*, 42 HUMAN RIGHTS 6, 6–9 (2016).

78. *Id.*

79. See Allen D. Grimshaw, *Actions of Police and the Military in American Race Riots*, 24 PHYLON 271, 271–89 (1963).

80. Kevin Liptak, *Trump Tweets Support for Michigan Protesters, Some of Whom Were Armed, As 2020 Stress Mounts*, CNN POLITICS (May 1, 2020, 3:22 PM), <https://www.cnn.com/2020/05/01/politics/donald-trump-michigan-gretchen-whitmer-protests/index.html> [<https://perma.cc/664A-2L4T>].

81. *Id.*

82. Johnson, *supra* note 77.

83. Natalie Finn, *How Black Lives Matter Began: Meet the Women Whose*

movement for racial justice, Patrice Cullors was an artist, teacher, and prison reform activist; Alicia Garza was the Special Projects Director of the National Domestic Workers Alliance in Oakland, California; and Opal Tometi was the Executive Director of the Black Alliance for Just Immigration.<sup>84</sup> On the night that the verdict was announced in the Zimmerman case, Alicia Garza made a post saying, “Black people. I love you. I love us. Our lives matter.”<sup>85</sup> The next morning, her friend of ten years, Patrice Cullors reposted adding the hashtag “#BlackLivesMatter.”<sup>86</sup> Opal Tometi joined the trio a few days later inspired by her little brother to act. From there, Tometi helped the others create a digital campaign that demanded the world’s attention by encouraging people to share their stories under the hashtag #BlackLivesMatter.<sup>87</sup>

The slogan became the battle cry of protestors in 2014 during the uprising against police brutality that followed the murder of Michael Brown and has been used in every protest against police brutality to follow.<sup>88</sup> Like every movement for racial justice before it, Black Lives Matter soon attracted attention from the federal government. In 2017, the FBI’s Counterterrorism Division created the label “Black Identity Extremists” (BIEs) to describe racial justice protestors criminalizing Black activism as they did before.<sup>89</sup>

Following the public murder of George Floyd by Minneapolis police, on May 25, 2020, there were more than 7750 demonstrations linked to the Black Lives Matter Movement across all fifty states and Washington D.C. within three months.<sup>90</sup> These demonstrations were overwhelmingly nonviolent, with less than 10 percent leading to violence or destruction of property by demonstrators.<sup>91</sup> Yet approval for the movement hit its peak in the week following Floyd’s death and has seen a sharp decline since.<sup>92</sup> This is

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*Hashtag Turned Into a Global Movement*, E! NEWS (June 9, 2020, 12:00 AM), <https://www.eonline.com/news/1158910/how-black-lives-matter-began-meet-the-women-whose-hashtag-turned-into-a-global-movement> [<https://perma.cc/BE5Z-HW7K>].

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. Johnson, *supra* note 77.

89. Toppa & Masilungan, *supra* note 39 at 3.

90. Roudabeh Kishi & Sam Jones, *Demonstrations and Political Violence in America: New Data for Summer 2020*, ARMED CONFLICT LOCATION AND EVENT DATA PROJECT (ACLED) (Sept. 3, 2020), <https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020> [<https://perma.cc/7YXC-JZQT>].

91. *Id.*

92. *Id.*

attributable, in part, to disproportionate media coverage of violent demonstrations and focus on looting and vandalism rather than police violence.<sup>93</sup> In the summer of 2020, Black Lives Matter demonstrators were routinely met with brutalization from police that was rarely reported on mainstream media outlets.<sup>94</sup> Authorities have used tear gas, rubber bullets, pepper spray, and batons in over 54 percent of these demonstrations.<sup>95</sup>

The nosedive in approval for Black Lives Matter is also attributable to blatant acts of repression from the federal government. For example, on June 1, 2020, former Attorney General Barr announced that all fifty-six regional offices of the FBI's Joint Terrorism Task Force (JTTF) would be deployed in response to the protests that he referred to as "domestic terrorism."<sup>96</sup> The purpose of JTTF is to disrupt and prevent terrorist acts, acts that now include Black Lives Matter protests.<sup>97</sup> In alignment with prior COINTELPRO propaganda, the United States Department of Justice described those involved in protests following the death of George Floyd as radical agitators promoting violence.<sup>98</sup> Once again, Black activism is characterized as criminal and treasonous work to be punished instead of the call for justice that it is.

Police violence in response to Black resistance to police violence is all too common in American history, and the numbers that show its continuance come as no surprise to anyone paying attention. However, even those paying attention often forget to mention that Black women also experience police brutality and violence. When the omission is not due to forgetfulness, it is due to ignorance. The intersectionality of being both Black and a woman makes it impossible to be an active participant in Black liberation without tending to the needs of men first, while simultaneously making one's presence in any space centering women empowerment fruitless, as they typically cater to the needs of white women. The rest of this paper aims to (1) expose the state sanctioned violence Black women face in America, (2) explain why and how this violence gets overlooked, and (3) highlight leaders of the #SayHerName Movement along with their policy recommendations and demands.

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93. *Id.*

94. *Id.*

95. *Id.*

96. Toppa & Masilungan, *supra* note 39.

97. *Id.*

98. *Id.*

## II. EXAMINATION OF VIOLENCE DONE TO BLACK WOMEN THROUGH THE LENS OF BLACK FEMINIST THEORY

### A. *Introduction to Black Feminist Theory*

Assessing the nature of violence done to Black women through a Black feminist framework first requires an explanation of how Black feminist thought is contextualized. For the entire 400 years that Black women have been subject to American societal norms they have been unvalued, unprotected, and undesired. Black feminist theory aims to articulate the ways that Black women experience oppression so that Black women can resist that oppression through exchange of changemaking theories and ideas.<sup>99</sup> The theory consists of five concepts: (1) interlocking oppressions, (2) standpoint epistemology, (3) everyday knowledge, (4) dialectic images, and (5) social justice praxis.<sup>100</sup>

The concept of interlocking oppression stems from the fact that Black women experience oppression for more reasons than one. Black women experience oppression based on race, gender, and, often, class.<sup>101</sup> Social norms around race and gender inform assumptions of status and sexual identity that work together to place Black women at the bottom of the social hierarchy regardless of their environment.<sup>102</sup> The concept of interlocking oppression is at the core of the analysis this paper presents on police violence against Black women and will be expounded upon in following sections.

Standpoint epistemology places Black women as the experts of their own lived experiences. According to Patricia Hill, affirming Black women's self-identification and self-valuation is a key theme within Black feminist thought and directly counters the theory that oppressed people are incapable of articulating their own standpoint and have no valid independent interpretation of their own oppression.<sup>103</sup> This concept allows Black women to produce and validate knowledge itself by working outside of the "Eurocentric

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99. Nnennaya Amuchie, "The Forgotten Victims" *How Racialized Gender Stereotypes Led to Police Violence Against Black Women and Girls: Incorporating an Analysis of Police Violence Into Feminist Jurisprudence and Community Activism*, 14 SEATTLE J. SOC. JUSTICE 617, 630 (2016).

100. *Id.* at 630–31.

101. *Id.* at 666.

102. *Id.* at 619–20.

103. Patricia Hill Collins, *The Social Construction of Black Feminist Thought*, 14 SIGNS: J. OF WOMEN IN CULTURE AND SOC'Y 745, 746–47 (1989).

masculinist knowledge-validation process” that requires validation from white male dominated systems to earn credibility.<sup>104</sup>

Patricia Hill further explained that Black women give high credence to wisdom when assessing knowledge and that experience marks the difference between the wisdom Black women subscribe to and knowledge valued in Eurocentric spaces.<sup>105</sup> The concept of everyday knowledge being used to inform Black feminist thought is another way that concrete experience is upheld as a valuable source of knowledge in Black feminist theory. Black women’s experiences inform Black women of the ways they are perceived by the rest of the world and what factors of their identities are attributable to how they are treated in different spaces. This centers Black women as experts in Black feminist theory.

Dialectics is a method of intellectual investigation that relies on dialog to inform opposing arguments to find the truth.<sup>106</sup> Dialectic images of Black women are images that contradict the way that Black women view themselves.<sup>107</sup> For instance, the image of the “Strong Black Woman” pushes the narrative that Black women can handle whatever is thrown at them and do not need anyone else’s help, but the reality is Black women present themselves as strong because no one is willing to help them when they need it. Black feminist theory uses standpoint epistemology, everyday knowledge, and images of Black women to engage in this process with the goal of creating discourse on the true nature of Black womanhood and disempowering the negative stereotypes that shape public perception of Black women.<sup>108</sup>

According to Black feminist scholar Beth Richie, social justice praxis as it relates to Black feminist theory requires “research on Black women be linked to efforts at changing conditions that subordinate them and their communities.”<sup>109</sup> Black feminist theory works to this end by giving Black women the space to control their own stories, validating these stories, using this collection of lived experiences to generate comradery amongst Black women, and empowering Black women to define their own realities through Black feminist thought.

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104. *Id.* at 752–55.

105. *Id.* at 758–59.

106. *Dialectics*, MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/dialectic> [<https://perma.cc/G5S8-QMHB>].

107. Amuchie, *supra* note 99, at 633.

108. *Id.*

109. BETH E. RICHIE, ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA’S PRISON NATION 131 (2012).

The concepts that govern Black feminist theory have the power to transform law and policy considerations, challenge social norms, and effect lasting change in oppressive systems. Black feminist theory calls for a shift in public perception of Black womanhood and the issues Black women face because of interlocking systems of oppression. Therefore, the only way to address police violence against Black women is through the lens of Black feminist thought; there is no other existing framework, legal or otherwise, that centers Black women's lived experiences as a credible source of knowledge.

B.    *Black Women Stereotypes and the Impact on Public Perception of Violence Done to Black Women*

The interlocking oppression of racism and sexism have created stereotypes that justify and rationalize violence against women.<sup>110</sup> Stereotypes shape the way that society perceives Black women, how Black women are treated, and what Black women believe about themselves. The most dominant of these stereotypes are the Mammy, the Jezebel, and the Sapphire. These caricatures of what it means to be a Black woman perpetuate a false reality that racism, sexism, poverty, and violence are normal conditions for Black women to live in.<sup>111</sup>

The Mammy stereotype originated in slavery and quickly became the dominant image of Black womanhood. The Mammy was characterized as loyal and trustworthy; she babysat the master's kids and served as a housekeeper.<sup>112</sup> She is a nurturing Black woman who puts everyone else's needs before her own wellbeing.<sup>113</sup> This image of Black womanhood as a bottomless source of service to others has had a detrimental impact on which Black women society hold as valuable. Over the years, the Mammy stereotype has morphed into a "super-human" persona that grants high achieving, nurturing, selfless, overworking Black women basic respect, which not all Black women are similarly afforded. This idea that a "good" Black woman is one who works tirelessly to provide for others, leads households, and is always of service to others actively dehumanizes Black women that deserve grace, rest, and care.

Because of the Mammy, Black women are expected to work around the clock for the benefit of others regardless of how it impacts themselves. This image of Black women perpetuates violence because it allows the public to inaccurately perceive Black

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110. Amuchie, *supra* note 99, at 624.

111. *Id.* at 635.

112. *Id.* at 636.

113. *Id.* at 637.

women as more physically and mentally durable than other groups of people. According to the United States Department of Health and Human Services, suicide was the second leading cause of death among Black people in 2019, and Black girls, grades nine through twelve, are 60 percent more likely to commit suicide than their white counterparts.<sup>114</sup> The Mammy/Superwoman stereotype gives people an unrealistic perception of Black women as being able to handle anything, and what they cannot handle can kill them.

Like the Mammy, the Jezebel stereotype is also derived from slavery.<sup>115</sup> The Jezebel stereotype characterizes Black women as sexually promiscuous, hypersexualized, and highly fertile.<sup>116</sup> This caricature was created to justify the rape of Black women slaves by their owners; and, in some cases it was even supported for increasing the labor force.<sup>117</sup> The Jezebel stereotype is inherently heterosexual as it deemed Black women sexual temptresses to their white male slave owners and mere vessels for Black laborers.<sup>118</sup> While heterosexual in nature, this stereotype promotes violence against Black lesbians and transgender women.<sup>119</sup> Under this stereotype Black women who either do not have sex with men or cannot have children are considered worth less than Black women used solely for their bodies and male pleasure. Since the Jezebel stereotype completely devalues these women, violence done to them never needed to be justified.

This sick portrayal of Black women as sexual savages incapable of being victims of sexual violence prevails today. Violence against Black women has been normalized because their bodies have been demonized and minimized to objects of the male gaze.<sup>120</sup> In February 2020, the American Psychological Association released an article stating that Black women are at disproportionate risk of sexual violence citing reports from the National Center on Violence Against Women in the Black Community and the Institute for Women's Policy Research.<sup>121</sup> The report from the National Center

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114. *Mental and Behavioral Health - African Americans*, U.S. DEPT OF HEALTH & HUMAN SERVS., OFF. OF MINORITY HEALTH (last modified Feb. 17, 2023), <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=24> [https://perma.cc/HE9A-QTAE].

115. Amuchie, *supra* note 99, at 639.

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.* at 641.

120. *Id.* at 639.

121. Jameta Nicole Barlow, *Black Women, The Forgotten Survivors of Sexual Assault*, AM. PSYCHOL. ASS'N: IN THE PUB. INTEREST (Feb. 2020), <https://www.apa.org/pi/about/newsletter/2020/02/black-women-sexual-assault>

on Violence Against Women shows that for every Black woman who reports rape, at least fifteen Black women do not report. Furthermore, 40–60 percent of Black women report being subjected to coercive sexual contact by age eighteen.<sup>122</sup> The Institute for Women’s Policy Research reports that more than 20 percent of Black women are raped during their lifetimes.<sup>123</sup> Additionally, the Institute reports that Black women are more likely than white women to be killed by men and also experience significantly higher rates of psychological abuse.<sup>124</sup> In 2019, the American Medical Association identified an “epidemic” of violence against Black trans women in the United States.<sup>125</sup> *Insider* verified seventy-one killings of transgender people in 2019 and 2020; of the deceased, forty-six were Black transgender women.<sup>126</sup>

Finally, the Sapphire stereotype perpetuates violence against Black women by depicting them as aggressive, difficult, and undesirable.<sup>127</sup> The Sapphire stereotype is in direct opposition with the standards of white femininity that value delicacy and softness. The delicacy, softness, and virtue assigned to white womanhood are the standard for what society considers “ladylike.” Black women are deemed incapable of upholding this standard because the Sapphire stereotype portrays Black women as inherently hard and angry. This image is dangerous because it makes it seem like Black women are deserving of the violence done to them because they are difficult, loud, and confrontational. It also ignores the fact that Black women are constantly disrespected and degraded in their homes, at their jobs, and in public. Black women are unprotected, undervalued, and overworked; and they have every right to be angry about it. The Sapphire stereotype treats the “angry Black woman” as the

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[<https://perma.cc/PM54-JLAD>].

122. *Black Women and Sexual Assault*, NAT’L CTR. ON VIOLENCE AGAINST WOMEN IN THE BLACK CMTY. (Oct. 2018), <https://ujimacommunity.org/wp-content/uploads/2018/12/Ujima-Womens-Violence-Stats-v7.4-1.pdf> [<https://perma.cc/R4RV-2SG8>]; see also Barlow, *supra* note 121.

123. See Asha DuMonthier et al., *The Status of Black Women in the United States*, INST. FOR WOMEN’S POLICY RSCH. (IWPR), (Jun. 7, 2017), <https://iwpr.org/wp-content/uploads/2020/08/The-Status-of-Black-Women-6.26.17.pdf> [<https://perma.cc/J4N8-ZUGZ>]; see also Barlow, *supra* note 121.

124. DuMonthier et al., *supra* note 123; see also, Barlow, *supra* note 121.

125. Madison Hall & Quispe López, *2020 Was the Deadliest Year on Record For Transgender People in the U.S., Insider Database Shows. Experts Say It’s Getting Worse*, INSIDER (Apr. 20, 2021, 11:18 AM), <https://www.insider.com/insider-database-2020-deadliest-year-on-record-for-trans-people-2021-4> [<https://perma.cc/7GKX-3GJV>].

126. *Id.*

127. Amuchie, *supra* note 99, at 643–44.

cause of violence rather than acknowledging the fact that Black women are angry because they are constantly being violated.

The Mammy, the Jezebel, and the Sapphire stereotypes work together to rationalize and reinforce violence done to Black women by characterizing them as durable, sinful, and aggressive. Public perception of Black women assumes that suffering in servitude, abuse, and poverty is the natural position of the Black woman. Black women removed from these stereotypical roles are the exception to the rule, but only when they wear their credentials on their chest like Super Woman. Furthermore, when Black women are not in places of servitude, abuse, and poverty, the stereotype of an indestructible woman is the one that prevails. It is still assumed that the Super Woman had to overcome some tragedy or be of service to some man to earn her place. Black women constantly must prove that they are worthy of the love, support, and protection that should be given to them freely regardless of status.

### C. *Intersectionality and Black Woman Activism*

Intersectionality theory is the study of how interlocking systems of oppression cause people to have multidimensional identities regarding class, race, and gender.<sup>128</sup> Kimberlé Crenshaw coined the term “intersectionality” in 1989 in response to the lack of protection afforded to Black women in antidiscrimination laws.<sup>129</sup> Crenshaw spoke in London at a conference about Black Feminism where she made note of *Degraffenreid v. General Motors*, where five Black women were denied remedy for employment discrimination claims.<sup>130</sup> The district court in this case reasoned that the women could not prove discrimination based on gender because not all women were discriminated against, and they could not prove race-based discrimination because not all Black people were discriminated against.<sup>131</sup> The court claimed that allowing Black women to prevail on claims of racial and gender workplace discrimination would create a “super-remedy” that went beyond the intent of the drafters of the antidiscrimination laws in question.<sup>132</sup> Cases

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128. *Id.* at 622.

129. *Id.*

130. Bim Adewunmi, *Kimberlé Crenshaw on Intersectionality: “I Wanted to Come Up With An Everyday Metaphor That Anyone Could Use,”* NEW STATESMAN, (Apr. 2, 2014), <https://www.newstatesman.com/politics/welfare/2014/04/kimberl-crenshaw-intersectionality-i-wanted-come-everyday-metaphor-anyone-could> [https://perma.cc/DEH3-WRHT].

131. *DeGraffenreid v. Gen. Motors Assembly Div., St. Louis*, 413 F. Supp. 142, 142–45 (E.D. Mo. 1976), *aff’d in part, rev’d in part*, 558 F.2d 480 (8th Cir. 1977).

132. *Id.* at 143.

like this one sparked the conversation of intersectionality in the practice of law, but the concept was widely discussed far before the term was coined.

In 1851, Sojourner Truth attended a women's rights convention in Akron, Ohio, where she delivered her now famous speech, "Ain't I A Woman." In her speech, she articulated the erasure of Black women in women's rights spaces due to racism.<sup>133</sup> Her speech starts by addressing a comment made by a man in the room that is sexist on its face and inherently racist, framing the women's rights movement of the time one that Black women were not even to be considered in: "That man over there says that women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman?"<sup>134</sup> This short excerpt exemplifies how white stereotypes of femininity worked to strip her and other Black women of their womanhood.

The second wave women's liberation movement started in the late 1960s. Leaders of the second wave women's liberation movement have credited the Black Power movement with the inspiration for political activity on their own behalf.<sup>135</sup> The women's liberation movement has also been criticized for taking the Black Power framework while simultaneously being blind to the needs of Black women and Black liberation itself.<sup>136</sup> The women's liberation movement was predominately white and predates the Black Feminist movement.<sup>137</sup> At the start of the women's liberation movement many Black women were eager to align themselves with the movement because they thought a movement had been started that would address their needs.<sup>138</sup> The lack of support Black women received on race-based issues led to the Black Feminist movement.<sup>139</sup>

In 1973, the National Black Feminist Organization (NBFO) had its first meeting.<sup>140</sup> It was the first Black Women's organization explicitly "dedicated to eliminating the dual oppression of racism

133. Sojourner Truth, *Ain't I A Woman?*, Address at the 1851 Women's Rights Convention in Akron, Ohio (transcription available at <https://www.nps.gov/articles/sojourner-truth.htm> [<https://perma.cc/663M-CDCX>]).

134. *Id.*

135. Wini Breines, *What's Love Got to Do With It? White Women, Black Women, and Feminism in the Movement Years*, 27 *SIGNS: J. WOMEN CULTURE & Soc'y* 1095, 1119 (2002).

136. *Id.*

137. *See id.* at 1113.

138. *See id.* at 1117–18.

139. *Id.*

140. *Id.* at 1115.

and sexism.”<sup>141</sup> Margaret Sloan, a founding editor of *Ms.* magazine and a founding organizer of the NBFO, expressed that Black women are victims of the cruel reality of being Black and female in a country that is both racist and sexist.<sup>142</sup> She further expressed the intention of the women’s group to remind Black liberation leaders that Black liberation cannot be achieved for only half the race.<sup>143</sup> Until this point, Black liberation movements had been all about protecting and supporting Black men and the sexism that runs rampant in the Black community was not an object of concern for Black liberation organizations. The NBFO was primarily made up of professional Black women and was criticized for being too middle class, emulating white women, lesbianism, and not supporting Black men.<sup>144</sup> However, from this national organization derived the Combahee River Collective.

The Combahee River Collective was a small group of primarily Black, lesbian, socialist, feminists organized in Boston, Massachusetts.<sup>145</sup> The Combahee River Collective published a statement in 1977 that is now considered one of the founding documents of the postwar Black feminism. In the statement, the Collective declared that they were “actively committed to struggling against racial, sexual, heterosexual and class oppression and see as our particular task the development of integrated analysis and practice based upon the fact that the major systems of oppression are interlocking.”<sup>146</sup> In this statement they also declared racial solidarity with Black men.<sup>147</sup> This is a stark difference from the white feminist movement that positioned itself in opposition of men.<sup>148</sup> Such a difference further shows the privilege that white feminists have to solely focus on issues of gender because white men are not oppressed. Black women do not have the luxury of ignoring the issues Black men face because they’re subject to parallel systems of race-based discrimination. And still, Black men in the Black power movement

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141. *Id.* (quoting Beverly Davis, *To Seize the Moment: A Retrospective on the National Black Feminist Organization*, 5 SAGE, no. 2, 1988 at 43, 43).

142. *Id.*

143. *See id.*

144. *Id.* at 1116.

145. *Id.* at 1114.

146. *Id.* at 1116 (quoting Combahee River Collective, *Combahee River Collective Statement*, in ALL THE WOMEN ARE WHITE, ALL THE BLACKS ARE MEN, BUT SOME OF US ARE BRAVE: BLACK WOMEN’S STUDIES 13, 13 (Gloria T. Hull et al., eds., 1982)).

147. *Id.* at 1117.

148. *See id.*

branded Black feminists as “troublemakers, brainwashed by the ‘man-hating white feminists.’”<sup>149</sup>

#### D. *Violence Done to Black Women Within the Black Community*

The so called “trouble” that Black women in liberation movements have made for Black men is rooted in self-protection. Black women have the unique experience of being oppressed by the oppressed, and the violence they experience often takes place in supposed safe spaces. Black women have always had to force themselves into the margins of major social movements that they should have been able to find solidarity in whether it be the women’s liberation movement or the Black liberation movement. Black men, however, have had the privilege of being protected and defended in their fight for justice, in large part by Black women.<sup>150</sup> In an exploration on Black male victimhood, Devon Carbado explains how this very protection is the reason Black men are able to evade responsibility for committing violence against Black women.<sup>151</sup> In the Black community, there is a hyperawareness of the dangers Black men and boys face at the hands of the criminal legal system and through encounters with law enforcement.<sup>152</sup> While issues centering the relationship between Black men and law enforcement hold undeniable importance, this overwhelming focus on Black men, and disinterest in what Black women need, has resulted in Black men being perceived as significantly more vulnerable and significantly more endangered than Black women.<sup>153</sup> This idea that Black men need more protection and more support than Black women has stopped countless Black women from reporting acts of violence done to them when the perpetrator was a Black man.<sup>154</sup> Black women typically experience this kind of violence in private, but evidence of this trend is sometimes made public through the lived experiences of celebrities. For example, world renowned, R&B star, R-Kelly spent more than twenty years getting away with kidnapping and sexually assaulting minor Black girls despite video footage, multiple civil court proceedings, and testimony that when

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149. *See id.* at 1111 (quoting Demita Frazier, *Interview by Karen Kahn: Rethinking Identity Politics*, SOJOURNER, Sept. 1995, at 12) (One of the founding members of the Combahee River Collective, Demita Frazier gave this statement while giving an account of her experiences as a Black woman activist during an interview with Karen Kahn in 1995).

150. *See* Devon W. Carbado, *Black Male Racial Victimhood*, 21 *CALLALOO* 337, 338 (1998).

151. *See id.*

152. *See id.* at 337–38.

153. *Id.* at 337.

154. *See id.* at 338.

he was twenty-seven he bribed government workers for a fake ID so he could legally marry, then fifteen-year-old singer, Aaliyah.<sup>155</sup> More recently, world famous rapper, Megan Thee Stallion was the target of a world-wide hate campaign after she accused Canadian rapper, Tory Lanez of shooting her; a crime he has since been found guilty of.<sup>156</sup> Black women are at a disproportionate risk of experiencing some form a physical abuse by someone they have a close relationship to.<sup>157</sup> Studies show that Black women are almost three times more likely to experience death due to domestic violence than are white women, and that it is a leading cause of death for Black women ages fifteen–thirty-five.<sup>158</sup> Additionally, studies show that more than 90 percent of Black women murder victims knew their killers.<sup>159</sup>

The issue with the idolization of the Black male struggle is that it allows the Black community and the public at large to ignore the threat of violence that Black women, nonbinary, and transgender women face within the community based on gender. Black men rank lower than white women but higher than Black women in the social hierarchy, making Black women the only group that Black men can assert control over without having to face the wrath of white violence or community justice. Black men abusing Black women has been further rationalized because of racialized emasculation.<sup>160</sup> Research shows that Black men were often castrated in lynchings, especially if they had been accused of sexually assaulting a white woman.<sup>161</sup> This violent act of emasculation was a public spectacle made tradition by decades of racial violence. This form of sexualized racial violence furthered the image of white women as pure and inherently deserving of protection; in direct opposition of the image of Black women as sexual deviants.<sup>162</sup> However, it should

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155. Mark Savage, *R. Kelly: The History of His Crimes and Allegations Against Him*, BBC NEWS (Feb. 24, 2023), <https://www.bbc.com/news/entertainment-arts-40635526> [<https://perma.cc/N8LZ-WUST>].

156. Associated Press, *The Backlash Against Megan Thee Stallion Proves She's Telling the Truth in Tory Lanez Shooting Case, Prosecutor Says*, NBC NEWS (Dec. 22, 2022, 5:48 AM), <https://www.nbcnews.com/pop-culture/pop-culture-news/backlash-megan-thee-stallion-proves-telling-truth-tory-lanez-shooting-rcna62920> [<https://perma.cc/CB67-J7H5>].

157. KIMBERLÉ W. CRENSHAW ET AL., SAY HER NAME: RESISTING POLICE BRUTALITY AGAINST BLACK WOMEN 22 (2015).

158. Barlow, *supra* note 121.

159. *Id.*

160. See Carbado, *supra* note 150, at 347–48.

161. Harvey Young, *The Black Body as Souvenir in American Lynching*, 57 THEATRE J. 649, 650 (2005).

162. See Carbado, *supra* note 150, at 349.

not serve as an excuse for the abuse Black women continuously experience at the hands of Black men.

#### E. *Police Violence Against Black Women*

The United States has a long history of policing Blackness, both literally and figuratively, that predates American independence. Over the past decade there has been a resurgence of activism against policing practices that disproportionately affect Black communities, specifically police brutality. The Black Lives Matter movement has called on millions to protest the senseless killings of Black bodies by law enforcement officers and has put pressure on the legal system to vindicate victims of this violence. The Black Lives Matter movement has been instrumental in bringing global awareness to the dangerous consequences of being Black in America. However, even all these years after the inception of the Black Feminist movement, being Black is still a male dominated identity.

Protests stemming from the Black Lives Matter movement were usually in response to police killings of Black men while simultaneously turning a blind eye to Black women facing the same fate. Between January 2015 and March 2021, *Insider* reports that police shot and killed at least fifty Black women.<sup>163</sup> Their report identified 100 police officers involved in these shootings. Of the one hundred officers, seventy-one officers were not fired, charged, or convicted.<sup>164</sup> Of those remaining, nine were fired, five were charged, one resigned, and none were convicted.<sup>165</sup> State sanctioned violence against Black women, caused by the degradation of Black womanhood caused by negative stereotypes, goes largely unpunished. Below are examples of state sanctioned violence against Black women; each through the lens of the stereotype with which it resonates.

##### 1. Superhuman/Mammy

On November 1, 2014, in Bessemer, Alabama, Sheneque Proctor was arrested for disorderly conduct, and taken to the Bessemer City Jail.<sup>166</sup> When Proctor called her mother, Proctor told her mother that the officers had treated her roughly.<sup>167</sup> Proctor informed police that she was ill, and they ignored her request for

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163. Yelena Dzhanova et al., *50 Black Women Have Been Killed by U.S. Police Since 2015: Not One of the Officers Has Been Convicted*, *INSIDER* (June 9, 2021), <https://www.insider.com/black-women-killed-by-police-database-2021-6> [<https://perma.cc/3UTQ-WQHM>].

164. *Id.*

165. *Id.*

166. CRENSHAW ET AL., *supra* note 157, at 18.

167. *Id.*

medical attention.<sup>168</sup> The next morning, Proctor was found dead in her cell. Her cell was recorded the entire time, but police refused to release the footage to the family.<sup>169</sup> Proctor was also the mother of a newborn baby boy.<sup>170</sup> Police did not take her requests for medical attention seriously and she died because of it. Police decided that their judgment was superior to her experience, and it cost her life. Police decided that her illness was bearable, but it killed her. As a “superhuman,” Proctor was deemed able to withstand the effects of an illness that caused her to plead for medical attention while in police custody. This is just one example of how the superhuman stereotype falsely glorifies Black women’s ability to endure extreme conditions and ultimately leads to Black women being forced to push the bounds of their endurance until it kills them.

On July 25, 2014, Brooklyn, New York, Rosann Miller, a seven-month pregnant Black woman, was put in a chokehold by NYPD officers who initially approached her to tell her she cannot barbecue in front of her house.<sup>171</sup> This incident happened mere weeks after NYPD officers choked Eric Garner to death sparking national protests in opposition of police brutality against Black people.<sup>172</sup> Aside from outraged community activists and politicians Miller’s case received little attention, and the officers involved were not charged.<sup>173</sup> This vicious attack by NYPD officers encapsulates society’s complete disregard for the wellbeing of Black mothers and matriarchs. As the “Mammy,” Miller was expected to endure the same violence that killed a Black man only weeks prior while seven months pregnant. This story also demonstrates that Black men are seen as more vulnerable and more endangered than Black women, and reinforces the idea that Black women should suffer silently because Black men are the true victims of racialized injustices.<sup>174</sup>

## 2. Sapphire/Angry Black Woman

On March 28, 2015, in Oxnard, California, police shot and killed twenty-six-year-old mother Meagan Hockaday in response to a domestic dispute within twenty seconds of entering her home.<sup>175</sup> The officer that killed her claimed that she was moving towards

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168. *Id.*

169. *Id.*

170. *Id.*

171. *Id.* at 28.

172. *See id.*

173. *Id.*

174. *See* Carbado, *supra* note 150 at 337, 339.

175. CRENSHAW ET AL., *supra* note 157, at 22.

him with a knife drawn.<sup>176</sup> Her three children witnessed her murder.<sup>177</sup> Over a year later, Ventura County District Attorney's office declared Hockaday's murder a "justifiable homicide" because her killer claimed he was in "imminent threat of death or bodily injury."<sup>178</sup> The killing of Hockaday and the justification of her murder further perpetuates the image created by the Sapphire stereotype. This image takes the position that angry Black women should be put down because of their inherently aggressive behavior; the Black woman, the Sapphire, cannot be reasoned with. Used by the police, this image of Black women as unreasonably aggressive, dangerous, and violent has also claimed the lives of Janisha Fonville, Aura Rosser, and Yvette Smith, to name a few.<sup>179</sup>

### 3. Jezebel

On December 24, 2002, in Philadelphia, Pennsylvania, "Nizah Morris, a Black transgender woman was found injured and unconscious a few minutes after three Philadelphia police officers gave her a ride home."<sup>180</sup> That night, one of the officers returned to the scene.<sup>181</sup> Instead of helping her or reporting that she was assaulted, he covered her face and left her there.<sup>182</sup> She died in the hospital two days later due to severe head injury.<sup>183</sup> Shortly after her death, it was confirmed that Morris was beaten with the butt of a gun.<sup>184</sup> Even though police were the last to see her before she was beaten unconscious, they denied having any knowledge of what happened to her. "Her death remains unsolved."<sup>185</sup> Morris' attack exposes the side of the Jezebel stereotype that further punishes Black transgender and gender nonconforming women for not fitting into the mold of the hypersexualized, heterosexual male pleasing stereotype that justifies sexual violence against cisgendered Black women. Where the Jezebel is valued for her body, women that do not satisfy the straight male gaze are deemed worthless.

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176. *Id.*

177. *Id.*

178. GREGORY D. TOTTEN, VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE, REPORT ON THE MARCH 28, 2015, SHOOTING OF MEGAN HOCKADAY BY OXNARD POLICE OFFICER ROGER GARCIA 27 (2016), <https://www.vcdistrictattorney.com/wp-content/uploads/2016/08/Hockaday-OIS-Report-FINAL-PDF.pdf> [<https://perma.cc/9UJW-YHY5>].

179. CRENSHAW ET AL., *supra* note 157, at 22, 23.

180. *Id.* at 25.

181. *Id.*

182. *Id.*

183. *Id.*

184. *Id.*

185. *Id.*

On August 18, 2006, in New York City, seven Black lesbian and gender nonconforming women, now known as the New Jersey 7, were physically assaulted and threatened with rape by a man because they were lesbians.<sup>186</sup> When police responded to the incident, they arrested the women and charged them with “gang assault” for defending themselves.<sup>187</sup> The media characterized them as a “lesbian wolfpack,” and the man who burned and choked two of the women involved claimed to be a victim of “heterosexual hate crime.”<sup>188</sup> The New Jersey 7 were found guilty and sentenced to eleven years in prison.<sup>189</sup> They eventually won an acquittal, had new trials, and received shorter sentences.<sup>190</sup> This case serves to exemplify how Black women who do not fit stereotypical gender roles are treated in the law. These women were brutally assaulted and threatened with rape because of their gender expression, and instead of being protected in the law, they were silenced and put away.

While the nation mourned the lives of Black men at the hands of police, Black women were falling victim to the same fate; yet the only people shouting their names in the streets were their loved ones. No one person is to blame for that. Centuries of white male dominance has created a social hierarchy that puts Black women at the bottom—the bottom of the list of things to be concerned about, to write stories about, to celebrate, to mourn, and to report.

### III. THE SILENCING OF BLACK WOMEN VICTIMS OF POLICE BRUTALITY

The silencing of Black women that experience violence at the hands of police is a commonality among victims. This section further exposes the erasure of stories that position Black women as victims of state sanctioned violence by analyzing the differences between public response and legal outcomes in the cases of Breonna Taylor and George Floyd. This section then ends with a brief introduction of the #SayHerName campaign and how their proposed demands and policy recommendations could alter public perception of Black women victims of violence while uniting othered groups in racial justice efforts.

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186. *Id.*

187. *Id.*

188. *Id.*

189. *Id.*

190. *Id.*

## A. *The Case of Breonna Taylor*

### 1. Facts

Breonna Taylor was killed in her home on March 13, 2020, by Louisville police officers executing a search warrant.<sup>191</sup> The search warrant was signed because police suspected Taylor's ex-boyfriend of using her apartment to receive packages related to drug dealing, even though officers knew he was selling drugs from a house in a different part of town.<sup>192</sup> Officers used a battering ram to knock her door down.<sup>193</sup> After the first loud bang, Ms. Taylor and her boyfriend Kenneth Williams got up and called for whomever was knocking to identify themselves.<sup>194</sup> No identification was made. Instead, police then ripped the door off its hinges with the battering ram,<sup>195</sup> at which point Mr. Williams fired a single shot towards the door, hitting Sgt. Mattingly in the thigh.<sup>196</sup> Officer Brett Harrison responded by firing ten shots in the apartment and hitting Ms. Taylor five times.<sup>197</sup> Ms. Taylor was left untreated for twenty minutes after the shooting.<sup>198</sup>

### 2. Public Response

Within sixty days of her death, national news outlets had only mentioned Breonna Taylor in eight articles.<sup>199</sup> In fact, Breonna's story did not attract much media attention until after the death of George Floyd, which will be discussed later.<sup>200</sup> Floyd's death reignited #BlackLivesMatter protests worldwide which turned attention to Breonna's case.<sup>201</sup> Breonna's name quickly started being mentioned by activists, national news outlets, and celebrities. Attention around Breonna's case died down after summer 2020 did not regain traction because the failure of Louisville officials to hold their officers accountable for her death was not news.

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191. Richard A. Oppel Jr. et al., *What to Know About Breonna Taylor's Death*, N.Y. TIMES (Mar. 9, 2023), <https://www.nytimes.com/article/breonna-taylor-police.html> [<https://perma.cc/S5J9-PXQB>].

192. *See id.*

193. *Id.*

194. *Id.*

195. *Id.*

196. *Id.*

197. *Id.*

198. *See id.*

199. Alex Samuels et al., *Why Black Women Are Often Missing From Conversations About Police Violence*, FIVETHIRTYEIGHT (May 6, 2021), <https://fivethirtyeight.com/features/why-black-women-are-often-missing-from-conversations-about-police-violence> [<https://perma.cc/PT2W-YELU>].

200. *Id.*

201. *See id.*

### 3. Legal Outcomes

On September 14, 2020, Louisville officials agreed to a \$12 million settlement to Breonna Taylor's estate for wrongful death.<sup>202</sup> The settlement also included implementation of community related police programs, search warrant reforms, and police accountability reforms.<sup>203</sup> As a result, no-knock search warrants are banned in Louisville under new legislation called "Breonna's Law."<sup>204</sup> Additionally, the grand jury chose not to indict officer Brett Hankinson for the murder of Breonna Taylor.<sup>205</sup> Instead, he was charged with three counts of wanton endangerment because three of the ten bullets he fired went into an adjacent apartment occupied by three people.<sup>206</sup>

#### B. *The Case of George Floyd*

##### 1. Facts

George Floyd was killed on May 25, 2020, by Minneapolis police in response to a report of a man using counterfeit money to buy a pack of cigarettes.<sup>207</sup> The person who made the call described Mr. Floyd as drunk and out of control.<sup>208</sup> As officers attempted to get Mr. Floyd in the back of the squad car, Mr. Floyd claimed he did not want to get in the car because he was claustrophobic and could barely breath standing up.<sup>209</sup> In resistance to officers trying to put him in the car, Mr. Floyd fell to the ground.<sup>210</sup> At that point, officer Derrick Chauvin kneeled into Mr. Floyd's neck and held his position for about nine minutes.<sup>211</sup> Floyd died on the scene of asphyxia

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202. *Palmer v. Hankison et al.*, 20 Or. Lit. Arb. Rpts. 168, 168 (Ky. Cir. Ct. Sept. 14, 2020) (Verdict and Settlement Summary).

203. *Id.*

204. *Results*, BEN CRUMP: TRIAL LAWYER FOR JUSTICE, <https://bencrump.com/results> [<https://perma.cc/D77Q-XNV8>] (last visited Mar. 22, 2023).

205. Marty Johnson, *Grand Jury Charges No Officers in Breonna Taylor's Death*, THE HILL (Sept. 23, 2020, 1:26 PM), <https://thehill.com/homenews/administration/517818-grand-jury-brings-no-charges-against-officers-in-breonna-taylor-death/> [<https://perma.cc/TBQ7-3963>].

206. *Id.*

207. Chris Graves, *The Killing of George Floyd: What We Know*, MPR NEWS, (June 1, 2020, 10:50 AM), <https://www.mprnews.org/story/2020/06/01/the-killing-of-george-floyd-what-we-know> [<https://perma.cc/JA4M-W3RZ>].

208. *Id.*

209. *Id.*

210. *See id.*

211. *Id.*

due to neck and back compression.<sup>212</sup> A young bystander recorded the incident and posted it online.<sup>213</sup>

## 2. Public Response

The very next day, protestors took the streets of Minneapolis demanding justice for the killing of George Floyd.<sup>214</sup> Soon after, protests ensued nationally in defense of Black Lives. Protests following the death of George Floyd took place in every state in the country and in several communities abroad.<sup>215</sup> His death sparked a call for racial justice, and activists, policy makers, artists, and celebrities keep his memory alive by engaging in conversation and education around his death even years later.

## 3. Legal Outcomes

Derrick Chauvin was charged with second-degree murder, third-degree murder, and second-degree manslaughter.<sup>216</sup> In June of 2021, Chauvin was found guilty of unintentional second-degree murder, third-degree murder, and second-degree manslaughter; he was sentenced to twenty-two and a half years in prison.<sup>217</sup> Additionally, the City of Minneapolis agreed to a \$27 million settlement for the police killing of George Floyd.<sup>218</sup>

### C. *Why the Differences Matter*

Breonna Taylor was killed in the privacy of her home, but George Floyd's public execution was recorded and posted online. These facts concede to the traditions of public violence against Black men and private violence against Black women that underscore the idea that Black women are inherently prone to violent environments in contrast to Black men being victims subject to violence. Black men and women both endure unfathomable suffering because of racial injustice, but one group is prioritized in advocacy over the other. Black men deserve to be fought for, loved, and protected—and so do Black women. The idea that this love

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212. *Id.*

213. *Id.*

214. *Id.*

215. See Derrick Bryson Taylor, *George Floyd Protests: A Timeline*, N.Y. TIMES (Nov. 5, 2021), <https://www.nytimes.com/article/george-floyd-protests-timeline.html> [<https://perma.cc/85KL-5JSY>].

216. Graves, *supra* note 207.

217. Bill Chappell, *Derek Chauvin Appeals His Conviction for George Floyd's Murder*, MPR NEWS (Apr. 27, 2022, 1:34 PM), <https://www.mprnews.org/story/2022/04/27/npr-derek-chauvin-george-floyd-appeal> [<https://perma.cc/3KYZ-SXF4>].

218. *Results*, *supra* note 204.

and protection cannot be done shared across gender lines stems from the violence Black women endure at the hands of Black men. Black men cannot be protected from law enforcement if they are to be held accountable for the violence Black women experience at their hands. The difference in how society treats public and private tragedies directly correlates to the differences in how Black male and female victims of racial violence are fought for. The #SayHerName campaign aims to bridge that gap.

#### D. *The #SayHerName Campaign*

##### 1. The Organizations Behind the Movement

The #SayHerName campaign was launched in December 2014 by the African American Policy Forum (AAPF) and the Center for Intersectionality and Social Policy Studies (CISPS) to bring awareness to Black women and girls who have been victims of racist police violence and provide support to their families.<sup>219</sup> In 2015, in partnership with Andrea Ritchie, AAPF and CISPS released a report entitled “Say Her Name: Resisting Police Brutality Against Black Women” which provides an intersectional framework for understanding Black women’s susceptibility to police brutality and state sanctioned violence while also offering suggestions for mobilizing and empowering different communities to advocate for racial justice.<sup>220</sup> This report informs a large portion of the research used in this examination of police violence against Black women. Also in 2015, AAPF started hosting an annual #SayHerName “Mothers Weekend” in New York City, bringing together mothers who lost their daughters to police violence and informing the public of their specific needs.<sup>221</sup> The weekend also serves as a source of community and support for the mothers involved.<sup>222</sup>

The parties responsible for the start and success of the #SayHerName campaign are the African American Policy Forum (AAPF) and the Center for Intersectionality and Social Policy Studies (CISPS). AAPF was founded in 1996 by Kimberlé Crenshaw and Dr. Luke Charles Harris and is a think tank made up of academics, activists, and policymakers that promotes efforts to dismantle structural inequality.<sup>223</sup> They promote frameworks and

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219. #SayHerName: *Black Women Are Killed by Police Too*, THE AFRICAN AM. POL’Y FORUM, <https://www.aapf.org/sayhername> [<https://perma.cc/8UTP-XH9M>] (last visited Mar. 22, 2023).

220. *Id.*

221. *Id.*

222. *Id.*

223. THE AFRICAN AM. POL’Y FORUM, <https://www.aapf.org> [<https://perma.cc/MP9D-J2LY>] (last visited Mar. 22, 2023).

strategies that embrace intersectionality and are “dedicated to advancing and expanding racial justice, gender equality, and the indivisibility of all human rights, both in the U.S. and internationally.”<sup>224</sup> AAPF is currently focused on two major campaigns: the #SayHerName and #TruthBeTold campaigns.<sup>225</sup> The purpose of the #TruthBeTold campaign is to fight for the continuation of “critical race theory” being taught in schools.<sup>226</sup> The term critical race theory was created by republican legislators at the state and local levels after Trump’s “equity gag order” was rescinded at the federal level.<sup>227</sup> The order banned “federal agencies, contractors, and grant recipients from conducting trainings and programs that address systemic racism and sexism.”<sup>228</sup> The #TruthBeTold campaign is AAPF’s way of fighting against the erasure of true American history as it relates to racial injustice.<sup>229</sup> AAPF also provides demands and policy recommendations aimed at transforming the tradition of Black women and girls being overlooked victims of state sanctioned violence that the next section of this paper further explores.<sup>230</sup>

CISPS was established in 2011, at Columbia Law School by Kimberlé Crenshaw.<sup>231</sup> CISPS served “as a global focal point for the development, articulation, and application of intersectionality as both a theoretical framework and a practice in law, human rights, and social justice advocacy.”<sup>232</sup> As an interdisciplinary research hub, CISPS partnered with research centers across Columbia University in five topical areas: Labor, Work and Economy; Violence and Exploitation; Education; International Law and Policy; and Health, Disability, and Health Disparities.<sup>233</sup> CISPS is most known for their partnership with AAPF.

Kimberlé Crenshaw, the woman that founded both of these organizations and coined the term “intersectionality,” is one of the

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224. *Id.*

225. See *Welcome to the #TruthBeTold Campaign*, THE AFRICAN AM. POL’Y FORUM., <https://www.aapf.org/truthbetold> [<https://perma.cc/5LJM-FJFM>] (last visited Mar. 22, 2023); see also #SayHerName, *supra* note 219.

226. See *Welcome to the #TruthBeTold Campaign*, *supra* note 225.

227. *Id.*

228. *Id.*

229. See *id.*

230. See #SayHerName: Our Demands, THE AFRICAN AM. POL’Y FORUM., <https://www.aapf.org/our-demands> [<https://perma.cc/T2ZP-N6FW>] (last visited Mar. 22, 2023).

231. *Center for Intersectionality and Social Policy Studies*, COLUM. L. SCH., <https://intersectionality.law.columbia.edu> [<https://perma.cc/48VU-5EES>] (last visited Mar. 22, 2023).

232. *Id.*

233. *Id.*

most influential Black feminist legal theorists in the United States. Crenshaw has authored scholarship on the erasure of Black women as victims of sexual harassment and abuse, and the refusal of white feminists to address Black issues as well as the neglect of leaders of anti-racist movements to address gender specific issues.<sup>234</sup> Crenshaw's intersectionality theory has informed decades of scholarship around systems of oppression affecting Black women and how they work in tandem to justify different types of violence done to Black women. Crenshaw continues to inspire new generations of activists, lawyers, and policy makers through her scholarship, her founding of AAPF, and her position as a professor at UCLA School of Law and Columbia Law School.

## 2. Demands and Policy Recommendations

AAPF lists nine demands that could transform public perception of the justification of police violence against Black women.<sup>235</sup> The first is to “[h]onor the memories and tell the stories of Black women and girls who have been killed by the police.”<sup>236</sup> The second is to “[i]nvest in forms of community safety and security that do not rely on police officers.”<sup>237</sup> The third is to “[r]eallocate police budgets and divert those resources back to where they were taken from: mental health services, domestic violence services, shelters for people without homes, education, increasing jobs, etc.”<sup>238</sup> The fourth is to “[h]old police accountable for violence against Black women and girls by requiring that both the City and officers involved admit liability, and issue apologies to the families and communities of women and girls killed, abused, and assaulted by officers.”<sup>239</sup> The fifth is to “[c]reate and pass reforms that specifically address the home as a site of police violence against Black women.”<sup>240</sup> The sixth is to “[e]nd the use of no-knock warrants.”<sup>241</sup> The seventh is to “[e]nd the practice of sending officers to mental health and domestic disturbance calls.”<sup>242</sup> The eighth is to “[a]dopt and enforce police department policies banning officers from searching people to assign gender based on anatomical features and require officers

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234. See Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 3 STAN. L. REV. 1241 (1991).

235. See #SayHerName: *Our Demands*, *supra* note 230.

236. *Id.*

237. *Id.*

238. *Id.*

239. *Id.*

240. *Id.*

241. *Id.*

242. *Id.*

to respect gender identity and expression in all police interactions, searches, and placements in police custody.”<sup>243</sup> The final demand is to “[c]reate and enact use-of-force policies to prohibit the use of tasers or excessive force on pregnant women or children.”<sup>244</sup>

If implemented, these demands would shift public perception of the state of violence against Black women from inherent to abhorrent. Publicly apologizing for killing Black women would reframe Black women as true victims of violence rather than allowing their violent experiences to be rationalized and justified. Additionally, reallocating funds to community programs designed to promote public welfare would drastically decrease the number of Black women unwillingly interacting with police officers. Black women often encounter police because of a lack of access to resources that would allow them to take care of themselves and their families. Lack of community resources is directly related to crimes of poverty and protection. Furthermore, no-knock warrants, police intervention in mental health crises, gender assigning searches, and use of excessive force on pregnant women or children demonstrate policing practices that are wrongfully intrusive and overtly violent towards anyone who does not identify as a cis-gendered, white, and male.

The policies recommended by AAPF largely involve the development of systems that center intersectionality in the pursuit of racial justice. The recommendations push local and national organizations and social movements to find ways to support all families who have lost a loved one to police violence and all surviving members of police violence.<sup>245</sup> Recommendations also suggest including the names and faces of Black women victims alongside those of Black men at all actions against police violence.<sup>246</sup> Simplistic on its face, this particular recommendation could potentially change discourse around racial justice as a whole by prompting people to automatically think of and advocate for all Black people as true victims of racial injustice. Other recommendations suggest creating spaces to discuss how patriarchy, homophobia, and transphobia impact Black communities as a whole, while also developing skills to talk about all the ways that state sanctioned violence affects all Black women.<sup>247</sup> These skills and spaces could create lasting change in both the public and private experiences of

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243. *Id.*

244. *Id.*

245. *Id.*

246. *Id.*

247. *Id.*

Black LGBTQ+ people and promote a more united push for racial injustice than ever before.

### CONCLUSION

The current state of violence against Black women in the United States is reprehensible. Black women are entitled to basic respect and protection by virtue of existing. The stereotypes that inform any other opinion on the matter fail to acknowledge the fact that ownership of the identity is the only thing that can give it power. Black feminist theory empowers the Black woman to define herself individually by validating her lived experiences and making her truth the truth. Through the demands and policy recommendations made by AAPF, intersectionality theory can be implemented into already existing systems and transform public perception on the quality of care given to Black women.

The first step to this end has already been taken by AAPF, which has created a space in mainstream media that allows Black women to tell their stories without fear of opposition. They have created community among women who have experienced violence at the hands of police officers. They sparked a conversation centering Black women as the victims of oppression in a way that has not been done before. We have learned from past movements that publicity of the issue sparks change. Controversy sparks conversations that become innovative policies.

Black women should be seen and treated as full people beyond the stereotypes forced upon them. Strong women need help. Nurturing women need compassion. Passionate women need rest. Black women, like all other people should be loved and celebrated out loud. Their lived experiences should be accepted as truths. Their voices should be amplified.