Trouble with the *Child* in the Carceral State

Erica R. Meiners[*]

IN THE FALL OF 2011, THE STATE OF ILLINOIS WAS DEAD BROKE. FACING SHRINKING revenues and mounting expenses, Governor Pat Quinn proposed closing a number of state facilities, including several youth prisons. Among those targeted for closure was the 156-inmate capacity Illinois Youth Center (IYC) Murphysboro, which at the time housed 75 young detainees at an annual cost of $84,403.00 per head (Illinois Department of Corrections 2011). Yet in early October 2011, after news broke of the facility's potential shutdown, more than 200 employees and local residents wearing "Save IYC Murphysboro" T-shirts packed a public closure hearing and elected officials told the press how shuttering the prison would damage the local economy. State Representative Brandon Phelps (D-Harrisburg) stated: "We can't balance the budget on the backs of working families" (Norris 2011).

What transpired in Murphysboro is not unique. Despite documented evidence that newly built prisons fail to boost local economies (Fraser 2003; Gilmore 2007), communities across the United States push for prisons and hamper decarceration and prison closures, citing employment, safety, and economic concerns. Notably, arguments extolling the benefits of new prison construction are predicated on a particular racialized and patriarchal logic: adults imagining futures in which their sons are on the "right" side of the prison bars or their daughters are married to a unionized prison guard earning a good salary.

The notion of "saving" communities and towns is common to the campaigns of both proponents and opponents of local prisons. Jobs and a better future for "our children" are cited in arguments for new prisons and against closures, and these same children, both real and anticipated, surface repeatedly in anti-prison messages. Exploring prison expansion in California, Ruth Wilson Gilmore (2007, 177) writes in *Golden Gulag*: "in fact, people who organize against prisons invoke the same beneficiaries ('the kids') as those who organize for prisons." The invocation of "the

---

[*] **ERICA R. MEINERS** is involved with initiatives linked to justice, specifically anti-militarization campaigns, prison abolition movements, and queer and immigrant rights organizing. She is the author of *Right to Be Hostile: Schools, Prisons and the Making of Public Enemies* (Routledge, 2007) and *Flaunt It! Queers in the Struggle for Public Education and Justice* (Lang, 2009). A 2011–2012 Visiting Research Faculty at the Institute for Research on Race and Public Policy at the University of Illinois at Chicago, she is a member of the University Professionals of Illinois labor union and a professor of education, gender and women's studies, and Latino and Latin American studies at Northeastern Illinois University.

child" represents a significant thread in prison-related issues, one that anti-prison organizers and critical prison studies scholars must examine.

While "the kids" and their futures are invoked in arguments for and against prison construction, the parameters of childhood, always elastic, are contracted and elongated. In the United States, the criminal justice system is coming to the fore in reshaping these boundaries. For example, legal and social protections are extended to some categorized as children—a construct that stems from adults' curious investments in temporal status—but denied to many others. This includes six-year-old Salecia Johnson, who in April 2012 was handcuffed and taken to the police station following a tantrum at the school she attended in Georgia (Jefferson 2012). Policing, punishment, prisons, and their associated carceral systems continually redefine who qualifies as a child, but the category of *the child* has other consequences. Historian Robin Bernstein (2011, 8) describes the "perfect alibi" of *the child*, or its ability to "retain racial meanings but hide them under claims of holy obliviousness." She notes how it shields particular sociopolitical transactions, for example, the racialized and hetero-gendered production of innocence. Never a "neutral" representation, *the child* as deployed in pro- and anti-prison debates performs a kind of temporal magic, while masking key social and political transactions.

This article examines how *the child,* as a flexible signifier, frames transactions within the US carceral sphere. The first part defines the frameworks of prison abolition and movement assessment, which shape the political landscape underpinning or informing this analysis. The second part briefly identifies the contemporary flexibility of *the child*. The third part tracks how the child is deployed in ways that elide such complexities through three examples of how representations of *the child* operate across the spectrum of pro-punishment and anti-prison movements. Finally, the opening frameworks are revisited to demonstrate how an abolition epistemology can assist organizers and scholars to address issues concerning *the child*. Throughout this article, *the child* is used to represent a constructed developmental category and to signify representations and tropes of the child or children evident within campaigns or organizing.

Contexts and Frameworks

Throughout this article the terms *carceral state* and *prison-industrial complex* are used interchangeably. With its over 2.3 million people (one in every 99.1 adults) housed in prisons and jails, the United States has the largest number of prisoners—and the highest incarceration rate—in the world (Pew Center on the States Public Safety Performance Project 2008). Disproportionately represented within the prison population are people of color, as well as the poor and others denied access to high-quality education and/or meaningful, living-wage employment. Since the 1970s, incarceration rates have risen dramatically as a direct result of policies including "three strikes" legislation, mandatory minimum sentencing, and the war on drugs (Alexander 2010; Mauer 1999; Gilmore 2007; Davis 2003). Activists, organizers,

academics, and those directly affected by imprisonment have conceptualized and popularized the term *prison-industrial complex* (PIC) to refer to the construction of prisons and detention centers as a perceived growth economy in an era of deindustrialization. It also comprises "a set of symbiotic relationships among correctional communities, transnational corporations, media conglomerates, guards' unions, and legislative and court agendas" (Davis 2003, 107). These interlocking economic and political relationships create social norms that require and legitimate prison expansion. Subsequently, they naturalize punishment and isolation as inevitable. The term *carceral state* is used to highlight the multiple intersecting state agencies and institutions — including not-for-profits doing the work of the state — that have punishing functions and effectively regulate poor communities, including child and family services, welfare/workfare agencies, public education, immigration, and health and human services (Gustafson 2011; Roberts 1997; Wacquant 2009). Also important is the dramatic growth of immigration policing, detention, and the militarization of US borders (Lawston and Murillo 2009). The term *carceral state* alludes to how the logic of punishment shapes other governmental and institutional practices, even those not perceived as linked to prisons and policing.

In her defining text, Angela Davis (2003) poses the question, *Are Prisons Obsolete?* Critical Resistance, a national organization, defines prison abolition as "a political vision with the goal of eliminating imprisonment, policing, and surveillance and creating lasting alternatives to punishment and imprisonment" (Critical Resistance, n.d.). Directly connected to the histories of race and oppression in the United States, it is not possible to understand or refer to contemporary prison and policing systems in isolation from slavery, compulsive heteronormativity, immigration policies, and sovereignty for Indigenous nations and Puerto Rico. Prison abolition acknowledges that prisons, policing, and other forms of capture and punishment are not efficient, just, or moral solutions to the problems that shape violence in US communities. Therefore, as social assistance programs are reduced or eliminated and options available to the poor to cope with untenable situations are criminalized, the majority of people in prisons and jails will continue to be those actively barred from access to other life pathways: the poor, noncitizens, queers, those with mental health struggles, indigenous people and/or not-white people. Locking up more people is an attempt to disappear from public view the negligence and failures of the state to provide high-quality public education, health care, and a minimum wage that is a living wage.

Abolition is not opposed to reform. Rather, it questions the reforms that are pursued. For abolitionists, reforms that expand the life or scope of the prison are inadequate. The answer to overcrowding in prisons is not to build more prisons, but to change the policies that move more bodies into capture and confinement. In California, home to two of the world's largest detention centers for women, overcrowding prevails despite a dramatic increase in prison facilities. Yet, as State Senator Gloria Romero (D-Los Angeles) put it, "California can't build its way

out of this problem" (as cited by Braz 2006, 87). Beyond its goal of eliminating prisons and not simply building increasing numbers of improved cages for people, abolition also works to transform other supposedly democratic institutions from which too many have been excluded. As theorist Fred Moten (2004, 114) writes, abolition means "the abolition of a society that could have prisons, that could have slavery, that could have the wage."

Within the current US carceral landscape, abolition praxis emerges as an essential epistemic and organizing tool that looks beyond prisons. Abolition rejects the distinction between innocence and guilt, forcing analysis and actions that struggle with difficult questions: What are possible strategies to create better life pathways for all and not just the few that are temporally privileged? What are some non-reformist reforms that do not extend the life or the scope of the carceral state?[1] An abolition epistemology is a reminder that the prison nation is not broken, but is functioning precisely as designed. In this light, working toward prison abolition requires a radical imagination to recover public safety from the racialized and punitive "law and order" paradigm that punishes the poor. Correspondingly, abolition necessitates examining how key artifacts, including the child, scaffold and naturalize a carceral state.

Flexible Bodies

Childhood, like adolescence and other categorizations, is a shifting and invented construct. Most popularly associated with Philippe Ariès (1962), whose critical investigation into the social construction of childhood identified key sociological shifts in the seventeenth century such as urbanization, industrialism/capitalism, and religion as primary factors influencing changes to family and kinship structures and the creation of *the child*. Historian Holly Brewer (2005, 9) outlines how this invention of a childhood—specifically a white childhood—is today manifested in the United States:

> We would not now elect a thirteen year old to the House of Representatives (and certainly not have him give a keynote speech on an important bill at fourteen). We would not accept a will signed by a four year old. We could not permit a fourteen year old, regardless of wealth, to judge (as a juror) someone's guilt or innocence. We would not hang an eight year old for arson. We would not permit an eight year old to legally marry. We would not allow a five year old to bind himself to labor—and force him to abide by his agreement until he reaches twenty-four. Yet the laws and legal guides made these practices acceptable in sixteenth and seventeenth England and Virginia.

This history is documented, but the contemporary flexibility of *the child* as a constructed category is not popularly understood. *Childhood* reflects a period of

"legal strangeness" (Stockton 2009, 16), or ambiguity, with the transitory period into adulthood defined as *juvenile, adolescent, minor, youth, or teenager*. Yet there is no consensus on the boundaries of these transitions.

Contemporary age requirements—to drink alcohol, to vote, to serve in the military, to have sex—are mobile and often incoherent and/or contradictory when mapped onto one another. Those fifteen years of age, for example, may be held culpable for crimes as adults, yet that same age cohort is protected by laws that stipulate that a person 15 years of age is not legally competent to consent to heterosexual acts, except in some states where a girl of a stipulated age may marry a man with parental consent (Schaffner 2002). New developmental categories, meanwhile, continue to emerge. For young black men, going to prison has become akin to entering a new "life stage," similar to joining the military or getting married (Petit and Western 2004). For college-educated, relatively affluent young people, however, "emerging adulthood" is posited as a phase when the secure markers of their class (and often racial and gendered status), including marriage, employment, and homeownership, have yet to be achieved (Cohen 2010). Yet black men, and increasingly black women, move directly from child to adulthood and effectively are denied adolescence. More affluent, better-educated young people are granted a new status and attendant benefits, such as extended access to their parents' health insurance (Arnett 2000).

The suppleness of *childhood* is not arbitrary. Ruth Gilmore (2007, 28) defines racism as "the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death." *The child* produces forms of group-differentiated vulnerability—and simultaneously masks traces of that production. For example, the nineteenth-century construction of childhood explicitly excluded nonwhite children. White children were treated as innocent and sentient, and therefore fully human, while black children were excluded from innocence and access to sentience, and deemed not fully human (Bernstein 2011). Today the categories of child, youth, or adult and their accompanying legal, political, and social conditions are never produced in isolation from race, sexuality, gender, ability, geography, and socioeconomics. Not everyone benefits from an affiliation with childhood, and some are excluded from the categories of childhood or youth, including twelve-year-old boys who are charged as adults and nine-year-old girls who are held as juveniles in detention centers. The category *child* masks the transactions that ultimately decide who has access to innocence, sentience, and full humanity.

Although the benefits or liabilities attached to these developmental categories are rarely transparent or coherent, debates about where to draw chronological and culpable lines between child, juvenile, and adult repeatedly surface in the mainstream media. Important in these debates is the evidence the media, psychological experts, and other parties use to rationalize these boundaries, providing an understanding of how the intertwined, and lethal, histories and associations between race and innocence disappear in "science" and legal strategies. For example, while the

US Supreme Court debated the constitutionality of the death penalty for crimes committed under the age of 18, neurological research and statements circulated throughout the mainstream media:

> Along with everything else in the body, the brain changes significantly during adolescence. In the last five years, scientists, using new technologies, have discovered that adolescent brains are far less developed than previously believed. (American Bar Association 2004, 1)

This "explosion in scientific research on adolescent brain development" (Bronner, 2012, para 2) had a significant impact on the status of those under 18 years of age within the criminal justice system. This brain research translated into less legal (and moral) culpability for harms (and crimes) committed and more access to state protection through the presumption of the potential for development or change afforded an adolescent. The death penalty for juveniles was abolished in 2005. Five years later, when the court voted 6–3 to abolish life without parole (LWOP) for juveniles convicted of non-murder crimes, science was at the core of the arguments. In this 2010 decision, the *New York Times* quoted Justice Stephens: "Knowledge accumulates. We learn, sometimes, from our mistakes" (as cited in Liptak, 2010). In 2012, the Supreme Court prohibited (5–4) states from imposing a life sentence on juveniles who commit murder. Justice Elena Kagan's majority opinion drew from the problematic paradigm of "common sense" surrounding who counts as a child, and on a possibly equally elusive foundation, science: "Our decisions rested not only on common sense—on what "any parent knows"—but on science and social science as well" (Barnes 2012). Emerging neurological research is a strong foundation for these decisions.

A critique of this brain research is infinitely beyond my scope, but I will note that some of this emergent research also highlights sexual and gender differences as "innate" or biological. Instead, I wish to flag that the circulation of this research within a racialized criminal justice landscape has profound consequences. Psychology, experience (or lack of reason), and neurology legitimated a form of "delay," or a temporal stalling of development frameworks. This was simultaneously used as evidence to support the idea that juveniles need protection. However, according to Patricia Soung (2011), one of the few juvenile justice advocates in the United States to be publicly critical of this strategy, the "neurolaw" is flawed. She argues that,

> interpretations of the science [are] too often laden with deficits-language, even describing youth as a form of mental deficiency. Moreover, the application of neuroscience to a juvenile and criminal justice system disproportionately populated by people of color perpetuates and naturalizes associations between race, criminality, and intellect. In the end, biologizing youth and race in the same moment distracts from a

fuller social understanding of how youth, race, and context interact, and what measures should be taken to address youth crime and racial inequity. (2011, 439–40)

The impact of this exceptionalist strategy, which is rationalized by deracialized "neurolaws," extends beyond juveniles and children. It assumes that adults, or those over the magical age of culpability, are experienced, have fully developed brains, are capable of "reason," and therefore can and should be culpable and fully punished.

The National Center on Crime and Delinquency documents staggeringly high incarceration rates for youth of color and highlights that youth of color are more likely than white youth are to be removed from the home, transferred to adult court, and sent to adult prison because the home is viewed as deficient (Krisberg 2007; Roberts 1997). Historically, determinist arguments, both biological and cultural, have been presented to identify black communities as hypersexual and sexually aggressive, with black mothers deemed to be "unfit" (Wallace 1979; Roberts 1997; Harris-Perry 2011). These violent stereotypes were, and remain, codified in public policies from immigration to child welfare and continue to be legitimated through "science" (Stern 2005; Canaday 2009; Roberts 1997). Integrated with eugenicist histories and frameworks, "neurolaw" strategies can purchase slivers of protection for some juveniles—for instance, those who might otherwise face the death penalty or LWOP—but with collateral consequences. The response to the hyper-incarceration and criminalization of low-income communities of color is individuated. White supremacy, misogyny, poverty, compulsory heterosexuality, and other factors that produce radically divergent life pathways are erased.

Although some individuals granted the status of a child potentially benefit from the "protections" affiliated with this categorization, many—including women, African Americans, people with disabilities, and indigenous communities—have been, and still are, "scientifically" assessed as childlike and thus nonthreatening. Those deemed "childlike" do not merit rights or due process and endure numerous violations from the state: forced sterilization, child seizures, incarceration, and premature death. These historic linkages persist. Historian Robin Bernstein (2011, 25) outlines how a strand of white nineteenth-century abolitionism attempted to frame African Americans as childlike in order to secure "an increased appeal to pity and generosity." Further, sociologist Douglas Thompkins (2010, 597) describes how contemporary organizations working with individuals exiting prisons and jails classify former inmates "as a 'childlike' group of people who are in need of close supervision and the systematic monitoring of their behavior through constant participation in prescribed programs."

Representative Bodies

Representations of *the child* surface repeatedly in campaigns and struggles within the carceral state: the sexually innocent white female child to augment sex offender

registries and anti-trafficking legislation; the harmed black or brown male youth to fight the school-to-prison pipeline; and the dead, white, male queer student to pass anti-bullying laws. The manifestations identified within these campaigns are neither finite nor discrete; they overlap and mutually reinforce the circulation of each trope and a wider racialized logic.

Two contextualizations are needed. This discussion is deliberately "fuzzy" regarding the constructed categories of child, youth, and juvenile and yet centers on the child because a core value of the child's awkward siblings—youth and juvenile—is their ability to access associations with innocence. The use of *the child* to shape public policy, including "child saving" crusades, is not new. As geographer Cindi Katz (2008, 7) writes:

> Childhood, as has been well realized in the literature of virtually every social science and humanities discipline, is a social construction of multiple dimensions—as a spatial life stage, as itself internally segregated, as a reservoir of memory and fantasy, and as always mobile—"becoming" defines its limits. As such, childhood and youth have proven to be readily available for mobilization around moral panics and the definition of social ills.

For the sake of the child, women—particularly poor, dis/abled, and/or nonwhite women—have been sterilized, involuntarily drug-tested, and continue to be denied access to reproductive rights (Garland-Thomson 2006; Silliman and Bhattacharjee 2002; Roberts 1997). The child's welfare continues to be used to advance a range of political, economic, and sociocultural ends: to develop and implement alternative judicial systems (Feld 1999); to expand policing and surveillance and to restrict First Amendment and privacy rights (Bernstein 2010); and to legalize *and* challenge gay marriage (McCreery 2008). The specter of the international trafficked child is used domestically to punish and regulate consensual sex work and non-heterosexual practices (Bernstein 2010; Vance 2011). The sentimental figure of the child, as Lee Edelman (2004, 2–3) chronicles dismally in *No Future,* "remains the perpetual horizon of every acknowledged politics, the fantasmatic beneficiary of every political intervention," therefore generating a particularly queer anger. Edelman (2004, 29) continues: "fuck the social order and the Child in whose name we're collectively terrorized." While Edelman describes a heterosexualized white child who dominates futurity, José Esteban Muñoz (2009, 95) argues that the symbolic child has little to do with the material lives of those who are black, brown, queer, or poor: "the future is only the stuff of some kids. Racialized kids, queer kids, are not the sovereign princes of futurity." Given the last three decades of US carceral expansion, it is not surprising that representations of the child are mobilized around, and through, pro- and anti-prison movements.

Innocent White Child

Over the past 20 years, sex offender registries (SORs) and accompanying community notification laws have constituted one of the most visible and effective fronts in the expansion of the US carceral state. These policies have created popular images of deviant and violent sexual predators while simultaneously creating racialized and hetero-gendered conceptions of the sexually vulnerable female child. Such images and representations of harmed white female children have been central to carceral expansion, often marketed as a response to the "worst of the worst"—those that commit acts of sexual violence against the "most innocent," namely white children. Hyperbolic media coverage of "stranger danger" continues to augment the penalties and restrictions associated with SORs, leading to an increase in, and the naturalization of, the surveillance and policing of public spaces, including parks, school grounds, and the Internet. In fact, no evidence exists that these registries and notification systems reduce persistent sexual violence against anyone. As criminologist Wayne Logan (2009, 99) writes, their expansion has been "based on a mere verisimilitude of empirical justification." Although evidence supporting these programs is lacking and some 95 percent of child sexual assaults are committed by family members,[2] restrictions on those convicted of what the state terms "sex offenses" continue to increase. Roger Lancaster (2011, 77) places the threat in perspective: "a child's risk of being killed by a sexually predatory stranger is comparable to his or her chance of getting struck by lightning (1 in 1,000,000 versus 1 in 1,200,000)."

Across the humanities, scholars have researched and written about contemporary sex panics centering on constructions of the asexual and innocent child (Harkins 2009; Kincaid 1998; Lancaster 2011; Meiners 2009). Among other key points of analysis, their scholarship details how our focus on "stranger danger" reifies and protects from scrutiny hetero-patriarchal family structures, creating a distraction from other forms of harm, including state violence. Further, there is no discussion of the impact of economic marginalization, given that one in six Americans currently lives in poverty (Tavernise 2011). Their work also documents how "sex offenders" and "sex abuse" exist in a landscape where there is a widespread assumption that society has prevalent "healthy" or "normal" child development and appropriate sexualization processes. Their research also outlines how constructions of "stranger danger" perpetuate binaries required by the justice system and other punitive institutions: innocence/guilt, victim/perpetrator, good/bad.[3] Yet this work has not explored how these policies construct and deploy images of the child and produce meanings about sexuality, gender, race, and children.

SORs reproduce and circulate the figure of the innocent white female child as a perpetual potential victim. In the last 20 years, high-profile media coverage of sexual violence against children has almost uniformly focused on *white* children (Levine 2002; Lancaster 2011). The names of laws passed throughout the 1990s and early 2000s that aimed to protect children from sexual violence reflect this focus,

including Megan's Law, Jessica's Law, and the Amber Alert, each of which invokes an image of white female children.[4] Although children of color also experience sexual violence, their bodies command less white empathy, and the child's innocence (or the mother's) is not assumed and must be proved. The abduction and sexual assault of children of color by strangers does not garner national attention, nor does it fuel national laws to "protect" children. Historically, the status of *child* (and later *youth* or *juvenile*) and its associated protections in the labor market and legal realm were simply unavailable to nonwhite bodies. Similarly, the privileges and protections that accompany "motherhood" were also unavailable to nonwhites (Roberts 2003). Historically, black mothers and black families have been, and continue to be, viewed as deficient, and "child safety" too often translates into removal of the child from the home (Richie 2012). Interpersonal sexual violence experienced by children of color does not propel public policies, but rather contributes to the demonization of mothers of color and legitimates child seizure.

The expansion of the carceral state requires effective economies, or associated fears and feelings about children, public spaces, race, and sexuality that work to narrow conversations important to the abolition movement. When the image of the female child/potential victim of sexual violence is juxtaposed with the figure of the sex offender, it stirs feelings of fear and anger, thus advancing the carceral regime. In some spheres, sex offenders and, therefore, the innocent child victim, have become synonymous with and representative of all men behind bars, thus making decarceration challenging. In the last two years, Oregon and Illinois—states desperate to save money—released small numbers of "nonviolent offenders" as identified by the state, sparking a public backlash so strong that the programs were quickly canceled (Davey 2010; Dai 2010). In Oregon, victims' rights and pro-policing groups immediately began broadcasting inflammatory commercials about sex offenders running rampant in the community. Dramatic carceral expansion from the 1980s to the 2000s established a material infrastructure and correspondingly intricate parallel affective economies to scaffold the "worst of the worst." Fear-based protection of the sexually innocent halts decarceration initiatives, suturing innocence to the white body.

Harmed Black and Brown Child

Communities and organizations that seek to dismantle or progressively reform the carceral state also deploy images and narratives of harmed children. Across the United States there has been a decade of growth in organizing, analysis, and scholarship surrounding the school-to-prison pipeline and a corresponding focus on reforming the juvenile justice system (Advancement Project 2010; Duncan 2000; Browne 2003; Meiners 2007; Petteruti, Walsh, and Velázquez 2009; Schaffner 2006; Simmons 2009; Winn 2010). The term *school-to-prison pipeline* highlights a complex network of relations that naturalizes the movement of youth of color from schools and communities into under- or unemployment and permanent detention.

The United States has always framed particular populations as superfluous to democracy; they are imperative to low-wage work or to the jobs available after full white employment. As a result, the expansion of the prison nation over three decades has strengthened policy, practices, and ideological linkages between schools and prisons. Community-based groups, networks, and institutions—from the Chicago's Blocks Together organization, to the American Civil Liberties Union and Harvard University—have focused organizing, convened high-profile meetings, and created campaigns around the intersections of education, juvenile justice, and mass incarceration. The campaigns are frequently called Schools Not Jails or Educate Not Incarcerate (or prominently feature these phrases) and mobilize youth and communities around, among other things, policy initiatives and the abjectly flawed economic strategy of allocating resources to incarceration rather than education.

Research and organizing on the school-to-prison pipeline frequently centers on the harmed male youth of color (Herbert 2010; Justice Policy Institute 2002; Lochner and Moretti 2004; Petit and Western 2004). The criminalized black male youth is the statistic and the body most frequently circulated, even when young women of color constitute the fastest-growing population of those locked behind bars (Lawston and Lucas 2011; Sudbury 2004). Sexual and gender violence pushes girls out of school, and researchers have identified enduring interpersonal sexual violence as a "powerful indicator" of young girls' future incarceration (Simkins, Hirsh, Horvat, Moss 2004; Winn 2010). Research also highlights that "consensual same-sex acts more often trigger punishments [from schools and courts] than equivalent opposite sex behaviors" (Himmelstein and Bruckner 2011, 50). These queer and gendered narratives describing the school-to-prison pipeline are often minimized or erased and this significantly impedes a nuanced and complex analysis of identity and subjugation.

The choice by those working against the school-to-prison pipeline to employ the figure of the harmed and criminalized black and brown male youth is not surprising. Just as the state identifies that specific white female bodies require protection from particular forms of sexual violence (but not patriarchy), historically the punished black and brown male body has been representative of freedom denied. Angela Davis, in her introduction to the 2010 reissue of Frederick Douglass's biography, highlights the gendered complexities of narratives authored by those enslaved to advance the abolition of slavery. Heterosexuality and masculinity were central to these constructions of liberation, and slavery was often narrated as the loss of the "natural" rights attached to patriarchy and masculinity. Davis (2010, 24) writes that "lurking within the definition of Black freedom as the reclamation of Black manhood is the obligatory suppression of Black womanhood." In contemporary depictions of black and brown youth trapped in the pipeline, the danger and cost of "imprisonment" often is framed as a loss of manhood. Freedom is the regeneration of black manhood, de facto heterosexualized and gendered. These framings, however, are reflected across the political spectrum of contemporary interventions into

the school-to-prison pipeline. Examples include fatherhood curricula that do not address patriarchy, single-sex schools and boys' after-school programs that require compulsory heteronormativity, and failed attempts by the state to coerce marriage to solve "the problem" of poor single mothers, often framed as responsible for the rise in imprisonment rates for black youth, particularly males.

Making the case that the black and brown male body *is* being harmed is not a shallow or reactionary evidentiary move. To be harmed, a body must be sensate, capable of experiencing pain, and count as fully human. Establishing this point has been part of the abolitionist strategy. Bernstein (2011) argues that although nineteenth-century abolitionists successfully illustrated that African American enslaved bodies were capable of feeling pain (and were thus human), the "libel of insensateness" and its attendant meaning did not fade with the abolition of slavery. Instead, it has "stealthily" moved into "children's culture," where innocence "provides a cover under which otherwise discredited racial ideology survives and continues, covertly, to influence culture" (ibid. 51). This is evident in contemporary analysis of the school-to-prison pipeline. Charting racial disproportionality at every level of the juvenile justice system—surveillance, arrest, removal from home, conviction, and sentencing—clearly shows that youth of color do not have the same access to innocence and are not understood as sensate in the same way that white youth are. Yet, the circulation of the black and brown *male* child in campaigns against the school-to-prison pipeline reproduce heterosexualized and gendered constructions of freedom, and these campaigns invoke and naturalize the ideas of children and innocence as neutral and a priori categories.

Another fundamentally under-theorized component of expanding reform work centering on youth, including advocacy surrounding the school-to-prison pipeline, is how the racialization of innocence is masked and reproduced throughout these campaigns. As the previous section shows, *adult*, *child,* and *juvenile* are flexible artifacts, and a core legal strategy is to assert that juveniles and youth are "categorically less culpable" (Soung 2011: 439). Criminal justice reformers have used "innocence" and an array of proxy terms and concepts for decades in an attempt to wrest some sort of reform from our nation's addiction to punishment and incarceration. For example, the most visible prison reform campaigns during the last 20 years have focused on the treatment of mentally ill prisoners to free the "falsely accused" and imprisoned. A strategy of relative innocence also reifies binaries. Work to dismantle the school-to-prison pipeline does not aim to reify innocence, and the youth centered in these campaigns are often refused categorization as children—and innocence—in the judgment of the state. Yet, the push-back strategy employed suggests that these harmed bodies, particularly male youth of color, *should* count as children and *should* be viewed as innocent. This strategy to claim childhood for youth harmed by the pipeline challenges how the category of childhood shields the racialized production of innocence.

Dead Queer Child

The third example of the child in contemporary society does not cleanly map onto either a pro-prison or a reform or resistance strategy. Instead, it exemplifies how a carceral state can take up the harm and violence experienced, as well as the desires of communities for systemic change, to advance agendas that do little to make communities safer for those who are non-heterosexual and/or non-gender-conforming. In addition, this example highlights the negative impact of isolated movements, and the potential silos created by lesbian, gay, bisexual, transgender, and queer (LGBTQ) liberation struggles and abolitionist organizing.

The creation and passage of anti-bullying laws, ostensibly to protect queer[5] children, is seemingly difficult to contest. Heteronormativity, the structures and systems "that legitimize and privilege heterosexuality and heterosexual relationships as fundamental and 'natural' within society" (Cohen 2005, 24), is pervasive in most institutions, including schools. Fear of the queer, or all the meanings and associations attached to non-heteronormativity, can lead schools to suppress teachers, and teachers to censor students and themselves. In February 2008 such fear caused one male 14-year-old student to kill a same-sex peer who invited him to be his Valentine (Russell 2008). These anxieties expand beyond the classroom walls and take shape in attempts to pass anti-gay educational policies.

Instead of excavating core heteronormativity and homophobia in schools (always intersectional), these state responses to bullying define the "problem" narrowly and posit punishment and criminalization as the response. These laws suggest that if the "few bad kids" were removed, schools would be safer for queers. These initiatives are not capable of excavating pervasive heteronormativity, particularly as related to the relationships of adult queers with children. For example, in a 2009 Gallup survey, 46 percent of those polled did not support adoptive rights for gays and lesbians (Jones 2009).

Beyond individuating this structural and institutional problem, anti-bullying laws and their accompanying punitive sanctions operate in already highly attenuated spaces for surveillance and punishment that are neither race nor gender neutral. School suspension rates for African Americans, and specifically for African American males, are significantly higher than for their white counterparts (Office for Civil Rights 2012; Skiba, Michael, Nardo, and Peterson 2002).

These gendered and racialized practices of removing students from an educational setting—the most dramatic educational sanction available—start in preschool, as indicated in a 2005 survey of pre-kindergarten programs in 40 states.[6] The available data on school suspensions and expulsions indicate that these practices do not improve youth academic or behavioral performance. In their review of the research, Losen and Skiba (2011) identified significant discrepancies in the various reasons for suspending students and found overwhelmingly that these were not the result of violent or serious behavior. In one statewide study, "only 5% of all

out-of-school suspensions were issued for disciplinary incidents that are typically considered serious or dangerous, such as possession of weapons or drugs. The remaining 95 percent of suspensions fell into two categories: disruptive behavior and other" (Losen and Skiba 2011, 9). In 2011, excessively punitive disciplinary measures that disproportionately targeted the most marginalized in school contexts made national headlines, highlighting the educational cost to young people when they are pushed out of school (Losen and Skiba 2011; Phillips 2011; Schwarz 2011; Himmelstein and Bruckner 2011). Given this preexisting landscape, when "disruptive behavior" and "other" are the dominant reasons for suspensions, it is not a stretch to predict that anti-bullying laws will be implemented unevenly and particular students will be targeted disproportionately and punished.

Although most of the laws passed nationally are also intended to act preventatively, the most powerful are generally sanction and punishment measures. In 2011, California outlawed bullying with the passage of "Seth's Law," which was stripped of all language requiring counseling or restorative justice practices in the final version of the bill. Rather than being proactive, the bill is retroactively punitive, involving "spot checks" of schools to ensure compliance (Gould 2011). In 2011, New Jersey enacted its Anti-Bullying Bill of Rights, the toughest anti-bullying legislation in the nation. It tightened the relationship between schools and local law enforcement. The law compels schools and officials to report incidents more quickly, appoint school-based anti-bullying specialists, and increase penalties for bullying. It also provides a Crimestoppers telephone line, which makes "reporting easier, but … also ups the ante by involving law enforcement rather than resolving issues in the principal's office" (Hu 2011). As schools are sites of surveillance (neither race nor gender neutral), these laws deepen existing discriminatory relationships to law enforcement (Kim, Losen, and Hewitt 2010). Criminalization inside and outside schools is a process of racialization (Davis 2003, 2005; Muhammad 2010). These laws falsely assume that law enforcement is free of violence or bullying. Police and other security forces are often key perpetrators of sexual and other forms of violence (Richie 2012).

As in previous representations of *the child*, race, gender, and kinship patterns have a significant impact within the public domain. The suicides of white, male queer youth generate the most public response. Perhaps it is not the loss of the child that is most mobilizing, but the grief and loss of the child's white, heterosexual parents. For example, in the deaths of Seth Walsh and Jamey Rodemeyer (and, earlier, the death of Matthew Shepard), the maternal and paternal losses were mobilized to support anti-bullying or hate crimes legislation. This focus has a precedent. For example, historian Margot Canaday (2009, 211) outlines how the aggressive and close surveillance of homosexuality in the military functioned first to regulate white men and only later white women, noting that "the closer women moved to power, to first-class citizenship, the more homosexuality seemed to matter." Historically, she argues, white "male perverts mattered so much more to the state because male

citizens did" (ibid. 13). Not much has changed. Following the 2009 murder of 16-year-old Derrion Albert in Chicago, the national media repeatedly identified him as physically slight, an excellent student, and a *"Grandmomma's body"* (Cohen, 2011–2012, 126). Meanwhile, Albert's family was rarely visible in mainstream coverage; instead, the media focused on violent, unruly black male youths. This is in direct contrast to how the image of a dead white gay male is circulated, where the loss of white heterosexual kinship is signified.

The persistent, aggressive violence LGBTQ young people face in schools remains a challenge, with numerous reports highlighting the interpersonal violence that non-gender-conforming and non-heteronormative students experience at the hands of peers, teachers, and other members of staff. According to the national 2009 School Climate Survey, conducted by the Gay, Lesbian, and Straight Education Network:

- 84.6 percent of LGBT students reported being verbally harassed, 40.1 percent reported being physically harassed, and 18.8 percent reported being physically assaulted at school in the past year because of their sexual orientation.

- 63.7 percent of LGBT students reported being verbally harassed, 27.2 percent reported being physically harassed, and 12.5 percent reported being physically assaulted at school in the past year because of their gender expression. (Kosciw, Greytak, Diaz, and Bartkiewicz 2010, xvi)

This research has been echoed at the local level through numerous smaller-scale surveys and ethnographic research (Pascoe 2007; McCready 2010).

Yet interpersonal violence is precipitated and shaped by state violence. A 2009 national study of LGBT students of color, *Shared Differences: The Experiences of Lesbian, Gay, Bisexual, and Transgender Students of Color in Our Nation's Schools*, identified how the erasure and marginalization of LGBTQ youth of color is built into schooling:

> Few LGBT students of color had access to LGBT-inclusive curricular resources in school. Less than a fifth of students had been taught about LGBT-related people, history, or events in their classes, or had such information available in their textbooks (14% each). Furthermore, only 38% reported that they could access LGBT-related resources in their school library. Less than a fifth of all LGBT students of color (18%) reported that their school had a comprehensive policy to address in-school harassment and assault, which provided specific protections based on sexual orientation and gender identity/expression. (Kosciw and Diaz 2009, 13)

Violence is a problem, yet the issue is framed narrowly: if not anti-bullying laws, then what? This article's analysis suggests that the state's responses mask the problem. These laws transfer structural factors that perpetuate and reward heteronormativity into individual pathologies. This suggests that homophobia

should be addressed only by the identification and punishment of perpetrators. State responses to persistent sexual violence against children focus on the expansion of sex offender registries. They fail to address the varied forms of harm endured by children. Similarly, anti-bullying and hate crimes laws appropriate material experiences of harm, violence, and loss. The symbolic figure of the dead, queer white male child and, more important, the kinship networks to which the child is attached, are used to justify the passing of these laws. Queer adults' feelings concerning the dead child are exploited to buttress a carceral state. Queer youth, often criminalized for their sexual practices and placed on the sex-offender registry for consensual acts, incite little concern from the state while alive.

In this example, the dead, white male queer child is used to augment commonly held vulnerabilities to state and interpersonal violence. An increase in criminalization means that those most vulnerable—including queers and those involved in survival economies like the sex and drug trades—will be caught up in the criminal justice system. More people in the system means more people subjected to racist, gendered, and heteronormative judicial proceedings. Conviction means detention and confinement in institutions that are predicated on gender normativity, compulsory heteronormativity, and racial oppression. Thus, more people will be isolated from communities of affinity and origin, and exposed to epidemic rates of tuberculosis, HIV, and Hepatitis C in prisons that withhold the resources necessary for survival.

Abolition Praxis

These theorized examples of how representations and tropes of the child are deployed across contemporary carceral landscapes remind us that decarceration and movements against the prison-industrial complex involve labor beyond closing prisons and opening the doors of other supposedly democratic institutions that have locked out too many. Abolition work also requires that we intimately reassess the foundational building blocks of how civic society is understood—family and child—to demonstrate how these supposedly neutral or private categories are used to require and extend the carceral apparatus. With the perpetual façade of authenticity that places *children* outside history, the child redefines the category of innocence and simultaneously protects this concept from critical engagement. Innocence is a racialized, gendered, sexualized, and flexible construct, but the symbolic child is able to mask these genealogies and distract audiences from seeing the histories of power and other political and economic forces that literally "stage manage" and permit us to read the body.

The symbolic child also shores up the intertwined logics of punishment and protection. Child protection centers interpersonal violence while obscuring state violence and the ties that suture these together. Adults' feelings about the child and the child's familial ties—as evidenced in the last example, anti-bullying legislation— are used to support more punishment and policing, responses that perpetuate the conditions that actively create more structural and interpersonal harm. Protection

and innocence and consent are central to discussions about children and are the foundation of other structures, namely our justice system. The bright lines within our system used to ascertain and identify are innocence and consent. If these categories are "lost" for children, can this also affect wider justice frameworks?

Despite these critiques, the categories of adult, childhood, and juvenile are used daily to shape people's life pathways. As 14 year olds are transferred to adult court, seven- and eight year olds are moved into juvenile detention, men and women over the age of 18 are consigned to long prison terms, and those female, queer, and non-gender-conforming are targeted for containment and sexual surveillance, it desperately matters who is viewed (or not) as innocent or disposable. My work in movements is a crisp reminder that there are no pure places for organizing, research, and movement building. Yet, the analysis in this article clearly highlights that the construct of *the child* is being remade and deployed *right now*. It is not possible to wait until the dust settles before engaging.

If anti-prison campaigners cannot reframe the terms of the debate—that is, deconstruct the centrality of white supremacy, capitalism, or heteropatriarchy or reshape the relentless focus on interpersonal violence over state violence—there should at least be a recognition of how these constructs are embedded and masked. Though campaigners and scholars have critically deconstructed deficient tropes such as "family values," "child protection" has received less scrutiny.

To leave no one behind, we must shift the organizing focus away from individuals and begin to scrutinize what categories such as *the child* mask. Such politics enable anti-prison organizers to move outside pro-prison expansion and policing narratives that overwhelmingly revolve around *the child* and "innocence." Parallel work is to meticulously and rigorously understand meanings in particular contexts. As queer theorist Eve Sedgewick (1990, 27) did in relation to the categorization of the homosexual, we must ask who benefits from a classification, who does not, and why: "Repeatedly to ask how certain categorizations work, what enactments they are performing and what relations they are creating, rather than what they essentially *mean*, has been my principal strategy."

Deconstructing the uses of the symbolic child in contemporary incarceration offers insights into the most central questions in justice work today—specifically, those surrounding tensions between reform work and structural, systematic changes. This has material impacts on the lives of many, including children.

These practices require a more rigorous analysis that links this exactness to actions. For example, if children selectively can access rehabilitation, does that require adults to be constructed as static and therefore only targeted and eligible for incapacitation? Does rehabilitation require a normativity—sexual, developmental, or economic? If we cannot distinguish the construction of *the child* from histories and practices of child-saving that create bureaucratic and intimate surveillance systems, what are the local, narrow moves possible for those who work in schools, detention centers, and courts? The time and space to ask these questions are not

always available before actions are taken, but they eventually become available later. Abolition work requires that this scrupulous labor be a central part of our movement work.

NOTES

1.   Nancy Fraser's (1997) scholarship on the limits of liberalism is instructive. Justice movements often mobilize and organize for recognition, but not redistribution (of resources, state systems, and more). This strategy invites additive responses that are incapable of transforming systems of power, oppression, and privilege. Moreover, recognition can often only be on a single axis (race, gender, or sexuality). Asking that juveniles or children be viewed differently from adults does not transform the larger contexts that punish particular communities.

2.   Sources as varied as the Bureau of Justice Statistics and grassroots antiviolence organizations such as Generation Five state that for all children under 18 years of age, strangers are consistently the least likely to be the perpetrators of a sexual assault, generally accounting for significantly less than 10 percent. These are reported incidents to law enforcement. Since the sanctions against naming a family member are high, the number of family and acquaintance incidences is under-reported (Bureau Justice Statistics 2000).

3.   Despite the reality that children engage in sexual practices with peers, themselves, and others, we have little to no vocabulary for identifying these experiences, which are overwhelmingly and popularly viewed as unnatural and wrong. James Kincaid (1998) writes that sensational and erotic 24–7 coverage of child sexual abuse, abductions, and more have the function of giving the public a vehicle, however limited, to talk about children and sexuality in a culture that simultaneously hypersexualizes children and represses this knowledge and practice.

4.   The Jacob Wetterling Act and the Adam Walsh Act, both named after white boys, are notable exceptions. Literary theorist Roger Lancaster (2011) points out that the naming of these laws can appear more democratic, but the personification functions to shut down dissent.

5.   Despite its associations with whiteness, I use "queer" as a shorthand term to encompass gay, lesbian, bisexual, and transgendered identities, as well as all non-heteronormative and non-gender-conforming identifications; from queer theory, it is a way to push back against normalized social conceptions in the broadest sense (Sycamore, in Ruiz 2008).

6.   In one study of pre-kindergarten programs in 40 states, boys were expelled at a rate exceeding 4.5 times that of girls. African Americans attending state-funded pre-kindergarten were about twice as likely to be expelled as Latino and Caucasian children, and more than five times as likely to be expelled as Asian American children (Gilliam 2005, 3).

REFERENCES

Advancement Project
    2010   *Test, Punish, and Push Out: How "Zero Tolerance" and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline*. Washington, DC.

Alexander, Michelle
    2010   *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press.

American Bar Association Juvenile Justice Center
    2004   *Cruel and Unusual Punishment: The Juvenile Death Penalty: Adolescence, Brain Development and Legal Culpability*. Washington, DC. At *www.abanet.org/crimjust/juvjus/Adolescence.pdf*.

Ariès, Philippe
    1962   *Centuries of Childhood: A Social History of Family Life*. New York: Random House, Inc.

Arnett, Jeffrey Jensen
    2000   "Emerging Adulthood: A Theory of Development from the Late Teens through the Twenties." *American Psychologist* 55(5): 469–480.

Barnes, Robert
    2012   "Supreme Court Says States May Not Impose Mandatory Life Sentences on Juvenile Murderers." *Washington Post* (June 25). At *http://articles.washington-post.com/2012-06-25/politics/35461887_1_juvenile-murderers-life-sentences-juvenile-offenders*.

Bernstein, Elizabeth
    2010   "Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Antitrafficking Campaigns." *Signs: Journal of Women in Culture and Society* 36(1): 45–71.

Bernstein, Robin
    2011   *Racial Innocence: Performing American Childhood from Slavery to Civil Rights*. New York: New York University Press.

Braz, Rose
    2006   "Kinder, Gentler, Gender Responsive Cages." *Women, Girls and Criminal Justice* (October–November): 87–91.

Brewer, Holly
    2005   *Birth or Consent*: *Children*, *Law and the Anglo-American Revolution in Authority*. Chapel Hill: University of North Carolina Press.

Bronner, Ethan
    2012   "Sentencing Ruling Reflects Rethinking on Juvenile Justice." New York Times (June 26). At *http://www.nytimes.com/2012/06/27/us/news-analysis-ruling-reflects-rethinking-on-juvenile-justice.html?_r=3&pagewanted=all&&gwh=9F8334017EEB6C1ED4C6E0B8F634A712&gwt=pay*.

Browne, J.A.
    2003   *Derailed: The School to Jailhouse Track*. Report. Washington, DC: The Advancement Project.

Bureau of Justice Statistics
    2000   "Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics in 2000." Bureau of Justice Statistics. At *www.ojp.usdoj.gov/bjs/pub/pdf/saycrle.pdf*.

Canaday, Margot
    2009   *The Straight State: Sexuality and Citizenship in Twentieth Century America*. Princeton, NJ: Princeton University Press.

Cohen, Cathy
   2011–2012   "Death and Rebirth of a Movement: Queering Critical Ethnic Studies Community Accountability: Emerging Movements to Transform Violence." *Social Justice: A Journal of Crime, Conflict & World Order* 37(4): 126–32.
   2005   "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" In *Black Queer Studies*, edited by P. Johnson and M. Henderson, 22–51. Durham, NC: Duke University Press.

Cohen, Patricia
   2010   "Long Road to Adulthood Is Growing Even Longer." *New York Times* (June 11). At *www.nytimes.com/2010/06/13/us/13generations.html*.

Critical Resistance
   n.d.   *What Is the PIC? What Is Abolition?* At *http://criticalresistance.org/about/not-so-common-language*.

Dai, Serena
   2010   "Quinn Names Acting Director for Corrections Dept." *Chicago Tribune* (September 3). At *www.chicagotribune.com/news/chi-ap-il-illinoisprisonsch,0,4952314.story?obref=obnetwork*.

Davey, Monique
   2010   "Safety Is Issue as Budget Cuts Free Prisoners." *New York Times* (March 4). At *www.nytimes.com/2010/03/05/us/05parole.htm*.

Davis, Angela
   2003   *Are Prisons Obsolete?* New York: Seven Stories Press.
   2005   *Abolition Democracy: Prisons, Democracy, and Empire*. New York: Seven Stories.
   2010   *Narrative of the Life of Frederick Douglass: An American Slave, Written by Himself*. San Francisco: City Lights Books.

Duncan, Garrett Albert
   2000   "Urban Pedagogies and the Celling of Adolescents of Color." *Social Justice: A Journal of Crime Conflict and World Order* 27(3): 29–42.

Edelman, Lee
   2004   *No Future: Queer Theory and the Death Drive*. Durham, NC: Duke University Press.

Feld, Barry
   1999   *Bad Kids: Race and the Transformation of the Juvenile Court*. London: Oxford University Press.

Fraser, Joelle
   2003   "An American Seduction: Portrait of a Prison Town." In *Prison Nation: The Warehousing of America's Poor,* edited by Tara Herivel and Paul Wright, 73–84. New York: Routledge.

Fraser, Nancy
   1997   *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition*. New York: Routledge.

Garland-Thomson, Rosemarie
   2006   "Integrating Disability, Transforming Feminist Theory." Second edition. In *The Disability Studies Reader,* edited by Lennard J. Davis, 257–74. New York: Routledge.

Gilliam, William
   2005   *Prekindergarteners Left Behind: Expulsion Rates in State Pre-Kindergarten Programs*. FCD brief series No. 3. (May). At *www.fcd-us.org/PDFs/ExpulsionFinalProof.pdf*.

Gilmore, Ruth Wilson
    2007   *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press.
Gould, Jens Erik
    2011   "Seth's Law: Can a Bullied Boy Leave California a Legal Legacy?" *Time* (August 5), at *www.time.com/time/nation/article/0,8599,2086521,00.html*.
Gregory, A., R. Skiba, and P. Noguera
    2010   "The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?" *Educational Researcher* 39(1): 59–68.
Gustafson, Kaaryn
    2011   *Cheating Welfare: Public Assistance and the Criminalization of Poverty*. New York, NY: New York University Press.
Harkins, Gillian
    2009   *Everybody's Family Romance: Reading Incest in Neoliberal America*. Minneapolis, MN: University of Minnesota Press.
Harris-Perry, Melissa
    2011   *Sister Citizen: Shame, Stereotypes, and Black Women in America*. New Haven, CT: Yale University Press.
Herbert, Bob
    2010   "Too Long Ignored." *New York Times* (August 20); at *www.nytimes.com/2010/08/21/opinion/21herbert.html*.
Himmelstein, K. and H. Bruckner
    2011   "Criminal-Justice and School Sanctions Against Non-Heterosexual Youth: A National Longitudinal Study." *Pediatrics* 127(1): 48–57.
Hu, Winnie
    2011   "Bullying Law Puts New Jersey Schools on Spot." *New York Times* (August 30). At *www.nytimes.com/2011/08/31/nyregion/bullying-law-puts-new-jersey-schools-on-spot.html?pagewanted=all*.
Illinois Department of Corrections
    2011   Facilities Information. May 13, 2012; at *www.idoc.state.il.us/subsections/facilities/information.asp?instchoice=mpb*.
Jefferson, Aisha
    2012   "Salecia Johnson's Parents Want Answers." *The Root* (April 20); at *www.theroot.com/views/salecia-johnsons-parents-still-want-answers*.
Jones, Jeffrey
    2009   "Majority of Americans Continue to Oppose Gay Marriage: No Change in Support from Last Year." Gallup Politics (May 27). At *www.gallup.com/poll/118378/majority-americans-continue-oppose-gay-marriage.aspx*.
Justice Policy Institute
    2002   *Cellblocks or Classrooms? The Funding of Higher Education and Corrections and Its Impact on African American Men*. At *www.justicepolicy.org/images/upload/0209_REP_CellblocksClassrooms_BBAC.pdf*.
Katz, Cindi
    2008   "Childhood as Spectacle: Relays of Anxiety and the Reconfiguration of the Child." *Cultural Geographies* 15(1): 5–17.
Kim, Catherine, Daniel Losen, and Damon Hewitt
    2010   *The School to Prison Pipeline: Structuring Legal Reform*. New York: New York University Press.

Kincaid, James
    1998   *Erotic Innocence: The Culture of Child Molesting*. Durham, NC: Duke
                    University Press.
Kosciw, J.G. and E.D. Diaz
    2009   *Shared Differences: The Experience of Lesbian, Gay, Bisexual and
                    Transgendered Students of Color in Our Nation's Schools*. New York: GLSEN.
Kosciw, J., E. Greytak, E. Diaz, and M. Bartkiewicz
    2010   *The 2005 National School Climate Survey: The Experience of Lesbian, Gay,
                    Bisexual and Transgendered Students in Our Nation's Schools*. New York:
                    GLSEN.
Krisberg, Barry
    2007   *And Justice for Some: Differential Treatment of Youth of Color in the Justice
                    System*. National Center on Crime and Delinquency. At *www.nccd-crc.org/nccd/
                    pubs/2007jan_justice_for_some.pdf*.
Lancaster, Roger
    2011   *Sex Panic and the Punitive State*. Berkeley: University of California Press.
Lawston, Jodie and Ashley Lucas
    2011   *Razor Wire Women: Prisoners, Activists, Scholars, and Artists*. New York:
                    SUNY Press.
Lawston, Jodie and Ruben Murillo (eds.)
    2009   Special issue: "Policing, Detention, Deportation, and Resistance." *Social Justice*
                    36(2).
Lesnik-Oberstein, Karin
    2010   "Childhood, Queer Theory, and Feminism." *Feminist Theory* 11(3): 309–21.
Levine, Judith
    2002   *Harmful to Minors: The Perils of Protecting Children from Sex*. Minneapolis,
                    MN: University of Minnesota Press.
Liptak, Adam
    2010   "Justices Limit Life Sentences for Juveniles." *New York Times* (May 18). At
                    www.nytimes.com/2010/05/18/us/politics/18court.html.
Lochner, Lance and Enrico Moretti
    2004   "The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and
                    Self-Reports." *American Economic Review* 94 (155): 155–189.
Logan, Wayne
    2009   *Knowledge as Power: Criminal Registration and Community Notification Laws
                    in America*. Stanford, CA: Stanford University Press.
Losen, Daniel and Russ Skiba
    2011   *Discipline Policies, Successful Schools, and Racial Justice*. The Civil Rights
                    Project/Proyecto Derechos Civiles at UCLA. October. National Education
                    Policy Center. Boulder, CO.
Mauer, Marc
    1999   *A Race to Incarcerate*. New York: New Press.
Mauer, Marc and Meda Chesney-Lind
    2003   *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New
                    York: New Press.
McBride, Dwight
    2011   *Impossible Witnesses: Truth, Abolitionism, and Slave Testimony*. New York: New
                    York University Press.
McCready, Lance
    2010   *Making Space for Diverse Masculinities: Difference, Intersectionality, and
                    Engagement in an Urban High School*. New York: Peter Lang.

McCreery, Patrick
    2008   "Save Our Children/Let Us Marry: Gay Activists Appropriate the Rhetoric of
                    Child Protectionism." *Radical History Review* 100 (Winter): 186–207.
Meiners, Erica
    2007   *Right to Be Hostile: Schools, Prisons, and the Making of Public Enemies*. New
                    York: Routledge.
    2009   "Never Innocent: Feminist Trouble with Sex Offender Registries in a Prison
                    Nation." *Meridians* 9(2): 31–62.
Moten, Fred
    2004   "The University and the Undercommons: Seven Theses." *Social Text* 79 (22):
                    101–115.
Muhammad, Khalil Gibran
    2010   *The Condemnation of Blackness: Race, Crime, and the Making of Modern
                    Urban America*. Cambridge: Harvard University Press.
Muñoz, José Esteban
    2009   *Cruising Utopia: The Then and There of Queer Futurity*. New York: New York
                    University Press.
Norris, D.W.
    2011   "Panel Hears from Murphysboro on IYC Closing." *The Southern* (October
                    12). At *http://thesouthern.com/news/local/govt-and-politics/panel-hears-from-
                    murphysboro-on-iyc-closing/article_40e8e698-f520-11e0-bada-001cc4c002e0.
                    html*.
Office of Civil Rights
    2012   Civil Rights Data Collection. May 10, 2012, at *www2.ed.gov/about/offices/list/
                    ocr/data.html*.
Pascoe, C.J.
    2007   *Dude*, *You're a Fag: Masculinity and Sexuality in High School*. Berkeley, PCA:
                    University of California.
Petit, B. and B. Western
    2004   "Mass Imprisonment and the Life Course: Race and Class Inequality in U.S.
                    Incarceration." *American Sociological Review* 69(2): 151–169.
Petteruti, A., N. Walsh, and T. Velázquez
    2009   *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good
                    Fiscal Sense*. Washington, DC: Justice Policy Institute. At *www.justicepolicy.
                    org/images/upload/09_05_REP_CostsOfConfinement_JJ_PS.pdf*.
Pew Center on the States, Public Safety Performance Project
    2008   "One in 100: Behind Bars in America 2008." At *www.pewcenteronthestates.org*.
Phillips, Anna
    2011   "City Reports More Suspensions, but Serious Crimes Declined." *New York
                    Times* (November 1). At *http://www.wnyc.org/story/303245-city-reports-more-
                    suspensions-but-serious-crimes-declined/*.
Richie, Beth
    2012   *Arrested Justice: Black Women*, *Male Violence and the Build-up of a Prison
                    Nation*. New York: New York University Press.
Roberts, Dorothy
    1993   "Racism and Patriarchy in the Meaning of Motherhood." *Journal of Gender and
                    the Law* 1(1).
    1997   *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*. New
                    York: Vintage Books.
    2011   *Fatal Invention: How Science, Politics, and Big Business Re-create Race in the*

Twenty-first Century. New York: The New Press.

Ruiz, Jason
    2008   "The Violence of Assimilation: An Interview with Mattilda aka Matt Bernstein Sycamore." *Radical History Review* 100 (Winter): 237–47.

Russell, Stephen
    2008   "Remembering Lawrence King: An Agenda for Educators, Schools, and Scholars." *Teachers College Record* (April 25). At *www.tcrecord.org*.

Schaffner, Laurie
    2002   "An Age of Reason: Paradoxes in the U.S. Legal Constructions of Adulthood." *The International Journal of Children's Rights* 10: 201–232.
    2006   *Girls in Trouble with the Law*. New York: Rutgers University Press.

Schwarz, Alan
    2011   "School Discipline Study Raises Fresh Questions." *New York Times* (July 19). At *www.nytimes.com/2011/07/19/education/19discipline.html?_r=1*.

Sedgewick, Eve
    1990   *Epistemology of the Closet*. Berkeley: University of California Press.

Silliman, J. and A. Bhattacharjee
    2002   *Policing the National Body: Race, Gender and Criminalization*. Boston: South End Press.

Simkins, S., A. Hirsh, E. Horvat, and M. Moss
    2004   "The School to Prison Pipeline for Girls: The Role of Physical and Sexual Abuse." *Children's Legal Rights Journal* 24(4): 56–72.

Simmons, Lizbet
    2009   "End of the Line: Tracing Racial Inequality from School to Prison." *Race/ Ethnicity: Multidisciplinary Global Perspectives* 2(2): 215–41.

Skiba, R.J., R.S. Michael, A.C. Nardo, and R.L. Peterson
    2002   "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment." *The Urban Review* 34(2): 317–42.

Soung, Patricia
    2011   "Social and Biological Constructions of Youth: Implications for Juvenile Justice and Racial Equity." *Northwestern Journal of Law and Social Policy* 6(2): 428–44.

Stern, Alexandra Minna
    2005   *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America*. Berkeley: University California Press.

Stockton, Kathryn
    2009   *The Queer Child: Or, Growing Sideways in the Twentieth Century*. Durham, NC: Duke University Press.

Sudbury, Julia
    2004   *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*. New York: Routledge.

Tavernise, Sabrina
    2011   "Soaring Poverty Casts Spotlight on 'Lost Decade.'" *New York Times* (September 13). At *www.nytimes.com/2011/09/14/us/14census.html?_ r=2&pagewanted=all*.

Thompkins, Douglas E.
    2010   "The Expanding Prisoner Reentry Industry." *Dialectical Anthropology* 34(4): 589–604.

Vance, Carole S.
    2011   "Thinking Trafficking, Thinking Sex." *GLQ: A Journal of Lesbian and Gay Studies* 17(1): 135–43.

Wacquant, Loïc
    2009   *Punishing the Poor: The Neoliberal Government of Social Insecurity.* Durham,
                    NC: Duke University Press.
Wallace, Michelle
    1979   *Black Macho and the Myth of the Superwoman*. New York: The Dial Press.
Winn, Maisha
    2010   *Girl Time: Literacy, Justice, and the School-to-Prison Pipeline*. New York:
                    Teacher's College Press.