Two young women holding hands, c. 1890 BEINECKE LIBRARY, YALE UNIVERSITY

CHAPTER 2

Race

DOROTHY ROBERTS

On a summer day in 2019, Ashley Ramkishun and Samuel Sarfo thought they were making a routine trip to the clerk's office in Arlington County, Virginia, to apply for a marriage license. They didn't expect that the computerized Marriage Register form they were directed to fill out would include a box titled "Race," with an asterisk indicating it was required information. Under "Race" was the instruction to "Select One," with a drop-down list of seven categories to choose from—American Indian/Alaskan Native, African American/Black, Asian, Caucasian, Hispanic/Latino, Pacific Islander, and Other.[1] Sarfo, who was thirty-two years old at the time and working at a bank, is a Black man who grew up in Ghana and immigrated to the United States as a teenager. Ramkishun was twenty-six years old and had recently graduated from law school. Her parents are of Indian descent and came to the United States from Guyana, a nation on the Caribbean coast of South America.

When the couple asked if there was a way to apply without identifying a race, they were told that their only option was to select "Other." "I didn't want to pick 'Other,'" Ramkishun would recall. "I've been having to pick 'Other' all my life. None of it defines who I am."[2] Because she and her fiancé refused to click on a race category, the computer system couldn't process their license application. They could not get married without specifying their race.

This would have been true in any of Virginia's ninety-five counties, all of which required applicants to identify their race in order to obtain a marriage license. In Rockbridge County, for example, applicants were required to choose a racial identification from a list of 230 terms that includes "Mulatto," "Quadroon," "Nubian," and "Aryan."[3] And Virginia was not alone. Soon after they'd attempted to wed in Arlington County, Ramkishun landed a job in the state attorney's office in Miami and the pair moved to Florida. Once there, they again applied for a marriage license. To their surprise, the application in Miami-Dade County also included the race question. After Ramkishun called county officials to complain, however, the couple was able to print out the form and complete it without identifying themselves by race. Ramkishun and Sarfo wed in December 2019.

By that time, they had also decided to join two other couples in Virginia who had been denied marriage licenses for refusing to racially identify and filed a lawsuit challenging the state's requirement in federal court. In late 2019, Judge Rossie D. Alston, Jr., handed down a decision: there was no compelling reason to maintain the racial-identification law, which burdened the plaintiffs' fundamental right to marry and therefore violated the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.[4]

In deciding for the plaintiffs, Judge Alston traced the racial-classifications requirement to a Virginia law passed in 1924 entitled "An Act to Preserve Racial Integrity." This law required local and state registrars to keep certificates of "racial composition" for everyone born in the state and to require accurate "statements as to color of both man and woman" on applications for marriage licenses.[5] It also strictly prohibited interracial marriages.

In 1967, the U.S. Supreme Court struck down the act's interracial marriage ban in its celebrated *Loving v. Virginia* decision, but it left intact the racial-classification system itself. According to the Court's reasoning, the prohibition on interracial marriage violated the Fourteenth Amendment's Equal Protection Clause not because it employed racial classifications but because it used them to enforce racial separation.[6] The opinion failed to overturn the racial-identification scheme—including the marriage license requirement, which is why Sarfo and Ramkishun encountered it in the Arlington County clerk's office in 2019.

Despite the decision in favor of Sarfo and Ramkishun, the practice of dividing people into racial categories permeates our society. It has become so routine to identify people by race that most of us don't think twice about it. We check off racial boxes on the U.S. Census form, college applications, public school records, mortgage applications, and medical charts. It's common for people to say they know race exists because they can "see" it. Research by social psychologists who study how people racially categorize others has suggested that paying attention to race is an automatic process that occurs almost instantaneously when a person encounters a face.[7] Social psychologist Destiny Peery uses computer-generated faces deliberately made to appear "racially ambiguous" to investigate the multiple types of information people compute to arrive at a racial determination.[8] Even people who are born blind have reported that they were taught how to "see" race—by touching other people's hair, smelling them, or listening to their speech.[9] Race seems to be natural and inherited.

Where does this thinking come from? As the justices unanimously found in their *Loving* decision, the 1924 Racial Integrity Act originated as "an incident to slavery" and its racial classifications served as nothing more than "measures designed to maintain White Supremacy." The chief promoter of that act, Walter Ashby Plecker, Virginia's state registrar of vital statistics from 1912 to 1946, was a doctor with deep ties to both eugenicists and white supremacists. Plecker turned his office into the state's most powerful tool for implementing the belief in an innate racial hierarchy.[10] Plecker wrote in his preface to the Racial Integrity Act that the state must use "radical measures" to prevent the "intermarriage of the white race with mixed stock."

He was especially worried that growing numbers of "near white people" were surreptitiously gaining white privileges despite their "intermixture of colored blood." Plecker's administrative apparatus, composed of midwives and doctors who reported births, undertakers who reported deaths, and marriage license clerks, ensured that the racial identities of all Virginians were accurately recorded, and that the prohibition against intermarriage was strictly enforced. The Racial Integrity Act made it a crime for a "white person" to marry anyone other than another "white person," defined as having "no trace whatsoever of any blood other than Caucasian," and prevented officials from issuing marriage licenses until they were satisfied that the applicants' statements as to their race were correct. A misstatement on the license application was punishable as a felony. The goal was, according to the U.S. Supreme Court in the 1967 *Loving* decision, a "comprehensive statutory scheme aimed at prohibiting and punishing interracial marriages."[11]

The bedrock of this statutory scheme was a network of laws passed in the colonial era governing sex and race. These laws, which created the racial-classification systems we still live with today, were primarily concerned with policing interracial sex. They maintained a clear line between who was Black and who was white, who was enslaved and who was free, by banning interracial intercourse and enforcing a rule of matrilineal descent: if a mother was Black and enslaved, so was her child. Though these laws were partly aimed at preventing miscegenation, they also incentivized the rape of Black women by their white enslavers, who could profit from their sexual assaults by enslaving any resulting children.

Over the next two hundred years, white authorities intent on maintaining and justifying slavery solidified a racial-classification system backed by sexual regulation. The founders of the new nation incorporated the colonial categorization of races and made exclusion of Africans and Native tribes from the democracy foundational to the U.S. Constitution. Even after slavery ended and into the twentieth century, laws like the Racial Integrity Act continued to define and enforce racial lines, sometimes even more meticulously than during the slavery era. But this system, which grew partly out of colonial anxiety about interracial sex, did and still does more than maintain racial categories. The laws that invented race also created a regime intent on policing Black women's sexuality and controlling Black women's bodies. Many generations later, we are still living with its legacy of entangled racial injustice and sexual violence.

In the early days of colonial America, the vast majority of people compelled to work for landowners were vagrant children, convicts, and indentured laborers imported from Europe. The wealthy settlers who benefited from their unfree labor did not at first distinguish between the status of European, African, and Indigenous servants.[12] But as the slave trade mushroomed, Africans began to be subjected to a distinct kind of servitude: they alone were considered the actual property of their enslavers.[13] Colonial legislatures enforced the distinction between Black and white people through a series of new laws passed in the mid-1600s that established a legal regime that differentiated the political status of Europeans and Africans. It was particularly concerned with sex because sex between Black and white people produced children who confounded the strict distinctions between those two categories.

The first officially recorded condemnation of interracial sex was the public whipping of Hugh Davis, a white man, ordered by the Virginia General Assembly in 1630 for "abusing himself to the dishonor of God and shame of Christians, by defiling his body in lying with a Negress."[14] A decade later, when another white man, Robert Sweet, impregnated a Black woman, the Black woman was flogged, while Sweet was ordered to do penance in church.[15] There was also the question of how to regard the children of these sexual interactions. It was critical to the emerging racial order to identify their status. Should they be classified as white and free, like their fathers, or Black and enslaved, like their mothers? Today, most Americans would quickly identify these children born to Black women as Black—as if they were applying a universal rule of biological inheritance. But in the 1600s, the racial-classification rules had not yet been established.

The Virginia House of Burgesses—the first elected legislature in the colonies—met to debate the question. According to the patriarchal mandates of British inheritance and kinship law, the children should have had the status of their white fathers. Yet the colonists could see the political and economic disadvantages of classifying children born to Black women as white: such a decision would expand the pool of human beings who were entitled to the privileges of whiteness, and it would decrease the pool of human beings who could be enslaved. In the end, in 1662, the colonists passed a statute that maintained the racial hierarchy:

> Whereas some doubts have arrisen whether children got by any Englishman upon a negro woman should be slave or free, *Be it therefore enacted and declared by this present grand assembly,* that all children borne in this country shalbe held bond or free only according to the condition of the mother.[16]

Enslaved Black women gave birth to enslaveable children even if the fathers were white. In discarding English legal tradition, the colonists adopted the Roman principle of *partus sequitur ventrem*—"the offspring follows the belly"—used to determine the ownership of animals. As a litter of pigs belonged to the owner of the sow, the children born to Black women were the property of the mother's enslaver.

The law allowed white men to profit from their sexual assaults on Black women. Freed from the worry that their mixed-race offspring had any legal claim to freedom, white men could rape enslaved women with total impunity, maintaining their domination while increasing their wealth. Their control over Black women's bodies was key to creating a permanent labor supply.[17] The white enslaver crafted a "convenient game," wrote Lydia Maria Child, a Massachusetts abolitionist, that "enables him to fill his purse by means of his own vices."[18]

The law also helped to invent the meaning of race. Although they clearly determined the status of Black women's children for political and economic reasons, the Virginia legislators pretended slave status was a natural identity passed down through procreation. They constructed a racial-classification scheme but made it seem like an inherited condition. Though they imposed slavery by power, they cast Black women's wombs as the producers of their children's subjugated condition.

In 1663, a year after Virginia passed the law enslaving the children of enslaved women, the Maryland Colony enacted a similar statute. Enslavement soon became a heritable condition across colonial America.[19] This stark distinction in political status necessitated stricter enforcement of the boundaries between racial categories.

Virginia's racialized legal regime also included a 1691 criminal law prohibiting Negro, mulatto, and Indian men from marrying or "accompanying" a white woman.[20] By requiring that white women gave birth only to white children, the law preserved white men's exclusive sexual access to white women, as well as white racial purity. Mulatto children born to white women were not subject to the 1662 statute, which applied only to enslaved Black women, and therefore were born free—posing a threat to white male dominance. In 1705, the colony reinforced its disdain for interracial relationships by making it a crime for a white person to marry a Black person, punishable by six months in prison.[21]

This anti-miscegenation law was accompanied by a set of measures designed to codify the superior status of white people and the subordination of Black people.[22] The law gave white indentured laborers "freedom dues"—a payment in cash, land, or supplies received when they completed their contract term—while enslaved Black people were entitled to no freedom at all.[23] The legislature enacted a set of "slave codes," which declared that an enslaver who killed a person he enslaved while "correcting" the victim would not be prosecuted for a felony.[24] The same statute, by contrast, prohibited masters from inflicting "immoderate correction" on white indentured laborers and allowed those laborers to file complaints against masters who violated this restriction.[25] The codes also prohibited Black or mulatto individuals from holding public office, testifying in court, or otherwise swearing under oath.[26] This legal distinction in status based on race alone turned racial classification into a caste system. Through these laws, colonial landowners constructed race as a system of power in which anyone categorized as Black could be dominated by anyone categorized as white.

By the turn of the eighteenth century, the British North American colonies were governed by a complex and rigid racial-classification system that determined whether a person was entitled to freedom or subjected to enslavement. To reinforce the power and purity of people identified as white, it was necessary to regulate sex, which was often done through violence. Black men accused of even attempting to have sex with a white woman were subjected to barbaric punishments. And Black women, because they were considered human chattel, had no legal right to bodily autonomy. Courts did not recognize the rape of enslaved women and girls by *any* man as a crime. The very notion of rape didn't apply to Black women and girls, because they were considered incapable of consenting or not consenting to sex.[27]

None of this changed with the founding of the nation, whose framers preserved the slavery regime in the new Constitution and state laws. Sally Hemings, born in 1773, was the daughter of her mother's enslaver—John Wayles, the father of Thomas Jefferson's wife, Martha. Jefferson acquired Hemings when she was a child as part of his inheritance from Wayles. While Hemings and Jefferson were living in Paris, where Jefferson was serving as the foreign minister to France and Hemings as a lady's maid to Jefferson's daughters, Jefferson made Hemings his concubine. According to historian Annette Gordon-Reed, it is likely that by the time Hemings was sixteen, she was either pregnant or about to become pregnant with Jefferson's child. Hemings lived with Jefferson at Monticello for more than thirty years, giving birth to seven children. Because Hemings was enslaved, her children were deemed Jefferson's property. Four of Hemings's children lived to be adults, and Jefferson then arranged to free them.[28]

The law continued to regard Black women and their children this way for many decades. In the 1850s, a Mississippi jury convicted an enslaved man named George for raping an enslaved girl under the age of ten. Judge E. G. Henry of Madison County sentenced George to death by hanging. George's enslaver appealed the decision to the state's High Court of Errors and Appeals. John D. Freeman, the lawyer representing George, argued that because the victim was enslaved, George had committed no legally recognizable offense. "The crime of rape does not exist in this State between African slaves," Freeman noted. "Our laws recognize no marital rights as between slaves; their sexual intercourse is left to be regulated by their owners. The regulations of law, as to the white race, on the subject of sexual intercourse, do not and cannot, for obvious reasons, apply to slaves."[29] The high court agreed and threw out the indictment. "Masters and slaves cannot be governed by the same system of laws; so different are their positions, rights and duties," the court reasoned.

Husbands were legally entitled to force sex on their wives, and the marital rape exemption lasted in all fifty states until the 1970s.[30] White women who claimed they were assaulted by white men who were not their husbands had to clear a host of evidentiary hurdles, such as proving that they had resisted, had reported the attack quickly, were severely injured, were not having sex outside of marriage, and had corroborating evidence. These legal impediments were insurmountable for Black women. The vast majority of enslaved women had no right to testify in court at all against white men charged with felonies. The only legal recourse existed when an enslaved woman was raped by a man other than her enslaver. In that case, the enslaver could sue the abuser for trespass to chattel, a civil violation of the enslaver's property rights.[31] White men settled disputes between them arising from sexual abuse of enslaved women by enslaved men outside of court.[32]

We don't know exactly how frequently white enslavers raped enslaved women and girls. An analysis by historian Thelma Jennings of 514 narratives of formerly enslaved people found that 12 percent of the female authors referred to experiences of coerced sex by white men. Of those women, 35 percent had fathers who were white men or had given birth to children fathered by white men.[33] Jennings noted that the numbers were likely far larger, given the reluctance of recently freed Black women to discuss such private matters with their white interviewers. Census records show that in 1850, roughly 11 percent of the enslaved population was classified as mulatto.[34]

New evidence of white men's sexual violence against enslaved women is emerging from the genome. A 2020 study sampling the DNA of fifty thousand people—thirty thousand with African ancestry—reinforced the historical record. Spurred by Joanna Mountain, the senior director of research at 23andMe, scientists used DNA in the company's direct-to-consumer database to trace the ancestry of customers whose grandparents were born in one of the regions touched by the transatlantic slave trade. The researchers found that although a majority of the more than 12 million enslaved people who arrived in the Americas were men, enslaved women contributed more to the current gene pool. The genetic contribution of European men to the ancestry of African Americans is three times greater than that of European women. This means that enslaved men were more likely to die before they were able to have children and that enslaved women were often raped by white men and forced to bear their children.[35]

Since Black women had no right to deny sex to their enslavers, they had no right to defend themselves against forced sex. Enslaved women who successfully fought off enslavers who tried to assault them were sold away from their families, gruesomely maimed, or executed.[36] In 1850, within a year of his wife's death, a white Missouri farmer named Robert Newsom purchased a fourteen-year-old girl named Celia for the purpose of having sex with her.[37] He raped Celia for the first time on the journey home from the sale. Newsom put Celia up in a tiny cabin on his farm and there continued to rape her repeatedly over the course of five years. Celia gave birth to at least one child resulting from Newsom's assaults. In the summer of 1855, Celia begged Newsom to stop because she was sick and pregnant and warned him that she would resist his advances. She began to keep a large stick in the corner of her cabin to protect herself. When Newsom ignored her pleas and came to her cabin on the night of June 23, 1855, Celia clubbed him twice over the head with the stick, killing him.

Celia confessed to Jefferson Jones, who was sent by white citizens to interview her in her prison cell to find out if she had any accomplices. She was tried for first-degree murder before a jury composed entirely of white men, and Jones testified for the prosecution. Celia argued that she should be found not guilty under the state law of self-defense. An 1854 Missouri statute provided that women could defend themselves against "every person who shall take *any woman,* unlawfully, against her will, with intent to compel her by force, menace or duress . . . to be defiled" (emphasis added). But the presiding judge instructed the jury that the law didn't apply to Celia, for Celia didn't fall within the category of "any woman." Instead, the judge considered Celia the chattel property of Newsom and therefore without any legal right to protect herself against him.[38] The jury found Celia guilty of murdering Newsom. The judge delayed her execution so she could give birth to her third child, which would become the property of the Newsom family. But the baby was stillborn; Celia's other two children were sold. Celia was hanged on December 21, 1855.

With the end of slavery, racial classification no longer determined whether people were enslaved or free, but the ideas that denied Black women's bodily autonomy for nearly 250 years still held great force. The legal system that countenanced sexual violence against Black women and girls had required a moral excuse for its barbarism—especially in a nation that espoused ideals of female chastity and male civility. That justification came in the form of a particular kind of mythology that developed during the slavery period that disparaged Black women's sexuality. Whether free or enslaved, Black women were portrayed as sexually licentious, always consenting, and therefore unrapeable.

This thinking had been in place even before the African slave trade began. During the 1600s, English travelers to West and Central Africa sometimes praised African women's beauty, but they also explained the need to control Africans by mythologizing the voracious sexual appetites of African people.[39] White writers constructed the image of a Black woman governed by her sexual desires, identified by historian Deborah Gray White as the "Jezebel" after the biblical wife of King Ahab. As early as 1736, the *South-Carolina Gazette* described "African Ladies" as women "of 'strong robust constitution' who were 'not easily jaded out' but able to serve their lovers 'by Night as well as Day.'"[40] The lascivious Black temptress was a convenient icon: if Black women were inherently promiscuous, they could not be violated. In his 1835 pamphlet *The Morals of Slavery*, the celebrated South Carolina intellectual William Gilmore Simms wrote that Black women lacked the "consciousness of degradation" possessed by even the most disreputable white prostitutes in the North. Contributing to the Jezebel stereotype was the practice of selling mulatto women for the purpose of forcing them into sex work and concubinage for the sexual gratification of white men.[41] Some white Southerners saw the sexual availability of enslaved women as one of slavery's bonuses, because it protected the honor of white women from white male exploitation.[42]

This caricature of the hypersexual Black woman persisted even after slavery was abolished. White scholars and politicians linked sexual stereotypes of Black women to claims that Black mothers procreated recklessly, passing socially damaging traits to their children. In *The Plantation Negro as a Freeman*, published after the Civil War in 1889, prominent historian Philip A. Bruce set the stage by presenting Black women's sexual impurity as evidence that free Black people were regressing to a naturally immoral state. Bruce argued that Black women raised their daughters to follow their own licentious lifestyle, failing to "teach them, systematically, those moral lessons that they peculiarly need as members of the female sex."[43]

These ideas persisted into the twentieth century and drove government programs that attempted to regulate Black women's reproductive lives. State and federally funded family-planning programs engaged in massive campaigns to sterilize Black women. For example, between 1933 and 1976, the Eugenics Board of North Carolina approved the involuntary sterilizations of more than 7,500 people—affecting Black people at a disproportionate rate—on the grounds that they were "mentally defective."[44] In 1973, a federal district judge presided over a case of two Black sisters from Montgomery, Alabama, who were sterilized at ages twelve and fourteen when government-paid nurses pushed their illiterate mother into signing a consent form with an X.[45] The judge, Gerhard Gesell, in ruling against this practice, noted that "over the last few years, an estimated 100,000 to 150,000 low-income persons have been sterilized annually under federally funded programs."[46]

In addition to coercive family-planning programs, major social policies implemented throughout the second half of the twentieth century were fueled by notions of Black women's dangerous maternity resulting from an unbridled sexuality. Daniel Patrick Moynihan's 1965 report *The Negro Family: The*

Case for National Action furthered the theory that Black mothers were responsible for the disintegration of the Black family and the consequent failure of Black people to succeed in America. But hundreds of years of state-imposed hardship and unequal treatment made such success nearly impossible for most Black people: in addition to monumental losses inflicted by enslavement, Black families had been severely disadvantaged by racist housing policies, employment discrimination, inferior schools, exclusionary banking practices, and unjust law enforcement. They were also deliberately prevented from benefiting from the radical government-assistance programs of the New Deal that promoted the well-being of white families. Yet many white sociologists blamed unwed Black mothers for creating a dysfunctional family structure by displacing Black men as the heads of households and transmitting a depraved lifestyle to their children.

By attributing this urban crisis to Black family pathology instead of structural racism, Moynihan's analysis promoted policies that tied poverty-relief programs to harsh crime-control interventions in Black neighborhoods. The 1968 crime act, for example, dramatically expanded federal funding for local police operations and led to a policy shift toward massive incarceration and surveillance.[47] During the Reagan era, the media and politicians promoted the image of the Black welfare queen—a woman who had babies just to get a government check. Now that a white elite no longer profited from the children Black women bore, they painted Black women's procreation as stealing money from white taxpayers. This mythology was powerful enough to successfully fuel a bipartisan campaign in the 1990s to abolish the federal entitlement to welfare.

During the crack epidemic, the media reported stories of Black women who traded sex for crack cocaine. They were described as lacking maternal instincts and incapable of caring for their babies. This caricature reinforced the idea that Black women were innately dissolute when it came to sexuality and mothering. Numerous Black women were arrested for drug use during pregnancy on the grounds they would give birth to "crack babies," who were predicted to cause major social problems—in sharp contrast to the largely empathetic response to the toll the opioid epidemic is currently taking on white families.[48] Medical research has since definitively discredited the "crack baby" myth. A study that tracked more than one hundred babies born between 1989 and 1992 for two decades found that children exposed to crack cocaine in utero fared no worse than children with the same socioeconomic background whose mothers didn't use drugs.[49] The hardships these Black children faced were caused primarily by the structural legacies of slavery, poverty, and other social inequities, not their mothers' stigmatized behavior.

Today, the idea of Black female hypersexuality still circulates in our society, often extending even to children. On a Saturday evening in April 2008, an eleven-year-old Black girl named Danielle Hicks-Best sneaked out of her house in the Columbia Heights neighborhood of Washington, D.C., after her parents put her in a time-out for coming home late from the playground.[50] After she encountered a group of young men from the neighborhood, she walked with one of them to a basement apartment a few blocks away. Two other young men who were already there locked the door and raped her repeatedly throughout the night. Several weeks later, Danielle was sexually assaulted again by some of the same men. After both assaults, Danielle was questioned for hours by D.C. police officers. Medical exams after each incident confirmed that she had been raped.

Yet none of the men involved in raping Danielle was charged. Instead, in June 2008, a prosecutor charged Danielle with filing a false police report and issued a warrant for her arrest. Danielle was declared a ward of the state and spent two years confined to residential mental-health facilities. The prosecutor argued that details of the stories Danielle told the police during questioning were inconsistent. An email exchange between police officers told more: "All sex was consexual [*sic*]. Parents are unable to accept the fact of this child's promiscuous behavior caused this situation."

How could police blame an eleven-year-old girl for being sexually abused by adult men? Why would state officials respond to a traumatized child by tearing her from her family and criminalizing her? A study by the Georgetown Law Center on Poverty and Inequality showed that adults tend to view Black girls between ages five and fourteen as less innocent and more adult-like than their white peers and treat them as if they are grown-ups. This phenomenon is so common that the term "adultification" is used to describe it.[51] Black girls are perceived as needing less protection and nurturing than white girls, and as having advanced knowledge about adult topics like sex.[52]

More than a century after slavery ended, the legal system that refused to protect a young enslaved girl who was raped by a man named George still fails to protect Black women and girls from sexual violence. With wide discretion to pursue criminal cases, prosecutors are far less likely to bring charges against men accused of raping Black women than men accused of raping white women.[53] A review of prosecutorial decisions in sexual-assault cases in Kansas City and Philadelphia discovered that prosecutors were 4.5 times more likely to file charges in rapes by strangers involving white victims than Black victims.[54] For cases that go before a jury, if the plaintiff is Black, the accused has a better chance of being acquitted and, if convicted, receiving a lighter sentence. It is not surprising then that according to Blackburn Center, which provides services to survivors of sexual violence in Westmoreland County, Pennsylvania, for every fifteen Black women who are raped, only one reports the assault.[55] Many Black women and girls see the criminal legal system as offering little recourse for the sexual violence they experience.

Indeed, the police themselves often inflict violence on Black women. As Andrea J. Ritchie, an attorney and organizer, notes in her book *Invisible No More,* she has found during twenty-five years of research that "police violence against women of color takes place disproportionately, and with alarming frequency, in the context of responses to domestic and sexual violence."[56] In other cases, police have preyed on vulnerable Black women.[57] In one notorious case, in December 2013, an Oklahoma City police officer named Daniel Holtzclaw began stopping Black women in low-income neighborhoods and sexually assaulting them. He forced one woman he arrested to perform oral sex on him while she was handcuffed to a hospital bed. He assaulted others in his patrol car, their homes, and deserted locations. Holtzclaw deliberately targeted women he thought would not report him—sex workers or women with a substance-use problem.[58] He often threatened to arrest women with outstanding tickets or warrants if they didn't perform sex acts on him.[59]

Holtzclaw went undetected until the early morning of June 18, 2014, when he pulled over Jannie Ligons, a fifty-seven-year-old Black grandmother on her way home from a friend's house.[60] After ordering her to sit in the backseat of his patrol car, Holtzclaw, his gun in sight, forced her to expose her breasts, pull down her pants, and perform oral sex on him. Ligons immediately reported the assault to the police, launching the internal investigation that exposed Holtzclaw's criminal behavior. Thirteen Black women eventually agreed to testify at the trial for felony sexual battery and rape the following year. Although he was convicted of eighteen of thirty-six counts and sentenced to 263 years in prison, we are left to wonder how many similar assaults of Black women and girls go unaccounted for. An Associated Press state-by-state review prompted by the Holtzclaw case turned up nearly one thousand officers across the country who lost their badges between 2009 and 2014 for sexual misconduct.[61]

Like Jannie Ligons, who reported Holtzclaw's assault to the police in the twenty-first century, and Celia, who fought back against her enslaver's sexual assaults in the nineteenth, Black women have long resisted domination of their bodies. Despite the law's denial of their humanity, enslaved women devised numerous ways to claim some control over their lives. They escaped from enslavers, endured severe punishments, pretended to be sick, used abortifacients, and cared for their children in order to hold on to as much sexual and reproductive autonomy as possible.[62] Today, Black women continue to work collectively to imagine and build ways to liberate their sexuality.

One of those women is Loretta J. Ross, the co-founder of SisterSong Women of Color Reproductive Justice Collective, an Atlanta-based organization established in 1997 as a network of sixteen organizations representing women of color. Ross's activism emerged from personal experiences of sexual and reproductive violence. A survivor of rape by a stranger at age eleven, Ross was sexually abused by a distant relative when she was fourteen and gave birth to a son. She nevertheless graduated from high school as an honors student and was admitted to Radcliffe College. But she lost her scholarship because she had a child. Ross went to Howard University instead and, as a first-year student in 1970, became involved in anti-apartheid activism and anti-gentrification organizing. Then, at age twenty-three, Ross endured another shattering violation. A white doctor failed to treat an infection caused by the Dalkon Shield, the dangerous intrauterine device marketed in the early 1970s. Ross had to be hospitalized and ended up unconscious for a day. While she was still comatose, doctors performed an emergency hysterectomy, sterilizing her.[63] "I've been working in the women's movement pretty much ever since then," Ross says. "It sounds like a horror, but it opened up the rest of my life."[64]

The 1970s was a period of foment for Black women activists addressing sexual violence. Among the most influential was a group of Black lesbian writers and activists who came together in Boston in 1974 to develop a feminism that reflected the distinctive experiences of Black women. In 1977, the group released a pioneering statement, quoting Angela Y. Davis: "Black women have always embodied, if only in their physical manifestation, an adversary stance to white male rule and have actively resisted its inroads upon them and their communities in both dramatic and subtle ways." This political activism embraced the view that "interlocking" systems of oppression determine "the conditions of our lives."[65]

In 1972, Ross started working as a volunteer at a rape crisis center in Washington, D.C., the first in the country; she became executive director in 1979.

She joined Black feminists like Davis in thinking about a radical approach to sexual violence that started from the premise that policies to protect Black women and girls must address intimate and institutional violence simultaneously and can't rely on police officers and prisons, which themselves unjustly target Black women. She also, in 1989, joined the National Black Women's Health Project, the first national organization that paid specific attention to Black women's health issues.

In June 1994, Ross was among twelve Black feminist activists attending a pro-choice conference in Chicago who felt that the healthcare agenda presented by representatives from the Clinton administration was too concerned with avoiding Republican opposition and did not adequately address concerns of Black women around sexual and reproductive autonomy. These issues included maternal mortality, evidence-based sex education, and whether women could afford abortions or preventative reproductive healthcare.

Black women not only were less likely to be able to afford an abortion but also were more likely to be deemed sexually reckless, to undergo coerced sterilizations, and to die from pregnancy-related causes. These Black feminists decided to caucus separately and came up with the term "reproductive justice" to describe a new framework that included the human right to have children and to raise them with dignity in a safe, healthy, and supportive environment, along with the right *not* to have a child, which dominated pro-choice advocacy.[66]

Ross believes it is possible to contest sexual violence against Black women while also celebrating Black women's sexuality. When she was the coordinator of SisterSong, she planned large public gatherings, held strategy summits for leaders of organizations, and offered training sessions to activists around the country. She also created "Let's Talk About Sex" conferences where more than a thousand Black women and other women of color come together. "You can't keep people safe from sexual abuse, from STDs and HIV, from sexual domination—from all the things that can go wrong with sex—if you can't talk about sex," Ross explains.[67] Topics at the conferences also include ending the stigmas around sexual pleasure, queer sex, and abortion, and differing visions of sexual and reproductive freedom.[68]

Black women were crucial to the racial-classification system established by white colonists to maintain and manage slavery. The colonial legal apparatus treated them as innately unrapeable and their children as innately enslaveable, while the culture justified that barbarity by slandering them as lascivious Jezebels. This destructive thinking has been reinforced by laws, policies, and myths that, to this day, monitor racial boundaries and Black women's sexuality and childbearing. These ideas circulate in police departments, child welfare agencies, county clerks' offices, medical clinics, and the ubiquitous racial boxes we are required to check. The creative work of Black women activists can help lead us toward liberation from this damaging heritage.