

Reaction to: “Serving Time for Falling in Love: How the War on Drugs Operates to the Detriment of Women of Circumstance in Poor Urban Communities of Color”

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Harrell describes the lives of “women of circumstance”: commonly the girlfriends, wives, or relatives of men involved in the drug trade. Harrell describes the struggles these women face when becoming intensely involved with these men, namely potential prison sentences from conspiracy charges, as well as emotional and physical tolls that come with them. Further, Harrell describes life post-conviction for these women, which includes their struggles accessing housing and education.

Harrell artfully describes the trials that women of circumstance face. Instead of speaking broadly about the struggles women face in and out of prison, Harrell limits her analysis to the unique struggles of women of circumstance. The research goes beyond law review articles and looks to specific statutory provisions that uniquely affect women of circumstance. For example, Harrell highlights well-intentioned statutes attempting to provide safe havens for criminal informants, but backfire anyways. Harrell explains how these statutes were designed to help women who have participated in the crime, but, in the vast majority of cases, harms those needing the most assistance: the average woman of circumstance who has done nothing wrong.

Harrell’s Note lacks analysis into the difference between a woman of circumstance—defined by her near-mandatory participation in the drug trade—and a woman who chose to participate in the drug trade without any pressure from a male influence. Without a true way to distinguish between the two, the law will also struggle to create different prescriptions for each. Harrell does not describe how the law can tailor itself to accommodate those truly unwitting women and those women willingly involved for their own benefit. Often, women have families to support and may enter into relationships in order to become involved in the drug trade, or will enter into relationships while in the drug trade. At what point, and how are we—or judges, legislators, policymakers—to separate these classes of women under the law? Harrell provides no clear solution.

While Harrell’s piece insightfully explores the problems plaguing women of circumstance, it does little to provide answers to those problems. Harrell laments the prolonged nature of the War on Drugs, but does not describe how to end the War on Drugs. The piece could be improved by discussing current drug-law reform efforts or current efforts by lawmakers to propose legislation

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that protects women of circumstance. If such legislation does not exist, Harrell fails to provide guidance on how lawmakers should aspire to create such legislation. In all, the Note is adequate and thoughtful, but devoid of tactical use in lawmaking.