

“You Know It When You See It”: Drug Nuisance Property and the Carceral Management of Racialized Disinvestment in Philadelphia

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Abstract

In 1991, Philadelphia prosecutors formed the Public Nuisance Task Force (PNTF) to close bars they accused of harboring narcotics activity. Between the early 1990s and the late 2010s, the PNTF would go on to seize 1,697 homes, most located in Black and Latinx neighborhoods devastated by decades of disinvestment. I contend that the PNTF mobilized municipal carceral power to target these drug nuisance properties as they attempted to manage enduring disinvestment in Philadelphia’s most racially segregated neighborhoods. Prosecutors defended these practices by claiming they remedied the harms associated with the criminalized distribution of narcotics. However, my research reveals how the PNTF’s home seizure program ultimately exacerbated the compounded harms caused by drug prohibition and disinvestment. I argue that within this drug nuisance policing framework utilized by PNTF prosecutors, it was precisely the vulnerability of Black and Latinx homeowners to harm that racially marked them as unfit for property ownership.

Keywords

policing, race, property, war on drugs

In December 1991, a Philadelphia Common Pleas Court judge issued an order that permanently closed Ogontz Hoagie City. The store was a “stop ’n’ go,” a new kind of deli known for selling cheap beer and malt liquor in Philadelphia’s most disinvested Black neighborhoods. Over one hundred stop ’n’ go’s had popped up across the city during the late 1980s, most of them operated by Korean Americans. According to a *Philadelphia Inquirer* reporter, these “hard-working entrepreneurs” purchased “financially ailing taverns” in struggling neighborhoods, converted them into delis, and used their liquor licenses to sell inexpensive alcohol. While most of the “new delis operate[d] unobtrusively, providing jobs and a place to get a late-night snack,” they quickly became objects of moral panic amid a growing trade in crack cocaine.¹ Black residents who took issue with neighbors who used drugs and alcohol—and especially with those who earned a living in the illicit narcotics economy—came to view the stop ’n’ go’s as “neon-emblazoned magnets for trouble, near which people loiter and drink or sell drugs, and strew the sidewalks with bottles and cans.”² I suggest that the stores drew the ire of neighbors because they violated community

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norms concerning the ownership of property and the operation of enterprises amid widespread racialized disinvestment.

The case against Hoagie City was orchestrated by David Castro, a young lawyer who had recently joined the Philadelphia District Attorney's Office (DAO) as chief of the brand-new Public Nuisance Task Force (PNTF).³ The unit was organized to combat so-called "nuisance bars" accused of harboring the illicit trade in crack cocaine. Castro's case leaned heavily on the testimony of neighbors who claimed that Hoagie City was a "center of narcotics trafficking." Sang K. Bae, the deli's owner, contested this allegation. He was flabbergasted that his neighbors pinned drug dealing in the neighborhood on him, telling reporters he had "only one store for a living for [his] family" and lamenting that "everybody just attacked [him]" for what he considered a "community problem."⁴ Castro, however, embraced the moral righteousness of his cause in claiming that Bae had picked "the wrong people to align with" and befriended drug dealers who "infested" his store. He contended that Bae lacked the "cultural knowledge to be able to pick up the phone and say to the police department, 'could you come and help me with this?'" Castro remembered the case as a "morality play," offering a lesson on how to responsibly operate a convenience store in a neighborhood devastated by racialized disinvestment—a neighborhood where the narcotics industry had arguably become the biggest employer. The lesson: enlist in the drug war by calling the police on some neighbors on behalf of other neighbors.⁵

The conflict over Hoagie City reveals the "very subjective" nature of nuisance laws, as Mariana Valverde puts it. As Bae learned, the identification of a drug nuisance property lies in the eye of the beholder. What he understood as a family business appeared to some of his neighbors as a node in the crack cocaine economy. His experience confirms former PNTF chief Beth Grossman's observation that a public nuisance is "sort of like pornography: people know it when they see it." Her reference to a famous quip by Supreme Court Justice Potter Stewart during a 1964 obscenity case is telling. Stewart argued that the Constitution protects all obscene speech aside from "hard-core pornography," which he suggested was identifiable by reasonable observers who would know it when they saw it. In the practical adjudication of drug nuisance cases, this "know-it-when-I-see-it" benchmark would result in judges deferring to the moral judgments voiced by concerned neighbors, police officers, and prosecutors. Yet far from being objective observers, those neighbors, police, and prosecutors relied on what I call a *drug nuisance framework* to evaluate suspect properties like Hoagie City. This framework reduced conflict over the proper stewardship of property within a context of racialized disinvestment to moral contests mediated by criminal justice agencies. Those charged with harboring drug nuisance conditions at their properties, like Bae, would be provided little opportunity to contest these accusations.⁶

Castro's morality play set the terms for how prosecutors would wield what I term *municipal carceral power* as they attempted to manage the challenges that arose when disinvestment in Philadelphia's most racially segregated neighborhoods met the economic dislocations of the 1980s, an acute municipal fiscal crisis, and an increasingly volatile crack cocaine economy. They would do so by attempting to reshape property relations and domestic space within what they understood to be a drug nuisance landscape. Yet to achieve these goals they would need to develop new municipal carceral capacities. The DAO therefore pushed for new legislation that would bolster the ability of the city's policing and carceral apparatuses to intervene directly in property relations and founding a unit—the PNTF—that could use these new laws. This unit included not only police and prosecutors, but also non-criminal regulatory agencies like the Department of Licenses and Inspections (L&I) and community groups like those that organized against the stop 'n' go down the block. In this article, I provide a history of the PNTF that draws from newspaper coverage, interviews with former prosecutors, databases of forfeiture court and property records that I compiled, and historical records obtained through right-to-know requests to the DAO and to Pennsylvania courts.

The history of the PNTF demands a rethinking of the relationship between municipal carceral power and racialized disinvestment during the postwar period. While work on mass incarceration has shown how it emerged amid persistent racial inequality and segregation in urban American, this scholarship has sometimes treated an urban crisis characterized by persistent disinvestment in Black and Latinx communities as simply a backdrop for the rise of the carceral state.⁷ Yet carceral power is itself implicated in processes of urban disinvestment and reinvestment, as the policing of alleged drug nuisance properties like stop 'n' go's makes clear. Social scientists have more fully interrogated these political-economic dimensions of carceral power, most notably Ruth Wilson Gilmore.⁸ She argues that policymakers in California turned to incarceration to resolve the crisis of deindustrialization, which produced idle surpluses of capital, land, and labor. Turning away from the socially redistributive politics of the New Deal and Great Society eras, policymakers instead turned to prison construction—making use of idle rural land and labor—and then filled those prisons with idle, racialized labor from postindustrial cities. This shift entailed building “a new kind of state—an antistate state . . . [that] depends on ideological and rhetorical dismissal of any agency or capacity that ‘government’ might use to guarantee social well-being.”⁹ While Gilmore explores the political-economic conditions for carceral state-building at the scale of a single U.S. state (and most histories of mass incarceration focus on the federal scale), less has been written about the relationship between deindustrialization and carceral state-building at the municipal scale. The history of the PNTF provides a window into this relationship, demonstrating how municipal authorities responded to concentrated disinvestment in racially segregated neighborhoods by bolstering the city's policing and carceral apparatuses. Faced with private disinvestment that resulted in mass unemployment and housing abandonment, as well as their own diminished capacities to provide needed social entitlements, municipal authorities devised strategies for projecting municipal carceral power directly over property relations in the most devastated neighborhoods.

While historians have followed Gilmore's lead to explore how the rise of mass incarceration entailed the construction of a new kind of state that in turn transformed the American political economy, they have likewise tended to overlook these dynamics at the municipal scale.¹⁰ Yet as the history of the PNTF demonstrates, the municipal scale presents a more immediate opportunity for understanding how disinvestment shaped localized carceral power. It provides insight into how municipal authorities used expanded carceral capacities to directly manage disinvestment. The municipal scale also invites a deeper examination of carceral power beyond the prison: the massive scale of incarceration in the United States is staggering, but, as Kelly Lytle Hernández, Khalil Gibran Muhammad, and Heather Ann Thompson remind us, the nation's “policing apparatus” is “even more capacious.” It certainly “fills the nation's carceral facilities,” as they argue, but it also extends carceral power far beyond the prison walls—extends it even through what Issa Kohler-Hausmann and others have called “noncarceral criminal justice operations,” a range of policing tactics and ostensibly non-criminal legal interventions (both civil and administrative) that exert carceral power without putting people in cages.¹¹ While important histories of municipal police forces have proliferated in recent years, historians have been slower to take up this multi-sited development of municipal carceral power both within and beyond the municipal policing apparatus.¹² Yet, as I will argue here, an examination of policing alongside the activities of prosecutors, courts, and even non-criminal administrative agencies is key to understanding how the carceral state emerged at the municipal scale. This approach illuminates how municipal authorities applied new inter-agency carceral capacities to the problem of disinvestment when other municipal capacities—especially those organized to promote social welfare—faltered.

The PNTF sought to manage disinvestment by using carceral power to reshape property relations in neighborhoods where the drug trade filled the void created by capital flight, justifying these interventions by claiming they remedied harms associated with the criminalized distribution of narcotics. Prosecutors seized homes through a legal practice known as civil forfeiture,

which empowered prosecutors to take real property without having to meet the burdensome procedural requirements of criminal law. This relatively simple legal process would cast a very wide net: between the early 1990s and the mid 2010s prosecutors forfeited 1,697 properties and targeted many thousands more.¹³ Most of those properties were homes. I contend that by using civil forfeiture to project municipal carceral power over property relations and domestic space, prosecutors compounded the dual harms caused by drug prohibition and racialized disinvestment. Within the drug nuisance framework these prosecutors utilized, it was precisely the vulnerability of Black and Latinx homeowners—and especially women—to harm that racially marked them as unfit for property ownership.¹⁴

In redistributing the burden of harm by unburdening these homeowners of their homes, the PNTF helped facilitate what I call *carceral redevelopment*. Carceral redevelopment is a constrained political horizon through which policymakers answer disinvestment with pledges of investment in community policing. Yet community policing initiatives amplify normative boundaries between those who are figured as part of the community and those who are understood as obstacles to neighborhood improvement that must be removed. The PNTF contributed to carceral redevelopment by expropriating property from the latter group to create opportunities for private profit. They sold seized properties to the highest bidder at auction, often to developers and speculators betting on the shifting boundaries of race and class in gentrifying Philadelphia.¹⁵

Nuisance Bars and the Origins of the Public Nuisance Task Force

Between 1950 and 1985, Philadelphia lost over 250,000 manufacturing jobs and nearly one-fifth of its population. Consequently, when the PNTF got off the ground in 1991, over 43,000 housing units and hundreds of factories stood abandoned.¹⁶ During the Reagan years, these longstanding conditions of disinvestment were exacerbated by the national rollback of social entitlements and soaring unemployment, creating an economic vacuum in disinvested neighborhoods nationwide that set the stage for the rise of the lucrative crack cocaine economy.¹⁷ In Philadelphia, this national retrenchment of spending on social welfare was exacerbated by a local fiscal crisis that constrained municipal capacities—a fiscal crisis to which many municipal leaders reacted by “discarding a set of social hopes,” as Kim Phillips-Fein puts it in her work on the New York City fiscal crisis of the late 1970s.¹⁸ Instead, they embraced social austerity and an expansion of carceral power directed at the crack cocaine economy. These intersecting crises were felt most acutely in what had become the poorest Black and Latinx neighborhoods of North Philadelphia and Kensington, an area that police dubbed “The Badlands” during the late 1980s. Police and journalists would later apply this nickname to nearly every Philadelphia neighborhood suffering from racialized disinvestment.¹⁹ It was in these “Badlands” neighborhoods throughout Philadelphia that the PNTF sought to address what it saw as widespread drug nuisance conditions by exerting carceral power over property relations.

The idea for the PNTF was hatched two years prior to its founding, when Castro was a young lawyer practicing corporate litigation for a prestigious downtown firm. When he asked his bosses for more “soul-gratifying” work, as he put it, they handed him a case against the Wagon Wheel Inn, an alleged nuisance bar on Germantown Avenue in the Mount Airy neighborhood of Northwest Philadelphia.²⁰ According to Castro, the Wagon Wheel had been “infiltrated by . . . young drug dealers . . . who were using the bar and the corner as a place to do business and essentially had shut down the civic activity” of the neighborhood—a contention refuted by the bar’s manager. Neighbors were up in arms about the bar, holding late-night demonstrations outside its doors on busy weekend evenings.²¹ Yet these Mount Airy residents and their counterparts in neighborhoods throughout the city had struggled to find legal pathways through which they could close bars they contended had become nodes in the burgeoning crack cocaine economy. That changed in 1988, when state legislators responded to their concerns by amending the State

Liquor Code to make it easier for private citizens to obtain legal injunctions against so-called nuisance bars.²² Castro seized on this amendment, helping residents file a nuisance injunction against the Wagon Wheel. In December 1989, a judge approved a preliminary injunction against the bar, approving a plan for the Wagon Wheel to be converted into a “class place, an upscale restaurant and a nightclub.” When that deal faltered, Castro recruited the DAO to join the case. This coalition of Mount Airy residents, Castro, and the DAO finally convinced the bar’s absentee owner to padlock the bar for good and sell the building to a “group of community business people.”²³ Those business people ended up being many of the same people who organized against the bar—they formed a nonprofit to purchase the building for \$75,000.²⁴

In 1991, this case and two others that followed drew the attention of recently elected Philadelphia District Attorney Lynne Abraham. She recruited Castro to join the DAO as head of the new PNTF. Castro secured a grant from the Pennsylvania Commission on Crime and Delinquency to continue using the strategy he had refined while working in the private sector to close alleged nuisance bars. He would work with police officers, state liquor code enforcement agencies, and other city agencies to identify problem bars and then refer cases to local law firms to handle pro bono, just as he had done before joining the DAO. He would also meet with community groups already working to close bars in their neighborhoods and advise them on how to gather evidence that could hold up in court. By June 1992, the new task force had met with 40 different community groups and opened roughly 20 investigations. By August they had closed three bars.²⁵

The PNTF harnessed municipal carceral power—what Castro called the “overwhelming force of government”—to provide “immediate relief” for residents concerned about drug nuisance conditions. In his understanding, drug nuisance policing depended on “recaptur[ing] the territory” in the Badlands—recapturing it from deviant residents that he framed as infiltrators.²⁶ Yet contrary to Castro’s claims that those who frequented nuisance bars were outsiders with no claim to neighborhood space, the PNTF’s campaigns against nuisance bars instead highlighted conflict within neighborhoods—conflict stemming from the burden of disinvestment these neighborhoods carried.

The case against the Wagon Wheel highlights the class contours of this neighborhood conflict. The residents who organized against the bar accused it of “impeding business development along Germantown Avenue.” One of them denigrated his neighbors who frequented the establishment by accusing its owners of “displaying the most negative aspects of our community for all the world to see.” As a reporter observed, these organizers were decidedly not the type to patronize a bar like the Wagon Wheel. Instead, they lived in “gracious, well-kept homes” or owned other businesses along Germantown Avenue.²⁷ They also possessed the resources to both win their legal fight against the bar and purchase the property itself, positioning them to gain from its development into a more respectable business. Rather than reflecting the undisputed interests of all neighborhood residents, then, the nuisance case against the Wagon Wheel reflected the interests of a particular class of neighborhood residents—even as it also served as an outlet for their legitimate concern with the violence stemming from drug prohibition. Yet those who frequented the tavern were also members of the community, even if their claim to public space along Germantown Avenue was contested by neighbors and law enforcement officials who viewed their behavior as deviant. If their neighbors’ resilience amid racialized disinvestment cast them as deserving of a place in the neighborhood—those neighbors had held on as homeowners and business owners—it was precisely their own vulnerability to racialized disinvestment—as “negative aspects” of the community, they evidently did not live in “gracious” homes or own businesses along Germantown Avenue—that cast them as outsiders to their neighborhood.

Rather than working to resolve neighborhood conflicts, the PNTF instead entered the fray by using conflict to extend carceral power over neighborhood property relations. The PNTF’s partnership with residents complaining of drug nuisance conditions was crucial to this project. Castro

frequently touted the community dimensions of the PNTF's work and he beamed when he told me about that first case against the Wagon Wheel. The work made him feel like a "hero"; a Mount Airy community group even dubbed him and one of his associates the "Righteous Brothers."²⁸ Castro's emphasis on these community partnerships was not merely a matter of public relations (or his own ego), but rather was a central piece of the PNTF's legal strategy against nuisance bars. Among the legal criteria for initiating a successful injunction against a nuisance bar was the stipulation that a "large number of community residents [were] willing to testify about the problem."²⁹ As Mariana Valverde argues, nuisance laws are typically mobilized by "private citizens with special legal ingenuity and/or resources" who use those laws to "engage in fights about cultural norms."³⁰ Within the landscape of the neighborhood drug wars in Philadelphia, those fights were animated by contested visions of how to steward property and enterprises within a landscape of racialized disinvestment. Neighbors of alleged nuisance bars like the Wagon Wheel and Hoagie City—who in Philadelphia were most often working- and middle-class Black and Latinx residents—worried not only about crime they associated with these businesses, but also that illicit economic activity could exacerbate disinvestment in their neighborhoods. They responded by enlisting in the drug war and mobilizing nuisance law against their neighbors as a normative bulwark against the ongoing intensification of racial inequality.

Home Forfeiture and the Redistribution of Harm

Just as community groups spurred the DAO to action against nuisance bars, the PNTF's embrace of home forfeiture began with community organizers who urged action against crack houses. During the summer of 1988 anti-drug organizers in West Philadelphia's Mantua neighborhood raided an alleged crack house. They were led by Herman Wrice, a long-time community organizer in the predominantly Black neighborhood, who broke down the building's front door with a sledgehammer. Wrice remembered seeing "stolen stuff inside and needles in people's arms and little girls half-dressed all over the room," triggering a fury that led him to smash several pieces of furniture and the building's front windows before chasing away the alleged drug users who had been living there. He and his followers then sealed the doors and windows of the house to prevent their return.³¹ After the raid, Mayor Wilson Goode—Philadelphia's first Black mayor—wanted to show his support. Yet in a city struggling with a municipal fiscal crisis, Goode could not offer much. He decided to send Wrice a white hard hat and told him, "if you're going to close crack houses, you'd better wear this." Wrice bought hard hats for every member of MAD, after which they staged assaults on over a dozen more alleged crack houses in under a month. Two years later, over sixty anti-drug groups throughout the city wore the white hard hats.³² The hats conveyed anti-drug organizers' self-understanding as responsible stewards of their neighborhoods, symbolizing their rehabilitative orientation toward the disinvested built environment and juxtaposing it with what they saw as the normative shortcomings of neighbors they held responsible for drug nuisance conditions.³³

As a broke city struggled to support this anti-drug movement, DAO officials quietly devised their own strategy to close crack houses—a strategy that would also enable them to overcome budgetary constraints by earning revenue through the seizure of properties and assets connected to the drug trade. The effort to formulate this new strategy was led by Philadelphia District Attorney Ronald Castille, who during the late 1980s also served as the legislative chairman for the Pennsylvania District Attorneys Association (PDAA). He recruited the legislative office of the DAO to draft a new civil forfeiture statute and used his role with the PDAA to aggressively lobby legislators in Harrisburg to adopt the legislation. The new law passed the Pennsylvania House of Representatives unanimously in June 1988 and was signed into law by Governor Bob Casey at the end of the month.³⁴ Although prosecutors were already using existing state forfeiture law to seize money and other assets, this pet project of the Philadelphia DAO would allow them

to seize real property for the first time. As a civil forfeiture provision, it would allow them to do so through the legal fiction of guilty property: unlike criminal sanctions against persons, civil forfeiture assigns liability to property. Homes could therefore be seized even if their owners were not convicted of crimes. Instead, prosecutors would file forfeiture petitions directly against the properties themselves.

During the early morning of June 28, 1989, narcotics officers gathered outside a home in the predominantly Black Point Breeze neighborhood of South Philadelphia—just across the Schuylkill River from Wrice’s Mantua. Echoing his actions from the previous summer, the officers used a sledgehammer to batter down the front door. They then evicted five adults and two children—none of whom were arrested or criminally charged—while workers from L&I sealed the house to prevent anyone from returning. The police captain noted the home was owned by a major trafficking organization and proclaimed the seizure a “win for the community”—some neighbors had been clamoring to have drug activity stopped at the property for years and had partnered with a citywide coalition of anti-drug groups led by Wrice—while the police commissioner promised dealers throughout the city that “we’re coming at you . . . [so] you better close up on your own or leave Philadelphia.” Following the raid, the DAO’s Asset Forfeiture Unit used the new legislation pushed by Castille to permanently seize the home—making it the very first real property forfeiture.³⁵

Home forfeiture was slow to take off during the early 1990s, owing in part to the hesitation of title insurance companies to insure what many expected to be contested property titles. DAO officials were also initially concerned about seizing too many properties in disinvested neighborhoods, as lower property values presented less potential financial return for the office and threatened to make it difficult to dispose of properties through resale.³⁶ Yet the rate of real property forfeiture skyrocketed by the mid-1990s, when the process came under the purview of the PNTF. By the end of the decade, the unit was seizing over 100 properties per year.³⁷ These forfeitures were concentrated in the city’s poorest and most segregated Black and Latinx neighborhoods—precisely those neighborhoods that had suffered the most from racialized disinvestment and thus had the city’s lowest property values (see Figure 1). Prosecutors ended up overcoming their hesitation to target property in these neighborhoods because disinvestment paradoxically presented opportunities to profit. They faced little resistance to their efforts to seize homes in depressed property markets because low-income owners of homes with very little market value simply did not possess the resources to effectively fight back. Yet disinvestment also made residents of these neighborhoods more vulnerable to harms stemming both from the systematic foreclosure of economic opportunity as well as from the criminalized distribution of narcotics. Forfeiture cases would turn on the legal interpretation of these harms. PNTF prosecutors purported to remediate harm they associated with drug nuisance properties, while the experiences of homeowners caught in the forfeiture dragnet hint at the compounding harms caused by racialized disinvestment and drug prohibition.

This question of harm was front and center in one early forfeiture case that served as a key legal precedent on forfeiture in Pennsylvania after the home’s owner appealed the case all the way up to the state’s Supreme Court. That case began on February 20, 1995, when an undercover officer knocked on the front door of Elizabeth Lewis’s home, which was located in the predominantly Black West Philadelphia neighborhood of Cobb’s Creek. Lewis had lived there with her family since 1962. After her parents passed away, she and her brothers acquired title to the building and in 1991 she bought out her brothers to secure sole possession. At the time of the narcotics investigation against her, she lived there with her 23-year-old daughter and her young granddaughter.³⁸

According to police, Lewis sold a small amount of crack cocaine and marijuana to the undercover officer. Police used that encounter to obtain a search warrant, which they executed the following day. They recovered five packets of crack cocaine in Lewis’s wallet as well as 11

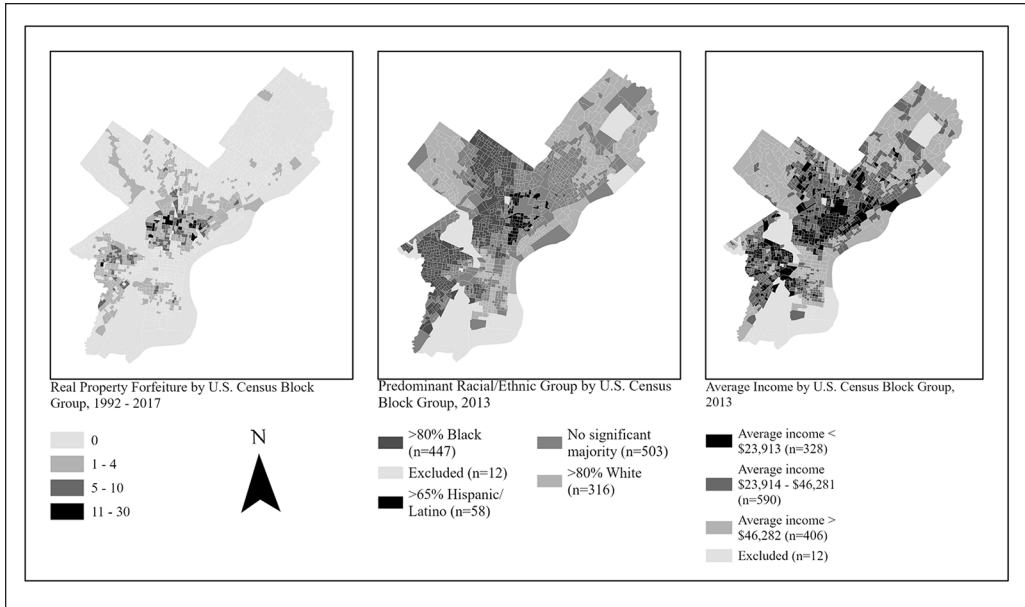


Figure 1. Created by author, based on database of properties forfeited and auctioned by Philadelphia District Attorney's Office (compiled by author via Department of Record's PhilaDox tool) and U.S. census block group data on race, ethnicity, and income based on Smith et al., "Policing Gentrification: The Financial Geography of Law Enforcement in Philadelphia," using data from the U.S. Census 2013 American Community Survey.

packets of marijuana and \$20 in cash from a cup in the kitchen. However, by the officers' own admission they did not discover any evidence of organized dealing or manufacture—no "scales, paper, cutting agents, [or] sales records." Lewis was arrested and charged with three narcotics offenses: delivery of a controlled substance, possession of a controlled substance with intent to deliver, and knowing and intentional possession of a controlled substance. In late 1995, she pled guilty to just one charge of possession with intent to deliver and received 2 years of probation and a \$185 fine. She later claimed that she pled guilty only to protect her daughter, who she said had gotten involved in drugs and had actually been responsible for dealing small amounts of crack cocaine and marijuana from the home.³⁹

While most of the criminal charges against Lewis were dropped and she did not serve any time in prison, the PNTF aggressively pursued the forfeiture of her home. In September 1996, the trial court granted forfeiture, forcing Lewis, her daughter, and her granddaughter to move into a homeless shelter. The prosecutors' case rested in part on the testimony of a neighborhood teenager who claimed to regularly purchase narcotics from the home and who said Lewis's home was known as the "neighborhood crack house," a spurious designation based on what PNTF prosecutors often called the "self-evident" harms caused by criminalized narcotics.⁴⁰ As they put it, an "obvious harm . . . resulted from Lewis selling drugs to neighborhood teenagers." Yet prosecutors also found that "she subjected her young grandchild to an unsafe and unhealthy environment," arguing that the harm caused by what they labeled Lewis's "misbehavior" extended even into the domestic space of her own home.⁴¹

I suggest that prosecutors' reliance on the supposedly commonsensical harms caused by criminalized narcotics themselves obscured a different set of questions: Had economic harms contributed to Lewis's (or her daughter's) decision to allegedly sell drugs? Or had carceral interventions already caused harm to this family, in which a single grandmother and single mother together

raised a child?⁴² Finally, would not Lewis's eviction from her home, not to mention her loss of this asset, cause even greater harm to her granddaughter? Pursuing these questions could have provided a different interpretive framework for making sense of the presence of small amounts of cocaine and marijuana at Lewis's home by illuminating the compounded harms caused by racialized disinvestment and drug prohibition. Yet prosecutors and trial judges remained singularly focused on the supposedly self-evident harms ostensibly attributable to crack cocaine and marijuana.⁴³ Moreover, prosecutors did not remark on the harm *they* inflicted on Lewis's granddaughter by forcing her from her home and into a homeless shelter.

Lewis's appeal would turn on how judges weighed the significance of these two different harms—one caused by her alleged offenses, the other by the forfeiture of her home—to determine whether the forfeiture of her home constituted a “grossly disproportionate” punishment under the excessive fines clause of the U.S. Constitution's Eighth Amendment. After Lewis's appeals led her all the way to the Pennsylvania Supreme Court, those justices remanded the case to the trial court and asked the trial judge to provide more specific measures of these two harms. They did so by measuring the monetary value of her home—which their appraiser found to be \$25,000—against the maximum potential fines Lewis could have received for her alleged offenses—which the court figured to be \$215,000—thereby justifying the forfeiture through a numerically translated comparison of both harms. Of course, that \$215,000 figure dwarfed Lewis's actual fine. Instead, this purely theoretical fine reflected offenses for which Lewis was *never even charged*. The trial court instead arrived at the figure by noting that

selling crack to an undercover officer is punishable by a sentence of up to 10 years and a \$100,000 fine; selling cocaine to a minor . . . up to 20 years and a \$100,000 fine; and sale of marijuana . . . up to 5 years and a \$15,000.⁴⁴

Charged with just one offense, Lewis was fined just \$185 and sentenced to just two years of probation. Yet the trial court justified the permanent seizure of her home through a maximal interpretation of theoretical criminal offenses that not only would have saddled her with considerable legal debt, but would have landed her in prison for up to 35 years. They did so based on the testimony of a single police officer and a neighborhood teenager who claimed to have known a drug nuisance property when they saw it, even though their testimony had not sufficed as evidence in the actual criminal proceedings against her.

Yet there was an even larger issue with this tidy numerical approach to the question of harm in real property forfeiture litigation. Those who were already more vulnerable to the harm of losing their claim to homeownership—due to racial inequalities in employment and in access to financial services like mortgages—were also much more likely to lose their homes to forfeiture.⁴⁵ Racialized disinvestment meant that the homes owned by poor and working-class Black and Latinx Philadelphians were likely to be assessed at values far lower than the maximum financial penalties for many narcotics violations. Conversely, more expensive properties owned by more affluent residents were much more likely to pass this numerical test. Economic precarity, which in Philadelphia is distributed along starkly racialized geographic lines, thus racially marks those targeted by forfeiture as unfit for homeownership.

Lewis's case demonstrates how PNTF prosecutors utilized the drug nuisance framework to make sense of these conditions of racialized disinvestment. This framework provided an interpretive language through which prosecutors instead saw a landscape scarred by drug nuisances and looked with suspicion upon those most vulnerable to the harms built into it. Emphasizing the harm that Lewis allegedly inflicted on her own granddaughter, the PNTF framed her as having defied the racialized and gendered standards of domestic comportment. The courts agreed with that assessment, finding that Lewis had forfeited her right to homeownership. This morality play,

as Castro might have called it, would guide prosecutors and courts over the following two decades as they moved to seize hundreds of homes in Philadelphia's Black and Latinx neighborhoods.

One of those homes belonged to Yamila Espinosa, a Latinx mother living with her two sons on a block in the Kensington district where a disproportionate number of forfeitures took place. In February 2008, two police officers who would later face federal corruption charges sent a confidential informant to her front door. The informant allegedly purchased small amounts of crack cocaine from Espinosa and her son. However, police searches of the home failed to turn up further evidence of organized drug dealing. Nonetheless, prosecutors filed a forfeiture petition against the home and continued to pursue the case even after Espinosa's criminal charges were dismissed.⁴⁶

As she sought to retain ownership of her home, Espinosa presented herself in terms favorable to the PNTF prosecutor. In a questionnaire that the unit routinely used to adjudicate real property forfeiture cases, she admitted to having used and sold controlled substances in the past. However, noting that she had "been staying out of trouble, attending programs," and studying for her GED, she specified that she had been sober for several months. Rather than seek income from the illicit narcotics economy, she worked a minimum-wage job at a dollar store to complement her monthly welfare payment of \$402. Espinosa's answers revealed her vulnerability to the systemic harms present in her Kensington neighborhood, presenting her as a victim of entrenched racial inequality and drug nuisance conditions. Yet that strategy carried risk, because within the drug nuisance framework it is precisely vulnerability to harm that racially marks individuals—and, as Lewis's case demonstrated, especially women raising children without men—as unfit for property ownership.⁴⁷

Despite the accumulation of social and economic disadvantages faced by Espinosa, the prosecutor and judge in her forfeiture case focused narrowly on the harm caused by the small quantities of narcotics she allegedly sold. The prosecutor also seized on her 15-year-old son's alleged participation in the illicit narcotics trade. Questioning Espinosa's comportment as both a mother and a homeowner, she said the "harm in this case is tragic" and argued fiercely that Espinosa was unfit for homeownership. However, she did not mention that losing her home might reasonably jeopardize Espinosa's efforts at recovery and inflict far greater harm on both of her children. Instead, she used Espinosa's alleged moral shortcomings as a mother to undermine her claim to property ownership. The trial court agreed with the PNTF prosecutor's assessment and declared that Espinosa had forfeited her right to homeownership along with the modest protection from social harms that it had provided her family.⁴⁸ Her experience illustrates how, within the drug nuisance framework, collective vulnerabilities to racialized disinvestment and inequality appear to prosecutors as the moral shortcomings of individuals.

Like Lewis, Espinosa appealed the trial court's decision. Following the precedent established by Lewis's case, the appeals court judges weighed the harm represented by Espinosa losing her home against the harm she allegedly caused—allegedly, because all criminal charges against her were dropped—by comparing the home's value to the potential fines she could have received for her alleged narcotics offenses. Since they valued her home at just under \$6,000, their conclusion was obvious: the harm she caused outweighed the harm she suffered, thereby justifying the forfeiture of her home.⁴⁹ Lewis's and Espinosa's encounters with narcotics police, prosecutors, and the criminal courts reveal how the PNTF used real property forfeiture to project municipal carceral power over domestic space and property relations in Philadelphia's poorest Black and Latinx neighborhoods. The PNTF did so to redistribute the burden of harm in these neighborhoods. While prosecutors claimed to abate harms they associated with drug nuisance conditions, those impacted by forfeiture were forced to negotiate their own vulnerability to the dual harms caused by drug prohibition and racialized disinvestment. The adjudication of forfeiture rested on which set of harms appeared most significant to prosecutors and judges.

Enlisting Homeowners in the Neighborhood Drug Wars

While the most dramatic impact of the PNTF's real property forfeiture program was felt by those whose homes were seized, this is not the whole story. Beth Grossman, the former chief of the PNTF, told me she was "always happy to settle cases" and settled cases had a far greater reach than those that ended in forfeiture: in a random sample of forfeiture cases from 2008 to 2014, I found that 65 percent ended in settlement agreements.⁵⁰ Extrapolated to the full two and a half decades during which the DAO aggressively pursued real property forfeiture—a period during which the office successfully forfeited 1,697 properties—this finding suggests the PNTF reached settlement agreements with many thousands of homeowners. These agreements operated much like plea bargains in criminal cases, part of what Issa Kohler-Hausmann calls "noncarceral criminal justice operations." She explores what she calls "misdemeanor justice" in New York City's lower criminal courts, where criminal charges seldom lead to incarceration even as they nonetheless exert significant social control over poor and nonwhite New Yorkers. As Malcolm Feeley puts it in his classic formulation, the "process itself is the punishment." While socio-legal scholars have recently shined a light on these understudied dimensions of municipal carceral power, historians have not yet explored how cities exercised carceral power outside of the realms of policing and incarceration during the height of the War on Drugs.⁵¹ The PNTF's widespread use of settlement agreements illuminates this dimension of municipal carceral power.

Mirroring criminal defendants who enter plea bargains, the homeowners who were targeted by forfeiture were essentially required to plead guilty that their homes were drug nuisance properties. Specifically, claimants agreed not to contest, "for the purposes of settlement only, that if [their] case had gone to trial, the Commonwealth would have proven" that their property was "used in violation" of narcotics law.⁵² Prosecutors used these stipulations to establish a pattern of narcotics violations at properties for which they filed a second forfeiture petition following a new arrest. In practice, this meant that even a relatively minor encounter with narcotics police could pose a serious risk to property owners who had otherwise managed to retain their homes after a first brush with Philadelphia's forfeiture program. The settlement process also mirrored criminal plea bargaining inasmuch as prosecutors used it to impose punitive control over homeowners, most significantly by intervening in the domestic spaces of their homes. Like successful forfeitures, settlement agreements often reflected prosecutors' allegations that homeowners had defied the racialized and gendered standards of domestic comportment. Most agreements thus required homeowners to bar family members who were charged with narcotics violations from the home as a condition for the return of their property and a security measure to ostensibly prevent further illicit narcotics activity from occurring there. In doing so, they essentially enlisted homeowners in the neighborhood drug war by bringing it into their family.

A 2008 case demonstrates how these security measures worked. During an investigation into alleged narcotics activity on a block in the Kingsessing neighborhood of West Philadelphia, police observed several young Black men coming and going from two houses. In their police report, the officers noted that the young men left one house and walked "down to the corner . . . and [sat] on the steps" of the other house. Following the investigation, PNTF prosecutors filed forfeiture petitions against both houses. To make their case for forfeiture, they highlighted the movement of these young men between the two houses. Malik Johnson, one of those young men, had been arrested inside one of the homes—which belonged to his mother, Barbara Johnson—with a small amount of marijuana. However, as the Johnsons' defense attorney pointed out, the police alleged only that drug dealing had occurred at the other home—not at Barbara Johnson's home.⁵³ While Malik Johnson's criminal charge for marijuana possession technically validated the forfeiture action against his mother's home, the prosecutor also pointed to Johnson's movements with friends between the two homes. Their movements garnered the suspicion of police and prosecutors by socially connecting the domestic spaces of the two homes.

Johnson's case reveals how police and prosecutors unconsciously relied on the normative moral values baked into the drug nuisance framework as they made decisions about which properties to target for forfeiture. Because these law enforcement officials understood the public sphere in disinvested neighborhoods to be criminogenic—several of those I interviewed described Badlands neighborhoods to me as “drug-infested”—they sought to enforce an atomistic conception of the family home, envisioning it as a private space closed off from the public sphere. Their approach transformed the social fabric of neighborhoods suffering from racialized disinvestment into a web of incrimination, refiguring social proximity as social culpability. This was evident in another 2008 case where prosecutors sought the forfeiture of two homes connected only by a backyard. One of the homes turned up ample evidence of drug trafficking, but prosecutors used that evidence to justify the forfeiture of both homes—they literally copied and pasted the content from one forfeiture petition onto the second petition. Yet at the second home narcotics officers only observed a Latinx women “sitting in a chair . . . engaged in conversation” with the men from the first home, who would eventually be charged with possession with intent to deliver. They noted her previous history of narcotics violations, but when they searched her home they found just one packet of marijuana. Prosecutors nonetheless deemed the property subject to forfeiture, presumably because of her social association with men charged with more serious narcotics violations. She managed to avoid forfeiture by reaching a settlement agreement with the PNTF.⁵⁴ As both this case and the Johnson case illustrate, social ties that would not raise eyebrows in neighborhoods under less intensive police surveillance—such as neighborhood teenagers conversing on a stoop—here can threaten one's housing stability.

Barbara Johnson also managed to reach a settlement agreement, though not without enduring hardship along the way. After Malik Johnson was charged with a narcotics violation, PNTF prosecutors filed a “seize and seal” order against the Johnson home.⁵⁵ Prosecutors frequently used these orders, which are in effect restraining orders against the property itself, to prevent the property owner from transferring the deed to avoid liability. More significantly, the orders empower police to remove residents of targeted homes and L&I to seal the homes, ostensibly to protect “the health and safety of the community by immediately preventing further narcotics activity from occurring within.”⁵⁶ In other words, the orders constructed homes as drug nuisance properties that endangered neighboring residents. When prosecutors removed Barbara Johnson from her home, her granddaughter also lived there as she attended ninth grade. Barbara helped her attempt to continue her education as both slept on couches at extended family member's homes while their defense attorney negotiated with the PNTF to return them to their home. He argued that the “change in environment and constant moving around has provided an unstable living condition” for both Barbara and her granddaughter. Prosecutors ultimately relented, allowing them to return home and later reaching a settlement agreement with Barbara—albeit at the cost of permanently banning her son Malik from ever returning to his mother's home.⁵⁷ Although PNTF prosecutors deemed Barbara fit enough to retain her claim to property ownership, their settlement agreement implicitly framed her as unfit to manage the domestic space of her home without carceral supervision.

The PNTF's efforts to control access to alleged drug nuisance properties constituted just one of the security measures that prosecutors used to enlist homeowners in the neighborhood drug war. Prosecutors also frequently required claimants to post signs warning against narcotics activity, install new locks or lighting, and contact the PNTF to screen prospective renters or buyers. The specific conditions included in each settlement agreement depended on the circumstances that led to the filing of the forfeiture petition.⁵⁸ Much like stipulations about who could or could not enter a home, these security measures were organized to abate drug nuisance conditions and prevent further narcotics activity—especially where prosecutors understood claimants as morally deficient in their ability to properly manage the affairs of their home. They also qualified property ownership by casting the property rights of the poor Black and Latinx Philadelphians

targeted by the PNTF as contingent on participation in the drug war. Homeowners who were unwilling or unable to secure their properties from alleged drug activities would be stripped of their property rights.

The security measures imposed by the PNTF through settlement agreements represent perhaps the broadest impact of Philadelphia's real property forfeiture program, transforming alleged drug nuisance properties into "outposts" in Philadelphia's neighborhood drug wars.⁵⁹ Property ownership is celebrated in the American imagination as an unbridled right to dispose of property as one sees fit, but these agreements reveal the racial cleavages within this mythology. They reveal this right as instead a durable and yet limited feature of whiteness, while pointing to the carceral state's prerogative to *correct* the properties owned by the racialized poor.⁶⁰

Projecting Municipal Carceral Power, Advancing Carceral Redevelopment

The PNTF's settlement agreements were scripts for the future of Badlands neighborhoods, breaking down that future into visions of neatly ordered household units free from drug nuisance conditions and open to the paternalistic oversight of municipal carceral authority. While onerous for the mothers who were made to police their kin, these agreements were also concessions to neighbors whose visions of neighborhood improvement, like those of anti-drug organizers such as Herman Wrice, overlapped with police and prosecutors. Although the grassroots anti-drug movement of the crack years faded, neighborhood drug wars have continued to depend on community support. Neighbors of alleged drug houses call police to report narcotics activities—such complaints initiated forfeiture proceedings against Espinosa's home—while the PNTF held thousands of meetings from the late 1990s to the early 2010s with police advisory councils, local anti-drug groups, churches, civic associations, and business groups to garner support for their efforts and gather information about local drug nuisance conditions.⁶¹ Yet the PNTF's vision of neighborhood improvement has not included those targeted by carceral power, such as Lewis, Espinosa, and Johnson. Nor has it always aligned with those who encouraged carceral interventions against their neighbors—one anti-drug organizer told me they "never wanted" the DAO to forfeit homes, for fear of corruption.⁶² Instead, by embracing the numerical translation of harm as set forth in Lewis's case, the PNTF came to view neighborhood improvement through the criteria of property values. As Grossman put it to me, a drug nuisance property "harms property values." Forfeiting one could help those property values recover.⁶³

The fate met by Yamila Espinosa's home shows how the PNTF worked to achieve this goal. When prosecutors forfeited it, they created an opportunity for others. The DAO sold her seized home at auction for \$10,000 in 2012, after prosecutors had noted in the forfeiture petition against it that tax assessors had valued it at just under \$6,000. The home then changed hands among developers several times before an owner-occupier purchased it in 2016 for \$157,500, producing a significant profit for those developers. By early 2021, the property was worth over \$200,000.⁶⁴ This value is much higher than the maximum fine Espinosa could have received for her drug arrest, which by the precedent in Lewis's case would have rendered the forfeiture unconstitutional—that is, if Espinosa had been granted the opportunity to keep her home as its value increased due to encroaching gentrification in her Kensington neighborhood.

Real property forfeiture removes Black and Latinx homeowners understood by law enforcement as morally unfit for property ownership and replaces them with "responsible property owners," as Grossman puts it.⁶⁵ A deeper look at those "responsible property owners" reveals the legacy of the PNTF's real property forfeiture program, demonstrating that in projecting municipal carceral power over neighborhoods devastated by racialized disinvestment it advanced carceral redevelopment. Most properties auctioned by the PNTF were acquired by purchasers of

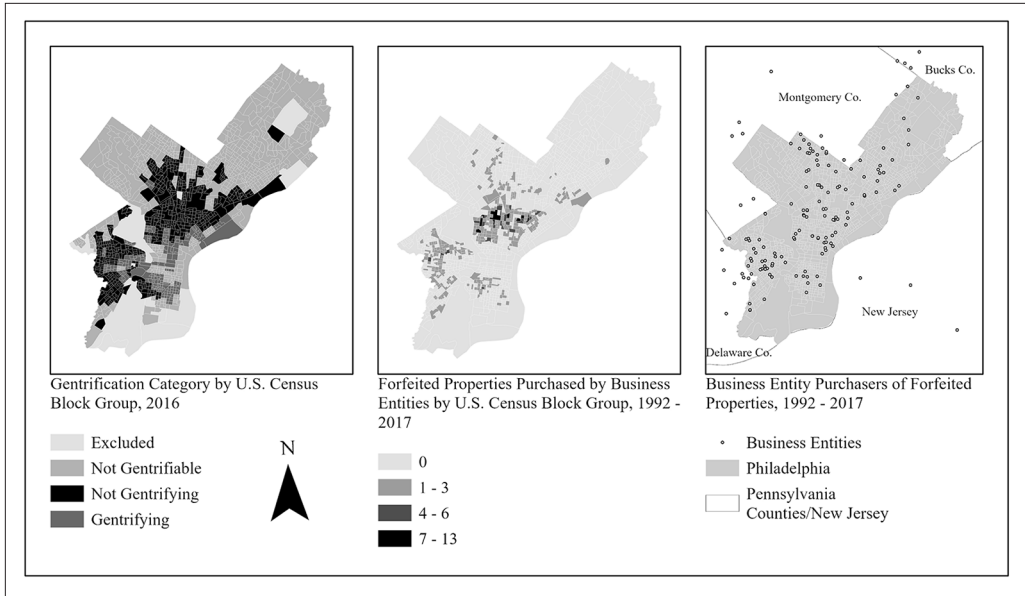


Figure 2. Created by author, based on Ding et al., “Gentrification and Residential Mobility in Philadelphia” and database of properties forfeited and auctioned by Philadelphia District Attorney’s Office, compiled by author via Department of Record’s PhilaDox tool.

multiple buildings, suggesting that most purchasers were landlords or those in the business of real estate speculation rather than owner-occupiers. My analysis of auction records shows that 54 percent of forfeited properties were purchased by those who acquired at least two such properties, while over a third were purchased by those who acquired at least three. Over 230 forfeited properties, meanwhile, were purchased by confirmed business entities. These entities renovated seized buildings for higher-income consumers, or they added them to the large stock of substandard rental housing managed by predatory LLCs operating throughout the city’s poorest and most racially segregated neighborhoods. Many of the purchasing entities operated from outside the neighborhoods where they did business: nearly a third had business addresses outside of Philadelphia’s city limits, while 22 operated from outside of Pennsylvania altogether. The wide dispersion of these business entities stands in stark contrast to the locations of the forfeited properties they purchased, which are tightly clustered in Philadelphia’s poorest Black and Latinx neighborhoods (see Figure 2).⁶⁶

Further analysis of the geography of real property forfeiture reveals *how* the program advanced carceral redevelopment. I found that the PNTF pursued real property forfeiture along the boundaries between zones of gentrification and much larger areas of ongoing racialized disinvestment. Black and Latinx neighborhoods that were already undergoing gentrification featured forfeiture clusters, but the most pronounced clusters occurred in deeply disinvested neighborhoods that had the *potential* to gentrify. The U.S. census block groups with the highest observed rates of real property forfeiture—five or more per block group—were in Black and Latinx neighborhoods adjacent to gentrifying areas of the city. Of the 110 such block groups, 21 were gentrifying, 19 were adjacent to a gentrifying area, and 28 were adjacent to a block group that was itself adjacent to a gentrifying area. In aggregate, over 60 percent of the Black and Latinx block groups with the highest incidence of real property forfeiture were located along what geographer Neil Smith terms the “gentrification frontier,” demonstrating how the PNTF created opportunities for speculators by dispossessing Black and Latinx homeowners in neighborhoods ripe for redevelopment (see Figure 2).⁶⁷

The PNTF's real property forfeiture program illustrates how municipal carceral power shepherds real estate capital across the urban environment. They reinforce and leverage what Smith calls the "rent gap" between actual and potential ground rents. Lower property values induce reinvestment where speculators see potential for higher property values due to higher adjacent property values. This gap is spatialized as a stark difference between zones of disinvestment and zones of reinvestment, creating the conditions for profitable reinvestment on an expanded geographic scale. I argue that the PNTF's real property forfeiture program made that reinvestment possible, at least for some speculators. The neighborhoods most impacted by forfeiture were areas where cheap investments could yield big profits. To borrow David Castro's settler colonial formulation of drug nuisance policing, the unit "recaptured territory" in the Badlands—a nickname that conjures frontier imagery associated with the American West.⁶⁸ Following the work of geographers Neil Smith and Nicholas Blomley, who respectively discuss gentrification as a frontier process and explore the significance of the frontier to contemporary intersections of police and property, I suggest that the PNTF recaptured territory along Philadelphia's gentrification frontier.⁶⁹

The PNTF's real property forfeiture program has thus contributed to recovering property values in certain neighborhoods, just not for those impacted by forfeiture—nor even for those impacted by drug nuisance conditions. Instead, the individuals and businesses who have taken advantage of home forfeiture in Philadelphia have essentially benefited from a carceral subsidy for their efforts to advance gentrification. This is the wager of carceral redevelopment. The PNTF has fueled carceral redevelopment by clearing residents deemed morally deficient from the path of developers and expropriating real property for the benefit of both the DAO and speculators. Yet it has also made carceral redevelopment consistent with the austerity logic that has long fueled disinvestment in Philadelphia's Black and Latinx neighborhoods. Rather than rely on public expenditures, the PNTF's home forfeiture program created a racialized economy of blameworthiness in Philadelphia's Badlands. It burdened those allegedly connected to the drug economy with the moral responsibility to pay for their punishment, forcing them to give up their cash, cars, and homes to bankroll the drug war against their kin and neighbors.

Conclusion

The PNTF was not simply a civic-minded program of harm remediation and neighborhood improvement, as its leaders have suggested, but rather a municipal carceral intervention into the distribution of harm via the redistribution of property. First through its nuisance bar cases and then through its home forfeitures, the PNTF translated the wreckage caused by racialized disinvestment into the idiom of drug nuisance and cast blame on property owners who defied the racialized and gendered standards of domestic comportment. The ordeals experienced by Lewis, Espinosa, and Johnson reveal how the PNTF used real property forfeiture as a disciplinary intervention into Black and Latinx families. The unit thus inherited what Anne Gray-Fischer calls a "pervasive narrative of Black women as agents of urban violence and decline."⁷⁰ This narrative was codified in the infamous Moynihan Report, where Daniel Patrick Moynihan, an Assistant Secretary of Labor in the Johnson administration, described the Black family as a "tangle of pathology."⁷¹ It has been advanced through decades of popular depictions, scholarly studies, and policymaker actions that Robin Kelley argues "adds up to a merciless attack on black mothers specifically, and black families more generally . . . [living] in a world marked by survival and struggle."⁷² Real property forfeiture advanced this war on Black and Afro-Latinx mothers, using their struggles as evidence against them—evidence of their purported unfitness for either motherhood or property ownership.

Yet the PNTF also mobilized municipal carceral power in service of many Black and Latinx Philadelphians who opposed their neighbors' participation in the illicit narcotics economy.⁷³ This use of carceral power to resolve conflict within communities is characteristic of efforts to police

and control nuisance. As Mariana Valverde writes, “nuisance is an intrinsically relational notion . . . even the foulest smell is not a nuisance if . . . there are no neighbors to be bothered.”⁷⁴ A nuisance is essentially an offense to certain members of a community, abated through a broad range of carceral and regulatory interventions that come at a cost to other members of that community. Residents who possess the resources to mobilize the state to enforce nuisance laws do so to settle conflicts in their favor. Within the landscape of the neighborhood drug war in Philadelphia, these conflicts concerned what Cathy Cohen calls “cross-cutting issues” within Black—and, in this case—Latinx politics:

Issues such as AIDS and drug use . . . as well as the extreme, isolated poverty disproportionately experienced by black women—all issues which disproportionately and directly affect poor, less empowered, and “morally wanting” segments of black communities.

She argues that these issues “put into full view the question of who is ‘worthy’ of support by the larger black community,” thereby stigmatizing those who are not deemed worthy due to their defiance of the broader community’s normative standards.⁷⁵ The Black and Latinx residents who rallied their neighbors—and rallied the PNTF—against drug nuisance conditions in their neighborhoods sought to reinforce these normative standards as a protective bulwark against ongoing racialized disinvestment. The PNTF exploited this conflictual political terrain to launch a new state-building project organized to reinvigorate the municipal government’s capacities to address the consequences of disinvestment. They did so by projecting municipal carceral power over property relations and domestic space in Philadelphia’s most disinvested neighborhoods, opening a new front in the drug wars that continue to shape the fortunes of these neighborhoods and facilitating carceral redevelopment along the gentrification frontier.

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Notes

1. For analysis of a racialized moral panic around crime, see: Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, *Policing the Crisis: Mugging, the State and Law and Order*, 2nd ed. (New York: Palgrave MacMillan, 1978).
2. Craig R. McCoy, “Beer-Selling Delis Get Cold Shoulder,” *Philadelphia Inquirer*, November 24, 1991; Linda Loyd, “A Beer Takeout Closed as a Nuisance,” *Philadelphia Inquirer*, December 19, 1991.
3. The PNTF was initially named the Nuisance Task Force. Prosecutors changed the name to the Public Nuisance Task Force sometime in the mid-1990s. I was not able to find public documentation of the change or the reason for it, nor was that change documented in the records produced by the DAO in response to a right-to-know request I made to the office.
4. Loyd, “A Beer Takeout Closed as a Nuisance.”
5. David Castro, interview by author, August 15, 2018. For a closer analysis of Black-Korean conflict, see: Claire Jean Kim, *Bitter Fruit: The Politics of Black-Korean Conflict in New York City* (New Haven, CT: Yale University Press, 2000), 2, 11, 38, 222. Rather than frame Black-Korean conflict as Black residents’ irrational scapegoating of Korean Americans (as she argues many popular commentators

- do), Kim argues that “racial power shapes the structural setting for Black-Korean conflict.” She attends to how racial inequality shapes the power relations in which these conflicts unfold, inasmuch as the “small business niche” in Black neighborhoods is “wide open” for Korean American investments due to longstanding disinvestment. Black collective action against Korean shopkeepers is thus “part of a longstanding tradition of Black resistance to racial oppression in the name of ‘community control.’” Kim also cautions against reading such conflicts as “morality play[s]” between “the forces of good and the forces of evil” (as Castro does), instead urging observers to view them as “window[s] onto dynamics of racial power and resistance.” The conflict between neighbors and Hoagie City differed inasmuch as it involved allegations about the store’s participation in the illicit narcotics economy, although it was decisively shaped by the conditions of racialized disinvestment in which it took place.
6. For the subjective and discretionary nature of nuisance law enforcement, see Mariana Valverde, *Everyday Law on the Street: City Governance in an Age of Diversity* (Chicago: University of Chicago Press, 2012), 54–58. For more on the judicial reliance on police discretion, see Sarah Seo, *Policing the Open Road: How Cars Transformed American Freedom* (Cambridge, MA: Harvard University Press, 2019). For Grossman’s observation, see Holly Otterbein, “Meet the D.A. Candidate Who Led Philly’s Civil Asset Forfeiture System,” *Philadelphia Magazine*, March 10, 2017, <http://www.phillymag.com/news/2017/03/10/beth-grossman-district-attorney-race/>. For the Supreme Court case, see *Jacobellis v. Ohio*, 378 US 184 (U.S. Supreme Court, 1964).
 7. See especially Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012). Over a decade ago, Heather Ann Thompson observed that historians had yet to explore the significance of mass incarceration to the “social, economic, and political evolution of the postwar period.” See Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *The Journal of American History* 97, no. 3 (2010): 703–34. Alex Lichtenstein has made a similar observation that scholarship on post-1965 U.S. history—scholarship that focuses on the decline of manufacturing and the intensification of inequality—has not fully grappled with the role of the carceral state in these developments. This essay builds on his efforts to situate the “modern ‘carceral state’ in the changing political economy of the post-1965 period.” See Alex Lichtenstein, “Flocatex and the Fiscal Limits of Mass Incarceration: Toward a New Political Economy of the Postwar Carceral State,” *The Journal of American History* 102, no. 1 (2015): 113–25. Since Thompson called for scholarly attention to mass incarceration, historians have responded by producing a wealth of new work on the carceral state. While not all this scholarship has grappled with the relationship between the carceral state and disinvestment at the urban scale, two important monographs have explored the federal shift from social welfare to punitive policy from the late 1960s through the 1990s—a shift that exacerbated private and public disinvestment at the urban scale. See Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016); Julilly Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton and Oxford: Princeton University Press, 2017).
 8. Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007). See also David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University Of Chicago Press, 2002); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press Books, 2009); Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics* (Princeton, NJ: Princeton University Press, 2015). For emergent social scientific scholarship on the relationship between policing and reinvestment, see Elaine B. Sharp, “Politics, Economics, and Urban Policing: The Postindustrial City Thesis and Rival Explanations for Heightened Order Maintenance Policing,” *Urban Affairs Review* 50, no. 3 (2014): 340–65; Ayobami Laniyonu, “Coffee Shops and Street Stops: Policing Practices in Gentrifying Neighborhoods,” *Urban Affairs Review* 54, no. 5 (2018): 898–930.
 9. Gilmore, *Golden Gulag*, 26–27, 88, 245.
 10. Important monographs on mass incarceration have instead tended to focus on the state scale (especially the sunbelt), or the federal scale. See Robert Perkinson, *Texas Tough: The Rise of America’s Prison Empire* (New York: Picador, 2010); Hinton, *From the War on Poverty to the War on Crime*. Historians

- have begun to examine the carceral state at the urban scale, although much of this literature continues to do so through the lens of federal policy rather than municipal governance. See a 2015 special issue of this journal edited by Heather Ann Thompson and Donna Murch, "Rethinking Urban America through the Lens of the Carceral State," *Journal of Urban History* 41, no. 5 (September 1, 2015): 751-55.
11. Kelly Lytle Hernandez, Khalil Gibran Muhammad, and Heather Ann Thompson, "Introduction: Constructing the Carceral State," *The Journal of American History* 102, no. 1 (2015): 18-24. For key contributions to the socio-legal literature on "noncarceral criminal justice operations," see Katherine Beckett and Steve Herbert, *Banished: The New Social Control in Urban America* (Oxford: Oxford University Press, 2011); Alexes Harris, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor* (New York: Russell Sage Foundation, 2016); Issa Kohler-Hausmann, *Misdemeanorland: Criminal Courts and Social Control in an Age of Broken Windows Policing* (Princeton, NJ: Princeton University Press, 2018).
 12. See Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950 - 1972* (Chicago, IL: University of Chicago Press, 2014); Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill, NC: University of North Carolina Press, 2018); Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill, NC: University of North Carolina Press, 2019); Marisol LeBrón, *Policing Life and Death: Race, Violence, and Resistance in Puerto Rico* (Berkeley, CA: University of California Press, 2019). See also recent legal histories of policing that offer a broader view of municipal carceral power. Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016); Anna Lvovsky, *Vice Patrol: Cops, Courts, and the Struggle over Urban Gay Life before Stonewall* (Chicago and London: The University of Chicago Press, 2021).
 13. These numbers are based on a database of 1,697 properties forfeited and auctioned by the DAO. The author compiled the database by searching for deed transactions involving the DAO on the Philadelphia Department of Record's (DoR) PhilaDox online property record search tool.
 14. My analysis of the relationship between policing, race, and vulnerability heeds Stuart Schrader's observation that "in relation to policing, race is understood as cause, when it should be understood as effect." Drawing from Ruth Wilson Gilmore's understanding of race as the institutionalized "production and exploitation of group-differentiated vulnerability to premature death," Schrader suggests that such vulnerability "does not begin with the group." Instead, "the group begins, extends, and coalesces" through the institutional production of vulnerability, such that "previous vulnerability is a heuristic of future vulnerability." See Gilmore, *Golden Gulag*, 247; Stuart Schrader, *Badges without Borders: How Global Counterinsurgency Transformed American Policing* (Oakland, CA: University of California Press, 2019), 39-40.
 15. My perspective on community policing is informed by Steve Herbert's arguments regarding the limits characterizing the "community" in community policing models. See *Citizens, Cops, and Power: Recognizing the Limits of Community* (Chicago and London: The University of Chicago Press, 2006). For the shifting boundaries of race and class in gentrifying Philadelphia, see Ryan Briggs, "When 'Gentrification' Is Really a Shift in Racial Boundaries," *CityLab*, August 1, 2016, <https://www.citylab.com/equity/2016/08/gentrification-race-boundary-philadelphia/493313/>.
 16. Carolyn Adams, David Bartelt, David Elesh, and Ira Goldstein, *Restructuring the Philadelphia Region: Metropolitan Divisions and Inequality* (Philadelphia, PA: Temple University Press, 2008), 16, 82; James Wolfinger, *Philadelphia Divided: Race and Politics in the City of Brotherly Love* (Chapel Hill, NC: The University of North Carolina Press, 2017), 202-203.
 17. David Farber, *Crack: Rock Cocaine, Street Capitalism, and the Decade of Greed* (Cambridge: Cambridge University Press, 2019), 86-88.
 18. Kim Phillips-Fein, *Fear City: New York's Fiscal Crisis and the Rise of Austerity Politics* (New York, NY: Metropolitan Books, 2017), 3.
 19. The "Badlands" moniker was popularized through coverage in the *Philadelphia Inquirer*, including a 1992 expose by reporter David Zucchino. See Henry Goldman, "A Shattered Case in a Bitter Drug War," *Philadelphia Inquirer*, July 27, 1985; David Zucchino, "In the Badlands of the City, Drugs Still Riding High," *Philadelphia Inquirer*, April 3, 1991; David Zucchino, "Narcotics Crackdown Nets Seven Suspects," *Philadelphia Inquirer*, March 6, 1992; David Zucchino, "How an Illicit World

- Flourishes Just Three Miles from City Hall,” *Philadelphia Inquirer*, April 5, 1992; David Zucchini, “Drug Mart Suites Needs of Small-Time City Users and Big Suburban Dealers,” *Philadelphia Inquirer*, April 5, 1992; David Zucchini, “The Massive Job of Making Drug Profits Look Legal,” *Philadelphia Inquirer*, April 7, 1992; David Zucchini, “How Small Operators Cash in on the Big Miseries of Drugs,” *Philadelphia Inquirer*, April 7, 1992; David Zucchini, “How a Posse Runs a Corner: And Marks a Neighborhood,” *Philadelphia Inquirer*, April 9, 1992; The Editorial Board, “Lost in the Badlands: Can Law and Order Ever Be Restored in This Wasted Swath of Philadelphia?” *Philadelphia Inquirer*, April 12, 1992; Bella English, “Heroes See a War, Right Here,” *Philadelphia Inquirer*, September 27, 1995. The nickname was further popularized in a 1995 novel by *Inquirer* reporter Steve Lopez, *Third and Indiana* (New York: Penguin Books, 1995). Finally, the nickname has an older history. Ernest Burgess refers to the “so-called ‘slums’ and ‘bad lands,’ with their submerged regions of poverty, degradation, and disease, and their underworlds of crime and vice.” See Robert E. Park and Ernest W. Burgess, *The City* (Chicago and London: University of Chicago Press, 2019).
20. Castro, interview.
 21. Beth Gillin, “Residents Win Fight: Nuisance Bars Are Closed,” *Philadelphia Inquirer*, December 2, 1989; John C. Brazington, “Civic Leaders, Authorities Move against ‘Nuisance’ Bar,” *Philadelphia Tribune*, February 20, 1990; Castro, interview.
 22. Beth Gillin, “They Forced Last Call at a Nuisance Bar,” *Philadelphia Inquirer*, March 2, 1990.
 23. Gillin, “Residents Win Fight: Nuisance Bars Are Closed”; Gillin, “They Forced Last Call at a Nuisance Bar”; Castro, interview.
 24. The building then sat vacant for nearly a decade before it was unceremoniously demolished following an incident in which a load-bearing wall was struck by police car. Despite the demolition of the former Wagon Wheel, the neighborhood nonprofit stood to gain from a planned office and retail development on the site. Robert Moran, “Facade Is Victim of a Crash,” *Philadelphia Inquirer*, April 30, 1999; Elisa Ung, “Mobilizing to Revive on Germantown Ave.,” *Philadelphia Inquirer*, February 18, 2000.
 25. Craig R. McCoy, “He Helps Neighbors Fight Problems with Local Bars: He’s the D.A.’s Specialist in Fighting Nuisance Bars,” *Philadelphia Inquirer*, June 30, 1992; Craig R. McCoy, “Bar Owner, under Fire, Will Close: The 6800 Lounge Serves Its Last Drink Sunday. The Owner Buckled under a City Crackdown.,” *Philadelphia Inquirer*, August 12, 1992; Castro, interview.
 26. Castro, interview.
 27. Gillin, “Residents Win Fight: Nuisance Bars Are Closed”; Gillin, “They Forced Last Call at a Nuisance Bar.”
 28. Castro, interview.
 29. Castro, interview; McCoy, “He Helps Neighbors Fight Problems with Local Bars: He’s the D.A.’s Specialist in Fighting Nuisance Bars.”
 30. Valverde, *Everyday Law on the Street*, 54-55.
 31. Howard Goodman, “When Herman Wrice Declared War,” *The Reader’s Digest*, January 1991; Bill Goins, *Dr Herman Wrice*, archival footage, March 8, 2015, 1:23:10, https://m.youtube.com/watch?v=2m1cxMTy_GU
 32. Steve Stewart, “Risky Tactics (Letter to the Editor),” *Philadelphia Inquirer*, September 3, 1988; Goodman, “When Herman Wrice Declared War.”
 33. Jackson Smith, “War in the Neighborhood: Anti-Drug Organizing, ‘Crack Houses,’ and Municipal Austerity in Philadelphia,” *American Quarterly* 74, no. 1 (2022): 119-43.
 34. Edward Colimore, “Tucker Urges Seizure of Drug Buyers’ Vehicles,” *Philadelphia Inquirer*, March 8, 1988; Editorial Board, “Castille for DA: He Hasn’t Won the War Against Drugs, But He’s Doing a Good Job of Coping,” *Philadelphia Inquirer*, October 16, 1989; Pennsylvania District Attorney’s Association Mid-Winter Meetings Legislative Report, February 10, 1989, Box 14, Folder 9, Judiciary Committee, 1989-1990, Archives of the Pennsylvania House of Representatives, Harrisburg, PA.
 35. Howard Goodman, “House Is Seized, Sealed as Site of Open Drug Sales,” *Philadelphia Inquirer*, June 29, 1989.
 36. Roy H. Campbell and Vernon Loeb, “Putting a Seal on Two Former Crack Houses,” *Philadelphia Inquirer*, July 26, 1988; George Mosee, interview by author, September 11, 2018.
 37. Office of the Attorney General, Commonwealth of Pennsylvania, “The Attorney General’s Annual Report to the Appropriations and Judiciary Committees of Assets Received by Forfeiture under the

- Controlled Substances Forfeitures Acts" (Harrisburg, PA), 1993-2017. Report acquired by the author through a right-to-know request.
38. Commonwealth of Pennsylvania v. The Real Property and Improvements Commonly Known as 5444 Spruce Street, No. 890 A.2d 35 (Supreme Court of Pennsylvania, January 6, 2006).
 39. Commonwealth of Pennsylvania v. 5444 Spruce Street.
 40. The "self-evident" phrasing specifically comes from another real property forfeiture case drawn from court records that the author accessed via a right-to-know request to the Administrative Office of Pennsylvania Courts (AOPC) and viewed at the Justice Juanita Kidd Stout Center for Criminal Justice in Philadelphia. These records varied in content, but included police reports, forfeiture petitions, forfeiture orders, interrogatories, trial transcripts, court opinions, and miscellaneous documentation.
 41. Commonwealth of Pennsylvania v. 5444 Spruce Street.
 42. As Ruth Wilson Gilmore argues, "the condition of surplus labor falls most heavily on modestly educated men in the prime of life from Black and other households of color." Those men and their families turn to what Gilmore calls "alternative modes of social reproduction," such as the illicit narcotics market. The young men who are imprisoned due to their labor in illicit economies leave behind kin who must negotiate "the state's criminalization and sacrifice of their loved ones dispossessed by deindustrialization." Gilmore, *Golden Gulag*, 74, 184-85.
 43. For a sociological critique of the "demonization of drugs," see Craig Reinerman and Harry G. Levine's argument that anti-drug discourse "invests the substances themselves with more power than they actually have." Reinerman and Levine, eds., *Crack in Context: America's Latest Demon Drug* (Berkeley, Los Angeles, London: University of California Press, 1997), 8. See also the related arguments of neuroscientist Carl Hart, *High Price: A Neuroscientist's Journey of Self-Discovery That Challenges Everything You Know about Drugs and Society* (New York: Harper Perennial, 2014).
 44. Commonwealth of Pennsylvania v. 5444 Spruce Street.
 45. For longstanding inequality in Philadelphia, see Carmen Teresa Whalen, *From Puerto Rico to Philadelphia: Puerto Rican Workers and Postwar Economies* (Philadelphia, PA: Temple University Press, 2001); Adams et al., *Restructuring the Philadelphia Region*; Guian A. McKee, *The Problem of Jobs: Liberalism, Race, and Deindustrialization in Philadelphia* (Chicago, IL: University of Chicago Press, 2008); Wolfinger, *Philadelphia Divided*. For enduring inequality in mortgage financing, see Aaron Glantz and Emmanuel Martinez, "Kept Out," *Reveal, from the Center for Investigative Reporting*, February 15, 2018.
 46. Real property forfeiture records acquired from AOPC. Name changed to protect privacy. For the corruption case against the officers, see Wendy Ruderman and Barbara Laker, *Busted: A Tale of Corruption and Betrayal in the City of Brotherly Love* (New York: HarperCollins, 2014).
 47. Real property forfeiture records acquired from AOPC.
 48. Ibid.
 49. Ibid.
 50. Beth Grossman, interview by author, September 29, 2019. The random sample is drawn from the AOPC forfeiture records ($n = 417$).
 51. Malcolm M. Feeley, *The Process Is the Punishment: Handling Cases in a Lower Criminal Court* (New York: Russell Sage Foundation, 1992); Issa Kohler-Hausmann, "Misdemeanor Justice: Control without Conviction," *American Journal of Sociology* 119, no. 2 (September 2013): 353.
 52. Louis S. Rulli, "Civil Forfeiture of Real Property under the Pennsylvania Controlled Substances Forfeiture Act," Training Manual (Philadelphia, PA: University of Pennsylvania Law School, July 1, 2013).
 53. Real property forfeiture records acquired from AOPC. Name changed to protect privacy.
 54. Ibid.
 55. Ibid.
 56. Rulli, "Civil Forfeiture of Real Property."
 57. Real property forfeiture records acquired from AOPC.
 58. Ibid.
 59. I borrow this specific terminology from the authors of a recent article on a related drug nuisance program in Los Angeles. They argue that the program transforms "private property . . . into police outposts, decisively expanding the spatiality of police power." Terra Graziani, Joel Montano, Ananya

- Roy, and Pamela Stephens, "Property, Personhood, and Police: The Making of Race and Space through Nuisance Law," *Antipode* 54, no. 2 (2022): 439-61.
60. I borrow this turn of phrase from N.D.B. Connolly's history of segregationist urban renewal policies in Miami. He argues that proponents of urban renewal looked at Black neighborhoods and saw a landscape in need of "dramatic corrections": What we might call a *correctional landscape*. See N. D. B. Connolly, *A World More Concrete: Real Estate and the Remaking of Jim Crow South Florida* (Chicago: University of Chicago Press, 2014), 83. The racial limits on property ownership are abundantly clear in the history of urban renewal in the United States, especially in the quasi-scientific (and racialized) identification and elimination of hazardous urban "blights." See Wendell Pritchett, "The 'Public Menace' of Blight: Urban Renewal and the Private Uses of Eminent Domain," *Yale Law & Policy Review* 21, no. 1 (2003): 1-52; Samuel Zipp, "The Roots and Routes of Urban Renewal," *Journal of Urban History* 39, no. 3 (2012): 366-91; my thinking here is also indebted to the following works: Cheryl Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1707-91; Brenna Bhandar, "Title by Registration: Instituting Modern Property Law and Creating Racial Value in the Settler Colony," *Journal of Law and Society* 42, no. 2 (June 2015): 253-82; Anne Bonds, "Race and Ethnicity I: Property, Race, and the Carceral State," *Progress in Human Geography* 43 (2018): 574-83.
 61. Calendar of PNTF community meeting attendance, 1997 - 2012, accessed via right-to-know request made by author to DAO.
 62. Pedro Rodriguez, interview by author, September 11, 2018.
 63. Grossman, interview.
 64. These valuations are based on data accessed via the City of Philadelphia's online property search tool (property.phila.gov).
 65. Grossman, interview.
 66. Data on entities that purchased forfeited properties at auction is drawn from the database of properties forfeited and auctioned by DAO, compiled by author via DoR's PhilaDox tool. For substandard rental housing, see Fay Walker, "Housing & Landlords: Using Open Data to Find Substandard Conditions," *Azavea*, September 26, 2019.
 67. This analysis draws from the database of properties forfeited and auctioned by DAO, compiled by author via DoR's PhilaDox tool. It uses the categorization of Philadelphia's census block groups as either gentrifying or not gentrifying from Lei Ding, Jackelyn Hwang, and Eileen Divringi, "Gentrification and Residential Mobility in Philadelphia," *Regional Science and Urban Economics* 61 (2016): 38-51. This analysis was originally conducted for Jackson Smith, Vanessa Massaro, and Greg Miller, "Policing Gentrification: The Financial Geography of Law Enforcement in Philadelphia," *ACME: An International Journal for Critical Geographies* 20, no. 6 (2021): 637-65. For Neil Smith's "gentrification frontier," see *The New Urban Frontier: Gentrification and the Revanchist City* (London and New York: Routledge, 1996).
 68. In thinking about policing the "settler" city, I draw from Margaret Ramirez, "City as Borderland: Gentrification and the Policing of Black and Latinx Geographies in Oakland," *EDP: Society and Space* 38 (2019): 147-66.
 69. Smith, *The New Urban Frontier*; Nicholas Blomley, "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid," *Annals of the Association of American Geographers* 93, no. 1 (2003): 121-41.
 70. Anne Gray Fischer, "'The Place Is Gone!' Policing Black Women to Redevelop Downtown Boston," *Journal of Social History* 53, no. 1 (2019): 10.
 71. Daniel Moynihan, *The Negro Family: The Case for National Action* (Washington, DC: Office of Policy Planning and Research, U.S. Department of Labor, 1965).
 72. Robin D. G. Kelley, *Yo' Mama's Disfunktional! Fighting the Culture Wars in Urban America* (Boston: Beacon Press, 1997), 3-4.
 73. My argument here draws from scholarship on Black and Latinx anticrime politics. As Donna Murch argues, the crack crisis "helped fracture African American and Latino communities internally along lines of age, class, and faith." Donna Murch, "Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs," *The Journal of American History* 102, no. 1 (2015): 170; Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the*

Politics of Punishment (Cambridge, MA: Harvard University Press, 2015); Reiko Hillyer, "The Guardian Angels: Law and Order and Citizen Policing in New York City," *Journal of Urban History* 43, no. 6 (2017): 886-914; James Forman Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017).

74. Valverde, *Everyday Law on the Street*, 57-58.

75. Cathy Cohen, *The Boundaries of Blackness: AIDS and the Breakdown of Black Politics* (Chicago and London: University of Chicago Press, 1999), 13-14.

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