

Killing Abstractions

Indigenous Women and Black Trans Girls Challenging Media Necropower in White Settler States

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We need, in our political organizing, to be aware of how impoverished our articulated agenda is in comparison with the suffering that we actually experience.

—Frank B. Wilderson III, “We’re trying to destroy the world”

I was first introduced to Cynthia Frances Maas as just another disposable, dead-to-others nonentity. Media described her as a five-foot-two Indigenous woman with a “‘high-risk’ lifestyle” who was reported missing for three weeks before her decomposing body was found in a remote wooded area just off Highway 16—the so-called Highway of Tears in northern British Columbia (B.C.)—where dozens of mostly Indigenous girls and women, living off-reserve, have systemically disappeared and been murdered.¹ Even when there was nothing to link Maas to the sex trade, both the police and journalists publicly identified her solely as a sex trade worker and labeled the area in which her remains were found as a space unequivocally “frequented by sex-trade workers.”² Gladys Radek is an Indigenous activist whose own niece went missing in 2005, prompting her to cofound Walk 4 Justice to draw attention to the dozens of Indigenous girls and women whose bodies have been discovered in the past four decades along the same stretch of the Trans-Canada Highway. She publicly criticized the Royal Canadian Mounted Police’s (RCMP) statement linking Maas’s murder to her work in the sex trade as a form of discursive violence.³ Underscoring the structural devaluation of the lives of Indigenous women who are exposed to “a lot of brutality, a lot of violence,” Radek states, “They [the RCMP] should be treating that woman as a woman first.”⁴

In a statement made later the same day, the Maas family also deplored journalists for highlighting gender and lifestyle descriptions, claiming this

practice “numb[ed] public empathy” and detracted from focusing on the murder of their daughter as well as the many other unsolved cases of missing and murdered girls and women.⁵ Speaking about the measure of societal indifference to the fate of Indigenous women, the Maas family writes, “Murders do not just harm families, but our society is harmed as we forget and are numbed by senseless violence perpetrated against women portrayed as deserving of death.” Because she was a disabled, street-involved Indigenous woman, her family adds, “Cindy . . . was a poster child for vulnerability in society.”⁶ After stating how they would like to see Canada strengthen the human rights of women and craft policies that better protect multiply marginalized Indigenous girls and women, the Maas family closed by thanking the RCMP detachment in Prince George for their diligence and sensitivity. Maas’s aggrieved family deftly refused to spin a normative narrative that ascribing value to the devalued often demands. A politics of respectability would necessitate that they claim their daughter was actually “the girl next door,” thus disavowing other Indigenous women and women of color who worked in the street economy—and struggled with addictions, poverty, and violence—alongside Maas. Her family, however, did not have a viable choice to engage in the politics of respectability to begin with; for those already marked as socially degenerate, there can be no claims of innocence and deservingness.

The same day that the Maas family released their statement, a group of Indigenous feminist activists in Vancouver’s Downtown Eastside continued their boycott of British Columbia’s Missing Women Commission of Inquiry while still honoring the families of women murdered by convicted serial killer Robert Pickton. During the protest, activist Cee Jay Julian announced that Cody Alan Legebokoff, a twenty-one-year-old white man, had been charged with four counts of first-degree murder in the deaths of three women and a legally blind fifteen-year-old girl. Having personally known Maas and two other Northern B.C. women—who all reportedly worked in the sex trade while raising their children—Julian states, “Cynthia Maas was aboriginal, like many of the Highway of Tears victims, like many of Pickton’s victims, and it seems like our deaths aren’t investigated until it’s right in the face of the police.” Journalist Suzanne Fournier represents Julian as emotional, saying she “broke down in angry tears” and “plead[ed] for help at [the] inquiry” before shouting, “When will it stop? Who will stop these men preying on our women?”⁷ Julian’s intervention underscores a reality in which “violence against Indigenous women is a key index to a hollowing out of any Indigenous self-determination in Canada and the United States,

as it poses a loss of integrity to women's and the Indigenous nation's body/social body."⁸

It is in these spaces of death where Achille Mbembe's provocative question takes on new meaning: "But what does it mean to do violence to what is nothing?"⁹ Even as Maas's friends and relations as well as Indigenous feminist antiviolence activists attempt to reclaim her personhood in story-based terms, Maas's life-in-death existence remains nothing more than a mere abstraction, "a killing abstraction."¹⁰ According to Ruth Wilson Gilmore, such practices and processes of abstraction are violent and not in themselves abstract. Gilmore argues that "the process of abstraction that signifies racism produces effects at the most intimately 'sovereign' scale, insofar as particular kinds of bodies, one by one, are materially (if not always visibly) configured by racism into a hierarchy of human and inhuman persons that in sum form the category 'human being.'"¹¹ The violence of abstraction refers to the multiple ways that racialized and gendered Others are made vulnerable to premature death by carceral state violence and settler colonialism, and it references how they are positioned as "permanently criminalized people" who are "ineligible for personhood."¹² As Lisa Marie Cacho explains, groups ineligible for personhood are "subjected to laws but refused the legal means to contest those laws as well as denied both the political legitimacy and moral credibility necessary to question them."¹³

This article focuses on the theoretical interventions and movement building led by Indigenous feminist and race-radical trans and gender-nonconforming girls and women at the forefront of antiviolence movement building in Canada and the United States. Such a transnational critical ethnic studies intervention upholds the tensions and refuses to collapse the radical and revolutionary political traditions and approaches of Indigenous movements for sovereignty and Black race-radical liberatory traditions. This comparative focus helps to not only identify and understand but to create multiple strategies that dismantle media necropower and the racialized gendered violence that it mobilizes and sustains.¹⁴ To this end, I pose the following questions: In the face of such killing abstractions, what positions are actually available from which to critique and contest these necropolitical logics? How can the aggrieved families and communities of missing and murdered Indigenous girls and women in Canada as well as murdered trans and gender-nonconforming Black girls in the United States acknowledge and challenge social death and the mass-mediated necropower that legitimates it?

I argue throughout this article that the answers lie not in a politics of recognition but in a politics of refusal. As activist-scholars, we must refuse

to recuperate social value—the act of ascribing normative social value to one “object” over an “Other”—and repudiate these killing, abstracting practices and criminalizing stereotypes. Over-relying on this strategy of disavowal and vindication—of assigning social value to some and *not*-value to others—reproduces the same problems we mean to resolve. We should instead work to manifest a politics that dismantles the social value that dictates who does and does not matter, and who can and cannot live, let alone survive. In this article, I introduce multiple Indigenous feminist and Black race-radical trans critiques that effectively undermine discourses championing state-sanctioned liberal politics of recognition as the only feasible and pragmatic form of resistance offered to those victimized by hetero-patriarchal, white supremacist state violence. As Glen S. Coulthard argues, “The empowerment that is derived from [a] critically self-affirmative and self-transformative process of desubjectification must be cautiously directed *away* from the assimilative lure of the statist politics of recognition, and in-stead be fashioned toward our own on-the-ground practices of freedom.”¹⁵

Importantly, the politics of refusal are also shaped by each group’s particular relationship to racial slavery and settler colonialism. I advocate for a justice outside the normative neoliberal politics of justice and the mechanisms of the state that are more in line with a politics of refusal that understands on the one hand—in line with an Afro-pessimist approach or intellectual disposition¹⁶—how social death and blackness are fungible and how the “freedom drive that abolishes slavery unsettles both colonial and decolonial forms of sovereign determination”;¹⁷ and on the other, an Indigenous politics of refusal that rejects statist relations of sovereignty in favor of self-determination informed by Indigenous knowledges. While the aims of Indigenous sovereignty movements are to bring about the repatriation of Indigenous lands and resurgence of Indigenous life, the politics of abolition (of racial slavery) that “consists in the affirmation of the unsovereign slave” rejects the restoration of sovereignty and refuses “a politics of resurgence, recovery, or recuperation.”¹⁸ I say all this not to rank oppressions—as “to be anti-black is also to be fundamentally anti-Indigenous”¹⁹—but to trace some of the different positions and approaches that are actually available from which to critique and potentially dismantle necropolitical logics.

In particular, I explore two instances that demonstrate how Indigenous and race-radical Black feminists engage in innovative strategies that intervene in both dominant and oppositional discourses and official and alternative narratives that are complicit in sustaining social death and the “violence

of [social value].”²⁰ Since Indigenous girls and women in Canada and Black trans and gender-nonconforming girls and young women throughout the United States are *differently* marked as “ineligible for personhood”²¹ in both life and in their untimely deaths, the activists and movements I explore grasp the importance of not falling into the well-worn trap of ascribing normative value to those already devalued. I focus on two particular movements that employ outlaw vernacular discourses and media-justice strategies to subvert human and civil rights-based calls that advocate for a state-led missing and murdered Indigenous women’s inquiry in Canada and for the expansion of federal hate-crime protection to include gays, lesbians, bisexuals, transgender, and queer people in the United States. Instead of legitimating calls for legal protection by the carceral state, Indigenous feminists and Black queer feminists are building new antiviolence movements that advance community accountability and transformative justice to prevent the interpersonal, sexual, and state violence that targets nonnormative racialized bodies and, in particular, the disproportionate criminalization, incarceration, and execution of Indigenous girls and women and Black trans youth.²²

Throughout this article, I underscore both the outlaw vernacular discourses and media-justice strategies that have already been deployed in various antiviolence movements driven by Indigenous and Black race-radical, queer, and trans feminists.

OUTLAW VERNACULAR DISCOURSES AS MEDIA-JUSTICE STRATEGY

As Stuart Hall suggests, “Nothing *meaningful* exists outside of discourse.”²³ Outlaw vernacular discourses are produced by marginalized communities; logically incommensurate with broadly accepted, dominant notions of judgment and justice; and have historically been outlawed by the carceral and settler state.²⁴ Ultimately, I am attempting a critical theoretical project that investigates outlaw discourses and utilizes their radically disjunctive and counterintuitive logics to dismember dominant understandings of social justice and value. After studying various forms of outlaw discourses and media-justice strategies, I reflect these judgments back to other activist-scholars to be “used as provocateurs for the social imagination, a way to disrupt existing systems and logics of judgement.”²⁵ My goal is to participate in the process of social transformation, not simply to record its impacts. By drawing attention to and making meaning of outlaw vernacular discourses—no matter how contradictory or ephemeral—that unsettle logics legitimating

the legal elimination and murder of racialized and gendered Others, I am attempting a “critical rhetoric with an attitude.”²⁶ This work is valuable, in large part, because Cynthia Frances Maas—like the many other Indigenous women and Black trans youth who have been rendered ineligible for personhood and marked for social death—was not.

The Indigenous and race-radical feminist activists explored in this article advance radically disjunctive ways of speaking that reject governing logics, therefore privileging discussions about the interlocking forms of interpersonal and state violence in order to create discursive changes that shift overall cultural understandings and political solidarities. For example, a prime example of an outlaw vernacular discourse is when Indigenous feminists argue that Indigenous decolonization is not accountable to white, non-white, immigrant, and postcolonial settlers who are not interested in seeking national liberation outside the nation-state. Challenging the inevitability of settler futurity, Eve Tuck and K. Wayne Yang argue that “decolonization is not accountable to settlers or settler futurity” but is only “accountable to Indigenous sovereignty and futurity.”²⁷ Reenvisioning a politics of solidarity that challenges both the discursive and nondiscursive structures of white-settler power, Tuck and Yang forward a call for an “ethic of incommensurability, which recognizes what is distinct, what is sovereign for project(s) of decolonization in relation to human and civil rights based justice projects.”²⁸ Unable to provide a logic for all peoples and all communities, Indigenous sovereignty movements whose aims are to bring about the repatriation of Indigenous lands and resurgence of Indigenous life are reestablishing themselves as truly self-determining, that is, as the creators of the terms and values of their own recognition. Emerging from the “textual residue of daily life,”²⁹ these outlaw vernacular discourses are produced and circulated in the everyday conversations, community media, activist-scholarship, marches and protests, and sovereignty movements driven by Indigenous outlaws not beholden to a liberal politics of recognition, and they are therefore discourses that, if and when translated into dominant systems of judgment or procedures for litigation, are deemed illegal, illogical, and immoral.

A key movement that brings forth and forwards such outlaw discourses is the media-justice movement—couched within the U.S.-based Black liberation struggle—which has always understood that media access without discursive power is a losing battle in the long-term war for racial justice.³⁰ Media-justice activism led mainly by racialized and criminalized communities aims to build social movements capable of challenging the fundamental roots of media necropower—namely, how the media engage and create

culture, representation, meaning, and structural, symbolic violence.³¹ Such media-justice strategies do not privilege elite media or public-relations strategies at the expense of building the strategic capacity of directly impacted people to communicate with each other in order to push for change that will significantly improve their lives.

A key aim of media-justice movements is to advance particular outlaw vernacular discourses and transfer them to a zone of civic discourse and public knowledge without the outlaw logic becoming silenced, erased, or lost. Media-justice activists and practitioners are keenly aware that “choosing to engage a system in which dominant logics predominate is treacherous for those practicing outlaw logics.”³² As Kent A. Ono and John M. Sloop explain, once the outlaw logic moves out of localized contexts into areas of the general culture, three distinct and overlapping possibilities emerge: “(1) it becomes popularized and hence productively leads to social change, (2) it is disciplined to become part of the dominant discourse and thus loses what is resistant and challenging about it, thus rendering it unable to alter the status quo power relations, or (3) it remains Outlaw, which means it never becomes part of the larger civic discourse and is, in a sense, remarginalized.”³³ Media-justice activists strive to create the conditions conducive for the first option; they work to bring issues of concern to Indigenous communities and communities of color before the public and to encourage and mobilize individuals and organizations that share those concerns, as well as to shift the public and media conversations around racialized and colonized communities and their concerns.³⁴

In addition, media-justice activists understand that to drive discursive change and social transformation necessitates multiple, interconnected strategies as well as acknowledgement of the many positions available inside and outside the master’s house from which to contest and challenge white supremacist, hetero-patriarchal institutions and logics.³⁵ Their work is premised on resisting the belief that getting that one “good” article about a racial justice issue in the *New York Times* will change the hearts and minds of voters and the general public, thus resulting in meaningful social change. Instead of aiming to achieve visibility and recognition for the most vulnerable from the liberal voting public, media-justice activism is premised on building the communicative capacity of movement organizations led by those most directly impacted by carceral state violence in order to create dense activist networks and mobilize mass movements capable of both transgressing the territorial-political boundaries of the nation-state and defending themselves against the threat and promise of state violence.

I dedicate the next two sections to highlighting particular outlaw vernacular discourses and media-justice strategies that find “a way out of the violence of value”³⁶ and conscientiously work against dominant logics of recognition, rights, and respectability. As Eric Stanley argues, “For national violence to have value it must be produced through the tangled exclusion of bodies whose death is valueless.”³⁷ By highlighting outlaw vernacular discourses that challenge the symbolic and literal extermination of “valueless” Indigenous women and Black trans youth, I am privileging the politics that emerges from the spaces of social death in white-settler and carceral states. As Sharon Holland observes, “You can tell the strength of a nation by the way it treats its poor; today, one can also ascertain this relative strength by examining the way a nation treats its dead.”³⁸ It is precisely because these outlaws and outlaw discourses emerge from spaces where state violence is not only a threat but a promise that they are the least beholden to the nation-state and can best articulate outlaw ways of knowing and decolonial praxis.

DISMEMBERING VALUE: AGAINST A POLITICS OF RESPECTABILITY

A paradigm that relies on individualized victimization and injury is rendered legible only if the violated subject—if they are even recognized as a victim—is deemed respectable or symbolic of settler societies’ standards of normalcy. Such a politics of respectability and deservingness broadly describes how dominant groups secure their position of dominance through the margins. As Mary Louise Fellows and Sherene Razack argue, “How groups on the margins are positioned in relation to one another on the dis-respectable, or more aptly, the degenerate side of the divide, is of central importance to understanding how the dominant group produces and sustains feelings of innocence for itself and groups on the margins.”³⁹ Dynamics of social value and deservingness determine which queer and trans murder victims become icons in the battle for antidiscrimination and hate-crime legislation in the United States. The names of white victims and the struggles for healing and justice on the part of their aggrieved friends and family are in greater circulation than those of victims of color through media and nonprofit channels, even though people of color are killed at higher rates. Islan Nettles—a young Black trans woman killed in Harlem in August 2013—was one of twelve African American trans people to be murdered during the 2012–13 Transgender Day of Remembrance cycle.⁴⁰ Unlike Sanesha Stewart, Amanda Milan, Marsha P. Johnson, Duanna Johnson, and Ruby Ordeñana, who are just a few of the Black and Latina trans women

whose murders have been mourned by local communities but mostly ignored by media, large nonprofits, and lawmakers, the significance of Nettles's murder is actively being contested at local and national levels. While usually reserved for white queer and trans victims, both mainstream media and legal advocates are struggling to portray the assimilable characteristics of this young Black trans woman in order to emphasize their deserving nature and their ability to be named in hate-crime and antidiscrimination legislation. As Dean Spade points out, the inclusion focus of antidiscrimination law and hate-crime law campaigns "relies on a strategy of simile, essentially arguing 'we are just like you; we do not deserve this different treatment because of this one characteristic.'" ⁴¹ Black trans activists and other trans activists challenge the reductionist quests for inclusion and visibility that erase all elements of Nettles's identity—her blackness, her youth, her poverty, her gentrifying neighborhood—except for her gendered self-presentation, in order to read the tragedy of her death as a hate crime, as if the crime was, in fact, the sole injury. The outlaw vernacular discourses that emerge among many engaged in queer and trans resistance also reject how Islan has been used as a poster child by journalists, legislators, and even members of their own kin to expand police surveillance in racially marginalized communities and to bolster the passage of criminal punishment-enhancing laws that purportedly address transphobic violence. Instead of rendering Nettles's life and death palatable and legible to representatives of the carceral state, outlaws and their discourses sought to lovingly remember Nettles by dismembering social value and replacing a politics of respectability with "a politics of deviance." ⁴² Instead of repudiating nonnormative ways of being, Cathy Cohen argues that a politics of deviance would read nonnormative practices as forms of "definitional power" that have the potential to force us to radically rethink how value is defined, (mal)distributed, and withheld. ⁴³

A suspect in Nettles's murder, twenty-year-old Paris Wilson—a "rising senior at Buffalo State University" who wouldn't "let up on Nettles, issuing blow after blow even after she hit her head on the pavement" ⁴⁴—was arrested on assault charges, but the case against him was later dismissed. So far, no one has been charged with Nettles's murder, which followed a spate of local antigay hate crimes and has been dubbed the "last flail of the homophobes" in New York City. ⁴⁵ In the liberal framing of both mainstream and alternative media, Nettles emerges solely as a victim of Paris Wilson's alleged hatred and disgust toward trans women. This normalizing register, which is incapable of forwarding an intersectional analysis, equates Nettles's injury with that of other cisgender gays and lesbians who are vulnerable to

hate violence by “bigoted thugs” like Wilson.⁴⁶ Couching Nettles’s murder, which took place in “the more menacing stretches of Harlem,” alongside the well-publicized murder of Mark Carson in Greenwich Village, “a normally peaceful and progressive part of Manhattan,”⁴⁷ functions to effectively bracket their shared blackness—as if gendered and sexualized violence is not also racialized—and to portray them as two of many LGBTQ murder victims rather than exceptional cases that implicate larger structural inequalities specifically targeting Black female, trans, and queer bodies. In this liberal framing, gentrifying neighborhoods signal proximity to tolerance, openness, and safety for LGBTQ people of color, instead of increased intolerance for perceived gender transgressions and open displays of non-hegemonic sexuality in what could be argued are the much-less-tolerant, now-gentrified Greenwich Village and currently gentrifying East Harlem.

In 2006 four working-class, young, Black self-identified lesbians, Venice Brown, Terrain Dandridge, Patreese Johnson, and Renata Hill, dared walk through the increasingly white and middle-class neighborhood of Greenwich Village and were violently targeted. For their nonlethal efforts to defend themselves against an overtly sexual and homophobic attack, the “New Jersey 4” was convicted by an all-white female jury and received sentences ranging from three and a half to eleven years in prison. Like these other queer Black women, Nettles’s race, class, and nonnormative gender appearance, as well as her transgression of the boundaries of newly gentrified neighborhoods, rendered her undeserving of “the protection of a prison nation.”⁴⁸ Couched in white supremacy, gentrification is in itself a systemic, intentional process of uprooting and displacing already marginalized working-class queer and trans communities of color. In both dominant and vernacular civic discourses circulating in protests and media in the wake of Nettles’s murder, very little attention has been given to these larger structural inequalities that would enable a more holistic representation of the social implications of both Nettles’s life and death. Nettles is effectively reduced to a slain, parenthetically poor and Black, trans body whose agency is realized through the state recognizing her as just another individual victim of a hate crime.

Discourses about the death of queer and trans of color youth are material practices that help affirm what bodies do, and do not, count. On January 30, 2014, a group of trans women of color representing the Trans Women of Color Collective (TWOCC) of Greater New York and their allies gathered outside the New York City Police Department headquarters to protest what they felt was an unsatisfactory investigation and prosecution after Nettles’s

murder. These are some of the voices of TWOCC activists, excerpted from a transcript of the rally, that both reproduce and challenge dominant logics of social value. While reading the following excerpts, I cannot help but think through how these activists navigate the perils of being “‘always already’ pulled into governing logics in order to take part in the conversation”:⁴⁹

DANIELLA CARTER: I’m living in New York City. And I’m as educated, and I’m as political, I’m as human—you know, because we’re dehumanizing the trans community. And this is a prime example of dehumanizing someone and their rights.

LOURDES ASHLEY HUNTER: With Islan Nettles, she was beaten until she could move no more, outside of a police station. She was in a crux of three different police stations in a gentrified neighborhood of Harlem where 10 different cameras are not working. This goes beyond just brutality and discrimination and against trans folks. What about the safety of all New Yorkers? How could it be in the middle of Harlem and cameras don’t work? This could happen to anyone. If it happened to a white woman, would we be standing out here right here in the freezing cold fighting for justice six months later? There is a target on the backs of trans women of color!

MADISON ST. SINCLAIR: He was arrested, but he wasn’t charged. And I sat with his mom, who is actually right there, Islan’s mom, in court to listen to them sort of just destroy her as a person. It was disgusting. And she was the victim.

LOURDES ASHLEY HUNTER: Unacceptable. We are tired. We are tired of waiting by lesbian and gay folk to champion their policies and what they’re interested in. Marriage doesn’t impact us. We’re tired of being pushed away and discriminated against in housing, access to jobs, education. And we’ve had enough. And even with this particular murder, you know what I’m saying? This is continual. This is not something new. This is indicative of NYPD. This is indicative of politics in New York City.

MADISON ST. SINCLAIR: Trans people are no longer a marginalized community. We’re no longer a disenfranchised community. We’re doctors. We’re lawyers. We’re taxpayers. And we demand and deserve the exact same rights as everyone else. We’re not asking for special rights; we’re asking for human rights. And so, it’s disgusting that this happens now. It’s constantly happening. People are being killed all the time, and no one is being charged for it.⁵⁰

Not only do these Black trans members of TWOCC daily act in opposition to dominant norms, but they also contradict members of established, middle-class queer and Black communities who are committed to mirroring perceived respectable behaviors and hierarchical structures. Upon first reading, Madison St. Sinclair and Daniella Carter appear to be also mirroring and championing a politics of respectability. Carter's plea to be recognized as worthy of consideration—"I'm as educated, and I'm as political, I'm as human"—presumably by the so-called respectable strata of New York City society, conforms to liberal understandings of what constitutes legitimate politics. Both trans women root their analysis in a logic of visibility and inclusion; both highlight the exceptionalism of tax-paying trans people with high-level professional jobs and, by extension, uncomplicated—not illegal, not criminal, not deviant, not immoral—status. In no way is my analysis here meant to negate the struggle of those with little access to dominant power, who are attempting to secure such human necessities as autonomy, recognition, bodily integrity, and a meaningful life. Such attempts at claiming respectability and assimilation, however, imply that trans communities of color deserve social resources, political rights, and professional employment because they, too, are just like everyone else who subscribes to the normative values of the neoliberal, carceral state. As Lisa Cacho reminds us, "Claims to empowerment through deviant and defiant behavior urgently unsettle the stubborn relationship between value and normativity, but they cannot always offer something more."⁵¹

For St. Sinclair, justice for Nettles and other trans women of color will be realized through the criminal legal and punishment systems. St. Sinclair focuses her disgust on Paris Wilson's arrest and subsequent release and the misrepresentation of Nettles as assailant and not victim in the courtroom. While St. Sinclair is not directly advocating for hate-crime laws, the constant violence against trans women she wants to target is that violence carried out by purportedly aberrant individuals who are motivated by bias and transphobia. Advocating for criminal-punishment-enhancing laws serves to strengthen and expand the criminal punishment system, a system that targets the very same people hate-crime laws are supposed to protect. In the context of hyper- and mass-incarceration and rapid prison growth targeting historically marginalized communities, what is sacrificed by relying on criminal legal and punishment systems to purportedly address violence against these groups? Given how mainstream cisgender lesbian and gay rights work has aligned itself with the neoliberal law-and-order agenda,⁵² it is not all that surprising that St. Sinclair would repeat dominant logics

and “neoliberal reframing of discrimination and violence that have drastically shifted and undermined strategies of resistance to economic exploitation and state violence,” which collude “in the harm and violence faced every day by queer and trans people struggling against racism, ableism, xenophobia, transphobia, homophobia, and poverty.”⁵³ St. Sinclair’s deviant presence as a member of a collective of trans women of color at a rally protesting the lack of police accountability and the criminalization of Nettles in both the courtroom and the court of public opinion does, however, translate into open defiance of the carceral state. As Ono and Sloop remind us, “dominant vernacular discourses . . . can work defensively even as they are resistant; they often respond to arguments on the playing field of dominant logic, staying within the logic of litigation.”⁵⁴

Lourdes Ashley Hunter performs an outlaw stance that does not over-rely on securing respectability at the hands of the state or from the mainstream cisgender gay and lesbian political establishment. While Nettles’s murder has renewed calls from liberal lawmakers to pass the Gender Expression Non-Discrimination Act (GENDA)—a bill that would outlaw discrimination in New York State based on gender identity or expression and would expand the state’s hate-crime law to explicitly include crimes against transgender people⁵⁵—Hunter condemns Nettles’s murder as an act of racialized and gendered violence exacerbated by enforcement and administrative violence. Instead of reaffirming the central language of GENDA, Hunter critiques the implicit good of gentrification, increased police surveillance, and movements that fight for gay and lesbian marriage rights to the exclusion of addressing the root causes of queer and trans premature death. As Dean Spade argues, “The paths to equality laid out by the ‘successful’ lesbian and gay rights model to which we [trans people] are assumed to aspire have little to offer us in terms of concrete change to our life chances; what they offer instead is the legitimization and expansion of systems that are killing us.”⁵⁶ Hunter furthers a critical trans politics by raising demands that exceed visibility, inclusion, and recognition. Her oft-repeated phrase “We are tired. We’ve had enough” reminds us that people often come to political work through their own immediate experiences and intimate knowledge of harm and need; the bottom-up mobilization of TWOCC and other organizations led by trans people of color, like New York City’s Fabulous Independent Educated Radicals for Community Empowerment (FIERCE!) led by queer and trans youth of color, is evidence of this truism. The outlaw discourses articulated by Hunter suggest that those in power have produced an atmosphere of transphobic and racist intolerance that has magnified the

vulnerability of the living. Hunter also recognizes the central role of racism in determining which bodies are designated as more important and worth saving by a racist and transphobic NYPD (“If it happened to a white woman, would we be standing out here right here in the freezing cold fighting for justice six months later?”). Instead of advancing a politics of respectability palatable to the new liberal NYC political establishment, Hunter’s discourse here tends toward survival, not legal recognition, and serves as the basis for a mobilized politics of deviance “where not only oppositional ideas and discourse happen, but lived opposition, or at least autonomy, is chosen daily.”⁵⁷

Hunter’s intervention works as an outlaw discourse and radical media-justice strategy precisely because she is not directing her analysis or energy toward educating the mainstream press, city hall, or organizers beholden to assimilationist or respectable politics; she is speaking directly to those “sisters” who intimately understand how their own identities impact their survival and what it means to live in the margins, to have their lived experiences challenged. Her statements ultimately fail, however, as an outlaw or renegade discourse. Hunter decries “10 different” inoperable police surveillance cameras that should have been functioning in order to ostensibly capture the murder of Nettles. While noting the hypersurveillance and overpolicing of Black-bodies-as-criminals (versus the hyperinvisibility of Black-bodies-as-victims), Hunter proceeds to reinforce dominant notions of safety, the state, and justice: “What about the safety of all New Yorkers? How could it be in the middle of Harlem and cameras don’t work? This could happen to anyone.” First, while interlocking forms of interpersonal and state violence could happen to *anyone*, this violence is targeting *in particular* low-income trans and queer girls and women of color. Second, Hunter inadvertently reinforces carceral state logics by calling on more effective state-driven surveillance mechanisms in gentrifying communities of color. A growing body of activist-scholarship in race-radical, trans, and queer critical prison studies argues that the police and representatives of the prison-industrial complex are the single largest perpetrators of antitrans, anti-gender-nonconforming, and antiqueer violence.⁵⁸ How do we reconceptualize safety in ways that address harm against us while resisting carceral build-up (the antithesis of trans and queer safety) as a solution? Christina Hanhardt addresses why individualized notions of protection, safety, and by extension safe space need to be critiqued even within our most radical and revolutionary movements:

I, too, am not convinced that safety or safe space in their most popular usages can or even should exist. Safety is commonly imagined as a condition of no

challenge or stakes, a state of being that might be best described as protectionist (or, perhaps, isolationist). . . . The quest for safety that is collective rather than individualized requires an analysis of who or what constitutes a threat and why, and a recognition that those forces maintain their might by being in flux. And among the most transformative visions are those driven less by a fixed goal of safety than by . . . freedom.⁵⁹

The critique of what is lost when we support the weaponization of safety and other carceral logics is not meant to challenge the authenticity and realness of Hunter's voice, especially when all the voices of TWOCC discussed above violate certain claims and codes of racial innocence, ideological purity, middle-class respectability, and the logics of civility. Given the power of dominant voices and discourses, I, too, do not presume that I will always think, act, and speak non-oppressively. I admit to these imperfections in order to tangibly demonstrate how fraught, messy, contradictory, and violent a process it is to move from wanting to see Paris Wilson murdered by an avenging Black trans angel or incarcerated for life by the state to wanting to collectively organize to achieve a "freedom from violence." Sometimes the only way to conjure this freedom is to confront one's own complicity in structures of domination, to admit that despite our best individual efforts to further a prison abolitionist stance the "cops *are* in our heads and hearts."⁶⁰ Such contradictory discourses help to reveal the disjunctive processes in which I, a queer Chicana and survivor of both sexual and state violence, and other Indigenous feminist and Black race-radical and trans women of color have reassessed facile, axiomatic assumptions that posit us merely as vulnerable victims—and not agents—of gendered, racialized, and carceral state violence.

Complex discourses like those heard at TWOCC's rally both simultaneously reinforce and chafe against the "politrix of civility and respectability" and attempt "to re-member the Other by dismembering value,"⁶¹ thereby "ensuring that no one rewrote the life that *she* [Nettles] brilliantly lived."⁶² The primary argument of each of these living narratives is that the human rights of trans girls and women of color outweigh and trump governmental legislative rights. The very question of rights granted by the state—while not misplaced—is shaken up by their logics; these Black trans activists are not arguing for human rights as envisioned by Western humanism and universalism, which have historically privileged "free" white men and women, but for a critical trans politics that calls for collective *self*-recognition and a "turning away" from the carceral state. As bell hooks argues, we need to

stop being so preoccupied with looking “to that Other for recognition”; instead, we should be “recognizing ourselves and [then seeking to] make contact with all who would engage us in a constructive manner.”⁶³ Outlaw discourses that make contact within and across radical movements work as politically savvy media-justice strategies that build, strengthen, and sustain mass movements not privy to or reliant upon visibility, hand-outs, or recognition from liberal movements that exclude the most deviant while propping up the carceral state. This critical outlaw politics is part of a larger framework of resistance that must grapple with the complex, interlocking relationship between interpersonal, sexual, and state violence, and the co-optation of social movements through legal reform and the institutionalization of resistance.

OUTLAWS DISMANTLING THE STATE: AGAINST A POLITICS OF RECOGNITION

While the interpellation of Islan Nettles as a murdered trans woman by the carceral state and mainstream press has been viewed as a triumphant outcome by mainstream LGBTQ organizations that identify the hate crime as the sole injury, race-radical trans activists and their allies argue that hate-crime laws legitimate and expand the very administrative and enforcement systems that are killing the most marginalized among us. As many radical queer and trans activists have demonstrated, trans people of color are disproportionately harmed by police brutality, administrative systems, and mass incarceration.⁶⁴ Given the reality of carceral state violence, the significance of Nettles’s experience of discrimination and violent death being mediated through the law, mainstream LGBTQ politics, and dominant media cannot be overstated. As Eric Stanley argues:

Yet even with the horrific details, antiqueer violence is written as an outlaw practice, a random event, and an unexpected tragedy. Dominant culture’s necessity to disappear the enormity of antiqueer violence seems unsurprising. Yet I suggest that mainstream LGBT discourse also works in depoliticized collusion with the erasure of a structural recognition. Through this privatization the enormity of antiqueer violence is vanished.⁶⁵

The belief that being named in this way—as a victim of individual, random violence—has to be critically reexamined. An additional case of outlaw discourses emerging in the wake of interpersonal and state violence targeting

Indigenous girls and women challenge the settler, carceral state by refusing such naming premised on recognition, visibility, and inclusion. Instead of turning toward the carceral state for answers on how to dismantle heteropatriarchal, racialized violence, they consciously turn *away* from it—privileging instead the lure of belonging to a community dedicated to individual and collective *self*-recognition (as opposed to *state* recognition).

Like race-radical Black trans feminists, Indigenous feminism centers antiracist and anticolonial praxis within its antiviolence organizing and challenges the heteronormative and patriarchal nation-state. As Sarah Deer argues, Indigenous feminists and survivors of sexual violence have long been at the forefront of the development of contemporary tribal remedies for rape that incorporate “a unique indigenous vision for justice . . . that transcends both the male-dominated adversarial model of justice and the male-dominated peacemaking model.”⁶⁶ Currently, numerous Indigenous feminist organizations led by Indigenous girls and women have been challenging calls for a Canadian-based national inquiry on missing and murdered Indigenous women. Instead of conveniently sidestepping outlaw logics and discourses that resist state intervention and litigation out of respect for the other family members of murdered women who wish to engage the state, radical Indigenous community organizers foster a politics of Indigenous resurgence to respond to racialized, gendered, sexualized, and carceral state violence. Indigenous renaissance and resurgence is about reclaiming Indigenous contexts (knowledge, interpretations, values, ethics, processes) for their own political cultures and refocusing Indigenous-led organizing work “from trying to transform the colonial outside into a flourishing of the *Indigenous* inside.”⁶⁷ As Indigenous activist-scholar Leanne Betasamosake Simpson further elaborates:

We need to rebuild our culturally inherent philosophical contexts for governance, education, healthcare, and economy. We need to be able to articulate in a clear manner our visions for the future, for living as *Indigenous Peoples* in contemporary times. To do so, we need to engage in *Indigenous* processes, since according to our traditions, the processes of engagement highly influence the outcome of the engagement itself. We need to do this on our own terms, without the sanction, permission, or engagement of the state, western theory or the opinions of Canadians.⁶⁸

Grassroots, volunteer-led, local, and transnational groups, like Families of Sisters in Spirit (FSIS), No More Silence (NMS), and the Native Youth Sexual

Health Network (NYSHN), embrace this politics of Indigenous resurgence and are interested in nurturing self-determined and community-led responses to racialized gendered violence targeting Indigenous girls and women rather than relying on the Canadian nation-state and further engaging with and appealing to state institutions and government bodies. In their joint statement, which lays the groundwork to support the resurgence of community-based responses to violence, these three Indigenous-led organizations name specific forms of state violence and identify the harms of going through “the proper channels” of state-led interventions—from providing testimonies to British Columbia’s Missing Women Commission of Inquiry to making recommendations to the United Nations Committee for the Elimination of Discrimination against Women (CEDAW).⁶⁹ For these organizations, heightened calls for a national inquiry into the phenomenon of missing and murdered Indigenous women in the wake of the disappearance and murder of Loretta Saunders, a pregnant young Inuk graduate student who was writing her thesis on the murders of three Nova Scotia Indigenous women, is a waste of time.⁷⁰

More than a waste of time, however, an inquiry, as Robyn Bourgeois argues, “allows the Canadian state to *appear* that it is doing something about violence against women *without ever having to actually do anything*.”⁷¹ Establishing an inquiry or special committee to examine an issue that has successfully been defined in mainstream media and civic fora as a social problem has historically been a common strategy by the state to silence the voices of opposition. After warning other Indigenous women who are advocating for the inquiry about how the “colonial government can, and will, define, dictate, and decide the purpose, mandate, process, and outcome of that inquiry,” Andrea Landry deploys an outlaw discourse that delegitimizes an inquiry “established by a structure meant to murder, rape, and annihilate the Indigenous self.”⁷² Landry writes:

Inquiries . . . only establish the facts of this crisis in our communities. Guess what? We know those facts, stories, stats, rates and names. We, as Indigenous women, are the facts, we are the stories, the stats, rates, and names. . . . If the colonial government were to put the dollars in to “fix” an issue that they continuously create and justify, and if we were to agree to work together, we would be shaking hands with and embodying the oppressor. This destructive relationship would . . . attempt to disregard and void the grassroots work occurring in our communities to define our own solutions. We are

holding on so tightly to a line cast set out by the colonial government to be our saviors in establishing an inquiry that this line is digging deep into our hands and into our spirits, spilling more blood.”⁷³

Landry powerfully equates Indigenous women’s falling prey to the “assimilative lure of the statist politics of recognition”⁷⁴ in the form of a national inquiry to that of the visceral pain induced by internalized oppression and violent victimization at the hands of the white settler state. While nothing can be gained from engaging in a liberal politics of recognition, inclusion, and visibility—for Indigenous women, in particular—everything can be lost. The state’s inability to meaningfully address violence against Indigenous girls and women is not simply about a lack of political will but is demonstrative of the critical investment the state has in perpetuating dominant systems of hetero-patriarchy, racism, and colonialism. As Sarah Deer states, “Depending on an outside government, especially a government established and created by the colonizers (the historical perpetrators of rape), is not the solution to violent crimes committed upon Native women.”⁷⁵ And as the joint statement authored by FSIS, NMS, and NYSHN argues, “As much of the violence we face as communities, nations, and families stems from colonial nation-states like Canada and the US and the laws themselves.”⁷⁶

Instead of engaging with carceral and settler states, these radical Indigenous feminists are “call[ing] attention back to ourselves; we have the answers and solutions . . . we always have.”⁷⁷ The solutions in which communities are already actively engaged range from Indigenous resurgence, teach-ins and critical education, media-arts justice, “Native woman-centered model[s] of adjudication,”⁷⁸ community accountability and transformative justice, supporting Indigenous people in the sex trades and street economies, centering Indigenous youth leadership and intergenerational organizing, and Annual February 14th Memorial Marches for Missing and Murdered Women,⁷⁹ to the “countless acts of hidden resistance and kitchen table resistance aimed at ensuring their children and grandchildren could live as *Indigenous* Peoples.”⁸⁰ In the meantime, we can delight in the outlaws and their outlaw discourses that manifest themselves at the most perfect of times, such as at the beginning of Commissioner Wally Oppal’s statement at the public release of the final report of the Missing Women Commission of Inquiry in Vancouver, British Columbia. As Oppal began to speak about some particulars of his report—in which he emphatically repeated words like “forsaken women,” “nobodies,” “abandoned women,” “marginalized women,” “drug sick women,”

“sex trade workers,” “poor women,” “Aboriginal women,” “missing and murdered women”—he was interrupted by drums and singing. This was the Women’s Warrior Song, gifted to an Indigenous woman who asked for a song for the missing women during a ceremony. Sung to the beat of a traditional Aboriginal hand drum, the Women’s Warrior Song has become an anthem of courage and strength for those demanding justice for the missing women.⁸¹ By disrupting the proceedings, these singers and drummers did not just demand space within this “official” event for the voices of marginalized women; as outlaws, they refused to recognize the state’s legitimacy, submit to the dominant logic by which it operates, or abandon their more-than-five-hundred-year “war of position” fought against colonization.

CONCLUSION: STRUGGLING AGAINST ALL ODDS

As Lisa Cacho argues, “Without the expectation of rights and recognition, we start from the reality of social death rather than the promise of a better life.”⁸² The space of social death is a hopeless space but one that is also conducive to producing outlaw vernacular logics and deviant ways of knowing—a space “always graced with hope, courage, and/or youthful idealism, where those who decide to take responsibility for the unprotected are always looking for and stepping on the pressure points that can barely manage the contradictions that their very presence, their very being inspires.”⁸³ The outlaw discourses and actions mobilized by Indigenous and trans Black girls and women—the unprotected and socially dead—who are overwhelmingly the targets of interpersonal, sexual, and carceral state violence in white settler societies are direct responses to their subjection, devaluation, and ineligibility for personhood. When one has nothing left to lose, the fear of failure loses its power to keep one in line. Instead of toeing the line of dominant logics of governmentality, the outlaw discourses advanced by aggrieved friends, family, and community members who have lost yet another mother, daughter, sister, friend, and lover to state-sanctioned racialized and gendered violence articulate a politics that rejects the violence of social value and deservingness. Regardless of the ephemerality, desperateness, and contradictory nature of the outlaw discourses explored here, they draw upon a well-informed worldview—an Afro-pessimist approach—that intimately understands that victory against a world in which “black life is *lived* in social *death*”⁸⁴ is not rooted to winning but to struggling despite guaranteed failure. As Fred Moten has argued about what Saidiya Hartman terms the “afterlife of slavery,” “objects can and do resist.”⁸⁵

The outlaws who deploy media-justice strategies to counter media necropower acknowledge that there is no clear “winner” in the hypermedia environment except for the interests of white supremacy, the carceral state, and transnational capital. Instead of claiming that they do not reproduce the logic of dominant culture, some who advance outlaw discourses presume that they are complicit in the structures of white supremacy, settler colonialism, and hetero-patriarchy even while attempting to resist them. Advanced by outlaws and deviants working to carve out alternative meaning in the spaces of social death, we must take failure for granted without equating failure with defeat. Because revolutions are necessarily long discursive and ideological struggles,⁸⁶ we must actively seek out, listen for, speak aloud, and be transformed by those radically contradictory and disjunctive ways of thinking and being born in the fertile spaces of social death.

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