

**Transwomen, the Prison-Industrial Complex, and Human Rights:  
Neoliberalism and Trans-Resistance**

**Emmi Bevenssee**

The School for International Training  
Edited by Emma Buck and Khalil Sullivan

*Received December 2013; Accepted March 2014*

---

**Abstract**

This article introduces complexity into understandings around the relationships between human rights, being transgender, and interacting with the prison-industrial complex. It looks at struggles and interventions against neoliberal mainstream agendas that do not address the underlying causes of state violence against transpeople, especially trans women of color. This essay employs in-depth research and analysis primarily employing the lens and tools of intersectional subalternity, personal experience, and extensive community activism around these complex issues to show that human rights struggles that do not challenge neoliberal politics generally fail to meet the needs of trans people facing massive structural violence with the prison industrial complex. Despite this failure, there are also on the ground methods that are proving effective in addressing these issues on a small-scale and attempting to extend these shifts into the macro realm.

**Key Words**

Transgender, prison-industrial complex, human rights, neoliberal, and intersectionality.

**Acknowledgement**

Special thanks to Dr. Fouzieyha Towghi for her guiding work and support and as well to my loving and supportive communities.

The purpose of this paper is to reveal a diverse set of transwomens stories, subjugations, and forms of resistance to and with the language of human rights and the practices of the prison-industrial complex. This paper is written to continue the work of opening a window into transwomens subaltern subjectivities and bring those experiences forward into a dominant discourse of gender and human rights, where it is hugely and dangerously lacking. Transwomen, especially transwomen of color (TWOc), are extensively made the targets of both state and direct personal violence, and the prison-industrial complex is an arena where transwomen's human rights are violated and where transwomen resist those violations (Spade 2011:89- 90). Furthermore, advocates for transwomen's human rights struggle with neoliberal institutions, such as the prison, because they often employ a human rights language but

ironically discriminate against the rights of trans people. Thus, the prison is a space of contention where we can find both structural and personal concerns and yet find advocates working directly on-the-ground with subjects who can benefit from advocacy. These prison-based transwomen political movements offer insight into larger global issues of sex and gender, including potential paths, positions, and vulnerabilities in addressing the struggle for sex and gender equality as a whole. The bulk of sites of interaction and focus of this essay are in California's Bay Area (primarily San Francisco and Oakland) in the United States. The bay area is both a hub for queer and trans expression, repression, and resistance as well as a center for California's extensively privatized prison industry. In "the last 20 years, California has spent more than five billion dollars building and expanding over 23 prisons" and in California "the state the total annual bill for prisons and jails has grown about sixfold, to \$31 billion (Critical Resistance 2000:2)." A bi-coastal prison abolition organization with a center in Oakland, CA called Critical Resistance (2013) defines the "prison-industrial complex (PIC) as, "the overlapping interests of government and industry that use surveillance, policing, and imprisonment as *solutions* to economic, social and political problems." This concept of "solutions" is problematic in such ways as how within the PIC, privatized prisons earn more money based on how many people they confine; this encouragement to make more arrests creates a cost-value for the incarceration of those human beings deemed systemically and socially undesirable especially by systemic racism, and in this case transphobia. In order to dig into the complexities in locating "trans subjects" and their interaction with this set of institutionalized apparatuses of state control, I employ the analytic and participatory research tools of intersectionality and subalternity to reveal the relationships of power and resistance that are interacting in an incomplete hegemony and to glean insight into the experiences of those most directly affected. These tools are used because the PIC is a hub of multiple hybridized forms of subjugation occurring simultaneously at different levels so therefore, ones approach must be aiding in a political project revealing invisibilized pluralistic struggles. From these approached positions of subaltern subjectivity it is possible to more deeply engage with a ground for creating an intersectional and pluralistic path into the crossroads of gender and human rights, especially concerning those in the margins of discourse. This is where the importance of the most localized and grassroots examples of solidarity, repression, and direct experiences become essential due to their examples of solidarity and tactics that show more clearly the interests of those at the edges. As a researcher and an activist with first-hand experience working intimately with involved communities as both an ally and a subject of transgender related subjugation surrounding the prison-industrial complex, I here analyses of my ethnographic experiences and

research in order to strengthen the rights and struggles of transwomen especially, transwomen of color interacting with a broadly and subtly conceived understanding of structural racism, transphobia, and the prison-industrial complex.

## METHODOLOGY

### *Research and Policy*

In order to do research or correctly read trans-centric research one must be aware of the usage of certain key terms surrounding sex and gender identity. To be clear, this essay is not about sexuality. It is about sex and gender diversity, although the topics are often erroneously conflated. It is essential to delineate that the term “sex” is related to the biological characteristics of one’s body both assigned and identified. “Gender” is separated from “sex” as the expressive, performative, internal, and/or felt-sense of relationship of one’s gender identity. The prefix “cis-” is used to visibilize what is treated as the “normal” state of not being transgender. To be “cis” is to be one whose birth-assigned gender and sex are the same as how one identifies. To be trans is then to be understood as one who identifies/is a different sex and/or gender than the one they were assigned at birth. A transwoman is anyone who was “Coercively Assigned Male/boy At Birth (CAMAB)” and identifies as somewhere along the spectral landscape of being a “(trans)woman.”

Trans people and those under sex- and gender- diverse umbrellas have had an excess of research performed on them ranging from inconsiderate to downright invasive and dangerous. This research is often performed by ambitious outsiders without first consulting the needs and aims of diversely situated trans groups. The work of cis- people and researchers is better aimed at allyship and participatory inquiry. Typical trans focused research is a fetishized and othering approach devoid of deeper meaning and systemic analyses. In order to avoid this, one can interject subaltern and intersectional practices of discursive and historiographical approaches into the realm of current research and direct activism using approaches such as those founded by many indigenous action researchers (Smith 2012:143-164). This strategy of research justice using participatory action research marks a bridge that can connect research *on* “trans” communities to authentic acts of communal engagement and *accompaniment*. Participatory research justice can be taken even further to ask if we can “trans” and “queer” the notions of research itself. If so, then how? Michelle Fine states that those most affected by the research and its absences are those most prepared to do it better (Smith & Fine 2013), and therefore it is the job of researchers and policy makers to strive to create those spaces wherein this “trans-ing” and “queering” may properly occur. In the words of Michelle Fine, “We can’t just do critique. We have to also imagine.” In addition to this, we

must also deconstruct, change, and create those very same imaginings. This is where this “Notes From the Field” piece connects research to action, and connects analysis to authentic connection as a stepping stone towards building empathetic bridges between trans-activist researchers and our allies. This piece employs both archival evidence as well as stories and scholarly research that has been guided by my personal experience as a transwoman, insights from diverse political organizing, and guidance from those directly working around and subjected to the situations that are here described. These multi-faceted resources are then analyzed using subalternity and intersectionality as the method most evocative of the process of shared leadership.

#### *The Trans Subalternity of Intersectionality*

Where subalternity marks interjection of agency through voice, intersectionality acknowledges plurality of struggle. The idea of a subaltern subject was originally introduced by Gramsci (1992) as a term that in many ways substituted for proletariat but also implied a relationship with a cultural project of hegemony. Later this term was re-inscribed by the subaltern studies collective which focused on the voices and struggles of people in relationship with (post)colonialism in South Asia. Subalternity then took on a lens of looking at the possibility of uncovering subaltern subjectivity, or the subaltern voice, in a *relational* context with colonial and other forms of power. Subalternity in this essay marks discursive translations and interactions between intersectional trans communities and neoliberal, neo-colonial constructions of power around the PIC. To this ends direct stories and experiences are used and analyzed using the analytic tools of subaltern studies to try and create an opening for these people’s subjectivities to enter discourses that affect their lives. Intersectionality is employed to highlight the pluralistic ways that multiple levels of repression are simultaneously experienced by people within the margins of more than one identity (Muñoz, José 1999; Zinn and Dill 1996). Crenshaw (1991) states that “because of their intersectional identity as both women and of color within discourses that are shaped to respond to one or the other, women of color are marginalized within both (1244).” This reality of both racialized and gendered marginalizations experienced by women of color is then further complexified in the lives of people who are for example queer transwomen of color who directly experience marginalization co-occurring within multiple hierarchies enforced and created within the dominant discourses surrounding race, gender, sexuality, and transgender experiences and identities.

Trans people are never just trans. They are always multi-layered humans. In this complexity it is impossible and misleading to fully extricate sex and gender from race. So, while this essay focuses on trans-experiences, subaltern intersectionality is employed as a caveat against

oversimplification and towards a pluralistic human rights agenda for trans people. Those who are marginalized in multiple ways embody the intricate spaces and experiences of hybrid intersectionality in which the layers of repression and subaltern subjectivity are difficult, if impossible, to fully separate. However, these highly colonized spaces and people also possess the kindling and force for true systemic and structural (r)evolution (Fanon 1965:238). Queer and trans “ghettos”, native trans-identified people, and those navigating immigration issues while also walking as trans people of color exist with a set of structural restrictions and resistances that offer great insight into the pluralistic plights of colonization, capitalist globalization, repression, subalternity. These insights, not to be exoticized, “othered”, romanticized, or “Oriental”-ized (Said) can expand our notions of who we all are and where we are growing towards in a *shifting terrain of complex authenticity*.

#### A BRIEF GENEALOGY OF TRANSGENDER HUMAN RIGHTS

##### *The difficulty of finding a trans “subject” in Law and the PIC*

To begin, it is necessary to dissect a historiography of human rights. Although “human rights,” seeks to determine an universal lens of basic rights, in reality, it often constructs its own standards of morality through the colonial imposition of “normal” existence and subsequent scientific exclusion of the ‘Other’ (Wallerstein 2006). So while this discussion of trans-rights needs a language for rights as determinants of well-being, it needs to be critical of the discursive lens employed. Given the history of human rights discourse and its roots in colonial history (Wallerstein 2006) and state (governmentality) formation (Foucault 1979), lingering neoliberal politics still affect whether such rights are truly universal or instead are being employed for a covert process. For transwomen navigating the PIC, these historical trends have imperative implications.

To begin, trans bodies are pathologized through a languaging of deviance as can be found in medical apparatuses of biopolitics (Foucault 1978), such as the Diagnostic Statistics Manuals for “Mental Misorders” (DSM) series. In DSM IV, “Gender Identity Disorder (GID)” referred to trans people across a broad spectrum and was cited not only as a disorder but conflated with disorders considered sexual in nature (American Psychiatric Association 1994). Then in the DSM V attempts were made to diminish stigma and separate sexuality from gender with the introduction of a new section entitled “Gender Dysphoria” which while making progress still employs not only a disorder but also a homogenizing of trans-experiences as dysphoric and consequently negative by their very nature (American Psychiatric Association 2013). This suggests that “the trans-experience (a failed category)” is defined by its adversity to what is taken as normal and therefore it is some form of

“mental disorder.” This rhetorical paradigm, framed in the language of science, then regulates the entire system by which transwomen gain access to health needs by making psychiatrists the gatekeepers of health and normalcy. This is a problem often felt most acutely by incarcerated transwomen seeking medical intervention for trans related health needs. This system of science and psychology as masters of validity and thus legitimacy becomes at once moral in how it designates methods for determining who is allowed entry into trans related health needs and who does not meet the qualifications. This runs counter to a view of trans people as agents and centers for self-understanding in relation to their own identity. Underpinning these “scientific” analyses is the culturally violent use of moralizing to reify cis-normativity and stigmatize trans people as can be seen from religious repression to media (mis-)representation (Serano 2007: Ch. 2). It is then from within this paradigm that both pluralistic and assimilationist human rights agendas spring.

In “Normal Life” by Dean Spade (2011:79), he shows how the main two agendas of a neoliberal gay and lesbian approach to trans rights are anti-discrimination and anti-hate crime laws. An example of the trappings of a mainstream trans human rights agenda is shown in the process by which the Employment Non-Discrimination Act (ENDA) was updated by the ACLU to include trans rights in the late 90’s and early 2000’s. The Human Rights Campaign fought against this updated version of ENDA, provoking the trans-community and creating animosity along the way, until they eventually began to advocate for the inclusion of trans-rights (Roberts 2007; Spade 2011:80). Measures such as ENDA and revoking of the Defense of Marriage act (DOMA) tend to define the queer and trans movement’s most visible forces for change. Legal measures are important for equality, but their effectiveness in representing the complexity of intersectional trans struggles is highly contestable.

As a comparison, similar avenues of legal intervention have been largely ineffective against eliminating structural racism (Spade 2011:81-82). Conceptually, “hate crime laws do not have a deterrent effect. They focus on punishment and cannot be argued to actually prevent bias-motivated violence (82).” Practically speaking, most victims of racial bias and/or transphobia cannot afford to attend court: and when they can, the difficulty of proving discrimination short of having a signed letter including hate speech, results in most cases being dropped (82). In this current “neoliberal moment,” with its minimization of safety nets especially in marginalized communities and its increases in privatized and targeted incarceration through the PIC, “anti-discrimination laws provide little relief to the most vulnerable people (83).”

For trans people, the focal points of these anti-discrimination laws are often contested spaces, such as bathrooms; however, “given the staggering unemployment of trans populations emerging from conditions

of homelessness, lack of family support, violence-related trauma, discrimination by potential employers, effects of unmet health needs, and many other factors, even if the legal interpretations of trans people's bathroom access demands were better, it would not scratch the surface of trans poverty (83)." It is such non-structural approaches as these anti-discrimination laws that characterize the current trans rights agenda. This agenda is tolerated by mainstream society and governmentally allowed to exist solely because of its heavily assimilated form and its lack of direct challenges to neoliberalism.

In cases where sex or gender identity intersects with other marginalized aspects of one's identity plaintiffs are even less likely to find retribution. This is because, anti-discrimination and hate-crime law campaigns depend on popular support, which depend on the "normalcy" of the victims of hate crimes: those who deviate from norms of sex, gender, sexuality, in addition to race, class, religion, and ability are edged out of the picture entirely (86-87). This required "normalcy" and assimilation of victims syncs perfectly with a neoliberal moralized notion of normalcy. This required normalcy underlies a privileged perspective of what universal human rights for trans people would or should look like. Human rights agendas for trans people must be co-emergent from an intersectional basis that includes the subaltern subjectivities of those most at risk; only then will they approach a pluralistic universality.

A critical race theory perspective on the effectiveness of anti-racism laws reveals that anti-discrimination laws attempt to individualize the "perpetrator/victim dyad;" in so doing, they individualize the seemingly irrational hatred of the perpetrator. This neoliberal individualization serves to legitimize, invisibilize, and maintain the state-sanctioned, structural, and historically-rooted violence that created the conditions from which the crime emerged (84). This individualization of aberration supports the ineffective P.I.C. in a dangerous way as it targets the same minority groups its claims to protect in order to justify its own existence (Alexander 2010). For transwomen interacting with the P.I.C., a constant stream of individualized aberrant behavior deemed as crime (ie. survival sex work etc) is divorced of its structural context (impoverishment); and, the supposedly just system is able to profit off of the incarceration of those deemed societally "undesirable" and morally or otherwise "bad." Thus, trans people, especially transwomen of color, are trapped and degraded by the "victim/perpetrator dyad." By removing them from society it is as if the "problem" of crime has been solved; when in fact it has simply been cyclically reinforced. This is not stated to remove agency or to imply that all trans people are victims of their crimes, but rather that the "crime" itself cannot be so easily extricated from its context as a solely legalistic human rights framework often entails. In the words of Dean Spade (2011), "we can strategize about how to use legal reform tools as part of a broader strategy to dismantle

capitalisms' murderous structures while we build alternative methods of meeting human needs and organizing political participation (93).” In this way, the difficulty of creating a more effective trans human rights agenda while interacting within a neoliberal context, shows potential insights and broader contexts as to the struggles of larger gender politics within a similar framework.

#### SEX-WORK AND POVERTY

Many of the trans people who are incarcerated are funneled through the sexwork-prison-release-repeat pipeline wherein released former prisoners cannot not find stable employment due to their trans-identity and their record and are forced back into the high risk area of sex-work. The bodies of transwomen are often exoticized, othered, objectified, commodified, and thus employed in a project of racialization through the mechanisms of sex work and prison.

Analyzed semiotically, the bodies of transwomen, sought as they are to be penetrated (crude love), controlled (ownership), and destroyed (violence, subtle or overt), are often forced (*vis à vis* hiring discrimination and poverty) into the often dangerous avenues of sex work. Obviously, not all trans people do sex work, and not all transwomen do forced or survival sex-work, so there's no need to further reify this stereotype. As time goes on, fewer transsexual women who are seeking surgery are *forced* into sex work as more choices become available and “SRS (sexual reassignment surgery)” is covered by more insurances. However, sex workers (especially those that are marginalized in myriad ways, such as transwomen of color) deserve the rights, de-stigmatization, recognition of labor, and potential for unionization that any other worker deserves. The difference is that for many transwomen, and especially trans women of color, evidence shows that many lives depend on this upholding of basic human rights. An example of grassroots resistance to police targeting and harassment of trans sexwork is shown in the documentary by Frameline Films called “Screaming Queens (2005).” In this film a community of mostly TWoC doing sex work in San Francisco revolt against police discrimination in the “Compton’s Cafeteria Riots” in August of 1966 and thus set the stage for generations of various strategic resistances and also set the stage for decades of turmoil around trans people’s relationship with the prison in the prison-industrial complex. While the “Stonewall Riots” are often marked as the birth of queer liberation movements, the Compton Cafeteria Riots actually happened three years prior. The obscurity of TWoC queer liberation movements and glorification of Stonewall is due to the higher privilege (more white and cis-male) of its participants and thus greater visibility of Stonewall. This shows the difficulty in locating transwomen as a subject and their resistances due to privileged skewing of the archives.



## TARGETING, INCARCERATION, REPEAT

One of the most visible and invisible sites of both resistance and colonization of the colonized-body is within the realms of penology and incarceration (Arnold :141; Visweswaran 1996:95-102). In the sentiment of the honorable Bay Area trans-elder, Miss Major, “trans women are often born into the prison pipeline with little hope for outside intervention (Stanley and Smith 2011: 211)”. In “Normal Life” by Dean Spade, he states of incarceration, neoliberalism, state violence, and misleading and problematic law reform, “These concerns are particularly relevant for trans people given our ongoing struggles with police profiling, harassment, violence, and high rates of both youth and adult imprisonment. Trans populations are disproportionately poor because of employment discrimination, family rejection, and difficulty accessing school, medical care, and social services. These factors increase our rate of participation in criminalized work to survive, which in combination with police profiling, produces high levels of criminalization” (Spade 2011: 89). This quote deters the mythos that trans-racialized beings are inherently criminal by exposing the structural inequity and interrogating a moralistic approach of demeaning trans lives that also exist within a project of structural racialization that encompasses all aspects of ones being.

Dominant discourses define the dominant approaches to policy of the era (Foucault 1978). This is seen in how statistics of incarcerated transwomen, which inform the archive, which informs the policy, which informs the structures, which informs livelihoods, is skewed by an initial misreading and classifying of transwomen as either men or gay men as can be seen in the archival work done by George Chauncey (1994) into the New York City Police records. The statistics of incarcerated transwomen are misleading, despite already being disproportionately high, because many transwomen are placed in the high risk arena of men’s prisons as opposed to being housed according to their identified gender (Spade 2011: 220-227, 273). Because of this skewing and of the pressures of incarcerated transwomen to remain closeted, finding reliable statistics about the number of transwomen in men's prison is nearly impossible.

When transwomen are incarcerated in men's prisons, atrocities against them often become commonplace. An example of these atrocities is that, if they are not placed in solitary confinement or isolation (as is the norm) in order to protect (punish) them, transwomen are sometimes “pimped” by corrections officers to their assigned “husbands” in order to quell rebellions (Captive Genders 2011:222). The “husbands” are often an owner of all aspects of the trans women's bodies and livelihood in prison. These transwomen are usually, in these cases, assigned to share a cell with this person and ignored when the basically inevitable forms of

assault occur. Cases of rape both by inmates and by correctional officers against transwomen are common and retributive policies are rarely enforced (Captive Genders 2011: 223; Spade 2011:89). This type of policy shows how trans rights in prison are not even at the level of of “human” rights. These behaviors demarcate trans bodies as sub-human and thus deserving of less than human conditions. This tactic of dehumanization is one the oldest strategies of colonization of those deemed to be the “Other” in a project of domination.

#### INTERVENTIONS AND RESISTANCES

Resistance to these phenomena of incarceration and structural oppression is seen through organizations such as Transgender, Gender Variant, Intesex Justice Project (TGIJP). TGIJP is exceptional in that it is run by transwomen of color. Although TGIJP is in the long-term, a prison abolitionist organization (Captive Genders 2011:278-279), they work within the current structure of the PIC to create what changes and opportunities of leverage they can using the mechanisms and pathways that exist. TGIJP continues to do much work in this field despite the difficulties of funding and maintaining support for such an under-recognized cause. These efforts are clear in the voices represented by transwomen newsletters such as “Stiletto,” published by TGIJP, as well as the “Prison Survival Guide for Trans and Queer People,” all of which can be found on their website. In the December 2012 edition of “Stiletto Newsletter” there is the terrifying and inspiring story of a Liberian transwoman, immigrant to the US named Grace Lawrence who was struggling in detention after doing survival sex-work in California (Lopez 2012: 2-4). She was put in an isolated cell to “protect her” and was lucky when she got to leave for an hour or so a day. When she was ordered to be deported after three years of incarceration she tried to commit suicide knowing the violence that awaited her in Liberia. She said, “Because I know there was no life for me in Liberia if I was deported. I said goodbye to my two children, you know, in my heart. I was mad at my family. I was mad at the world. I felt useless, worthless, unwanted. I had nothing left. I have no family member here in California and so it was the end, it was the end for Grace Lawrence.” She was stopped by a guard and placed in a psychiatric wing. When later sentenced again with detention she again tried to commit suicide but then in 2009 she got some good news in court. She remembers the judges exact words that “This case is dismissed. I wish you luck Ms. Lawrence.” She goes on to add, “When I went back in the holding cell and then I was on my way back to Santa Clara, shackles as usual, but this time I was so happy, I was so happy because I knew that when the paperwork go through I would be coming downtown to San Francisco and they would release me.” Her lawyer proved that if she were deported to Liberia, she would be tortured and killed for being transgender. She gained asylum

under the United States Convention Against Torture which is one of the more difficult types of asylum cases to win. She said, speaking of her experiences, “Most people who live it and go through it, the majority of them are deported and never make it back like me to be able to tell the story of what goes on in there” This story in their newsletter is an example of employing direct subaltern trans subjectivity as opposed to the limits of implying it through representation. By using direct stories, this service provides subjugated voices a bridge into and towards dominant discourses in an effort to shift the discourses from below and disrupt neoliberal and privileged designations.

One of the problems with these neoliberally privileged designations is that they tend to objectify transwomen. Before looking at organizations fighting this objectification from multiple angles I will first examine the process of trans-objectification. When objectified, one becomes automatically racialized as well, because one becomes a “Frankenstein” of external semiotic (symbolic and discursive) assumptions and projections. In this way, the fetishized bodies of transwomen are objectified at the expense of their subaltern subjectivities. From the “female impersonators” shown in “Screaming Queens” to the ‘trannies and shemales’ often advertised through pornography and strip bars, transwomen are often billed with racialized connotations of freakishness and skillful (deceptively) or failing (satirical) judgement of external passing, meaning, in this case, their ability to “pass” as cis. Meanwhile, the complex layers of authenticity of transwomens being is lost in a regime of structural (mis)representation.

Rising against this objectification are such organizations as “Black and Pink (2013)” which is “an open family of LGBTQ prisoners and “free world” allies who support each other. Our work toward the abolition of the PIC is rooted in the experience of currently and formerly incarcerated people. We are outraged by the specific violence of the prison industrial complex against LGBTQ people, and respond through advocacy, education, direct service, and organizing.” One of the many services they provide is support around the process of getting letters into prisons and lists of incarcerated LGBTQ people who are available as pen pals. This type of humanization (anti-objectification) creates ripples in the cycles that create the sub-human conditions which many queer and trans incarcerated people face.

The media magnifies dichotomously essentialized and objectified stereotypes with scenes of TWoC who are brutally murdered, mentally ill in some way, or having had committed a crime, if depicted at all. There are organizations combating these media misrepresentations and violence from the ground up. An example of this is in the reporting done by the Berkeley/Oakland, CA branch of Copwatch (2013) on the death of Kayla Moore during an altercation with the Berkeley police following an unlawful and inappropriate arrest. Most of the media

disregarded Kayla's chosen pronouns of "she" and published accounts of her death as the result of an aggravated clash between police. The Copwatch record shows that this woman had a mental disorder (Schizophrenia) and should have been addressed with mental health professionals and not a group of police. Through the aid of Copwatch, another common tactic of Oakland organizing was employed; a citizens investigation. The citizen's investigations found information and witness reports that disagreed with conflicting and largely absent police reports. The police reports that were put out, claim, without released evidence, that Kayla had made a disturbance prior to their forced entry in which they cited a prior warrant. This entry ultimately led to Kayla's murder by the police officers. The "disturbance" call was actually made due to mental health concerns and not disturbances and, as such, warranted psychiatric evaluation prior to police intervention. The media highlighted her mental illness and claims her as the assailant against the police while using her incorrect name and wrongly addressing her gender. Kayla's murder was also likely subject to racialization in that she was also a person of color. Given the Oakland Police departments ongoing record of racist police brutality and lack of accountability for those crimes, it is quite possible that the officers knew they were within their rights to kill her. The PIC is then extended into the streets where police are often the violent offenders against transwomen (of color) in particular (NCAVP 2012). All of these factors contribute to a racialized and stigmatized stereotypical lens of all trans people with which both trans and cis people are forced to interact. If these are the kinds of images the public sees about transwomen, it is clear that people will internalize prejudice and transphobia. It is organizations such as Copwatch that are seeking to both circulate this subaltern information and these stories while also pursuing structural resistance through such tactics as the citizens' investigation.

These multiple examples of forms of resistance starting from below show how the subaltern subjectivities of intersectionally marginalized transwomen are employed to make headway beyond the human rights violations that are occurring at multiple levels around the prison-industrial complex. It is from the efforts and experiences of such individuals and collective organizations that a more subtle and diversely representative human rights platform that encompasses all women can be created in order to better honor all genders and individuals.

## CONCLUSION

### *Gender Crimes as Transformative Inquiry*

Despite systemic violence, many trans people are striving to create a world in which they fit with varying manners of resistances. From the thought crimes of admitting internal gender diversity marking an initial subversion of the gender and sex norms of the United States,

one has already embarked on a path laden with both risk and potentially dynamic creative invention. To continue this act flagrantly in the face of opposition, to seek solidarity, resist norms, and assert one's meaning and right to internal and external diversity is a *crime* of high honor. Sex and gender diverse people do and seek to speak, create, love, hope, laugh, live, and express authenticity freely. In order for this reality to be created, a new pluralistic lens and activism of human rights for trans people must be created. In order for this lens to be effective it must also acknowledge and struggle within and beyond the current neoliberal context. Sites of trans-centric resistance and oppression within the prison-industrial complex create a gateway through which insight can be gained into the ways all gender struggles must diversely unite in order to create a more just terrain for authenticity to exist.

### References

- Alexander, Michelle. 2010. *The New Jim Crow : Mass incarceration in the age of colorblindness*. New York; [Jackson, Tenn.]: New Press; Distributed by Perseus Distribution.
- American Psychiatric Association. 1994. *Diagnostic and statistical manual of mental disorders : DSM-IV*. Washington, DC: American Psychiatric Association.
- American Psychiatric Association. 2013. *Diagnostic and statistical manual of mental disorders : DSM-5*. Washington, D.C.: American Psychiatric Association.
- Araujo, Dusty and Emmi Bevenssee. 2013. *Conversations around love, race, immigration, asylum, and queerness*
- Ashcroft, Bill, Gareth Griffiths, and Helen Tiffin. 2000. *Post-colonial Studies: The key concepts*. New York, NY: Routledge.
- Black and Pink. 2013. Abolition now! Retrieved December 1, 2013, from <http://www.blackandpink.org>
- Chauncey, G. 1994. *Gay New York: Gender, urban culture, and the makings of the gay male world, 1890-1940*. New York: Basic Books.
- Crenshaw, Kimberle. 1991. Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241. doi:01/01/2014
- Critical Resistance. 2000. Overview: Critical resistance to the prison-industrial complex. *Social Justice*, 27(3), 1-5.
- Driskill, Qwo-Li ed. 2011. *Queer Indigenous Studies : Critical interventions in theory, politics, and literature*. Tucson: University of Arizona Press.
- Eleneke, Melanie M. 2013. Postcapitalism, prison abolition, and trans women panel discussion. Retrieved, 2013, from <http://www.truthtellingseries.org/events.html>
- Esmeralda. 2009. Esmeralda: A transgender detainee speaks out. Retrieved, 2013, from <http://latinainstitute.wordpress.com/2009/11/16/seeking-asylum-transgender-immigrant-finds-discrimination-and-abuse-in-us-detention-center/>
- Fanon, Franz. 1965. *The Wretched of the Earth*. uniform title: *Damnés de la terre*. english. New York: Grove Press.
- Fine, Michelle & Linda Smith. Decolonizing Knowledge Conference. Oakland, CA.
- Foucault, Michel. 1978. *The History of Sexuality* (1st American ed.). New York: Pantheon Books.
- Foucault, Michel. 1979. Governmentality. *Ideology & Consciousness*, 6(Governing the Present), 5.
- Foucault, Michel. 1995. *Discipline and Punish : The birth of the prison* (2nd Vintage Books ed.). New York: Vintage Books.
- Galtung, Johan. 1990. Cultural violence. *Journal of Peace Research*., 273, 291-305.

- Galtung, Johan. 1996. Cultural peace : Some characteristics. *From a Culture of Violence to a Culture of Peace from a Culture of Violence to a Culture of Peace*, , 75-92.
- Galtung, Johan. 2004. Transcend and transform an introduction to conflict work. Retrieved
- Gramsci, Antonio, & Joseph A. Buttigieg. 1992. *Prison Notebooks*. New York: Columbia University Press.
- Hall, Stuart, and Open University. 1997. *Representation : Cultural representations and signifying practices*. London ; Thousand Oaks, Calif: Sage in association with the Open University.
- Illich, Ivan. 1968. To Hell with Good Intentions. Retrieved, 2013, from [http://www.swaraj.org/illich\\_hell.htm](http://www.swaraj.org/illich_hell.htm)
- Lazarus, Neil. 2004. *The Cambridge Companion to Postcolonial Literary Studies*. Cambridge ; New York: Cambridge University Press.
- Lopez, Nancy 2012. Grace's story. *Stiletto Newsletter*, 6(1), 2013.
- Muñoz, J. E. (1999). *Disidentifications: Queers of color and the performance of politics*. Minneapolis: University of Minnesota Press.
- Prakash, Gyan. (n.d.) *Body Politic in Colonial India*.
- Roberts, M. (2007). *Why the transgender community hates the HRC*. Retrieved November, 26, 2013, from <http://transgriot.blogspot.com/2007/10/why-transgender-community-hates-hrc.html>
- Said, Edward W. 1978. *Orientalism* (1st ed.). New York: Pantheon Books.
- Serano, Julia. 2007. *Whipping girl : A transsexual woman on sexism and the scapegoating of femininity*. Emeryville, CA: Seal Press.
- Independent Television Service., KQED-TV (Television station : San Francisco, Calif.), & Frameline (Firm) (Producers), and Silverman, Victor, Susan Stryker and Jack Walsh (Directors). (2005, ?)]. *Screaming queens: The riot at compton's cafeteria*. [Video/DVD] San Francisco, CA: Frameline.
- Smith, Linda T. 2012. *Decolonizing methodologies : Research and indigenous peoples* (2nd ed.). London ; New York; New York: Zed Books; Distributed in the USA exclusively by Palgrave Macmillan.
- Smith, Nat and Eric A. Stanley eds. (2011). *Captive Genders : Trans embodiment and the prison industrial complex*. Oakland, CA: AK Press.
- Spade, Dean. 2011. *Normal Life : Administrative violence, critical trans politics, and the limits of law*. Brooklyn, NY: South End Press.
- Spivak, Gayatri C. 1988. Subaltern Studies: Deconstructing historiography. *Selected Subaltern Studies*, , 3.
- Spivak, Gayatri C., Can the Subaltern Speak, and Rosalind C. Morris. 2010. *Can the Subaltern Speak? : Reflections on the history of an idea*. New York: Columbia University Press.
- Copwatch. Statement by Berkeley Copwatch on Feb 12, death of Xavier Christopher Moore. 2013. Retrieved, 2013, from <http://berkeleycopwatch.org/blog/?p=1373>
- Stoler, Ann L. 1995. *Race and the Education of Desire : Foucault's history of sexuality and the colonial order of things*. Durham: Duke University Press.
- Stoler, Ann L. 2010. *Carnal Knowledge and Imperial Power : Race and the intimate in colonial rule*. Berkeley: University of California Press.
- Stryker, Susan. 2008. *Transgender History*. Berkeley, CA: Seal Press : Distributed by Publishers Group West.
- Sycamore, Matilda, ed. 2006. *Nobody Passes : Rejecting the rules of gender and conformity*. Emeryville, CA: Seal Press.
- The National Coalition of Anti-Violence Programs (NCAVP). 2012. *Hate Violence Against Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-affected Communities*. (). 240 W. 35th St., Suite 200 New York, NY 10001: New York City Gay and Lesbian Anti-Violence Project.
- Visweswaran, Kamala. 1996. Small Speeches, Subaltern Gender: Nationalist ideology and its historiography. *Subaltern Studies : Writings on South Asian History and*

*Society*, 9, 83.

Wallerstein, Immanuel M. 2006. *European Universalism : The rhetoric of power*. New York: New Press : Distributed by W.W. Norton.

Zinn, Maxine and Bonnie Dill. 1996. *Theorizing difference from multiracial feminism*. Ann Arbor, MI: MPublishing, University of Michigan Library.

**Emmi Bevensee** is a white (passing), queer, gender-queer, transwoman from San Francisco. She's currently pursuing a MA degree at The School for International Training with a focus in Conflict Transformation. She does research and writing in addition to on the ground allyship and direct action organizing mostly around the intersectionality of race, gender, sexuality, capitalism, colonialism, and the PIC. She's trained in restorative justice and other conflict mediation strategies, has lectured in multiple graduate level classes, spoken on professional panels, and organizes/ facilitates a wide variety of trainings. She's also currently writing a book entitled "The Transgender Subaltern?" which examines subalternity and intersectionality in the lives of transpeople in greater detail. She is available by request for lectures, consultations, and trainings at [emmi.bevensee@mail.sit.edu](mailto:emmi.bevensee@mail.sit.edu).