

Unspeakable Offenses

Untangling Race and Disability in Discourses of Intersectionality

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The Literature of Critical Race Feminist Theory approaches disability as an expression of intersectional identity wherein devalued social characteristics compound stigma resulting in so-called spirit murder. Three diverging practices of intersectionality are identified as guiding scholarship on the constitutive features of multiply minoritizing identities: (1) anticategorical frameworks that insist on race, class, and gender as social constructs/fictions; (2) intracategorical frameworks that critique merely additive approaches to differences as layered stigmas; and (3) constitutive frameworks that describe the structural conditions within which social categories in the above models are constructed by (and intermeshed with) each other in specific historical contexts. In being true to Critical Race Feminist Theory approaches, the article draws on two other narratives, one historical and one contemporary, to describe how individuals located perilously at the intersections of race, class, gender, *and* disability are constituted as non-citizens and (no)bodies by the very social institutions (legal, educational, and rehabilitational) that are designed to protect, nurture, and empower them.

On October 29, 1984, Eleanor Bumpurs, a 270 pound, arthritic, sixty-seven year old woman was shot to death while resisting eviction from her apartment in the Bronx. She was \$98.85, or one month, behind in her rent. New York City mayor Ed Koch and police commissioner Benjamin Ward described the struggle preceding her demise as involving two officers with plastic shields, one officer with a restraining hook, another officer with a shotgun, and at least one supervising officer. All the officers also carried service revolvers. According to Commissioner Ward, during the course of the attempted eviction Eleanor Bumpurs escaped from the restraining hook twice and wielded a knife that Commissioner Ward said was “bent” on one of the plastic shields. At some point, Officer Stephen Sullivan, the officer positioned furthest away from her aimed and fired his shotgun. It is alleged that the blast removed half of her hand so that, according to the Bronx district attorney’s office, “it was anatomically impossible for her to hold the knife.” The officer pumped his gun and shot again, making his mark completely the second time around. (Williams, 271)

In her essay, “Spirit Murdering the Messenger,” Critical Race Feminist (CRF) Patricia Williams describes the brutal murder of a poor, elderly, overweight, disabled, black woman by several heavily armed police officers. Trapped at the intersections of multiple oppressive contexts, Eleanor Bumpurs’s tattered body

was quite literally torn apart by her multiple selves—being raced, classed, gendered, AND disabled. In the essay, Williams reads this murder as an unambiguous example of “racism [experienced] as . . . an offense so painful and assaultive as to constitute . . . ‘spirit murder’” (230). Toward the end of the essay Williams struggles to fathom why the officer who fired the fatal shots saw such an “‘immediate threat and endangerment to life’ . . . [that he] could not allay his need to kill a sick old lady fighting off hallucinations with a knife” (234). In this quote, Williams recognizes Eleanor Bumpurs’s disability when invoking her arthritis and possible mental illness. However, Williams deploys disability merely as a descriptor, a difference that is a matter of “magnitude” or “context,” what another CRF scholar, Angela Harris, has described as “nuance theory” (14). According to Harris, “nuance theory constitutes black women’s oppression as only an intensified example of (white) women’s oppression” and is therefore used as the “ultimate example of how bad things [really] are” for all women (15).

While we agree with the critique of nuance theory in feminist analyses that ignore the real experiences of black women, we argue that CRF scholars deploy a similar analytical tactic through their unconscious non-analysis of disability as it intersects with race, class, and gender oppression. Disability, like race, offers not just a “nuance” to any analysis of difference. For example, one could argue that the outrage emanating from a heaving, black body wielding a knife sent a nervous (and racist) police officer into panic when confronted by his own racialized terror of otherness. But what about the other ideological terrors that loomed large in this encounter? Could the perception of Eleanor Bumpurs as a dangerous, obese, irrational, black woman also have contributed to her construction as criminally “insane” (disability) because her reaction to a “mere” legal matter of eviction (class) was murderous rage? And did our socially sanctioned fears of the mentally ill and our social devaluation of disabled (arthritic and elderly) bodies of color justify the volley of shots fired almost instinctively to protect the public from the deviant, the dangerous, and the disposable? We, therefore, argue that in the violent annihilation of Eleanor Bumpurs’s being, disability as it intersects with race, class, and gender served more than just a “context” or “magnifier” to analyze the oppressive conditions that caused this murder.

In this article, we demonstrate how the omission of disability as a critical category in discussions of intersectionality has disastrous and sometimes deadly consequences for disabled people of color caught at the violent interstices of multiple differences. In the first section, we will theorize intersectionality as first proposed by Crenshaw and explore the different ways in which it can be utilized by both Critical Race Theory and Disability Studies to analyze the experiences of people located at the interstices of multiple differences. Next,

true to CRT tradition, we draw on two other narratives, one historical and one contemporary, to describe how individuals located perilously at the interstices of race, class, gender, *and* disability are constituted as non-citizens and (no) bodies by the very social institutions (legal, educational, and rehabilitational) that are designed to protect, nurture, and empower them.

Intersectionality at the Crossroads: Theorizing Multiplicative Differences

With the deconstruction of essentialism, the challenge of how to theorize identity in all its complex multiplicity has preoccupied feminist scholars of color.¹ Kimberle Crenshaw, one of the key proponents of the theory of intersectionality, has argued that “many of the experiences black women face are not subsumed within the traditional boundaries of race or gender oppression as these boundaries are currently understood” (358). Part of the problem of “relying on a static and singular notion of being or of identity” (Pastrana, 75) is that the single characteristic that is fore-grounded (e.g. female or black) is expected to explain all of the other life experiences of the individual or the group. Additionally, Crenshaw points out that social movements based on a single identity politics (e.g. the Feminist Movement, Black Power Movement, GLBT and the Disability Rights Movement) have historically conflated or ignored intra-group differences and this has sometimes resulted in growing tensions between the social movements themselves.

Feminists of color have, therefore, had the difficult task of attempting to theorize oppression faced at the multiple fronts of race, class, gender, sexuality, and disability.² Thus, if one is poor, black, elderly, disabled, and lesbian, must these differences be organized into a hierarchy such that some differences gain prominence over others? What if some differences coalesce to create a more abject form of oppression (e.g. being poor, black, and disabled) or if some differences support both privilege/invisibility within the same oppressed community (e.g. being black, wealthy, and gay)? What happens if we use “race” as a stable register of oppression against which other discriminations gain validity through their similarity and difference from that register? (Arondekar)

In the face of this theoretical challenge, intersectionality has been set up as the most appropriate analytical intervention expected to accomplish the

1. See e.g. bell hooks; Angela Davis; Audre Lorde; Gloria Anzaldúa; Gloria Hull, Patricia Bell Scott, and Barbara Smith.

2. For examples, consult Gloria Anzaldúa; Kimberlé Crenshaw; Angela Harris; Adrien Wing; and Audre Lorde.

formidable task of mediating multiple differences. For example, Patricia Hill Collins writes that “[a]s opposed to examining gender, race, class, and nation as separate systems of oppression, intersectionality explores how these systems mutually construct one another . . .” (63). CRF Adrien Wing writes:

We, as black women, can no longer afford to think of ourselves as merely the sum of separate parts that can be added together or subtracted from, until a white male or female stands before you. The actuality of our experience is multiplicative. Multiply each of my parts together, WE X WE X WE X WE X I, and you have *one* indivisible being. If you divide one of these parts from one you still have *one*. (31)

But this is all much easier said than done. Attempts to deploy intersectionality as an analytical tool in academic research have taken on different forms with varying analytical outcomes—some more useful than others. McCall, in an overview of how intersectionality has been utilized in women studies’ scholarship, has identified three different modes of theorizing intersectionality. The first mode uses an *anticategorical* framework based on the poststructuralist argument that social categories like race, gender, sexuality, and disability are merely social constructions/fictions. CRF scholars are, however, unwilling to completely do away with the social categories that constitute identity in the first place. As Crenshaw explains:

To say that a category such as race and gender is socially constructed is not to say that the category has no significance in our world. On the contrary, a large and continuing project for subordinated people . . . is thinking about the way in which power is clustered around certain categories and is exercised against others. (375)

As a result, feminists of color are more apt to use an *intracategorical* framework that focuses on “particular social groups at neglected points of intersection of multiple master categories” (McCall, 1780). As Crenshaw explains:

[I]ntersectionality provides a basis for reconceptualizing race as a coalition between men and women of color . . . Intersectionality may provide the means for dealing with other marginalizations as well. For example, race can also be a coalition of straight and gay people of color, and thus serve as a basis for critique of churches and other cultural institutions that reproduce heterosexism. (377)

The intracategorical framework is especially promising to CRF scholars because it validates the reality of racism as it intersects with sexism and other social categories of difference (e.g. heterosexism; classism) in the everyday lives of women of color. However, Yuval-Davis, while producing a list of possible differences (potentially incomplete) that includes “‘race’/skin color; ethnicity; nation/state; class, culture; ability; age; sedentariness/origin; wealth; North-South; religion, stage of social development” (202), asks if it is even conceivable to address all

these possible social categories intersecting with a common master category (e.g. race or gender) at any given time? Do some differences acquire greater prominence than others (e.g. sexuality)? Are some “other” differences just added on to merely complicate and “nuance” this intersectional analysis (e.g. disability)?

If the intracategorical framework rejects merely tacking on another difference to its litany of categories (e.g. disability), it would have to, in effect, reject the additive approach to multiple differences and instead utilize what Yuval-Davis has described as the constitutive approach to multiple differences. This approach, while foregrounding the actual experiences of women of color at the intersection of multiple social categories, also describes the structural conditions within which these social categories are constructed by, and intermeshed with each other in specific historical contexts. McCall calls this third approach to theorizing intersectionality the *intercategorical* framework. Yuval-Davis explains:

The point of intersectional analysis is not to find “several identities under one” This would reinscribe the fragmented, additive model of oppression and essentialize specific social identities. Instead the point is to analyse the differential ways by which social divisions are concretely enmeshed and constructed by each other and how they relate to political and subjective constructions of identities. (205)

Therefore, rather than merely adding disability to nuance an intersectional analysis, we will foreground the historical contexts and structural conditions within which the identity categories of race and disability intersect.

Points of Contact: At the Intersection of CRT and Disability Studies

In educational contexts, the association of race with disability has resulted in large numbers of students of color (particularly African American and Latino males) being subjected to segregation in so-called special-education classrooms through sorting practices such as tracking and/or through labels such as mild mental retardation and/or emotional disturbance.³ The PBS film, *Beyond Brown: Pursuing the Promise* (Haddad, Readdean, & Valadez) substantiates these claims with the following statistics.

- Black children constitute 17 percent of the total school enrollment, but 33 percent of those labeled “mentally retarded”.
- During the 1998–1999 school year more than 2.2 million children of color in U.S. schools were served by special education. Post-high school outcomes for these students were striking. Among high school youth with disabilities,

3. Artiles; Artiles, Harry, Reschly, and Chinn; Connor and Ferri; Reid and Knight; Watts and Erevelles.

about 75 percent of African Americans, compared to 39 percent of whites, are still not employed three to five years out of school. In this same time period, the arrest rate for African Americans with disabilities is 40 percent, compared to 27 percent for whites.

- States with a history of legal school segregation account for five of the seven states with the highest overrepresentation of African Americans labeled mentally retarded. They are Mississippi, South Carolina, North Carolina, Florida and Alabama.
- Among Latino students, identification for special education varies significantly from state to state. Large urban schools districts in California exhibit disproportionately large numbers of Latino English-language learners represented in special education classes in secondary schools.
- Some 20 percent of Latino students in grades 7 through 12 had been suspended from school according to statistics from 1999 compared with 15 percent of white students and 35 percent of African American students.

The association of race with disability has been extremely detrimental to people of color in the U.S.—not just in education, but also historically where associations of race with disability have been used to justify the brutality of slavery, colonialism, and neo-colonialism. Unfortunately, rather than nurturing an alliance between race and disability, CRT scholars (like other radical scholars) have mistakenly conceived of disability as a biological category, as an immutable and pathological abnormality rooted in the “medical language of symptoms and diagnostic categories” (Linton, 8). Disability studies scholars, on the other hand, have critiqued this “deficit” model of disability and have described disability as a socially constructed category that derives meaning and social (in)significance from the historical, cultural, political, and economic structures that frame social life.

Thus, at the first point of contact, both CRT and disability scholars begin with the critical assumption that race and disability are, in fact, social constructs. Thus, Haney Lopez explains “Biological race is an illusion Social race, however, is not Race has its genesis and maintains its vigorous strength in the realm of social beliefs” (172). Similarly, Garland-Thomson describes disability as “the attribution of corporeal deviance—not so much a property of bodies [but rather] . . . a product of cultural rules about what bodies should be or do” (6). At their second point of contact, race and disability are both theorized as relational concepts. Thus, CRT scholars argue that “[r]aces are constructed relationally against one another, rather than in isolation” (Haney Lopez, 168) such that the privileges that Whites enjoy are linked to the subordination of people

of color (Harris). Similarly, Lennard Davis points out that “our construction of the normal world is based on a radical repression of disability” (22) because “without the monstrous body to demarcate the borders of the generic . . . and without the pathological to give form to the normal, the taxonomies of bodily value that underlie political, social and economic arrangements would collapse” (Garland-Thomson, 20). Finally, at the third point of contact, both perspectives use stories and first-person accounts to foreground the perspectives of those who have experienced victimization by racism and ableism first-hand (Espinoza and Harris; Angela Harris; Ladson-Billings and Tate IV; Parker, Deyhle, and Villenas; Linton; Connor).

In building on these alliance possibilities, disability-studies scholars have argued that disability is, in fact, constitutive of most social differences, particularly race (Baynton; Erevelles 1996; James and Wu). One example to support the above claim lies in the historical narrative of eugenics as a program of selective breeding to prevent the degeneration of the human species. Colonial ideologies conceiving of the colonized races as intrinsically degenerate sought to bring these “bodies” under control via segregation and/or destruction. Such control was regarded as necessary for the public good. The association of degeneracy and disease with racial difference also translated into an attribution of diminished cognitive and rational capacities of non-white populations. Disability related labels such as feeble-mindedness and mental illness were often seen as synonymous with bodies marked oppressively by race (Baynton; Gould). Fearing that such characteristics could be passed down from generation to generation and further pose a threat to the dominant white race, “protective” practices such as forced sterilizations, rigid miscegenation laws, residential segregation in ghettos, barrios, reservations and other state institutions and sometimes even genocide (e.g. the Holocaust) were brought to bear on non-white populations under the protected guise of eugenics. However, constructing the degenerate “other” was not just an ideological intervention to support colonialism. In the more contemporary context of transnational capitalism, Erevelles argues that:

the ‘ideology’ of disability is essential to the capitalist enterprise because it is able to regulate and control the unequal distribution of surplus through invoking biological difference as the ‘natural’ cause of all inequality, thereby successfully justifying the social and economic inequality that maintains social hierarchies . . . [D]isability . . . is [therefore] the organizing grounding principle in the construction of the categories of gender, race, class, and sexual orientation. (526)

It is easy to dismiss eugenics as a relic of a bygone era, but the continued association of race and disability in debilitating ways necessitates that we examine how eugenic practices continue to reconstitute social hierarchies in contemporary

contexts via the deployment of a hegemonic ideology of disability that have real material effects on people located at the intersections of difference. To illustrate the argument, we will now draw on the narratives of two protagonists, Junius Wilson and Cassie Smith.

The “Unspeakable” Life of Junius Wilson

The first narrative, the story of Junius Wilson, poignantly told in Susan Burch and Hannah Joyner’s book, *Unspeakable: The Life of Junius Wilson*, occurred at the intersection of disability, race, gender, and class. Born in 1908 to Sidney and Mary Wilson in the predominantly African American community of Castle Hayne on the outskirts of Wilmington, North Carolina, Junius Wilson became deaf as a toddler. The tensions of raising a deaf child in poverty conditions within a political context of racial violence caused Sidney Wilson to desert his family, forcing his wife Mary to send the young Wilson to the residential North Carolina School for the Colored Blind and Deaf in Raleigh. In the segregated school in Raleigh, Wilson was initiated into a “black deaf community” and “Raleigh signs” that were specific to the school and that had almost no currency elsewhere—a fact that would later contribute to Wilson’s social isolation in both the deaf and the black communities. Additionally, in line with racist ideologies of African American students’ low mental capacities, the school encouraged vocational work over traditional classroom work, so while Wilson could write his name out, he was unable to read and write anything else. Then, in 1924, Wilson was expelled from the school because of a minor infraction and forced to return home.

Returning home from Raleigh, Wilson’s habits of “touching or holding people, stamping feet and waving arms” (33) constructed him as a threatening figure in a society ruled by Jim Crow laws—habits that could compromise the safety of himself, his family, and his community. It was perhaps for all these reasons and in an effort to protect his family and his community that Arthur Smith, the family friend, accused the 17-year-old Junius Wilson of assaulting and attempting to rape his young wife, Lizzie. Thus, in August, 1925, Junius Wilson was arrested and taken to New Hanover County jail. Unable to communicate with Wilson, the court held a lunacy hearing where it was concluded that Wilson was both “feeble-minded” and dangerous, and was therefore committed to the criminal ward of the North Carolina State Hospital for the Colored Insane in Goldsboro that housed epileptics, “idiots,” and other “mental defectives” and exerted institutional control rather than practices of healing.

With eugenics ideologies dominant in the early twentieth century, one means of social control was castration, the surgical removal of the testicles. Thus, in 1932, Wilson was castrated and henceforth was no longer perceived as a danger because he became “a submissive black man . . . [with] eyes downcast, silent, and reserved . . . a gentle childlike patient” (49). Seen now as a potentially useful worker, Wilson was sent to work in the Farm Colony (the farm attached to the hospital) and was leased to private farmers till his retirement in 1970, where he was transferred to a geriatric ward. Even though all charges against him were dropped by then, he continued to be incarcerated for another twenty years because it was conceived of as “the most benevolent course of action” (1).

In the 1970s, in response to the Civil Rights of Institutionalized Persons Act, Carolina Legal Assistance (CLA), a group of attorneys in Raleigh, found scores of African American men and women “dumped in hospitals, abandoned by communities, and otherwise mislabeled as feebleminded” (124), one of whom was Junius Wilson. After several years of lawsuits and the involvement of advocates and family members, Wilson was moved out to a cottage on the grounds of the hospital on February 4, 1994. He died on March 17, 2001. Hovering precipitously at the boundaries of race, class, gender, *and* disability, Wilson had been held in the isolating confines of the institution for more than three quarters of his life. Overwhelmed by the enormity of the crime committed against Wilson, Burch and Joyner (2007) ask, “How should a society—indeed, how can a society—make amends for past misdeeds?” (3).

But society seldom makes amends for past misdeeds. On the contrary, it is often apt to repeat them. Junius Wilson’s story took place in the early twentieth century. Our second narrative, Cassie Smith’s story, takes place in the present, almost a century later. The terrifying aspect of Cassie’s story is that it continues Wilson’s narrative, in effect becoming its sequel by once again foregrounding the violence that lies at the intersection of race, class, gender, *and* disability.

Her Time is up! Cassie Gotta Go!: Exclusion at the Intersections

One of the authors of this article, Andrea, had met Cassie two years ago at the home school cooperative, DAWN, which she ran for students like Cassie who did not seem to “fit” in public school. Cassie’s mother, Aliya Smith, a single mother on disability for the last 15 years, lives in public housing with her daughter Cassie and her six-year-old son Charles in a small southern town. Cassie’s father lives close by but has been mostly absent from her life. She had been very close to her grandmother who passed away a year ago.

On her first day at DAWN, Cassie tried desperately to fit in with the other eight adolescent girls at the school. She was dressed neatly. But she had severe eczema on her skin and was eyed suspiciously by the other girls as if her rash was contagious. Her hair was braided stylishly, but her braids were already loosening and falling out because she picked at her head continuously. Her big toothy grin gave way to raucous laughter, much louder than the children in the small school were used to. She tried so hard to be friendly, but she was met with wariness.

After barely less than a day of observation and evaluation, Andrea realized that Cassie could not read—a fact that she had successfully hidden from even her closest friends. When asked to write a journal entry, her sentences contained a string of three letter words that made little sense such as “pig as you as zoo cat by as no as dog pig as zoo no by you as zoo as cat red.” Cassie “pretended” very well, opening her book, following along and even reading “along with” someone, saying a word immediately after the other person began the word. Because she did not read, she had limited knowledge of other subject areas. She could barely add and could not subtract. She recognized some coins, but could not figure money. Andrea realized with dismay that twelve-year-old Cassie was functionally illiterate.

When we interviewed Cassie and her mother, her turbulent and tragic educational history was slowly revealed. We learned to our horror that Cassie had been bounced around to a different school every year of her school life; two schools in some years. As a toddler, Cassie spent a lot of time with her grandmother because of Aliya’s poor health. At age four, Cassie started out in a private preschool program at the Holy Trinity Baptist School. Without the benefit of records or first-hand knowledge, we wonder whether the fact that Cassie was an economically disadvantaged black child in an all-white school caused her to appear “behind” and uncontrollable. Aliya recalls, “She used to get temper tantrums and they told me if I couldn’t get her straightened up, she gotta go!” Aliya moved Cassie to the Head Start program and then to her neighborhood school for kindergarten:

And then they [the school personnel] said that she needed help (Cassie interjects: “No, I don’t!”). So we had to go through evaluations, meetings, and stuff. They tried to say that she was mentally retarded. (Cassie interjects, “I am not MR!”) . . . [Aliya continues in response to Cassie] But she was then. So they sent her to Sally’s Corner.

In this small southern town, Sally’s Corner was touted as the haven for kids with severe emotional and behavioral problems. In its mission statement the school claimed to offer treatment based on “an interdisciplinary approach

with psychology, education, nursing, psychiatry, social work and counseling comprising the professions that impact each client's treatment." The website also included several testimonials from parents and one child that described Sally's Corner very positively. Cassie's memories of Sally's Corner, however, were very dark:

[*Sally's Corner*] is like a bad place. They put you there when you get in trouble. They restrain you. They put your arms like this . . . sit on you kinda and put you in a room where no windows at and a little time out room by yourself And they come and look at you. And I say, "Let me out" and kick the door

NE: What is it that that gets you really angry?

Cassie: When somebody tries to fight with me and pull my hair

NE: But the teachers don't try to fight with you, do they?

Cassie: Oh I'll still fight you the big ole fat ole . . . sit on me . . . Half ton white folks.

By Cassie's own admission, we can understand that she was no easy client, and it is reasonable to assume that Cassie was in need of some kind of program that would help manage her fits of rage so she could also learn. And surely, they had all that expertise from the multi-disciplinary team to do something for her. But again, we do not really know what happened there except for this explanation from Aliya about why she wanted Cassie to leave Sally's Corner after only a couple of months there:

They locked you up all the time. They had this jail cell. She had spit on the wall while she was in there. They called my mama [Cassie's grandmother]. I was sick at that time. My mama and my sister-in-law went. My mama was so mad when she went out there. She told them, "Open the door. Let that child outta there!" My mama did not understand. Actually she did not care. Like she [Cassie] was being treated like a dog or something And then they said that before she left she had to scrub the room. My mama said, "Get that child outta there!" And they said she could not leave before she did that. So my mom told Cassie what were the spots that she spit at. And to clean just them. They wanted her to clean the whole room! Then she got to get ready to go. . . . It was time for her to go. . . . Kept on trying to get her out. . . . They finally agreed and I got her to go to Woodberry Gardens.

Once again, while we acknowledge that we have only one side of the story, there are aspects that still puzzle us. Surely "a model treatment program" had more options for a small, angry five-year-old African American girl with anger-management issues than being thrown into a "jail cell"? What was it about that tiny enraged black body that terrified the staff so much that they threw all their knowledge out of the window, opting instead for the behavioral strategy of "imprisonment"?

This was the educational legacy that Cassie would carry forward with her as she moved into the first grade at her new elementary school, Woodberry

Gardens. After two good years she was inexplicably moved to Spartan elementary and once again to Nottingham. Each time, as Aliya put it, they told her that “It was time for her to leave there . . . Her time was up.”

Apparently, at this time, Cassie no longer held the label “mental retardation.” Still, when asked, her mother just says, “She acted crazy!” She was now thrown into a regular program at Nottingham with no supports. Once again her academic and behavioral problems were exacerbated. Once again she was teased and called names by her peers. Once again she fought back—she cut a classmate’s hair. And once again she suffered the consequences of her negative behavior. Less than two months before her graduation from elementary school, Cassie was transferred to her eighth school, Athena. Aliya was livid:

You talking about somebody was mad. No! I could never understand why they sent her to Athena. I went over there and met with the teacher. . . . It had something to do with her learning. There was a month and half to graduate and they sent her to Athena. Then that teacher was up there ill-treating her. . . . They wanted her to graduate with her Athena [special education] class. And I said, “I didn’t spend all that money and time at Nottingham for this. I was so mad. I told them that I would have her out of school if they would not let me take her out [of Athena]. Then they listened. When they figured out that I was not playing with them, they got those papers. Like they couldn’t get them fast enough. They just moved them in the office. And I took her to Nottingham and she was there for three days so that she could graduate with her class. And they did it [the graduation ceremony] in such a way, that she had to be escorted. Like she was such a bad child. Like she was coming from prison. Her last two teachers had to walk with her side by side. She was the last one to walk.

Thus, after being in eight schools in eight years, Cassie came to DAWN, the home-school cooperative, as a sixth grader with a plethora of problems. In this supportive context, Cassie made great leaps in her social behavior and even made some academic headway. However, Andrea was forced to close DAWN at the end of the year for financial reasons, and so Cassie prepared to re-enter public school in the next fall.

Eager to learn, but receiving very little help in school, Cassie soon got frustrated and into fights again. She was sent to the Alternative School which ironically she actually liked because of the structure and individual attention. But then, even this realm of contentment vanished one day—the day of the “incident.” One spring day, six students (four boys and two girls) were left without supervision in a classroom for a few minutes while one of the teachers walked a student to his car to speak to his mother. The boys teased and taunted the girls making rude, sometimes vulgar, suggestions and then laughing them off. One of the boys told Cassie, “So-and-so thinks you’re pretty. He

wants you to suck his dick.” And so she went behind the cubbies and obliged.

By the next day, word spread all over the school. As the rumor gathered momentum, more and more people became aware, including the school counselor and the assistant principal. However, neither the classroom teacher, nor the parents of the perpetrators were notified for nearly two or three weeks. According to the Assistant Principal, there was an ongoing investigation and then a meeting was called with the Building Based Special Team (BBST) and the parent to discuss what they called a “manifestation determination.” The question of the day: Was it Cassie’s “learning disability” that caused her to have oral sex with a boy in her class or was this done on her own volition? Following “procedure” each member concurred that her “learning disability” could not have caused her to perform oral sex. She knew what she was doing. Therefore she was GUILTY. Under the zero-tolerance policy, this called for expulsion.

Not once did the committee even bother to look at Cassie’s painful history of exclusion, segregation, incarceration, and negation. It was lucky that Andrea was there. Aliya was a poor advocate for her child. Intimidated, angry, confused, and defensive, she often ended up blaming her daughter for the “stupid thing she did.” It was Andrea who saved the day. Drawing on her experiences as a former special education teacher, Andrea brought up Cassie’s educational history of social isolation and low self-esteem that were the by-products of her “learning disability” and that may have influenced her decision to perform a sexual act that garnered her some form of warped recognition/respect/visibility among her peers. In addition, Andrea had to spell out the possible legal ramifications of leaving students unsupervised in a locked and isolated classroom for even a short period of time. We believe that it was the last statement that sealed the deal. It was not the history of educational abuse, but the threat of legal ramifications that made the committee decide that they would not recommend expulsion. Cassie would have another chance at school. But whether she would have the support that she needed to make it through another school year was still an open question.

The process of narrating Cassie’s educational history during the interviews inadvertently produced an unpredictable benefit for Aliya. In a marked difference from the “professionals” who were reviewing Cassie’s case, it was Aliya, confused, angry, troubled, and yet still hopeful, who was able to see how the different disruptive, demeaning, and punitive experiences that began early in Cassie’s life were now responsible for the risky, sullen, and disorderly behaviors of her teenage daughter. Now with the gift of hindsight, and therefore conscious of her own disempowerment in the process, Aliya poignantly reflected:

If I had known the system better, I would not have put her there [Sally's Corner]. But at that time I did not know the system. It seemed that they were trying to hurt me, rather than help me.

"Unspeakable Offenses": An Intercategorical Analysis of Intersectionality

Just like Junius Wilson, Cassie is also located at the boundaries of race, class, gender, *and* disability. Each of their stories brings to the forefront several questions: How does racism in its interaction with the inauspicious combination of class, gender, *and* disability oppression cohere to locate Wilson and the Smiths beyond the pale of appropriate interventions by the very institutions (legal, rehabilitative, and educational) that were designed to nurture and empower them? At which point did disability trump race? When did class become the critical influential factor? At what point did gender become the only perceivable threat? In each of the stories, it is very difficult to unravel and isolate the strands that played an integral part in weaving the violent tapestry of their broken lives.

For Junius Wilson, it was the socio-political context of racial terror and abject poverty in the Jim Crow South that constituted his deafness as "dangerous" difference that could only be contained within the institutional confines of a segregated residential school for the "Colored" deaf. Ironically, this confinement provided Wilson with a cultural community of other deaf students of color while it at the same time alienated him from his community outside the school. Additionally, unlike white deaf students, being black and deaf located him at the lowest rungs of the social hierarchy of the time, providing him with an inferior education that would also play a part in his continued social isolation. On returning home, his disability cast a shadow on his race and gender and contributed to his construction as the dangerously virile young black male—images that led to the false accusation of sexual assault, his incarceration, and ultimately to the final violent act of his castration. During that time, he was put to work in the farm colony as part of the surplus population being utilized to produce profits for the institution. Without financial resources and other social supports, his family could do little to intervene on his behalf, which resulted in him languishing in an institution for 76 years. The institution's refusal to release him even after all charges were dropped against him was justified under a mantle of benevolence. It was this same benevolence that allowed the institution to justify the unequal and oppressive conditions in the institution by arguing that "the lack of facilities are not due to racial biases but the fact [that] Negro patients

are willing to accept what is provided to them, ‘which is more than they have at home’” (Burch & Joyner, 74).

In an earlier section of this article, we wrote that Cassie Smith provided Junius Wilson’s story with its unwelcome sequel. At first glance, this assertion may seem far-fetched in the contemporary historical context of the New South where Jim Crow (re)appears as only a distant and shameful memory. Yet, Cassie’s story foregrounds an interesting twist to the continuing saga of racial segregation in the New South. In place of Jim Crow, Cassie’s ever-changing labels of MR, LD, and ADHD were used as the justification for her continued segregation in an effort to protect the mainstream from a dangerous racialized Other—the economically disadvantaged disabled African American girl. Here, class and race also played a significant role in maintaining this segregation. As educators, we have known privileged white students with similar behavioral problems whose parents were able to corral the school’s best resources, were able to access professional help outside the school, and, in the worst case scenario, were able to transfer their child to a private school. Aliya Smith’s economic and social disadvantages did not permit her these luxuries. Instead, her disadvantages proved to be a further liability, a signal to the school professionals that there was really no need to “fight” for her daughter Cassie. As a result, even though Cassie had an IEP replete with individualized goals to improve both her behavior and her learning, she never met most of those goals, and nobody cared. This was apparent in her seventh grade report card that listed her as earning As and Bs, even though she was still functionally illiterate and still had little behavior control.

Finally, perhaps most telling is how disability as a “social” not a “clinical” condition was used to establish the benevolence of the special education bureaucracy and in doing so masked the violence that became an inextricable part of Cassie’s educational career. Cassie was first MR, then ADHD, and then LD—labels that ebbed and flowed with the passing tides in different contexts. Clearly, given its temporality, “mental retardation” cannot be a robust category. So, could it then be that the educational gatekeepers, when confronted with an allegedly undisciplined, economically disadvantaged, African American girl, fearfully sought the protection of the label “mental retardation”—a label that would justify her incarceration at the tender age of five years old and continue to support her social isolation as it made its punitive march on the successive legs of her young educational career?

We argue here that an intercategorical analysis of intersectionality enables us to foreground the structural context where the social categories of race, class, gender, *and* disability are (re) constituted within the two narratives of Junius

Wilson and Cassie Smith. First, we identify disability as the organizing ideological force that is deployed in both narratives as the means to organize the social hierarchies in their respective historical contexts. Here, we describe disability as the very embodiment of the disruption of normativity that is, in turn, symbolic of efficient and profitable individualism and the efficient economic appropriation of those profits produced within capitalist societies. In the early twentieth century, Jim Crow and eugenics served as the two principal mechanisms that patrolled the boundaries of society in order to identify those individuals/communities who were seen as a threat to the normative social order (the status quo) within an incipient capitalist society. The New South replaced those outmoded mechanisms of segregation with more modern systems that were more appropriately in keeping with the times. Thus, for example, in educational contexts the special education bureaucracy with its complex machinery of pseudo-medical evaluations, confusing legal discourses, and overwhelming paperwork administered by a body of intimidating professionals now performs tasks that are not very different from Jim Crow and eugenic ideologies. To put it more simply, special education, instead of being used to individualize education programs to meet the special needs of students, is instead used to segregate students who disrupt the “normal” functioning of schools. Moreover, on the few occasions when Cassie’s mother sought to confront them, they invoked their complicated bureaucracy (e.g. using phrases like *manifestation determination*) to further confuse and intimidate her. While we do not deny that Cassie did have significant problems, we argue that the only intervention that was sought by the special education bureaucracy as the most effective was segregation and ultimately incarceration (alternative school and later a very real possibility of prison). Cassie is, no doubt, difficult to manage and perhaps even challenging to care about enough to help her conquer her barriers. But it is her *right* that she *not* be made dispensable.

“Spirit Murder” and the “New” Eugenics: Critical Race Theory meets Disability Studies

The three stories of Eleanor Bumpurs, Junius Wilson, and Cassie and Aliya Smith, however poignant they may appear to be, are not unique. Police brutality, false imprisonment, and educational negligence are commonplace in the lives of people of color—especially those who are located at the margins of multiple identity categories. So common are these practices that CRF scholar Patricia Williams has argued that these kinds of assaults should not be dismissed as the

“odd mistake” but rather be given a name that associates them with criminality. Her term for such assaults on an individual’s personhood is “spirit murder,” which she describes as the equivalent of body murder.

One of the reasons I fear what I call spirit murder, or disregard for others whose lives qualitatively depend on our regard, is that its product is a system of formalized distortions of thought. It produces social structures centered around fear and hate, it provides a timorous outlet for feelings elsewhere unexpressed . . . We need to see it as a cultural cancer; we need to open our eyes to the spiritual genocide it is wreaking on blacks, whites, and the abandoned and abused of all races and ages. We need to eradicate its numbing pathology before it wipes out what precious little humanity we have left. (234)

Clearly, in our educational institutions there are millions of students of color, mostly economically disadvantaged and disabled, for whom spirit murder is the most significant experience in their educational lives. In fact, it is this recognition of spirit murder in the everyday lives of disabled students of color that forges a critical link between disability studies and CRT/F through the intercategory analysis of intersectionality. In other words, utilizing an intercategory analysis from the critical standpoint of disability studies will foreground the structural forces in place that constitute certain students as a surplus population that is of little value in both social and economic terms. That most of these students are poor, disabled, and of color is critical to recognize from within a CRT/F perspective. By failing to undertake such an analysis, we could miss several political opportunities for transformative action.

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