

“THE QUEER QUEERS”: RETURNING TO THE RADICAL ROOTS OF
QUEER LIBERATION THROUGH PRISON ABOLITION

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DISSERTATION ABSTRACT

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As a phenomenological inquiry, this project is first and foremost concerned with human experiences of incarceration, queerness, and the lifeworlds that grow up in the overlay. I extend Kendall Thomas’ contention that antisodomy laws legitimize homophobic violence to say that even after their renunciation, antiqueer laws have a resonant effect and continue to legitimize antiqueer violence. Through the narrative of Jason Lydon, Black and Pink’s founder, this dissertation seeks to understand the worldmaking project of Black and Pink. Black and Pink produces an interstitial politics, growing up through the cracks between the criminal justice movement, which fails to engage queers in their fight for carceral justice, and the mainstream LGBTQ movement, which neglects queer prisoners in their fight for queer liberation. Through letter correspondence and a newspaper publication, Black and Pink members inside and outside of prison connect with each other, forging *survival relationships* and *survival community*, to respond to threats to queer survival. In a society that assumes state punitive mechanisms as necessary, Black and Pink offers a different path toward survival. Through joining concepts of Dean Spade’s mutual aid and adrienne maree brown’s emergent strategy, and employing them as social movement theory, I demonstrate how the intimate bonds between Black and Pink members cultivate *connective action*. Black and Pink is a complex organization working to confront carceral

antiqueer violence on the micro, mezzo, and macro levels. Black and Pink produces a “fugitive” knowledge that serves as empirical evidence implicating the state as a major thread to queer survival. The stories authored by queer prisoners reveal that systems-based approaches for mitigating harm and violence not only fail to do so, but are exploited and produce altogether new antiqueer violence. When we name the violence of prisons as state-sanctioned homophobia and transphobia, it becomes imperative for queer movements to recognize that it does not make sense to seek remedy from these institutions that are themselves foundries of queer violence. Ultimately, I understand Black and Pink as a project of survival which arrives at abolition through an embodied course.

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CHAPTER I

INTRODUCTION: “NO KID, THERE’S A SPECIAL HOMO BIN FOR PEOPLE LIKE YOU”

We (gay and trans prisoners) are not second, but third class citizens. Is it acceptable for us to be harmed by staff and inmates, laughed at and treated disrespectfully, and it seems as if we have no real recourse. In many cases even our GLBTQ brethren and sistren on the outside don’t even recognize us.
—Black and Pink inside member

The animosity shown to [queer] prisoners and the attempt to make them invisible goes well beyond the prison walls and out into society, where they are acceptable forms of stereotypical prison jokes, but not as human beings with rights.
—Kevin Weaver

In 2003, Jason Lydon did six months in four Georgia county jails and a Massachusetts federal prison. Lydon speaks of his time inside as fundamental to shifting his views on the movements that support prisoners. But his entry into prison activism did not start there. At sixteen, Lydon participated in a conference in Massachusetts. The conference was full of mostly white, middle class, suburban teenagers. During the conference they wrote letters to Mumia Abu Jamal and the MOVE 9, a resistance community persecuted by law enforcement and subsequently incarcerated for decades. The conference challenged attendees to confront complex racial realities like the impacts of racist policing practices and the ways that Black people are pushed into incarceration under the guise of safety for white people. Lydon worked to understand the ways that

they (white people and white youth) were being used as justification for the incarceration of Black people deemed “dangerous.” This was Lydon’s introduction to prison justice.

A few years later, Lydon, as a sophomore in college, was among ten thousand people gathered in opposition of the School of the Americas (SOA), a U.S. Department of Defense Institute on the Fort Benning military base in Columbus, Georgia. Protestors characterized SOA as a military institute that trains torturers and dictators and enables massacres throughout Latin America. As of 2019, SOA had trained more than 83,000 Latin American security forces. On November 16, 1989, members of the Atlacatl Battalion, a unit of the Salvadoran Army, brutally murdered six Jesuit priests, their housekeeper, and her teenage daughter on the campus of Universidad Centroamericana (UCA) in the capital city of El Salvador. Nineteen of the twenty-six soldiers involved in the UCA massacre were trained at SOA. On the one-year anniversary of the massacre, ten resisters marched onto Fort Benning and threw blood on SOA’s walls and a “Hall of Fame” gallery of photographs of SOA graduates in protest of SOA’s complicity with human rights atrocities its graduates carried out. People have continued to gather every November near the Alabama-Georgia border where Fort Benning is located to protest SOA.

This particular protest (November 2002) was the second Lydon had participated in at Fort Benning. He was one of 86 protesters that were arrested for trespassing on federal property, an act of civil disobedience. Lydon describes his involvement in the movement against the SOA as an extension of the militant pacifism of his teenage years. Deeply committed to nonviolence, Lydon believed he was a more spiritually righteous person because of his refusal to use physical violence against others. For Lydon, this is

rooted in his history of being bullied and experiencing a lot of physical violence at school throughout his childhood and teenage years. Lydon's parents were both influential on his investment in nonviolence, raising him on stories of Dr. King and examples of nonviolent activism like joining the boycott movement against Nestle in the 1980's as a United Methodist Church member.

In a statement during his trial, Lydon called the judge a bully and recounted his own experiences of violence as a young queer person. For Lydon, his involvement in demanding an end to the imperialist violence of the U.S. military was explicitly tied to his understanding of himself as a queer person and queerness as requiring solidarity across all movements. Lydon's statement mentioned a common trope in prison activism and criminal justice system reform where the injustice of prison is located in the ways they affect nonviolent offenders. Lydon stated, "I dream of a country that takes responsibility for its actions, I dream of a country where people are truly free to express dissent and our prisons are not filled with nonviolent offenders" (Skinner 2003). Invoking Dr. King as a Georgian, as a pacifist, and as someone who taught many lessons through his actions, Lydon strategically employed King's understanding of nonviolence where one must break an illegitimate law in order to highlight the sanctity of law (King 1964). Lydon already identified as an anarchist, as such, the sanctity of law was not actually something that exactly fit his own understanding of justice; however, he knew the difference between what he personally believed and what strategically met the needs of a particular political moment.

Lydon's understanding of prison injustice at the time was entrenched in the belief that nonviolent offenders were more deserving of freedom. If not more deserving, it is at

least easier to advocate for their freedom. This belief was quickly turned on its head once Lydon was behind prison walls. There, he met people convicted of violent offenses, people who were not claiming they didn't do what they were accused of. He grew to care about and love them, he wanted good things for them. Lydon says, "I went into prison a militant pacifist and I left a supporter of violent revolution" (Personal interview 2020, Dec. 14). Lydon was given the maximum penalty of six months in prison and transferred to Muscogee County Jail to begin his sentence. When he got there, Lydon asked if he'd be put in with any of his co-defendants. The guard escorting him responded, "No kid, there's a special Homo bin for people like you" (Lydon n.d., 6). The homo bin was a queer segregated cell with about two dozen queer prisoners, mostly Black gay men and transwomen. All but about three prisoners in the homo bin were HIV-positive.¹

One woman, who went by the name Miss Knockout, self-described as the "head queen on the block" oversaw all of the happenings of the unit (Lydon n.d., 6). She gave permission to which of the unit's prisoners could share cells. She had a sort of authoritarian way of running things, but she also cared about the people on the block. In a zine titled *Prisons and Closets*, Lydon writes, "[t]his segregated cell was created, supposedly, for our protection," but "[t]he guards used our Homo bin as the outlet for their ignorance. On Tuesdays when we got clothing changes we were forced to give our clothes up in the day room without getting any new ones until afterwards, leaving Miss Michelle blushing and uncomfortably covering her genitals" (Lydon n.d., 6). In their unit, a prison nurse extorted sex for HIV medication. Lydon remembers, the nurse "would

¹ Lydon was one of three or so people that were not HIV positive and one of three or so white people (Personal Interview 2020, Dec. 14).

come in and be like, ‘I’ll give HIV meds to people, but somebody’s got to suck me off before I do that. So [Miss Knockout] was the one who kind of figured out who would do it, or she would, or taking turns” (Personal Interview 2020, Dec. 14). She would negotiate, doing what she had to do, to make sure people on the block got the medications they needed. This design, segregating queer prisoners for their protection, is a fraught one, because the simple truth is prisons cannot and do not protect anyone inside them. They hardly protect anyone outside, at least not in the way they say they do.

Eventually, Lydon was transferred to a prison in Massachusetts to serve the remainder of his sentence. That’s where Lydon met the person who would become the first member of Black and Pink, the organization at the center of this project, just two years later. Lydon recalled,

In late spring of 2003, nearly 15 years ago now, I was classified to a bunk at Ft. Devens prison with a man named Douglas. We later learned that we were intentionally bunked together with the hope that we would have conflict with each other. Douglas was the leader of the Nation of Islam in the prison at the time and working on a 17-year sentence. I was a 20-year-old vocal white gay kid with a short sentence. The guards thought that we would irritate each other and end up with at least one of us being sent to solitary confinement. What they didn’t expect was that we would become close friends and maintain that relationship until today. What they also did not count on was that Douglas was a closeted gay man. I, too, was closeted, or so I liked to tell myself. Sometimes one does not need to actually proclaim their queerness to be seen for who we are. While Douglas and I did not talk explicitly about our sexuality while we were locked up, the shared efforts to keep quiet that which might cause us more harm was a foundation for our bond (Lydon 2018).

After his release, Lydon kept in touch with the friends he’d made while he was inside, including Douglas. He also called mainstream queer organizations in the struggle for queer liberation. He called the Human Rights Campaign (HRC), Lambda Legal, and others. He told them about his experiences in the queer segregated prison cells in

Georgia, “about [his] experiences inside and about the violence LGBT people, particularly Black transwomen and gay men, were experiencing” (Lydon 2018). These organizations rebuffed him, one after another. Prisons were not a concern for them, as their focus was on marriage. Lydon was told “we don’t work on prison issues” (Lydon 2018) and “that’s more of a racial justice issue” (Byrd 2018).

Being told explicitly by these groups that prisons and his experiences there were not important set something off inside Lydon. Already an anarchist, this organizational rejection made him *mad*. In talking with a friend, Debbie, Lydon was pointed toward a prison project called Brothers Behind Bars, started by the Radical Faeries. A person named Myrlin ran the Brothers Behind Bars project for the entirety of its existence. Myrlin read and responded to every piece of mail that came from a person in prison. Myrlin kept a list of names and addresses for gay men in prisons around the country. Lydon began writing to every person on the list for Massachusetts.

Jason Lydon’s story is a microcosm of a ubiquitous phenomenon, when activist groups fail to meliorate the injustices for people at the margins. When Lydon is released from prison and seeks help from mainstream LGBTQ organizations that are meant to support queer and trans people experiencing injustice, he is rejected, abandoned by the very institutions that he expects to care the most about the plight of incarcerated queer people. So Lydon begins the organizing work for himself. He connects with a lot of people inside, but eventually he cannot sustain the work he’s doing alone on the outside. He reaches out to his community, his queer anarchist friends, a lot of whom had been involved in an organization called The Network/La Red, doing survivor-led organizing to end partner abuse.

Survival is one of the emerging frameworks of Black and Pink's work. I argue that Black and Pink builds *survival relationships* and *survival community* through its keystone pen pal and newspaper projects. Through concepts of mutual aid and emergent strategy, I contend that Black and Pink's work builds a mycelia of care (to borrow a nature analogy from adrienne maree brown) based in mutuality, vulnerability, and intimacy. Through correspondence LGBTQ people inside and outside of prisons simultaneously respond to and help shape the changing conditions of carceral politics.

Black and Pink's politics grow in the gaps of other movements—a “politics in the cracks”—between the criminal justice movement that does not see them and the mainstream LGBTQ movement that neglects to help them (Springer 2005, 2). This growth from the cracks is what Kimberly Springer calls *interstitial politics* (Springer 2005, 4). Black and Pink is not merely a hybrid of criminal justice and LGBTQ movement organizations, rather, Black and Pink constitutes a site that has fostered a collective identity among incarcerated and free world LGBTQ people distinct from that of mainstream movements. The collective identity forged in Black and Pink space is one that challenges deservingness narratives, prioritizes “fugitive” knowledge, cultivates “mile-deep” relationships, and practices abolitionist tactics (Hames-García 2004, brown 2017).

This project is grounded in an inquiry that investigates what happens when queer liberation goes mainstream and works together with the State? How do LGBTQ politics function in collaboration with state violence against people of color, particularly transwomen of color? How do we understand the prison industrial complex in relation to queer lives and queer bodies through a queer analysis? How is the State implicated in

producing anti-queer violence through state mechanisms that outlaw queer existence? For activists, what does it look like to center marginalized people in movements for carceral justice? How do activists grapple with maintaining radical organizing in the face of an ever-normalizing nonprofit industrial complex? What is important about the cultural production of letters in carceral spaces in relation to queerness? And ultimately, how do queer abolitionists imagine paths toward queer survival?

This project interrogates systems-based approaches (hereafter, systems approaches)—by systems-based approaches I mean approaches that are based in the criminal legal system, things like laws, police, and prisons.² The homo bin is a systems approach. It is supposedly designed to address harms experienced by LGBTQ people in prison. Through the stories authored by queer prisoners and chronicled in *Black and Pink*'s newspaper, it is revealed that systems approaches for mitigating harm and violence not only fail to do so but are exploited and produce altogether new anti-queer violence. *Black and Pink* is an “open family of LGBTQ prisoners and ‘free world’ allies who support each other” (*Black and Pink* 2013 Oct., 2). This dissertation seeks to understand the worldmaking project of *Black and Pink*, how their members connect with each other, through letters and the newspaper publication, to respond to threats to queer survival. In a society that assumes the State and its punishment mechanisms as necessary, *Black and Pink* offers a different path toward survival. Through growing intimate bonds, *Black and Pink* members engage in abolitionist practices that “reverberate to the largest scale” (brown 2017, 52). These fractal impacts are situated in a faith practice that

² See “legalistic approach[es]” in Chapter 5 of Spade 2011.

believes, in the words of Critical Resistance, “once there were no prisons, that day will come again.”³

Chapter I builds an analysis of the State’s production of antiques violence. I begin in part 1 with an historical account of the State’s role in legitimizing antiques violence. I move in part 2 to understanding how queer carceral studies takes up gender and sexuality as critical aspects of analyzing what is now more commonly referred to as “criminal injustice.” I consider the State’s role in producing violence, particularly sexual violence, in the context of prisons, and the implications for queer people in carceral spaces. Through the (re)telling of incarcerated queer narratives of sexual violence, this chapter concludes with an analysis that argues the State must be conceptualized and understood as the main perpetrator of antiques violence.

Chapter II provides the theoretical and methodological bases for the interpretive project of this dissertation. As an intersectional feminist scholar, I am attuned to seeing the ways analyses of social problems are often approached through a single vector of identity, and always that vector sits in a more privileged positionality while multiply marginalized identities are consistently neglected. Through my journey into literatures on the criminal legal system, social movement theories, and feminist and antiracist organizing, I discover that it is only through an amalgamation of normative literatures on criminal legal system, theoretical literature of social movement organizing, mutuality (which I invoke through Dean Spade’s mutual aid and adrienne maree brown’s emergent strategies), and intersectionality, and a politics of everyday life (which I invoke in chapter

³ This phrase is how Jason Lydon ended every letter he wrote in the Black and Pink newspaper. He attributes this phrase to a Critical Resistance sweatshirt.

III through Michel de Certeau's Practice of Everyday Life) is necessary to construct, piece by piece, a comprehensive understanding of the work of Black and Pink.

The empirical work of the dissertation is organized in a way that mirrors the organic growth of Jason Lydon's own organizing work. For a comprehensive timeline of the growth of Black and Pink, see Appendix A. In Chapter III, I look at the epistolary (letter writing and exchange) projects of Black and Pink. It is through letters that Jason maintains connections with people in prisons. And it is through developing a pen pal project that Black and Pink creates an epistolary world full of *survival relationships*. This chapter conceptualizes two distinct aspects of the epistolary world of Black and Pink; first, through the everyday act of sending mail, members of Black and Pink develop a culture of resistance and second, the significance that develops through pen pal correspondence is a practice of building what adrienne maree brown calls "inch wide mile deep" movements of change (brown 2017, 20). For queer prisoners especially, the letter is a symbol of dignity, a reclamation of humanity, a reminder that they continue to exist, despite a system that does everything it can to make that existence impossible.

Just as Lydon moves from informal structures of letter writing to a more formal structure of organizational development, I introduce the organization Black and Pink more thoroughly in Chapter IV. I begin with development of a shared understanding of the problem of incarceration. Black and Pink regards the input of incarcerated members as valuable and, accordingly, encourages and supports the participation of people on the inside in shaping the analysis that guides the organization. Through study groups, both inside and outside, Black and Pink members build a shared analysis in more egalitarian and creative ways. I incorporate stories from chapter organizing, stories where chapter

organizers urge members to lean into their discomforts in order to dismantle the carceral logics that seep into carceral activism spaces, stories about navigating the prodigious prison regulations in order to build solidarity with LGBTQ prisoners. The stories in this chapter build upon the theoretical underpinnings of mutual aid, emergent strategies, and the politics of everyday life. Each of these theoretical works illuminate some elements of the Black and Pink work. It is when these theoretical works are taken together that the dimensionality of the organizing work that Black and Pink does can more fully be explored.

Finally, Chapter V dives into the Black and Pink newspaper, a hallmark of the organization. Prisoners speaking for themselves and to each other is an important avenue toward prisoner empowerment through constructing fugitive knowledge in the belly of the beast. This chapter examines three cases of collective struggle in the Black and Pink newspapers. Grounded in histories of queer worldmaking, I conceptualize the Black and Pink newspaper as a *survival community*, linking people across space to articulate a *we* that connect people in struggle and solidarity for survival. Trans women prisoners create and share resources with each other about how to navigate gender in confinement. Black and Pink's survival community also rebuffs the disposability politics of carceral solutions, offering instead a survival community as a place for reflexivity, accountability, and change, rather than expulsion and exile. Finally, the stories of Black and Pink members published in the newspaper shine light on the Prison Rape Elimination Act (PREA), particularly the ways that it has produced more harm than good in protecting queer and trans prisoners from violence. The newspaper is a catalogue of collective

struggle, offering fertile ground to construct fugitive knowledge that values first the voice of prisoners and values most, their survival.

In the concluding chapter, I look to the organizational (re)structuring of Black and Pink to offer insights on how organizers grapple with the challenges of radical organizing in an increasingly normative nonprofit culture. I turn to the work of political historians that trace the victims' rights movement calls for more prosecution and harsher punishments for gender violence that bolstered the growth of the carceral state. I juxtapose this moment in “touch on crime” politics with a simultaneous history of queer and prisoners in the 1970’s. I situate Black and Pink in this historical landscape in carceral politics, foregrounding the development of a radical abolitionist politics. I untangle two models of carceral justice activism, prison reform and prison abolition, to illuminate the abolitionist politics and practices of Black and Pink.

CHAPTER II

QUEER AS CRIMINAL: STATE PRODUCTION OF ANTIQUEER VIOLENCE

*It may be one thing to advocate for the brother on death row, but
the 'faggots, butches, and queens' are on their own
or they don't exist.*

—Kevin Weaver

*Prisons aren't places to put serial rapists and murderers,
prisons **are** the serial rapists and murderers.*

—Dean Spade

To understand how identity operates within the carceral system, we must critically examine how deviance is constructed and used to criminalize some to serve and maintain power for others. While criminal justice studies have interrogated race, and to a lesser degree gender, there is a dearth of critical engagement with gender variance and sexuality and how criminalizing sexualities and non-normative genders serves people in power by maintaining dominant discourses of heteronormativity and the gender binary.

This chapter is organized in two parts. Part 1 is grounded in an historical account of antiqueer violence and the role of the State in creating spaces for antiqueer violence to occur. It is argued that through legislation outlawing queer sexual acts, the State produces vulnerability for queer people to antiqueer violence. Furthermore, the State's laws have legitimizing effects on private acts of antiqueer violence. While the laws themselves are problematic, removing those laws also does not alleviate the function of legitimizing antiqueer violence. The laws have resonant effects that continue to limit queer existence and sanction antiqueer violence. Those resonances are especially visible in carceral settings. Prisons elongate the reach of outdated laws proscribing queerness, and thus act

as incubators for antiqueer violence. In Part 2, I consider scholarship produced around criminal justice that take into account gender variance and sexuality as integral aspects of their analyses. I look to interventions in cultural understandings of “criminal justice” that consider the State’s role in producing violence, particularly sexual violence, in the context of prisons. Through the (re)telling of incarcerated queer experiences of sexual violence in prisons, this chapter concludes with an analysis that understands the State as culprit, as the perpetrator of antiqueer violence.

Part 1: Criminalizing Queerness: An Historical Accounting of Antiqueer Violence in Law

In this section, I present Kendall Thomas’ analysis of *Bowers v Hardwick* (1986) to explicate the argument that the criminalization of homosexual sodomy and homophobic violence have a “coordinal relationship” (Thomas 1992, 1485). It is through close attention to the *bodies* of queer people “touched by laws” that Thomas uncovers the surreptitious relationship between homosexual sodomy law and “illegitimate power relationships” among the body politic (Thomas 1992, 1435 and 1513). I extend Thomas’ contention that antisodomy laws legitimize homophobic violence to say that even after their renunciation, antiqueer laws have a resonant effect and continue to legitimize antiqueer violence. I offer the example of anti-crossdressing laws as a case in point, through Thomas’ understanding of state legitimized violence, where resonances of transphobic laws continue to shape the treatment and violence in the lives of trans, particularly trans-feminine, people today. It is through historicizing the experiences of homophobic and transphobic violence as antiqueer violence that the State can be implicated in the production of spaces for antiqueer violence to take place. While the

laws themselves prohibit queer *acts*, what resonates is the prohibition of queer *existence*. This is precisely why removing the laws themselves do little to curb the violence that queer bodies experience, because the prohibition isn't about having sex or about wearing certain clothes, the prohibition is about violently removing non-normative bodies from the body politic.

Corporeal Understandings of Homosexual Sodomy Laws

In a 1992 article in Columbia Law Review, Kendall Thomas critiques the basic questions around privacy asked by the court in *Bowers v. Hardwick* (1986) and argues instead for a corporeal reckoning of the effect of law. *Hardwick* was the precursor to *Lawrence v. Texas* (2003), both took up questions of the constitutionality of anti-sodomy laws, the former found the laws constitutional, while the latter did not. Thomas is writing in 1992, over a decade before anti-sodomy laws would be deemed unconstitutional by the Supreme Court, and *Bowers* had only been decided by the U.S. Supreme Court a handful of years earlier, their decision upholding anti-sodomy laws. Thomas' critique is centered on the argument that state laws barring homosexual sodomy legitimize homophobic violence. I expand this understanding of law to say, even after laws are removed, there are homophobic and transphobic resonances that continue to legitimize anti-queer violence.

Thomas argued that rather than the privacy principle, the question before the court was actually one of cruel and unusual punishment. He argued, "when set against the backdrop of its violent political history, the substance of the constitutional claim asserted in *Hardwick* is best viewed as a right to 'corporeal integrity,'" adding, "homosexual sodomy statutes work to legitimize homophobic violence at the hands of private and

public actors” (Thomas 1992, 1435). In order to truly grasp the stakes of the case, Thomas argued, “the human beings whose bodies are touched by laws like that challenged in *Hardwick*” are an “important and indispensable conceptual resource” (Thomas 1992, 1435). He goes on, “laws criminalizing private homosexual sodomy belong to a constellation of public practices whose constitutional dimensions are best described, explained, understood and argued as a kind of ‘body politics’... the law against homosexual sodomy has been vexed from its inception by a persistent and pervasive practice of homophobic violence on the part of public officials and private citizens alike” (Thomas 1992, 1435). The criminalization of homosexual sodomy may not *cause* homophobic violence, but it does *legitimize* its occurrence.

Thomas details the circumstances surrounding Hardwick’s arrest, painting a more complete picture than what the courts were exposed to, showing a persistent and violent police officer named K.R. Torick who obsessively stalked and violently assaulted Hardwick. Their first encounter is on an Atlanta sidewalk outside a gay bar, where Torick witnessed Hardwick throw a beer bottle into a trashcan. Hardwick remembers Torick “made [him] get in the car and asked [him] what [he] was doing. [Hardwick] told [Torick] that [he] worked there, which immediately identified [him] as a homosexual, because [Torick] knew it was a gay bar” (Thomas 1992, 1438). Torick issued Hardwick a ticket for drinking in public. When Hardwick failed to appear in court, Torick almost immediately showed up at Hardwick’s home with a warrant for his arrest. Because Hardwick was not home at the time of Torick’s visit, he was not arrested. Rather, he went to the courthouse and paid the fine for the ticket. A few weeks later, Hardwick was met at his home by a group who he believed to be police officers dressed in plain clothes. They

called Hardwick by name and proceeded to beat him until he was unconscious. A few days later, Torick returned to Hardwick's home under the pretext of issuing an (expired) warrant for his arrest. In the process, Torick observed Hardwick having sex with another man in his bedroom. Both men were subsequently arrested.

When Hardwick and his lover were booked into the jail, Hardwick recalled the officer broadcasting the sexual nature of the crime throughout the jail and that he “should be able to get what [he] was looking for” (Thomas 1992, 1439). Other officers in the jail also participated in harassing both men, when moving the two men the jail officer made it apparent that they were gay. Regarding the possibility of sexual assault, the officers remarked, “fags shouldn't mind—after all, that's why they are here” (1469). The officers equated consensual gay sex with rape when they asserted that gay men would be equally satisfied to experience either. This narrative of gay man or transwomen (almost always housed in men's facilities—discussed further in this project) renders them unrapable in the context of prison and other vectors of the criminal legal system, such as police investigations.

Hardwick's arrest and detention were the culmination of a series of events that were set in motion long before, starting with his public encounter with the officer outside the Atlanta gay bar, where Torick ascribed a homosexual identity to Hardwick. It is plausible to assume that had Hardwick never been ascribed a homosexual identity, the officer would never have gone to Hardwick's home to serve an expired warrant. These happenings, Thomas insists, are not merely a string of linear events, but a *constellation*, emphasizing the co-constitutive nature of laws and the methods used to enforce them. Thomas emphasizes that it is the homosexual identity, homosexual existence itself, not

Hardwick's act of engaging in homosexual sodomy, that is the catalyst and rationale for the officer's "political terror"—the irregular pursuit of a warrant, violence against Hardwick, his arrest and subsequent harassment in jail (Thomas 1992, 1469).

Antiqueer Violence and Resonances of the Law

LGBTQ and people living with HIV—particularly Black, Brown, and poor—are targeted by systems of policing and punishment. Scholar activist Andrea Ritchie explains

We know that [police are] set up to... reinforce racial relations of power, to reinforce relations of power based on nation states, to reinforce relations of power based on class, to repress workers. We don't often know that police were also created to enforce lines of gender. The first police forces were very much charged with keeping public spaces clear of any signs of gender nonconformity, or sexual nonconformity and of disability... The idea was to sweep up people who, in any way, disrupted the 'public order' in that way. Of course, that included Black and Brown people, and when combined with sexual and gender nonconformity or being disabled, contributed to routine police contact for just being present in public spaces. We see that now... people used to say, yeah I was arrested for crossdressing, now I'm arrested for loitering for purposes of prostitution, or disorderly conduct, or riding a train... There's just so many ways that Black queer and trans and gender nonconforming people's mere presence in public can literally lead to an officer walking up to them and writing them a ticket for disorderly conduct on the grounds that their mere presence is disorderly (Cox et al. 2020).

Structural exclusion, in terms of economic, community, and social exclusion, produces high levels of poverty in LGBTQ communities, which in turn produce increased contact with law enforcement. Through criminalization of poverty, criminalization of survival, and criminalization of self-defense, queer and trans people are more likely to engage with police and more likely to be funneled into a system of mass incarceration that increases their vulnerability to violence. Ritchie explains, "when we are experiencing violence in our communities, and we don't have any protection from police, [we] defend ourselves and then are immediately criminalized for that" (Cox et al. 2020).

The criminalization of queer *victims* of violence is rooted in understanding queer people as always already a violation of gender and sexual propriety. When queer people are understood as a violation of what is *normal*, what is *correct*, what is *right*, it is not a far leap to also be understood as a violation of what is *lawful*. Examples of this are countless.

The film *Out in the Night* documents the impacts of race, gender, and sexuality in the context of the criminal legal system in the story of four young, Black lesbians who came to be known as the New Jersey 4 by activists who rallied for their freedom. Renata Hill, Patreese Johnson, Terrain Dandridge, and Venice Brown were originally part of a group of seven Black lesbians who were arrested for defending themselves against homophobic and misogynist violence on the streets of Manhattan's West Village. Media cast the women as a "wolf pack" and "bloodthirsty," "killer lesbians" (Martinez 2007, Italiano 2007). Meanwhile their attacker, Dwayne Buckle, was portrayed as the "victim of a hate crime against a straight man" (Italiano 2007). Subsequently, the four young women who did not take plea deals were convicted and served a total of fifteen years in prison and will serve another fifteen years on post-release state supervision (Dorosh-Walther 2016).

In 2011, Ky Peterson, a Black transman, was walking home from a convenience store in Americus, Georgia. Peterson was attacked and knocked unconscious. When he awoke he was being raped. Peterson had begun carrying a gun for safety, he'd been raped in his neighborhood before and received no help from a police investigation. So, when Peterson awoke and fought back, he shot and killed his rapist in the process. Afraid that the police and criminal legal system would not believe his story or help him, Peterson

took the body and dumped it on a rural road. When the body was discovered and police learned what had happened, they didn't believe Peterson's story. Even after a rape kit and DNA evidence corroborated Peterson's account of what happened, police told Peterson, "you don't seem like a rape victim to me" ("Ky Peterson Survived" 2018). After a year in jail without a trial, Peterson was advised by his public defender to take a plea deal because as a black man he could not win a self-defense case, "the white people in his community saw him as too much of a threat" (Drukman-Feldstein 2017). Peterson was sentenced to 20 years in prison for voluntary manslaughter, he was paroled in July 2020 after serving 8 years in prison for defending himself against rape.

The documentary film *Free CeCe* details the confluence of homophobia, transphobia, and racism that CeCe McDonald faced one night while walking to the grocery store with her cousin and friends (Gares 2016). As McDonald and friends passed by a bar, a group of white bar patrons standing on the sidewalk shouted racist and homophobic slurs at McDonald's group and directed demeaning transphobic language at McDonald specifically. One of the bar patrons smashed a glass on McDonald's face. As McDonald was being pursued by Dean Schmitz, she took a pair of scissors out of her purse then turned around to face Schmitz, he was stabbed in the chest and later died from the injury. McDonald's face was still gushing blood. McDonald's boyfriend told her to hold it with her hand as he waved down a police car to help them. Instead of helping McDonald with her injuries from the attack she'd just defended herself against, police came at her with their guns drawn and put her in handcuffs. During the trial, the judge did not allow photographs displaying Schmitz's swastika tattoo. The judge also did not allow evidence of the violence that transwomen of color face, information that would

contextualize (to a jury) the experience of fear McDonald said she felt. McDonald eventually took a plea deal and was sentenced to 3 ½ years in prison for defending herself.

The criminalization of queerness has historically been an important area of resistance for queer activists. Police harassment was a central feature of early urban gay communities and ignited nascent gay liberation and homophile movements. Laws requiring people to wear a certain number of “gender appropriate” clothing were common up until the 1970’s, these laws largely targeted trans and gender nonconforming (TGNC) people. One of the earliest ordinances was instituted in Columbus, Ohio. An 1848 law prohibited a person from appearing in public in clothing that did not belong to their sex. Dozens of cities enacted similar laws in the decades that followed. An 1863 San Francisco ordinance made dressing in clothes “not belonging to his or her sex” a misdemeanor, subject to a fine of up to \$500 (Stryker 2008, 32). In *Arresting Dress*, Clare Sears (2014) catalogues the history of anti-crossdressing laws in the United States. Additionally, Sears documents the repudiation of crossdressing in media, theater, freak shows, among others, illustrating how laws not only police gender norms, but they also create them.

Author and performer Alok Vaid-Menon explains how crossdressing laws came about and how, although the laws are no longer on the books, their effects still resonate in the ways that gender (deviance) is understood.

Cross-dressing laws were a series of legislation passed from the 1840s into the 1930s in the United States that were part of anti-vice or public indecency legislation... essentially they made it a criminal act to wear clothing that was associated with the opposite sex. Oftentimes police would look at people's bodies to find a perceived incongruity, so if you were too short, or if your hands were too big, or you seem to have a little

facial hair. They would often do forcible strip searches to identify people's genitals. They would take you to the jail, and oftentimes they would stage a photo. The idea was, 'we want to sensualize the image so that people can learn how to identify other cross-dressers'...

Because of the gay liberation movement in the 70s... we begin to see these anti cross-dressing laws disappear. We forget that the reason that people resisted at Stonewall and at the Compton's Cafeteria riots was because of these anti cross-dressing legislation, which was specifically used to target LGBTQ people.

What I argue, and a lot of my peers argue, is that actually even though the laws aren't on the books, they still structure our imagination. While we might be comfortable now with somebody who's perceived as a woman wearing pants, we're still deeply uncomfortable with someone perceived as a man wearing a dress (Vaid-Menon 2021).

Vaid-Menon concludes not with a state-oriented solution, because the laws have already been removed, yet the transphobic resonances of those laws have cultural impacts long after the laws are off the books. Vaid-Menon declares, "if we really want to do justice to this legacy of resistance... it's imperative that we de-gender fashion" (Vaid-Menon 2021). Vaid-Menon aspires for a culture-oriented shift to the confines of gender through something as extensive as it is simple—clothing.

In reaction to a chain of events that occurred in the spring of 2009 involving harassment, detainment, and in some cases arrest over a gay kiss in San Antonio, El Paso, and Salt Lake City; queer people across the country mobilized to resist homophobic violence of gay people in public space. Join the Impact, a national gay rights group, organized "The Great Nationwide Kiss-In" which boasted simultaneous participation from over 50 cities on August 15, 2009 (Witte 2009). Participants joined in public spaces at midday to share a public kiss. These demonstrations were reminiscent of the kiss-in demonstrations staged by Queer Nation in the 1980s where demonstrators sought to disrupt traditional spaces of heterosexuality. Queer Nation invaded straight bars,

restaurants with discriminatory policies against gays, and shopping malls in their quest for visibility. The kiss-ins functioned to “‘normalize’ homosexuality through denaturalizing the conventions of heterosexuality,” the kiss-ins were a parody of heterosexual practices and behavior (Deluca 1999, 19). The impertinent manner of the protests created a visible demonstration of the group’s slogan, “We’re here, we’re queer, get used to it!” Queer Nation represented an affront to heterosexual normativity, as their “openly homosexual bodies [were] stunning in a culture where gay bodies [did] not exist,” and if they did they were restricted to their “proper place”: the closet (Deluca 1999, 17).

The 2009 kiss-ins, however, were muted in flavor and effect. David Mailloux, one of the organizers for The Great Nationwide Kiss-In, shared the message intended by the events: “we are human, capable of a beautiful normal love like everyone else in the world. We won’t keep being excluded. There is nothing wrong with us” (Witte 2009). These kiss-ins were not just about visibility or disrupting the heteronormative order, they were about acceptability, about fitting into an order that demands they tone down their sexuality in order to be palatable. Protesters were counseled to refrain from being “obscene” in their displays of affection, and instead to show respectable signs of affection.

In January 2013, at a wedding cake tasting appointment with her mother, Rachel Bowman-Cryer was told by the owner of the bakery that they would not make a cake for their (gay) wedding, and later quoted a bible verse from Leviticus to Rachel’s mother, insinuating Rachel was “an abomination.” The Bowman-Cryers (Rachel and then fiancée Laurel) filed complaints with the Oregon Department of Justice and the Bureau of Labor

and Industries, claiming they were discriminated against because of their sexual orientation. The Oregon couple was not fighting for state-sanctioned marriage, that was still constitutionally prohibited in the State, they were fighting for the right to not be discriminated against in public accommodations. The Bowman-Cryers won their case but have received “near-constant harassment since 2013” including harassing messages and death threats (Yurcaba 2020). Even when queer people have the State on their side, in this case the Bureau of Labor and Industries fined the bakery, there was still a constitutional amendment in place that legitimized the threats of violence that the Bowman-Cryers experienced. Although the ban on same-sex marriage in Oregon was ruled unconstitutional in 2015, the resonances of law—homophobic violence and threats of violence—continue to be a reality for the entire Bowman-Cryer family.

Prisons operate using explicit rules that punish deviation from gender and sexual norms, through restricting prisoner clothes, haircuts, and physical contact with each other. The hyper-sexualization of gay men and transwomen continues to mark them as wanting or preferring sexual contact from other prisoners. This makes grieving⁴ sexual violence and rape impossible as a queer prisoner. Often times, when queer prisoners are sexually assaulted, it happens with the knowledge of prison staff or prison staff are the very people who place prisoners in an environment where they will be sexually assaulted or raped. In a report of LGBTQ prisoner experiences, 76% of respondents who were

⁴ An unintentional play on words here. Initially I meant grieving as a verb for writing a grievance, the protocol a prisoner would follow to report sexual assault. But also grieving as “to feel grief” seems appropriate here. It is difficult for queer prisoners to feel the grief of those violations when the system itself does not view or acknowledge the act as a violation. I expand on the ways that some queer prisoners’ own experiences of violence in the prison system are validated when they read about other prisoners’ experiences in the Black and Pink newspaper. See “Lilly’s Story” in conclusion.

sexually assaulted or raped by another prisoner reported they had been placed at risk for assault by prison staff (Lydon et al. 2015, 42).

Criminalizing Queerness

Before we can explicate all the ways that queers have been historically criminalized, we must first understand gender and sexual norms and delve into the well-acquainted claim among social theorists that identities are social constructions. The bodies and genitalia we are born with are less important in defining and shaping our gender than the cultural norms that saturate society. In the book *The Second Sex*, Simone de Beauvoir (1973) poignantly states “one is not born, but rather becomes, a woman” (301). Feminists of the 1960s and 1970s cultivated an understanding of sex and gender as dichotomous, in which sex is a fixed, natural character and gender is permeable. The sex/gender distinction understands sex as always biologically built and located in the body and gender as always socially built and located in the mind. Gender theorist Judith Butler critiques this divide as unintelligible, “if the immutable character of sex is contested, perhaps this construct called ‘sex’ is as culturally constructed as gender; indeed, perhaps it was always already gender, with the consequence that the distinction between sex and gender turns out to be no distinction at all” (Butler 1999, 10-11). However, this distinction remains a core premise of the heteropatriarchal order that dominates Western culture, described by law professor Angela P. Harris as resting on five linked assumptions:

First is the assumption that every person is born, and thereafter remains for life, either male or female. Second, one’s sex at birth is assumed to determine one’s gender; biology therefore controls one’s social behavior... Third, sex/gender causes males and females to be distinctly and dramatically different along dimensions of appearance, character, behavior, interests, and innate abilities... Fourth, because “opposites

attract” and sex differences are complementary, sexual and romantic relationships should occur only between men and women, not between people of the same assigned sex... These four linked assumptions constitute the “hetero” of heteropatriarchy. The fifth assumption provides the “patriarchy”: though male and female are opposite sexes, they are not quite equal. Masculinity is the privileged sex/gender (Harris 2011, 21-22).

Thus, heteropatriarchy sculpts hegemonic masculinity— “manhood” or what it means to be “a real man”—as being *not a woman* and being *not gay*.

Queer people are criminalized for transgressing gender and sexual norms. Criminalization of queer people exists to maintain hetero- and cis-normative hierarchies. *Queer (In)Justice* by Joey L. Mogul, Andrea J. Richie, and Kay Whitlock (2011) give an historical account of the criminalization of LGBTQ people in the United States. It is not only the criminal legal system that criminalizes queer people through laws and jurisprudence, but also degrading mythologies and stereotypes that deny queer humanity in service of upholding heteronormativity. The authors enumerate several versions of “an enduring series of macabre representations that define queers as intrinsically criminal” (Mogul et al. 2011, 23). Queer criminal archetypes work in conjunction with broader conceptions of criminality influenced by race, gender, and class. These notions of queer criminality inform the incarnations and sites of policing and punishment of queers who exist outside what is deemed appropriate in terms of gendered and sexual norms. The queer archetypes function as compelling narratives that influence how a person’s appearance and behavior will be interpreted, followed by prescribed treatment where deviation from norms is identified.

At the center of all queer criminal archetypes is an embedded assumption of sexual predation. This indictment takes several forms— “the male child molester, the gay prison rapist, the sexually aggressive Black lesbian, the promiscuous gay man, the

deceptive transgender woman” (Mogul et al. 2011, 31). Anita Bryant’s 1977 “Save Our Children” campaign employed the narrative of homosexuals as predatory “recruiters.” Bryant successfully crusaded for the repeal of local nondiscrimination ordinances which included sexual orientation. Bryant claimed that because homosexuals could not biologically reproduce, they would recruit children in order to “freshen their ranks” particularly in places like schools (Mogul et al. 2011, 31).

Historical uses of the queer sexual predator narrative reveal how race operates in conjunction with sexuality to construct the criminal predator. Early uses of the predator archetype were racialized in California in the early 1900’s. During this period, South Asian immigrant men were regularly characterized as bringing “disgusting Oriental depravity” to America with them (Mogul et al. 2011, 32). Often, Asian men were punished for consensual sexual encounters with younger, white “American” men. Whiteness, class privilege, and citizenship status allowed some men to escape social scrutiny and criminal charges for similar and sometimes more egregious violent sexual behaviors. White racial identity and the perceptions of being “wholesome, friendly, and civic minded” afforded some protections from the State (Mogul et al. 2011, 32-33). A contemporary example of the sexual predator archetype reappears in the framing of claims of sexual abuse of minors by Catholic priests. In this framing, homosexuality is conflated with child predation. Despite research stating that there is no evidence supporting the allegation that gay priests are more likely to abuse minors than heterosexual priests, the Vatican and news media portray sexual predators as having “deep-seated homosexual tendencies” (Mogul et al. 2011, 34). The sexual predator archetype serves to produce a vulnerable population in need of protection from the

perpetual threat of queers, a threat not only to children, but to the rigidly raced and classed social order.

The “queer killer” frames gay men and lesbians as people who “torture, kill, and consume lives, not only for the sheer erotic thrill of it, but also to annihilate heterosexual enemies, lovers who disappoint, and anyone else who thwarts the fulfillment of their unnatural, immature desires” (Mogul et al. 2011, 27). In a highly sensationalized murder trial from the 1920’s, Nathan Leopold and Richard Loeb were charged with killing a young boy. The homosexual exploits and the alleged dominant/submissive relationship of the two men were the main focus of news headlines. The image produced by the press and media was of privileged, arrogant and young white “degenerates” with cavalier attitudes about committing murder. The prosecution continually referred to the two men as “perverts” with “unnatural lust” (Mogul et al. 2011, 21-22). The prosecution constructed impressions of the men not only as homicidal, but hedonistic.

The two men were convicted of murder and sentenced to life plus ninety-nine years in prison. Twelve years into imprisonment, Loeb was killed by James Day, a fellow prisoner. James Day contended that he had only done what was necessary to ward off Loeb’s “sexual advances;” this defense has evolved over time and become known as the “homosexual panic” defense (Mogul et al. 2011, 22). Despite a lack of evidence of any struggle, the jury acquitted Day in less than an hour and the courtroom erupted into applause.

Homicidal lesbians emerged as a cultural narrative under the leitmotif of “lesbian love murder” where lesbian killers took shape as either “man-haters” or “manlike” abusers of women (Mogul et al. 2011, 27). The aspect of gender non-conformity was

characterized as confused and innately deceptive, adding another layer of queer degradation. The media has played a role in (re)producing and (re)circulating queer killer archetypes. In 1992 Aileen Wuornos, a sex worker in Florida, was convicted of murdering six men. The media portrayals of Wuornos characterized her as an “explosively angry, man-hating lesbian” (Mogul et al. 2011, 28). In magazines Wuornos is referred to as a “sloppy kind of muscular knucklehead violence... easier to correlate Wuornos’ violence with an overabundance of masculine rather than with any intrinsic femininity gone awry” (Mogul et al. 2011, 28). Portrayals of Wuornos as a butch lesbian prostitute on a killing spree simultaneously employed notions of poverty, sex work, and masculine lesbianism as deviant and inherently criminal.

The homicidal queer archetype symbolizes a queer pathology, the assumption that sexual and gender nonconforming people kill *because* they are queer. The same pathological conclusion is not drawn for heterosexual serial killers such as Ted Bundy, Gary Ridgeway (Green River Killer), or Dennis Rader (BTK Killer) who each killed dozens of women and girls in uniquely gruesome ways. Bundy, who had sex with the corpses of his victims, was never imagined by the media to have committed the crimes *because* he was heterosexual, nor was his necrophilia exploited as a degeneracy of heterosexuality (Mogul et al. 2011, 31). Prosecutors and the media interpret cases in which individual queers have killed and translate those murderers into archetypal representations of the supposed murderous and debauched nature of queer people.

Dean Spade (2011) engages the ways that legal and administrative systems of domination—prisons, welfare programs, drug treatment facilities, homeless shelters, and foster care—interact with the lives of transgender people. These systems of domination

employ and reproduce rigid gender binaries, which adversely affect TGNC people, particularly trans people of color. Spade argues that the creation of norms through various social institutions, including prisons, produces mal distributions of vulnerability and security, where the security of some populations is taken up by the State at the expense of the safety of other populations. The criminal legal system exacerbates the vulnerability of TGNC people.

These distributions of vulnerability and security, and their concomitant identities of citizen and criminal are explored by Roger Lancaster in *Sex Panic and the Punitive State* (2011). Lancaster traces how sex and sexual fears have figured predominantly in the ongoing redefinition of norms of governance. In the public imaginary, the rapist is implicitly Black, the pedophile is implicitly homosexual, and the child abuser is irredeemable. The threat of danger posed by these characters (the rapist, the pedophile, and the child abuser) produces ever more extreme, and according to Lancaster, increasingly irrational security measures. Sex panics are the harbinger of the ongoing modern crime panics because they are viewed as uniquely horrific and uniquely widespread, continually urging repressive forms of governance and subverting democracy. Trends in sex panics, crime panics, and repressive punitive governance have produced new concepts of citizenship. The new model citizen is the victim/survivor, a political subject defined by risk and exposure to danger and calling on the State to protect and punish. Prison reformists, which I discuss more in chapter 6, echo this understanding of the new model citizen, where only those in prison who are convicted of drug and/or nonviolent offenses, narratives that place them in the role of victim of state overreach, are seen as worthy of humane treatment and prison release.

Gender norms permeate the criminal punishment system. From the inception of prisons, expectations of treatment and reform for men and women have been markedly different. Men's prisons are intended to emasculate men; women's prisons are intended to reinforce submissive and dependent roles for women (Girshick 2011, 191). Women of color have a distinctly different experience than white women when it comes to the criminal legal system, prisons, and surveillance by the State (Davis 2003, Richie 2012). From welfare to child protective services to Medicare, poor women of color are subject to intrusion and monitoring from the State at exacerbated levels which make them more susceptible to arrest, prosecution, conviction, and incarceration.

In a system that magnifies the heteropatriarchal order of larger society, prisons are hostile grounds for those who transgress gender and sexual norms. In male prisons, an incarcerated person's rank in the hierarchy of prison is measured by typically masculine traits, such as physical strength, violence, and the nature of the offense that resulted in imprisonment. Masculinity is valued and stereotypically feminine traits are associated with weakness and are thus devalued. Hence, transgender women or men who are perceived as effeminate or gay exist at the bottom of prison hierarchies and become continual targets of sexual violence.

The history of violence toward queer people and queer communities permeates queer existence, it is, as Thomas states, a political terror, a specter—shaping how queers move (or don't move) through public space. The specter of antiqueer violence is why queer people look around them before grabbing their partner's hand or stealing a quick kiss in public. It is why I go into a bathroom with my trans friends, even if I don't have to pee, myself. The specter of antiqueer violence manifests in how trans people change the

pitch of their voice to be read as more or less feminine or masculine, depending on the people surrounding them. It is why trans people might do everything they can to avoid places that will ask them for legal identification, if that identification calls into question their gender legibility. In the following section, I take up this history of antiqueer violence to discuss how the State *enacts* violence on the bodies of queer and trans people in the context of incarceration.

Part 2: Queer Incarceration: Understanding the State as Rapist and Murderer

In *Discipline and Punish*, Foucault (1977) provides an historical development of the penal system and criminal punishment through an analysis of what he terms “technology of power,” (23) arguing that the prison is a site of social control that debilitates the agency of prisoners through discipline. Punitive techniques like surveillance and the rigid enforcement of timetable, micromanaged existence enact discipline on the “docile body” (135) of the prisoner, marking a shift from corporal torture of an old punishment system to torture of the mind/soul.

Foucault argues that the “disappearance of torture as a public spectacle” transformed the penal system into hidden torture, bent on punishing the soul (Foucault 1977, 7). Through new “technologies of power”: surveillance, routine, monotony, prison uniforms; it is through order and control that individuals are broken down and no longer recognizable as the self. Prisons remove incarcerated people from their communities, this is particularly true for low-income trans and gender nonconforming people of color who live in cities and as a result of criminalization are relocated to the rural sites of prisons. The rural locales of prisons operate as a site of disconnection for LGBT prisoners,

isolating them from whatever support networks they may have. When prisons relocate people rurally, the physical distance and cost of travel may act as a barrier for many prisoners to receive visitors. Additionally, many queer, trans, and gender nonconforming prisoners are held in administrative segregation, or “the hole,” and denied visitation rights.

In this section I consider the mainstream scholarship produced around criminal justice which focuses primarily on race and class, while ultimately, I hope to collect and assemble scholarship that takes into account gender variance and sexuality as integral aspects of the analysis. Additionally, this section traces the development of understandings of the carceral state in the literature, focusing on research that highlights the absence of queer and trans perspectives. I look to interventions in cultural understandings of “criminal justice” that consider the State’s role in producing violence, particularly sexual violence, in the context of prisons. Finally, I amplify the voices of queer incarcerated people and the (re)telling of their experiences of sexual violence in the prison system. Taken together with part 1, this chapter concludes with an analysis that recasts the State, the prison itself, as rapist and murderer; a necessary intervention in the turn from mainstream LGBT organizations to seek remedy from the State and carceral system for harms to queer and trans people, understanding that this orientation toward the State augments and legitimizes the very system that rapes and murders countless queer and trans people in its clutches.

Prisons (and Beyond) in the Literature

Recent criminal punishment system research imparts that while racial dynamics have transformed over time, race maintains a significant presence in the criminal legal

process and suggests the clandestine role in perpetuating racial inequality. In *The New Jim Crow*, Michelle Alexander (2010) posits the war on drugs targeted black and brown communities, acting as the catalyst for the augmentation in prison populations we've seen over the last half century. The enemy in the war on drugs was not drugs itself, if it were then we would have seen incarceration grow for white communities, as white people consume and sell drugs at similar or higher rates than black and brown communities. The criminal justice system's current levels of mass incarceration act as an apparatus for the societal repression of black and brown men. People of color are repressed by the literal walls of prison cells and are also continually repressed upon release from prisons. Alexander contends that once labeled as "felons," young black men remain confined in a second-class status she calls the "undercaste... [a] stigmatized racial group locked into inferior position by law and custom." (12) Just as slavery and the explicitness of the Jim Crow South were rigid systems of social distinction that made race meaningful, today's criminal justice system is a nuanced race making system of social distinction. Alexander makes the parallels apparent:

Arguably the most important parallel between mass incarceration and Jim Crow is that both have served to define the meaning and significance of race in America. Indeed, a primary function of any racial caste system is to define the meaning of race in its time. Slavery defined what it meant to be black (a slave), and Jim Crow defined what it meant to be black (a second-class citizen). Today mass incarceration defines the meaning of blackness in America: black people, especially black men, are criminals. That is what it means to be black (197).

The mass incarceration of Black people is meaningful in defining what it means to be black, predominantly it means criminality. The racialized criminal justice system has birthed a new, yet familiar, racial caste system.

Similar to Alexander's analysis of the recreation of a second-class citizenry through incarceration, Amy E. Lerman and Vesla Weaver (2014) discover that political effects reach beyond incarceration and disenfranchisement of felons. In *Arrested Citizenship*, Lerman and Weaver investigate the effect of civic disengagement related to involvement with what they call custodial interactions with the criminal justice system. Lerman and Weaver take into account all interactions with law enforcement, not only convictions and incarceration. Custodial interactions run the gambit of potential interactions with law enforcement—from police stops that never lead to arrest to parole visits after incarceration. They argue that custodial interactions negatively affect the likelihood of participating in politics and engaging in civic responsibilities. Challenging conventional political science findings that resources like time, money, and knowledge are the strongest predictors of political participation, criminal justice contact has a powerful effect on political behavior and attitudes. Encounters with the custodial state foster mistrust of the government and divestment of the political process. These findings suggest that contact at every level of criminal supervision influences withdrawal from civic engagement and political life. Thus, the carceral state carries deep implications for who is included in the polity.

In *The Modern Prison Paradox*, Amy Lerman (2013) studies the effects of the culture of prisons on citizens, both those imprisoned and those working (as correctional officers) in such institutions. Over the past half-century, the prison system of the United States has become harsher in two ways. First, it's moved away from a practice of rehabilitation and second, there has been a rhetorical shift moving prisons from a place of redemption to a place for criminal management. According to Lerman, harsher American

prisons produce citizens who are less interested in healthy reintegration into the broader social community. The cultures of punitive institutions have important effects on how people think, behave, and interact.

In addition to incarceration in prisons, immigrant detention constitutes another key location of control in the punitive state. Immigration detention is the practice of incarcerating immigrants while they await a determination of their immigration status and potential deportation. Parallels can be drawn between immigration detention and prison incarceration. Since the late 1990's, the number of people held in immigration detention has been on a steady rise. In 2013, the United States detained approximately 441,000 immigrants. Immigration and Customs Enforcement (ICE) subcontracts most detention space to county jails and private prison companies (Detention Watch Network). In a very literal sense, immigration detention is an extension of prison incarceration practices.

Some prison abolition scholarship and advocacy has begun analyzing the prison industrial complex through lenses of gender and sexuality (Davis 2010, Mogul et al. 2011, Spade 2011). Gender normativity and anti-trans and anti-queer violence are central rationales of the prison industrial complex, marginalizing queer people and (re)producing gender norms and heteronormativity.

Much of the queer analysis of the criminal justice system and prisons is carried out by folks doing prison abolition work. In their book *Captive Genders*, Eric Stanley and Nat Smith (2011) join an emerging body of scholarship that analyzes queerness in the context of the prison industrial complex. *Captive Genders* brings together works from scholars, activists, and incarcerated people to divulge the myriad ways the prison industrial complex harms TGNC and queer people through gender-segregated facilities

and policies that violently institute sex and gender norms. In "Queering Antiprison Work," Richie's research on young Black lesbians in the juvenile justice system interrogates the ways that "gender, sexuality, race, and class collide with hard penal policy and aggressive law enforcement to entrap young Black lesbians" (Richie 2005, 80). In this work, Richie recounts the extent to which young Black lesbians are "exposed to and at risk of various forms of violence through a combination of their communities' failure to recognize them, social service agencies' failure to support them, and law enforcement's aggressive posture toward them" (Richie 2005, 76). This work is an indictment of the ways that dominant paradigms used to study incarceration and ground activist-oriented communities have limited the reach of anti-prison advocacy, rendered vulnerable queer populations invisible in the analysis and without allies. The prevailing paradigms that constrain the potentially radical project of anti-prison work are: (1) dominant feminist understanding of gender violence, (2) the civil rights analysis deployed by LGBTQ activists to frame sexual liberation issues, and (3) the race/class analysis of criminalization (Richie 2005, 76).

Prisons are structured around a rigid gender binary that uses genitals to identify the gender of a prisoner and designate where they will be housed. Mogul, et al. (2011) give a historical account of early women's penitentiaries designed to reform women through strict regulation of deviant sexualities and gender expressions, fortifying the conduct and activities that were deemed appropriate for women. Davis further explicates the gendered structure of women's prisons with an analysis of prison models of the 1950's. These models were grounded in assumptions that criminal women could be

rehabilitated by becoming experts in domesticity, obeying what was considered to be “correct womanly behaviors” (Davis 2003, 64).

The highly gendered arrangements of prison facilities and policies inflict additional hostility and harms on trans and gender-nonconforming prisoners. Lori Girshick problematizes the gendered policies that permeate the prison system. Men’s prisons are intended to “emasculate men” and women’s prisons are intended to reinforce submissive and dependent roles for women (Girshick 2012, 191). Girshick conducted a study of masculine-identified prisoners that are assigned to women’s prisons in California. While there are no numbers to determine how many transgender prisoners exist in the prisons system, Girshick states that activists estimate that there are probably 200 transgender prisoners and roughly 1000 gender nonconforming prisoners in the California prison system.

Girshick’s study illuminates the violence that queer, trans, and gender-nonconforming people face at the hands of institutions that are rigidly structured around and perpetuate a gender binary. In a system that mirrors heteropatriarchal society, prisons are hostile grounds for those that transgress gender and sexual norms. In male prisons, a prisoner’s rank in the hierarchy of prison is measured by typically masculine traits, such as physical strength, violence, and the nature of the offense that resulted in imprisonment. Masculinity is valued and stereotypically feminine traits are associated with weakness and are thus devalued. Hence, transgender women or men who are perceived as effeminate or gay exist at the bottom of prison hierarchies and become continual targets of sexual violence.

Sexual violence is often used as a means of enforcing conformity to gender roles. A California study found that 67% of respondents who identified as LGBT that were housed in male prisons experienced sexual assault by other prisoners, a rate 15 times higher than the rest of the prison population (Mogul, et al. 2011, 99-100). Additionally, rape victims of all sexualities are subsequently framed as gay and consequently become targets for further assaults.

While feminine-aligned people in men's prisons often face sexual violence at the hands of other prisoners, masculine-aligned people in women's prisons have greater concerns over prison officers than other prisoners (Girshick 2011, 203). Concurring data shows those housed at women's prisons are over five times more likely to be sexually victimized by prison staff than those housed at male prisons (Mogul, et al. 2011, 101). Prisons become "sites of compounded punishment," re-inscribing concepts of heteropatriarchy and gender norms. Prisoners are deprived of safety and dignity and subjected to violence and humiliation for transgressing gender and sexual norms (Girshick 2012, 203-205).

The Stories Queer Prisoners Tell Each Other

Black and Pink's newspaper is rife with stories of sexual abuse inside. When I first began data collection and analysis, I was struck with how many stories about sexual assault and rape I was reading. It became very difficult to continue reading through issue after issue of the newspaper, collecting "data." I imagined that my pen pals could be these people. In fact, they surely were. They've spent a lot of time behind bars, decades and decades between them. The likelihood that they've been sexually abused there is high. There is not much in the methodological research that advises a researcher how to

hear these stories, how to take them in, how to sit with them, how to stop reading when you can't read anymore and just sit with yourself and cry. There was a lot of crying. There is still a lot of crying.

These stories are bigger than their individual parts, bigger than the details contained within them. When collected, in the way that Black and Pink's newspaper collects them, held together, side by side with other stories that mirror the pain and disposability that prison ascribes to people, they are given context. It is not just that prison rape happens, because our cultural narrative certainly has already let us know that it does. Our cultural narrative is so detached from caring about what happens to prisoners, that prison rape jokes are hardly even offensive to many people. A "don't drop the soap" comment can be casually slipped into a conversation without most people batting a lash. But when we pin all these stories up on the wall, it's impossible not to see what a homophobic, transmisogynist violator the prison is. The prison itself creates this space for sexual violence and degradation, preying on queer and trans people, feeding on this history of deviance, where policing queer bodies and sexualities are only gone on paper, but certainly not in deed. And yet, not even gone on paper in the prison.

In similar ways anti-crossdressing laws once existed to police the public, prisons maintain rigid dress codes based on gender to police prisoners. Angel, a 40-year-old butch lesbian incarcerated in Texas, writes "to be the voice for us butches... that have it real hard... TDCJ don't allow us to be comfortable with ourselves... One big discrimination that us Butches do face is that we are being forced to let our hair grow out long... making comments like, 'you are a female, so you will grow your hair like one,' or 'you are not a man, you're supposed to let your hair grow out'" (Black and Pink 2013

Oct., 4). Angel describes these rules as humiliation, “trying to make us be someone we are not comfortable being... this is a major problem in here and we are tired of it. It is discrimination of gender identity... to try to make me change my gender presentation, which is related to my sexuality, Gay-Butch lesbian. It is not TDCJ policy to try to convert me to a hetero-female stereotype, long hair and all” (Black and Pink 2013 Oct., 4). Three months later, Danielle, also incarcerated in Texas, responded to Angel’s letter in the newspaper. She writes,

I have been fighting with Texas officials since 1999 over the ‘Grooming Policy’ which requires men to keep their hair cut short but allows women to grow theirs long... Who else knows what it’s like, to have your hair cut completely off against your will... I will forever carry a scar on my face from being slammed into a concrete floor by a correctional officer for refusing to cut my hair. The silence I hear from society doing anything about this tells me this doesn’t matter because I’m transgendered and therefore unimportant... [One warden] had all my hair cut off while I was restrained, then paraded me across the facility in front of hundreds of laughing inmates while I was still covered in the hair he’d just had shaved off. (Black and Pink 2014 Jan., 4).

I return to Kendall Thomas’ contention that the “‘personhood’ at stake... is, after all, the bodies of the individuals that homosexual sodomy laws address that provide the ‘raw material’ on which the police power acts” (Thomas 1992, 1460-1). Thus, it is necessary to consider the bodies of queer prisoners in a “more materialist view of the human subject as an *embodied* self” (Thomas 1992, 1460, emphasis in original). One Black and Pink incarcerated member wrote, “This was, in a word, enslavement. My body no longer belonged to me, but to someone else—to my “husband,” a rapist who totally controlled my life with the constant threat of violence” (Black and Pink 2014 Jan., 5). These are the implications of a prison system that feeds into and feeds on historical queer violence. When these stories are collected, when they are pinned up on the wall over and over again, then as a researcher, I can see that these aren’t incidental stories of violence,

they are not circumstantial. When they are brought together like this, the systematic nature of violence becomes apparent, undeniable. And the cultural narrative that “prisons keep us safe” becomes less palpable. It is a lie, an untruth, meant to shroud the harms and pain and violence and rape and murder that prisons are actually inflicting on queer bodies.

Seal’s Story

Jimmy, a 49-year-old gay Navy veteran who people call “Seal,” had spent 26 years in prison. For Seal, prison wasn’t much different than the navy, except that prison staff “have no qualms about using beatings and racial slurs to show their hatred of us” (Black and Pink 2011 Apr., 2). In prison, Seal experienced sexual violence at the hands of other prisoners, experiences he admits he is deeply ashamed of. “I have been raped twice; once by a gang in 1996, and five days before this past Christmas by the leader of the Latin Kings” (Black and Pink 2011 Apr., 2). But these aren’t just malicious individual attacks by prisoners, prison staff set up Seal for the sexual abuse. This is a common story.

Billy’s Story

Billy Wolf Blue Eagle, a 29-year-old bisexual Spaniard/Lakota Sioux mix writes from ad-seg, short for administrative segregation (or solitary confinement). He’d been in ad-seg for 7 years so far. This was not a sentence for the conviction that sent him to prison in the first place. This was an extension to his original sentence that he received while he was inside. Billy was raped three times in prison. Billy told prison staff about being raped, he asked for help. The housing captain and case manager for Billy’s prison told him to stop snitching on people “or they’d see to it that [he’d] be housed with ‘sexual predators’ and feel what it is like to *truly be ‘raped’*” [emphasis added] (Black and Pink

2012 May, 2). Billy was raped three times, but, he says, “because of my sexuality, I must not have been raped at all,” noting, “the courts ruled that since I injured the guy so severely that I was the guilty party” (Black and Pink 2012 May, 2). The outcome for Billy? 16 years of additional time to serve, for first degree assault, for “essentially ‘defending’ myself when the staff would not help.” (Black and Pink 2012 May, 2).

Teddy’s Story

Teddy is a 32-year-old, half-Hispanic gay man. He’s been continuously incarcerated since age 15. One morning Teddy woke up in his cell to someone on top of him, pulling his shorts down. Teddy tried to push him off, but he was just too strong. Teddy was raped. When Teddy told a correctional officer what happened, they just laughed and told Teddy, “you better start working out because it’ll happen again” (Black and Pink 2014 May, 4). A few days later, Teddy was attacked in a bathroom by the same man.

Chris’ Story

Chris is a 37-year-old gay white male and a pacifist, incarcerated in Texas. But when the guards in prison look at Chris they don’t see a pacifist, they only see Chris’ stocky build and his tattoos. Eight months before writing to Black and Pink, Chris was raped twice by members of a prison gang. After the first time, he tried to report the rape to guards at the prison. He was told by the guards to “stop lying” and to go back to his cell. Two weeks later, Chris was raped again, in retaliation for trying to report the first incident. Six months later, Chris was able to be relocated to another facility for religious reasons. Chris reported the rapes to the new facility, but after a short investigation he was told there was no evidence to substantiate his claims. He tried to get reassigned to safe

housing, believing that he was in danger. The prison didn't allow it. With urging from his family, Chris continued to pursue an investigation into his claims. At the time of his writing, there was an open investigation by the Ombudsman's office.

Rodney's Story

Rodney says he'll never be able to forget the first 24 hours he spent in jail. He was put in a communal cell with about 50 other prisoners. Rodney was a scrawny 23-year-old, it was his first time in jail, and he was openly gay. When he entered the cell, Rodney tried to avoid eye contact with anyone, he didn't want anyone to notice him. When two men approached Rodney and he tried to stand up, they towered over him and said, "You ain't fightin' back, is you sweetness?" (Black and Pink 2014 Jan., 5) Rodney was terrified. Rodney's attackers made it clear that if he tried to resist, they would kill him. Both men sexually assaulted Rodney.

The staff at the facility did not protect Rodney, something he says they could have done simply by acknowledging that he was at risk in the first place. Word got out about Rodney's sexual orientation and he was marked as fair game for more sexual abuse. Four days after Rodney's initial attack, things got worse. Rodney had been "sold" by one of his rapists to another prisoner for \$20. Rodney was repeatedly raped by the man who bought him, a man everyone now considered Rodney's "husband" (Black and Pink 2014 Jan., 5). This is what sex trafficking in prison looks like. When Rodney's "husband" had gambling debts, he sent Rodney as payment. When Rodney's "husband" wanted sex, he used Rodney. Abuse and degradation stole Rodney's dignity. Over a decade later, he's still fighting to get it back.

Just Detention International, an organization that works to end sexual abuse in all forms of detention, encouraged Rodney to write about his experience. Rodney says writing about his abuse has been cathartic. Rodney emphasized, “prisoner rape is a gay rights issue.” Openly gay men in prison are told “we deserve what we get, but nobody deserves this” (Black and Pink 2014 Jan., 5).

Jada’s Story

Jada is a transwoman incarcerated in a California prison. She’s the only MTF transgender prisoner in the “protective custody” yard she’s housed in. Jada has been forced to perform oral sex—“raped orally”—on prison staff, fondled by prison staff, ridiculed and harassed, while prison staff incited other prisoners witnessing the maltreatment to condone it in some way. The same guard that orally raped Jada pinched Jada’s nipple in front of another prisoner, gloating, “I can do this, ‘cause I’m a guard” (Black and Pink 2015 Nov., 3).

Eddie’s Story

Eddie came to prison in 1990 as a 20-year-old bisexual boy “who knew nothing” (Black and Pink 2010 Nov., 5). He was scared. After a year and a half in prison, Eddie was raped by his cellmate. “Long story short, that made my life a living hell after that” (Black and Pink 2010 Nov., 5). Eddie moved to another institution and lied about his bisexuality. Not being open about himself made his time in prison miserable. Eddie met someone inside that he was attracted to. They acted on it. It went well for a while, but eventually they got caught and word got out. Eddie is now in ad-seg (short for administrative segregation, one of many names for solitary confinement), where he will live alone for the remainder of his sentence. Eddie’s story exemplifies the complicated

nature of queer identities behind bars. The relief from being out and seen as your authentic sexuality is juxtaposed with living a more confined life in ad-seg. Protected, but isolated. Eddie is “happier now” because he no longer has to “live a lie” (Black and Pink 2010 Nov., 5).

Carmen’s Story

Carmen T. Guerrero was a transgender women incarcerated in Kern Valley State Prison, a men’s facility in California. A new prisoner, Miguel Crespo, was assigned to be her cellmate. Crespo told prison staff that he would kill Guerrero if they were housed in the same cell. Crespo had previously attacked a gay prisoner; thus, it was a credible threat to Guerrero’s life. The prison put them in the same cell anyway. Guerrero was killed within 9 hours of the cell assignment. During the trial for Guerrero’s murder, Crespo said he shouldn’t have ever been housed with Guerrero (Leitsinger 2020).

Conclusion: Understanding the State as Rapist and Murderer

Sexual violence is often used as a means of enforcing gender and sexual conformity. A California study found 67 percent of respondents who identified as LGBT and were housed in male prisons experienced sexual assault by other prisoners, a rate 15 times higher than the rest of the prison population (Mogul, et al. 2011, 99-100).

Additionally, rape victims of all sexualities are subsequently framed as gay and consequently become targets for further assaults. While effeminate people in male prisoners often face sexual violence at the hands of other incarcerated people, masculine people in female prisoners have greater concerns over prison guards than other prisoners (Girshick 2012, 203). Concurring data shows those housed at women’s prisons are over

five times more likely to be sexually victimized by prison staff than those housed at male prisons (Mogul et al. 2010, 101). Prisons become “sites of compounded punishment,” reinscribing concepts of heteropatriarchy and gender norms. Incarcerated people are deprived of safety and dignity and subjected to violence and humiliation for transgressing gender and sexual norms.

In the Introduction to *Prisons Will Not Protect You*, Dean Spade (2012) critiques the logic of queer appeals to law in order to gain freedoms and safety. Spade characterizes this logic as *if we could only get the laws to say nice things about us (queer people), then we'd be safe from harm and violence*. But, as Spade makes clear, appealing to the State, through state mechanisms, for safety misses a critical perspective of understanding the State itself as the perpetrator of violence, as rapist and as killer. When movements for queer safety and survival recognize the State as the biggest threat to queer survival, when we can actually name that violence as state sanctioned homophobia and transphobia, then it becomes imperative for queer movements to recognize the incongruity of seeking redress and remedy from these very institutions of domination and oppression that are foundries of queer violence themselves. Ultimately, Spade urges movements to abandon the demand for queer dignity through state discourse and to build up the community-based movements that actually support and enact queer survival.

CHAPTER III

LITERATURE REVIEW, THEORETICAL BASES, AND METHODOLOGY

This chapter provides the theoretical and methodological bases for the project. Based in a grounded theory and interpretive methodological approaches, this project was a shape-shifting venture, as grounded theory is intended to be, that moved through vast amounts of materials. Here, I present a brief origin story, followed by literatures on intersectionality, collective identity, and social movement theory. As an intersectional feminist scholar, I am attuned to seeing the ways analyses of social problems are often approached through a single vector of identity, and always that vector sits in a more privileged positionality while multiply marginalized identities are consistently neglected.

Initially, I planned to anchor my analysis in new social movement (NSM) theories, because the theoretical literature on social movements seemed to identify culture, identity, and framing as important factors. But as I got deeper into uncovering the work of Black and Pink, the NSM literature seemed incomplete to describe the organizing work that Black and Pink was doing. I looked to other guides for social movement organizing. I came across two social justice organizers that elaborated ideas that resonated with what I was uncovering in Black and Pink's work: Dean Spade's *Mutual Aid* (2020) and adrienne maree brown's *Emergent Strategies* (2017). I join these

two works together to employ them as social movement theory in order to understand what I call *connective action*⁵ as cultivated in Black and Pink’s organizing.

A seed for this project was planted when I took a political theory seminar with Dr. Anita Chari. In the seminar, we read Lisa Guenther’s book *Solitary Confinement* (2013), a phenomenological critique of solitary confinement where consciousness exists by an ability to make sense of the world through shared experience. When prisoners are isolated and their ability to share experiences withheld, their consciousness unravels. At the conclusion of the seminar, I was invited to attend an Inside/Out class that Dr. Chari was teaching at the Oregon State Penitentiary in Salem, Oregon. There, dressed specifically in anything but blue clothing—a requirement to enter the prison as a visitor to distinguish us from prisoners—I met people and we talked about the power of autobiography and writing as political agency (the topic of the course), I heard them recite prose and poetry, and I witnessed them smiling—inebriated in knowledge. The “outside” students, clearly affected by their experience in the course, often said it was the most important class they’d taken in college. The “inside” students had edited and published an anthology of their writing throughout the course. At the end of the evening, they handed a spiral-bound copy to Dr. Chari, every outside student, and me.

My experience in that course pushed me to connect with someone in prison, specifically someone experiencing solitary confinement. That is how I began writing to

⁵This term was birthed during a conversation with Gerald Berk, one of my committee members, in discussing the kind of intimacy that was developed through one-on-one pen pal communications and its relationship to political activism. Later, I realized there is already a use of “connective action” in political scholarship. I do not mean the “connective action” understood as emerging forms of democratic mobilization through digital media technologies, as elaborated in W. Lance Bennet and Alexandra Segerberg (2013) in *The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics*.

Scout⁶. I got Scout's information from someone in a Criminal Justice Network of students and community members that I was newly connected with. I was given the name and address of a dear friend, Scout, who was from a neighboring town to where I lived. He'd been locked up for 25 years, at that point in time, but was not incarcerated in Oregon. Scout was in the federal prison system, so he'd gotten moved around through the years. He was incarcerated in California, Missouri, and was now at a supermax facility in Colorado. A supermax is basically a prison designed exclusively for solitary confinement. This prison was described as "a hell on earth" by a formerly incarcerated prisoner. The cells are arranged linearly along one side of a long hallway, to prevent prisoners from seeing each other. The cells are 7 feet by 12 feet. Everything in the cell was concrete and metal. A small concrete bed, a small concrete desk, a metal sink, a metal toilet, and a shower head. There is a narrow glimpse of the outside through a 4 inch by 42-inch window. At the super-max, prisoners are not in solitary for a few weeks, a few months, or even a few years. All prisoners at this facility are in long-term solitary confinement. When we began writing, Scout had been in solitary for over a decade. Over a decade of 23 hours alone in his cell every day. So, I began writing with Scout. I say writing *with* instead of writing *to*, intentionally, to recognize the truly co-constitutive relationship that pen paling between inside and outside can and should be. Within a year I began writing with another incarcerated person, Kiesha⁷, in Texas. I refer to different conversations, experiences, and feelings I've had in relationship to both of my pen pals throughout this dissertation. I share some of the experiences and insights they have

⁶ pseudonym

⁷ pseudonym

shared with me. As a scholar that believes in both the power of narrative and the necessity of amplifying marginalized voices when we have the opportunity, it was imperative that their stories be present in this project.

As a phenomenological inquiry itself, this project is first and foremost concerned with human experiences of incarceration, queerness, and the lifeworlds that grow up in the overlay. The project is guided by Black feminist articulations of intersectionality, whereby those at the cross-sections of multiply marginalized identities are oft neglected in research, understandings of social problems, and advocacy. What Black feminists like those a part of the Combahee River Collective and beyond implore us to do in struggles for liberation is to center our struggle on those who are most vulnerable to oppression, those who are most marginalized. I tried my best to keep this charge at the forefront of my inquiries, explorations, and interpretations.

Intersectionality

Studies of sexuality and gender in the carceral state suggest that an intersectional approach is valuable both from a standpoint of academic analysis and in the context of creating meaningful social change. Intersectionality allows for a nuanced and holistic consideration of multifaceted identities. Organizationally, intersectional approaches may avoid state cooption and broaden the narrow bounds of acceptable organizing provided by traditional rights-based frameworks. Intersectional theories posit an interlocking and interdependent relationship between white supremacy, capitalism, patriarchy, heteronormativity, and all oppressive systems. These systems of domination are not simply alike in their oppression and marginalization of peoples, rather they depend on

and mutually reinforce one another. The Combahee River Collective (1977) articulated that “major systems of oppression are interlocking. The *synthesis* of these oppressions creates the conditions of our lives” (emphasis mine, 292).

Intersectionality theory offers a critical perspective toward understanding how multiple social identities intersect at a micro level in individuals’ lives and at a macro level of society to produce and enact systems of privilege and oppression. Furthermore, intersectionality offers a methodology to examine systems of social stratification, optimally serving as a mechanism for positive social change. Intersectional theory conceptualizes oppression not as simple arithmetic where marginalized identities are additive, rather intersectional theory views the interactions among and between marginalized identities as producing unique and distinct experiences that are “qualitatively different” (Crenshaw 1991, 1245). Intersectionality better our understanding of processes of social exclusion operating across multiple marginalized identities, ultimately enhancing our understanding of how we understand disparities in carceral rates and experiences of harm and violence in the carceral system for LGBTQ people.

While the conceptual roots of intersectionality can be traced to early Black feminism, the terminology that describes systems of oppression as “interlocking” is attributed to critical race theorist and legal scholar Kimberlé Crenshaw. Crenshaw describes intersectionality as “a transitional concept that links current concepts with their political consequences, and real-world politics with postmodern insights. It can be replaced as our understanding of each category becomes more multidimensional” (Crenshaw 1993, 114). Intersectionality as a concept accommodates fluidity, where race,

gender, and sexuality are not ahistoric identities. Rather, these categories of identities are salient social systems that have contemporary political realities. Race, gender, and sexuality are socially constructed in connection with one another. Crenshaw theorizes the interplay of racial and gender inequality in the lives of Black women and the inability of nondiscrimination law to abate the coetaneous nature of Black women's experiences of racism and sexism in employment discrimination.

Black feminist theorists have long acknowledged the intersection of sexuality and race, providing a history of American sexuality that differs markedly from dominant narratives. This history is grounded in a developed critique of the sexual "othering" of Black folks within an American white supremacist system. Sexualization is always a fundamental component of racialization; therefore, U.S. racial history is inseparable from U.S. sexual history. Black feminists have consistently exposed the constructions of Black Americans as sexual "deviants" (Davis 1981, Cohen 1997, Collins 2005). The sexual "othering" of racial "others" has been used both to create and justify people of colors' position as wholly separate and inferior categories of humanity.

Queer theorist Ian Barnard elaborates on the mutually constitutive nature of race and sexuality, noting "sexuality is always racially marked, as every racial marking is imbued with a specific sexuality...I do not see sexuality and race as disparate constituents of subjectivity or axes of power, but rather sexuality as always-already racialized, and vice-versa" (Barnard 1999, 200). Similarly, David Eng explains our understanding of sexual and racial formations "not as separate processes of identity formation restricted in singular isolation, but as coming into existence only in and through a dialectical relationship to one another" (Eng 1997, 40). All Black people are

inherently situated outside the white heteronormative ideal, regardless of their orientation within the dominant sexual classification system of hetero/homo dichotomy.

Multiple theorists have suggested that the intersections of race and sexuality have become particularly relevant in contemporary political contexts, in which formerly “unified” racial collectivities are increasingly divided by gender, sexuality, and class-based differences. Patricia Hill Collins (2005) suggests that contemporary racial inequalities rely upon class-specific, sexualized masculinities and femininities both in their execution and justification, invoking longstanding hyper-sexualized constructions of Black people. Collins argues that it is necessary to reject dominant gender ideals, as they are inseparable from white supremacy.

Cathy Cohen (1999) also identifies class, gender and sexuality specific forms of racism. Cohen differentiates between “crosscutting” and “consensus” issues in Black political organizing. “Consensus” issues are understood by Black elites to affect the Black community in its entirety, while “cross cutting” issues are understood as divisive. “Cross Cutting” issues tend to be associated with the most “shamed” or “embarrassing” of Black individuals – sexual minorities, women and the urban poor. Although they are primarily addressing Black political organizing, both Collins and Cohen underscore the need for queer organizing to address intersectional concerns.

Queer theory offers possibilities for intersectional activism by critiquing the essentialist identity models of gay and lesbian sexuality. Queer theory questions the monolithic categories of sexual identity. Further, queer political activism questions the normative value of heterosexuality writ large, rather than simply seeking an extension of rights and protections from normative society. Queer theory points out the deep

entrenchments of gender and sexual norms throughout society's structures and institutions.

The contemporary mainstream LGBTQ movement is a narrowly defined rights-based movement that has been organized primarily around sexual orientation, largely ignoring experiences of TGNC people. Mainstream gay and lesbian organizers have framed a fight for LGBTQ equality in comparative terms to movements that have sought racial equality. This framing draws a direct comparison of LGBTQ people today to Black people who fought for civil rights in the past. This comparative approach “marginalizes (or treats as nonexistent) gays and lesbians of color, leading to a narrow construction of the gay and lesbian community as largely upper-class and white” (Hutchinson 2000, 1360). In *Terrorist Assemblages*, Jasbir K. Puar characterizes the rise of a “pernicious binary” in the post-civil rights era where “the homosexual other is white, the racial other is straight” (Puar 2007, 32).

Numerous queer theorists have contributed to analysis that highlights the heterosexual nature of the nation-state: “M. Jacqui Alexander claims that the ‘nation disallows queerness,’; V. Spike Petersen locates ‘nationalism as heterosexism’; Lauren Berlant and Michael Warner have elaborated upon ‘national heterosexuality’” (Puar 2007, 47). The queer rights movement in the United States, distinct from a queer movement defined by sexual liberation, sought to disrupt the regulatory heterosexuality of the State, but nevertheless relied on “normatively white and national terms” (Morgensen 2010, 106). The effect was not to queer the State, but rather to integrate the homonormative into the national imaginary. For Puar, this integration produces “homonationalism,” which produces a new class of citizens invested in the reproduction

of the State through white supremacist discourses: “the project of whiteness is assisted and benefited by homosexual populations that participate in the same identitarian and economic hegemonies as those hetero subjects complicit with this ascendancy” (Puar 2007, 31). The mainstream LGBT rights movement’s preoccupation with marriage equality and military inclusion demonstrate how the homonormative queer is invested in validating the State’s institutions and advancing imperialist interests.

Not only have politics and policy shaped LGBTQ social movements, but also the defining function of violence within LGBTQ politics has influenced the life of U.S. cities” and their racialized development (Hanhardt 2013, 11). While queerness had previously been considered a vice and social ill, during WWII homosexuality emerged as an autonomous regulatory category in federal matters of immigration, welfare, and military policy (Canaday 2011). In response, there was an effort to distinguish queerness from other forms of social deviance, particularly racialized poverty of cities. Activists of the 1970’s began to assert the lesbians and gay men were the victims, not perpetrators, of crime. There was a dynamic engagement with federal policy by activists to disaggregate homosexuality from other social problems. While homosexuality as an explicit regulatory category did not mean that others marked as deviants (such as the racialized poor) were no longer regulated, the mainstream LGBTQ social movement did not uniformly consider these *other* deviants within the terms of identity, respectability, and rights that defined the movement. This research is also an inquisition into the ways that LGBTQ politics have aligned with state power to assert wealth and privilege in the struggle for rights and protections. This bolsters the idea that “poverty and/or nonwhiteness is at the crux of

homophobia and thus outside of idealized LGBTQ identities” and this has been central to mainstream LGBTQ politics (Hanhardt 2013, 14).

Social movement organizing with an intersectional lens involves making connections across issues and identities. Rather than addressing race, sexuality, gender, class, etc. as parallel or competing dynamics, they are taken together and considered in relationship to one another; “both differences and similarities are interrogated and illuminated so that people can understand each other more deeply and fully” (Arquero, Nayantara, and Keleher 2013, 23). Rather than compartmentalizing aspects of different identities, an intersectional lens upholds people understood as their whole selves. This is particularly critical for queer people who have been or are incarcerated, because people tend to be simultaneously affected by multiple issues related to their various identities.

The presumption that carceral justice and LGBTQ equality are unrelated is clear in the neglect of mainstream LGBTQ movements to significantly take up carceral justice over the last three decades. In national LGBTQ organizations that seek to represent a broad constituency of members, people in prisons are often ignored when policies are advocated that are not contextual or even pertinent to their lived experiences. Passed in 2009, the Matthew Sheppard and James Byrd Jr. Hate Crimes Prevention Act, extends the 1968 federal hate crimes legislation to crimes motivated by a victim’s actual or perceived gender, sexual orientation, gender identity, or disability. Mainstream LGBTQ organizations, like the Human Rights Campaign (HRC) who championed the legislation for nearly a decade, celebrated it as a victory for queer communities. The HRC understands hate crimes legislation as sending “an important message to our nation that the federal government will not tolerate violent crimes that target individuals because of

their sexual orientation, gender identity or other characteristics” (“Hate Crimes”). On the twelfth anniversary of the passage of the bill, HRC President Alfonso David commemorated the legislation for “providing critical federal authority in combating violent, anti-LGBTQ hate crimes,” imploring queer activists to vote for Joe Biden, who will “prioritize prosecutions of anti-LGBTQ hate-fueled violence... and reform our treatment of marginalized communities including LGBTQ people in our criminal justice system” (Acosta 2020). Unlike the HRC dialogue that Jason Lydon was met with in 2003, the President of HRC now recognizes that LGBTQ people are treated poorly within the criminal punishment system. However, this is a far cry from acknowledging the ways that expanding state punitive powers, which David advocates earlier in the same sentence, contributes to that very marginalization and harm for LGBTQ people in prisons.

Social Movement Theories

This project investigates the relationships between identity, activism, and social movement development in the context of queer anticarceral work. To that end, I first explore developments of social movement theories in the social science literature, beginning with a brief overview of classical approaches. Next, I look at contemporary theoretical developments such as resource mobilization theory and political opportunities theory, and finally explore what has been called a “cultural turn” through new social movement (NSM) theory and collective identity (Nash 2001, Yanow 2006). While NSM theorizing considers the role of culture and identity on social movement development, it misses a critical lesson from intersectional theorizing in social movements—centering the

experiences of marginalized people in work toward social change is *necessary* to actualize liberation. Therefore, I found NSM theory incomplete for examining queer prison abolition organizing work, the subject of this project, representing a gap in the literature. Thus, I instead engage emergent strategy and insights from mutual aid organizing as social movement theory to illustrate how these concepts can help us understand the significance and developments in the connective action and *survival work* of Black & Pink.

Social movement theorizing attempts to explain why social mobilizations happen, how mobilizations manifest, and the political, social, and cultural implications. Perhaps requisite to the study of social movements is defining what is considered a social movement at all. Charles Tilly (2004) did not categorize all forms of social protest as social movements, rather, social movements are groups that display worthiness, unity, numbers, and commitment. Other scholars move beyond particular time, place, and individual members of social movements; instead, they are described as “shifting clusters of organizations, networks, communities, and activist individuals, connected by participation in challenges and collective identities through which participants define the boundaries and significance of their groups” (Whittier 2002, 289). According to Asa Wettergren (2005) social movements are built on collective action with “*shared beliefs and solidarity, in sustained challenge to authorities... [mobilizing] support for their conflictual issues*” (emphasis in original, 52).

The classical tradition in social movement theorizing offers three strains of understanding movement behaviors: mass society theory, collective behavior theory, and relative deprivation theory. Mass society theory, developed in the work of Emile

Durkheim, speculates that participation in social movements arise out of feelings of alienation from institutionalized channels of political participation (McAdam 1982). Collective behavior theory, which is grounded in social psychological explanations for social movements, focusing on the ways crowds diminish the rational behavior control of individuals (McPhail 1989). Relative deprivation theory moves away from understanding social movements as expressions of seemingly irrational impulses and locates the genesis of social movements in a perceived lack of some valuable thing, the observation that others have that thing, and the belief that obtaining that thing is possible and necessary (Runciman 1966; Olsen, Herman, and Zanna 1986).

Contemporary social movement theorizing continued to move toward rationalist understandings of social movement development and success. With grievances abound, there was not an explanation for why some grievances get taken up and develop into social movements and others do not. Resource mobilization theory, developed by McCarthy and Zald, hinges on the assumption that rational actors are making choices based on the tangible resources available for movement success (Jenkins 1983, Melucci 1996). Useful resources include effective leadership, social networks, and funding; all of which contribute to the recruitment of movement participants. A movement's ability to access resources is a key determinant in the movement's efficacy for affecting social change (McCarthy and Zald 1977). Piven and Cloward (1991) critiqued resource mobilization theory for conflating normative and nonnormative collective behavior "as if rule-conforming and rule-violating collective action" are the same (435). Furthermore, they contend that the formalization of movement organizations can hinder protest

attempts by people without resources, those protests are protests of disruption, seeking to disturb the smooth operation of institutions that rely on their conformity.

In order to counter the economic focus of RMT, political opportunities theory was developed by Tilly and McAdam, which theorized social movements as fashioned by the available opportunities within particular social, political, and economic contexts. Political context is essential to explaining the efficacy of social movements (McAdam 1982; Tarrow 1992; McAdam, McCarthy, and Zald, 1996). Social movement mobilization is an expression of politics, closely intertwined with traditional institutions, providing a connection between people and political institutions (McAdam, McCarthy, and Zald 1996). The variety of political opportunities at a given moment, such as the nature of the chief executive or the degree of social disintegration, “serve in various ways to obstruct or facilitate citizen activity in pursuit of political goals” (Eisinger 1973, 11).

McAdam (1982) introduced the concept of cognitive liberation, as one of the three central factors in the formulation of political process theory. Cognitive liberation comes from a combination of defining the situations of an aggrieved group as unjust and collective efficacy. McAdam ascribes a central causal significance to processes of social construction, or the subjective meanings that groups attach to their situations, where this development of shared understanding undergirds collective action.

In the 1960’s, as movements shifted from primarily class and economic motivations and action toward post-industrial movements interested in moral or quality-of-life concerns, we see an emphasis on culture, particularly in the “civic culture tradition” of political science. Almond and Verba’s (1963) book *The Civic Culture* put forth the idea that a civic culture is “based on communication and persuasion, a culture of

consensus and diversity, a culture that permits change but moderates it" (8). This understanding of political culture, according to Almond and Verba, enables scholars of social movements to better understand the motion between individuals and groups and larger political structures. The interpretation of culture in the context of social movement theorizing has taken different forms. In anthropology, Clifford Geertz (1973) defined culture as a symbolic system where norms and values do not exist purely in individuals, rather it is a shared collection of symbols, stories, and public performances. For Geertz, language, stories, and other symbols were connected, and through that connection culture is produced.

An important part of the development of NSM theory comes through feminist scholarship in the 1970's and 1980's (Freeman 1975; Taylor and Whittier 1992). Women's movements and feminist scholarship were at the cutting edge of cultural research because they departed from a strictly class analysis. In this way, feminist scholars moved away from the idea that interests arise *naturally* from material conditions. Instead, much of the women's movement develops through understanding oppression as an everyday experience that can happen in both more obvious and more subtle and insidious ways. Women began seeing how the absorption and incorporation of patriarchal images and ideas promoted their own oppression from within. Feminist scholars brought attention to the personal as political and employed consciousness-raising as a key strategy in the women's movement (Hanisch 1969; Sarachild 1978). Emotions also played an important role in social movement building, through creating bonds and mobilizing people emotions buttressed the formations of collective identity.

This cultural turn continued into the 1980's, opening a discussion of framing, identity, emotions, and culture. NSM theorizing developed as a way to explain the various movements of the later twentieth century, primarily environmental, antinuclear, peace, feminist, and gay and lesbian movements (Handler 1992). NSM theories resisted the rationalist approach to understanding social movements, arguing that social movements are culturally constructed realities that are ideologically dependent. While political contexts and resources are still deemed important, movement decision making is seen as being guided by collective ideologies and identities in which group members are particularly invested. In this understanding, collective identities do not predate activism, but are actively created and recreated within activist projects. The interest of NSMs "may be as much about changing people's understanding of themselves and the world around them as about changing laws and policies" (Valocchi 2010, 24).

NSM theories have moved beyond psychological understandings of the classical approaches of social movement theorizing and beyond the rationalist understandings of structural approaches. They recognize the significance of framing, what and how we tell stories, in movements for social change. They have also widened understandings of identity, beyond class, to illuminate what motivates people to mobilize for social change. While these interventions in the development of social movement theory are important and impactful, I do not believe they are complete. In the next section, I incorporate the work of two social movement activists that I believe grow our understanding of how people mobilize for social change. So, I return to the purpose of social movement theory I named earlier in this section, to say, mutual aid projects and emergent strategy can aid in

our attempts to explain why and how social mobilizations happen and their political, social, and cultural implications.

Mutual Aid & Emergent Strategies

An influential text in the development of anarchist communist thought, Peter Kropotkin's *Mutual Aid* (1902) is a call for cooperation among humankind. Kropotkin applies historical, biological, and philosophical understandings to debunk competition as the primary evolutionary determinant and illustrates how cooperation for mutual benefit is indeed a human instinct. Through a historical analysis that interrogates early European societies through labor movements of the early 1900s, Kropotkin illustrates how the State has worked to gut important mutual aid systems. Drawing on Kropotkin, Dean Spade recently released his own text on *Mutual Aid* amidst the COVID-19 pandemic, which reads as one-part grassroots theory, one-part practical how-to guide for organizers. Spade defines the mutual aid of our contemporary moment as collective coordination to directly meet each other's survival needs, based on building a "shared understanding that the conditions in which we are made to live are unjust" (Spade 2020, 7).

Some examples of mutual aid from social movements of the 1960s and 1970s are the Black Panther Party for Self Defense and Young Lords' liberation struggles for Black and Puerto Rican liberation, respectively. These liberation fighters set up free food programs, free health clinics, liberatory education curriculum, and other services to meet the needs of communities that lived among myriad social problems. In a culture that blamed poor people, particularly poor Black people (Greenbaum 2015), for their poverty, programs like the Black Panther Party's free breakfast program removed stigma, which

allowed people to acquire free food and “a chance to build shared analysis about Black poverty” (Spade 2020, 10). More examples of mutual aid projects can be seen in feminist organizing around access to abortion in the 1960s and 1970s and the gay community’s response to the AIDS epidemic in the 1980’s. Feminist health clinics and activist-run abortion networks saw strange bedfellows with clergy helping women seeking abortions. In 1967 a group of clergy formed the Clergy Consultation Service and it’s now estimated that over the years they helped coordinate almost a quarter of a million safe abortions (Schlemmer et al. 2017). Responding to inaction on the part of the government, queer communities in the early 1980’s formed their own groups, for example Gay Men’s Health Crisis (GMHC) which started with eighty men who met in Larry Kramer’s living room in 1981. GMHC created a “Buddy program” to assist people living with AIDS with their daily needs. Faced with a medical industry that lacked research and resources toward the AIDS epidemic, GMHC published and distributed 50,000 copies of its newsletter to doctors, hospitals, and clinics. An answering machine in the home of one of its volunteers becomes a hotline for people to call; they received over 100 calls on the first night (“History”). Gay community groups began coordinating medical care and medications, fundraising for AIDS research. In the face of crisis, mutual aid projects show themselves to be creative and innovative experiments in community care.

Spade identifies three central elements of mutual aid projects: (1) work to meet survival needs and build shared understanding about why people do not have what they need, (2) mobilize people, expand solidarity, and build movements, and (3) are participatory, solving problems through collective action rather than waiting for saviors (Spade 2020, 9-16). Through collective action, mutual aid projects make clear that

alternatives to the current system (which is failing to meet the needs of most people) are possible. Importantly, Spade points out, “this work is based on the belief that those on the front lines of a crisis have the best wisdom to solve the problems” (Spade 2020, 13).

In the title of the second chapter, Spade proclaims a foundational organizing logic of mutual aid, it’s about “Solidarity Not Charity!” (Spade 2020, 21). Our mainstream understandings of how to help people in need are based on charity and social service models and can be seen integrated throughout the current non-profit sector. Mutual aid is distinct from charity and service. I’ve outlined some of the distinctions between the charity model and mutual aid projects in Figure 1.

Figure 1:

Charity Model	Mutual Aid Project
Relies on a few elites or expert knowledge	Mobilizes a lot of people
Utilizes eligibility criteria (sobriety, mandatory classes, etc.)	Resists eligibility criteria
“Pet” cause or project	Integrated part of people’s lives
“Manages” people	Cultivates shared analysis of root causes of problems and connect people to social movements that can address these causes

The charity model prioritizes elites and expert knowledge, people with a lot of money or fancy degrees, in decision-making. Mutual aid projects, on the other hand, are collective projects. They have many people joining together to make decisions through accessible and transparent processes. “We need to move from competitive ideation, trying to push our individual ideas, to collective ideation, collaborative ideation. It isn’t about having the number one best idea, but having ideas that come from, and work from more people” (brown 2017, 59).

The charity model also considers their members to be their donors. Conversely, mutual aid considers their members to be the “people making decisions, usually everyone involved in doing the work and/or getting help from the group” (Spade 2020, 63). Membership mutualism is a reciprocal flow of engagement, rather than the top-down, one-way disbursement of “aid” that reinforced existing power structures, creating vulnerable people. Spade adds, “mutual aid is inherently antiauthoritarian, demonstrating how we can do things together in ways we were told not to imagine, and that we can organize human activity without coercion” (Spade 2020, 16).

Eligibility criteria, such as requiring sobriety to receive necessary services, creates a “deservingness narrative” (Spade 2020, 47). People are divided into who should and should not be helped by charity groups. Social services and charity models “often [tie] aid and criminalization together, determining who gets help and who gets put away” (Spade 2020, 48). Mutual aid projects, on the other hand, resist eligibility requirements, thus, supporting more people, often those facing the direst conditions.

The charity model can manifest as “having a cause” or “pet project” (Spade 2020, 26), a tangential part of life. Mutual aid projects act as a conduit for more integrated movement building, connecting politics to ordinary life—creating “robust social movements” that enter “all the aspects of our lives” (Spade 2020, 27). When social services are designed to manage people and only offer conditional help, at worst they become “integrated into programs that make vulnerable people even more vulnerable” (Spade 2020, 25). Management is often a way for nonprofits to make themselves look good, to appeal to elite donors for grant funding, but does not get at the root causes of crises people and communities experience.

In developing what it means to grow liberation and justice, to “shape change,” adrienne maree brown advances what she calls emergent strategies (brown 2017, 1). Emergent strategies are “the ways for humans to practice being in right relationship to our home and each other, to practice complexity, and grow a compelling future together through relatively simple interactions... how we intentionally change in ways that grow our capacity to embody the just and liberated worlds we long for” (brown 2017, 24). Brown describes emergent strategies through a number of elemental stories, noting that “it's pretty impossible to separate any one of the elements... from the others” (brown 2017, 44): fractals, or the relationship between small and large; adaptability, or how we change; interdependence and decentralization, or who we are and how we share; non-linear and iterative, or the pace and pathways of change; resilience and transformative justice, or how we recover and transform; and lastly, creating more possibilities, or how we move towards life (50). I rely primarily on brown’s understanding of fractals to show how movements can grow organically through focusing on small, micro-level engagements and behaviors. These small-scale practices can organically translate to the systems-wide transformation we seek.

Organizing around Collective Identity

Collective identity has been variously defined as “a shorthand designation announcing a status—a set of attitudes, commitments, and rules for behavior—that those who assume the identity can be expected to subscribe to,” or “the shared definition of a group that derives from members’ common interests, experiences and solidarity” (Taylor and Whittier 1992, 105). Francesca Polletta and James M. Jasper (2001) caution the

conflation of collective identity with concepts such as ideology, solidarity, and socially prescribed identities (i.e., gender, race, sexual orientation). They argue that collective identity must be differentiated from such concepts, elaborating, it is “an individual’s cognitive moral and emotional connection with a broader community, category, practice, or institution. It is a perception of a shared status or relation, which may be imagined rather than experienced directly” (Polletta and Jasper 2001, 284).

Some scholars have complicated the relationship between the production of collective identities by organizational personnel and the constituencies these organizations represent. Gamson (1996) iterates that although collective identities “are not organizational invention, [they] are continually filtered and reproduced through organizational bodies” (Gamson 1996, 235). The production of gay and lesbian collective identity in Gamson’s research on gay and lesbian film festivals was shaped as much by the priorities of funders as by the interest of constituents.

Coalitions, or the model of people coming together across differences to work on a set of issues, are important components of social movements (Davis and Martinez, 1993). Coalitions, networks, and alliances are various ways of working together, distinguishable from one another depending on their short or long-term lifespan and goals. A network is more permanent than a coalition or alliance, it is ongoing. Alliances and coalitions are less permanent and are more particularly focused on a certain set of goals. Thus, Davis points out, the disbanding of coalitions or alliances is not a failure, rather it is a part of the shifting formations of collaborative work. Andrea Smith (2006) argues a similar vision of collaborative social justice work, arguing for careful attention to all three pillars of white supremacy — genocide/colonialism, slavery/capitalism, and

orientalism/war—so that one group’s strategies for liberation do not unwittingly maintain another group’s oppression (Smith 2006, 67).

In *Identity Complex*, Michael Hames-García (2011) challenges the ways that identity has often been understood as a category of analysis. He pushes scholars and social justice activists to look beyond how different identities intersect and suggests an understanding of identities as mutually constitutive—forming in relationship to one another. Complicating understandings of identity formations can enable those in the fight to end social inequity to create deep connections of solidarity across differences. Using the work of María Lugones, Hames-García illustrates the relationship between those with *opaque identities*—“more difficult to see, to understand, and to explain given the fragmenting logic of social oppression and its restriction of multiplicity”—and the dominant groups (in this case Latina and Lesbian) that would both claim and neglect them at once (Hames-García 2011, 8). Lugones seeks to reconcile the distance between Latina and Lesbian,

As she points out, writing about lesbian separatism and being a Latina lesbian, “if we are to struggle against ‘our’ oppression, Latina Lesbian cannot be the name for a fragmented being. Our style cannot be outside the meaning of Latina and cannot be outside the meaning of Lesbian. *So, our struggle, the struggle of lesbians, goes beyond lesbians as a group*” Progressive social struggles and politics can only succeed when straight people of color and white lesbians and gay men come to see the interest of gay, lesbian, bisexual, and transgender people of color as *their own*. According to this prescription, dominant members of social groups must come to expand their sense of what their own interests are and who their own people are (Hames-García 2011, 27).

For Lugones, the bounds of Latina and Lesbian must both *expand*, growing bonds of solidarity in that expansive space, for a Latina lesbian identity to become legible.

Tim Jones-Yelvington (2008) conducts research into the organizational structures

of two queer intersectional social justice organizations—Queers for Economic Justice (QEJ) and Southerners on New Ground (SONG)—and how these organizations navigate the construction of collective identity in an intersectional project. Both QEJ and SONG “understand themselves as bridges connecting previously disconnected movements and communities” (Jones-Yelvington 2008, 84). This kind of collective identity work expands the notions of what issues are important and to whom.

However, such bridging work is often fraught with difficulty. Cohen (1997) hesitates to assume that shared racial, class, gender, or sexual orientation identity guarantees similar political commitments. Identities are important to social movement strategizing, but Cohen cautions relying exclusively on a single-identity category in social movement building. Social movement building “must be complicated and destabilized through a recognition of the multiple social positions and relations to dominant power found *within* any one category or identity” (Cohen 1997, 459). Crenshaw (1991) suggests using intersectionality to challenge the identities and communities, and the politics they create, that are “home” to us:

With identity thus reconceptualized [through a recognition of intersectionality], it may be easier to understand the need to summon up the courage to challenge groups that are after all, in one sense, “home” to us, in the name of the parts of us that are not made at home... The most one could expect is that we will dare to speak against internal exclusions and marginalization, that we might call attention to how the identity of “the group” has been centered on the intersectional identities of a few... Through an awareness of intersectionality, we can better acknowledge and ground the differences among us and negotiate how these differences will find expression in constructing group politics (Crenshaw 1991, 1299).

Destabilizing identity categories is not without its difficulties, particularly when an identity politics is well established within the legal sphere. Cohen recognizes that calling for the destabilization of identity categories is not the same as calling for the

destruction or abandonment of identity altogether. Gamson (1995) explicates the limitations of queer politics that are rooted in the deconstruction of identity categories. Without identity, social justice activists risk having no center around which to cohere and mobilize.

Methods

Grounded theory seeks to develop explanations of phenomena based on rich, contextualized data (Strauss and Corbin 1990). This method does not approach data in the form of hypothesis testing, rather it allows the researcher to address patterns as they emerge, inductively building theory through qualitative interpretive analysis of data. This project took a three-prong approach to data collection, interpretation, and analysis. First, I attended core organizer meetings of the Seattle chapter of Black and Pink. In the wake of the COVID-19 pandemic, as organizing moved exclusively to digital spaces, I was able to access meetings and webinars from additional chapters, mainly Boston and New York. Second, the Black and Pink newspaper publications were a primary data source, I read and took notes on issues published between 2010-2018. As I read more and more newspapers, I made note of recurrent themes in prisoner narratives, organizational structure, and the developing analyses within the organization. Finally, I conducted six interviews with Jason Lydon, founder and former national director of Black and Pink, between September 2020 and January 2021. These interviews were in depth and semi-structured conversations, where I presented topics for discussion, like organizational partnerships, present insights from data analysis, and Lydon would elaborate and tell stories, prompted by the topic. I asked follow-up questions as the conversations

progressed. I also utilized published material from Black and Pink and Jason Lydon to further my understanding of how Black and Pink developed their politics. Last, I used interviews of Black and Pink members that appeared in a number of different podcasts.

CHAPTER IV

“ON THE ONE HAND IT’S LIKE ‘FUCK 12,’ AND ON THE OTHER HAND IT’S
LIKE, ‘I WOULD LIKE MY FRIEND TO READ THIS LETTER’”:
EPISOLARY PROJECTS OF BLACK AND PINK

*Abolition is about presence, not absence.
It’s about building life-affirming institutions.*
—Ruth Wilson Gilmore

The cultural significance of the epistolary⁸ in the United States is undeniable. The “Republic of Letters” created a trans-Atlantic community of intellectuals, a “mythical union” that sought intellectual freedom and philosophical development through correspondence (Outram 2006, 71). Prior to citizenship recognition, letters were a way for those excluded from mainstream politics to disseminate ideas and claim political agency. The significance of historical epistolary seems inexhaustible, but there are some particularly relevant examples: Slave abolitionists put pen to paper to coordinate care for escaping slaves and articulate ideas of freedom. During the fight for independence from Great Britain, in her now famous letter to her husband John Adams, Abigail Adams’ implores him

in the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If perticular care and attention is not paid to the Laidies we are determined to foment a Rebellion, and will not hold ourselves bound by

⁸ Meaning “of or belonging to letters,” see Sharon Luk (2017) *The Life of Paper* for more on epistolary histories.

any Laws in which we have no voice, or Representation (“Adams Family Paper”).

In the act of penning a request for political consideration, Abigail Adams ends with an assertion to right of women to “foment a Rebellion” and resist the legitimacy of laws that they do not have a voice in creating. In the contemporary political realm, letters remain a significant tool, for example when a constituent writes to their representative to express concerns, of connecting the body politic to political institutions. In the example above, Abigail Adams challenges the bounds of the body politic, asserting a rightful place for her in it.

The open letter form produces an emboldened politics, through public engagement; from James Baldwin’s (1962) “A Letter to My Nephew,” uncovering the history of racism and what kind of future his nephew will need to prepare for in order to survive, to Ta-Nehisi Coates’ (2015) emulation of Baldwin’s form in his book *Between the World and Me*, writing to his teenage son. In her book *The Life of Paper*, Sharon Luk (2017) explores the “lifeworlds” maintained through epistolary connectivity (3). Early on, Luk’s claim, one that is “almost *too* obvious to necessitate book-length explanation” is that “letters can mean the world to the people attached to them, and distinctively so for communities that are ripped apart by incarceration” (2). In this chapter, I argue that it is the act of writing the letter itself that embodies political action. When queer prisoners are constantly regarded through categories of identity and simultaneously through the State’s erasure of their humanity, letters become an enactment of that humanity. In this sense, letters become an organizing project, a radical act against institutions of domination.

This chapter conceptualizes two distinct aspects of the epistolary world of Black and Pink; first, through the everyday act of sending mail, members of Black and Pink

develop a culture of resistance and second, the significance that develops through pen pal correspondence is a practice of building what adrienne maree brown calls “inch wide mile deep” movements of change (brown 2017, 20). Through correspondence, prison abolitionists on the inside and outside of prison walls simultaneously respond to and help shape the changing conditions of carceral politics. The letter is a symbol of dignity, a reclamation of humanity, for the prisoner, held in a system that does everything and more to strip them of those very things. For queer prisoners especially, the letter is a reminder that they continue to exist, despite a system that does everything it can to make that existence impossible. Pen pal relationships cultivate what I call *survival relationships*, which are necessary interventions in the prison-induced isolation and social death that threaten the survival of queer and trans lives.

Epistolary Interventions and Abolitionist Tactics

In *The Practice of Everyday Life*, Michel de Certeau (1984) examines the everyday, repetitive actions and behaviors of people and discovers the production of culture in the mundane acts of “everyday life”, things like reading or walking around a city. De Certeau goes on to distinguish between concepts such as producer/consumer and strategy/tactic.

The efficiency of production implies the inertia of consumption. It produces the ideology of consumption-as-a-receptacle. The result of class ideology and technical blindness, this legend is necessary for the system that distinguishes and privileges authors, educators, revolutionaries, in a word, ‘producers’, in contrast with those who do not produce. By challenging ‘consumption’ as it is conceived and (of course) confirmed by these ‘authorial’ enterprise, we may be able to discover creative activity where it has been denied that any exists, and to relativize the exorbitant claim that *a certain kind* of production (real enough, but not the only kind) can set out to produce history by ‘informing’ the whole of a country (153).

Structures of power are “producers,” they utilize “strategy” to design the institutions, structures, and environments of society. Meanwhile, “consumers,” those without power (or “other”), navigate that strategic design through the deployment of “tactics.” de Certeau uses the city as a reference for elaborating these concepts. The layout and design of a city, how the streets are laid out, where alleys are located, stop lights, crosswalks, buildings, are all strategically produced by structures of power. In traversing a city, the individual enlists tactics that either conform to or resist the city environment. An individual might take shortcuts, walk through a park, jaywalk, or any number of ways that butt up against structures of power, the strategic design.

The State’s regulation of prisoner communication—setting up arbitrary hurdles for mail—functions to manage the life of a prisoner, dictating who they can communicate with, how they can communicate, and when they can communicate. Luk investigates the value and meaning of written communication for racialized communities in various modes of confinement: from Japanese internment to the imprisonment of leaders for Black liberation. Luk highlights the arbitrary nature of prison rule enforcement as “micro-disciplining vis-à-vis institutional protocols of letter correspondence,” adding that these rules function as a form of “psychological conditioning, as grounds for harassment or its threat that insures prisoners to the indignities of powerlessness” (Luk 2017, 187). Luk also asserts that, when letters to incarcerated people are framed “within [the] political violence that qualified them,” we see these “mundane activities of communities to sustain themselves... emerge discernibly as stitutive of social life rather than seemingly adjunct to it” (Luk 2017, 4). The everyday practice of writing letters to one

another constructs a culture of resistance, creating “alternative conditions that both group and animate endeavors to reinvent people’s own means of living” (Luk 2017, 4).

When onboarding new pen pals, Black and Pink chapters take seriously the role of a pen pal in an incarcerated person’s lifeline. Maintaining that connection is vital, sometimes lifesaving, to people inside. But the rules and restrictions of the prison world are seemingly endless, and to traverse their way through them, members inside and out, have to get creative in their tactics.

In an introductory webinar for new pen pals, the Black and Pink Boston Chapter stressed the abundance of regulations that accompany sending mail into prisons, pointing out,

[there] are, unfortunately, so many arbitrary seeming restrictions on mail for folks in jails and prisons. They're not arbitrary. They are meant to isolate human beings, and they are meant to make it, so people do not receive the mail addressed to them, and they are meant to make it harder to keep communities together after they've been ripped apart (Patterson and Smith 2020).

If you review all the rules Black and Pink has collected from different prisons across Massachusetts,

what you are going to come out with is white envelopes, not security envelopes, just plain white envelopes. White paper, like white computer paper or white paper with blue lines. And black ink, like a black pen or black printer ink... if you are going to follow every rule, that's what you are going to end up with. Then there are some things that you can be more flexible on. You can probably use a blue pen. You might be able to use a green pen. Maybe not a marker. Don't use a marker. You can't use a marker (Patterson and Smith 2020).

Eli jokes, “one of the really unfortunate things is because you can't put glitter in, which is, like, a tragedy and obviously targeted against queers!” And in true queer form that displays the resilience of queer and trans people to insist on gender self-determination,

even inside a “white paper, black ink” world of prisons, transwomen have taken the glitter off of greeting cards and used it as makeup. Eli quips in admiration, “like, how creative and resilient are you in that situation?!”

Prisons claim the reason for the short leash on mail is to reduce the introduction of drugs into the prison. Eli goes on to explain,

they're going to say that you are going to try to smuggle in drugs. It's true, drugs do come in through the mail, but almost all the drugs come in from people who are employed by the prison. Period. Let's get that straight. Drugs do not come in through the mail in any significant quantity. They're going to make all of these ridiculous rules that even a kid can't write their parent in crayon. They can't draw them a beautiful picture because it's going to get photocopied. They can't handle the same paper that their loved one does (Patterson and Smith 2020).

The Marshall Project concurs that there is a lack of any evidentiary support for the tight restrictions on mail. About 0.5% of mail in Texas prisons were flagged for contraband, but there's no statistic of how many of those contraband letters were found to actually contain drugs. Meanwhile, prison guards are a known entryway for drugs into prisons (Blakinger 2020). If we want to stop drugs from entering prisons, fire all the prison guards (and also, abolish prisons).

Once, a letter I wrote to Scout, who's in a Colorado prison, was rejected and returned to me, stamped with an official looking stamp that declared the reason for the rejection as “unknown substance.” The envelope had that look that paper gets after it dries out after being wet, faintly ruffled with small, almost unrecognizable outlines of where water had once been. I can only reason that the mail at my house had been collected on a rainy day, because the envelope was dry and crisp when I put it in my mailbox.

Texas, the State where my pen pal Kiesha is incarcerated, recently changed their rules about mail. I used to send postcards to Kiesha every time I went out of town. Kiesha said she loved receiving those, it was a way for her to visit those places even while being stuck behind bars. She began keeping a list of all the places she wanted to go after she is released. I can't send postcards anymore; those are now prohibited. I used to send her a birthday card every January. I can't send those now either, they're prohibited too. Just white paper with black ink. I will still try my hand at drawing her a creative birthday card within the restrictions, to make sure she receives it. Children can no longer send crayon-colored creations of squiggly lines and stick figure families to their imprisoned parents in Texas. People can no longer send colorful art of landscapes they've made to their loved ones inside.

Queer pen pals are finding more and more clever and resourceful workarounds to the barriers of staying connected. These barriers can be especially challenging for inside pen pals because so often LGBTQ prisoners are severely resource deprived. Prisons make prisoners pay for everything. The only way prisoners can get resources for staying in touch with folks outside, things like paper to write on, pens or pencils to write with, envelopes to put letters in, and stamps to send them off, is to purchase them from the prison commissary at absurdly high markups. In addition, prisoners need to purchase basic hygiene supplies, books, clothing beyond the standard issued amount, warm boots, and remotely decent food. Combine this with the fact that prisons are decreasing their already low wages for forced prison labor and the cost of keeping in touch with someone

can be completely prohibitive.⁹ However, queer people are also resourceful. Riley mentions a friend (pen pal) who “will often write to me on the back of old forms, and/or will fold them, to tape them up and make it into an envelope. It's simultaneously really upsetting that that has to be the case and also really awesome how resourceful folks are” (Patterson and Smith 2020). Outside pen pals share other tricks, ways of maneuvering through the sea of restrictions that prisons have around communicating. You can't send blank paper to your pen pal. But what some outside pen pals will do is write sparingly on pages. That way, the pages will get delivered to the people in prison. They can read the written correspondence, and also have the remainder of the page to use for their own purposes.

I learned a trick from Scout, my pen pal in Colorado. He told me when I'm sending a letter, turn the envelope upside down before I address it. That way, my return address will actually be on the bottom of the envelope, the opposite side that gets torn open. This lets Scout see my return address clearly, it's not ripped upon opening. One experienced Boston pen pal-er shared that some prisons in the State use a machine that cuts the tops off of envelopes. So, when writing to someone inside, one must fold their letter smaller than the size of the envelope, leaving about ¼” at the top of the envelope empty, to avoid having the letter cut into three pieces with small chunks missing.

⁹ See Sawyer 2017, “prisons appear to be paying incarcerated people *less* today than they were in 2001. The average of the minimum daily wages paid to incarcerated workers for non-industry prison jobs is now 86 cents, down from 93 cents reported in 2001. The average maximum daily wage for the same prison jobs has declined more significantly, from \$4.73 in 2001 to \$3.45 today.”
<https://www.prisonpolicy.org/blog/2017/04/10/wages/#:~:text=The%20average%20of%20the%20minimum,in%202001%20to%20%243.45%20today.>

It can be difficult at times to know how far to push the envelope, so to speak. Eli expresses his own frustration, “there's a lot of rules... “On the one hand, it's like, ‘fuck 12,’ and on the other hand, it's like, ‘I would like my friend to read this letter’” (Patterson and Smith 2020).¹⁰ Figuring out how to bob and weave through these regulations can feel like being in a boxing match with a blindfold on. However, when we recognize that our biggest movement strength comes from being able to keep connecting, we can make meaningful choices that center our incarcerated pen pals. So, we’ll keep trying to draw the most brazen images of freedom we can and sending them inside, on white paper with black ink.

Abolitionist tactics like these are characterized by “the precise instant an intervention transforms into a favorable situation” (de Certeau 1984, 38). Abolitionist tactics insinuate themselves into the territory of the powerful, even if only fragmentarily, and “because it does not have a place, a tactic depends on time—it is always on the watch for opportunities that must be seized ‘on the wing.’ Whatever it wins, it does not keep. It must constantly manipulate events in order to turn them into ‘opportunities’” (de Certeau 1984, xix).

“Inch Wide Mile Deep”: Building a Movement, One Letter at a Time

Since the start of the COVID-19 pandemic, social movement organizing has seen shifts in how people connect and organize. As Zoom meetings became a routine way for people to meet, work, learn, and gather, Black and Pink chapters moved from in-person

¹⁰ Fuck 12 is shorthand for the many feelings and attitudes of “fuck the police”

meetings at libraries or members' apartments to digital spaces. The Portland chapter of Black and Pink began scanning the letters they received at their PO Box and processing mail digitally. Volunteers can access the letters through a shared digital platform, enter any necessary information into the chapter's database, and then respond to the inside member with a handwritten letter they mail off from their home. Black and Pink has maintained a connective presence for their inside members.

While the pandemic has forced most people to become more fluent and reliant on digital spaces for communication, social movement organizing, and prison justice work had been moving to a more digital space before the pandemic began. But the shift has not been without costs. In 2018, Stevie Wilson, a Black and Pink member incarcerated in Pennsylvania, wrote an article published in *Prison Legal News* that challenged advocates to ask themselves who is left out of organizing the movement for prison justice with this turn to technology. When activists abandon print media for online venues, it creates a digital divide that leaves most prisoners out of the conversation.

Prisoners have long employed print media as an avenue toward greater visibility and understanding. So, while there is more being written *about* mass incarceration and prisoners than ever before, much of this discourse happens online, a space from which prisoners are largely excluded. Those experiencing incarceration continue to struggle to have their voices heard. Jason Lydon emphasizes the value and importance of print media in the lives of prisoners. It's still very relevant for them, he contends, because "the speed at which people in prison are going to get access to the internet, particularly alternative media, beyond the different JPay approved websites or shit like that is going to be a long time, if ever" (Personal interview 2020, Nov 23). Wilson laments,

even well-meaning activists and allies sometimes miss the point. Recently, I received two calls for submissions. Each one asked for essays centered on abolition or mass incarceration. Both notices welcomed contributions from the currently incarcerated. But both notices directed interested parties to a website for more information and submission guidelines. Neither notice included a street address for the editors or publishers. How is a prisoner going to contribute? It's frustrating being the topic of conversation, but never a participant (2019).

An essential and missing discussion in our move to more, or exclusively, digital platforms for communication is that prisons and prisoners are not even in the same universe when it comes to connecting online. There is some access to digital spaces at some prisons afforded to some prisoners. But, just like most things in prison, there's a high markup cost to getting access to that kind of thing, you have to buy "e-stamps," every page of text costs a certain amount of e-stamps, every attachment even more. There are kiosks to access digital communication. If a prisoner wants to avoid the lines at a kiosk, then they can purchase a tablet. But tablets are not cheap in prison. All these costs exclude people without financial resources from accessing digital connections. But costs aside, access to digital spaces are simply limited in prison, whereby prisoners can only access what is approved by the institution. And tablets are not allowed in solitary, nothing is.

On average, LGBTQ prisoners spend two years in solitary confinement (Lydon et al. 2015, 34). One of the few things allowed in are letters. In this sense, a letter can prove to be the most critical form of care, by offering a prisoner a lifeline, a connection, to something outside of what is commonly understood as torture ("Position Statement" 2016). There is something tangible, connective about the written letter form. Lydon remembers valuing this aspect when corresponding with a friend while he was in prison: "we traced our hands and sent that to each other. That was really meaningful for me, to

be able to put my hand where her hand was on the letter and feel a degree of connection and intimacy. That isn't possible in the same way with digital communication" (Personal Interview 2020, Nov 23).

Unfortunately, many prisoners are losing the chance to have even this most basic form of tangible connection. In late 2018, Pennsylvania Department of Corrections announced changes to how prisoners in the State would receive mail. Mail would no longer go directly to their recipients, rather it would be processed at a private facility in Florida. Letters, greeting cards, and photographs are now scanned then sent digitally to the various prisons in Pennsylvania. There, mail is then printed and distributed. Prisoners never receive the actual mail, only a copy of it. Pennsylvania prisoners have complained that the "quality of scans—especially photos or drawings—is glaringly inadequate. Blurry images and unrecognizable faces make them feel even more distant from their families than they already are" (Armstrong 2018). Like Lydon, Armstrong "trace[s] the indents of pen on paper where my uncle scrawled about release dates and Bible verses, I feel closer to him." Those kinds of tactile connective moments, to literally touch the paper that someone else has touched to bring you closer together, are lost in the move toward digital technologies.¹¹

Separation and isolation from the outside are built into the design of prisons, particularly in solitary confinement where human touch is rare. Scout, one of my pen pals, wrote to me describing the deprivation of human touch in solitary. Scout's at a

¹¹ Jason Lydon was not aware of these new policies in some states. During an interview I shared this information with him. He was "devastated" to learn of these "awful" and "terrible" strategies that prisons are using to further dislocate prisoners from their loved ones. He was particularly aghast at the loss of prisoners getting to touch the paper that someone else touched as a mode of feeling connected to them.

maximum-security prison in Colorado, he's locked in his cell for 23 hours a day. Last year, there was about six months when he was back in general population at the minimum-security facility nearby. While he was there, Scout asked me for some commissary money to purchase an mp3 player, something he wasn't allowed in solitary. The first thing he did after he got the mp3 player was write to me asking about what music I listened to. Scout said he wanted to hear the same things I was hearing.

Scout showed other prisoners a photo I'd sent him. I'd taken the photo at Beyond the Bars, a prison activist conference in New York. The photo was of myself and Angela Davis. Davis was on a panel I'd attended at the conference. After the panel, I asked her about the connection between human and animal liberation, something that seemed glaringly absent at a conference that highlighted the atrocities of putting living beings in cages. She said a graduate student of hers was writing about the connection between prison abolition and animal liberation. After our conversation, I asked her for a photo together. Scout has that photo now. He said the other prisoners couldn't believe it when he showed them. But Scout is back in maximum, back to 23 hours a day in his cell. He said the prison didn't say why they moved him back to maximum. Prisons don't need a reason. Scout said the only time anyone touches him is when the guards put handcuffs on him for rec time. Then he's led into what he calls "the dog cage," (see figure 2) a chain link fenced area where he can be outside, still alone, for one hour.

Lydon recounts a similar experience he had in Massachusetts. When he arrived, the prison put him in solitary confinement. This was not actually punitive, there just weren't enough beds in the minimum-security facility he was supposed to be entering.

But the treatment is the same, whether you are in solitary for punishment or logistical reasons.

Figure 2: Recreation Area in Super-max ADX Florence, Colorado



The way they did rec time, you could have an hour... it was probably like three days a week, not every day... It's a chain link fence... 20 feet up, concrete on one side, concrete floor, and then you're allowed to walk back and forth... because it was coming in and out of solitary, you'd have your hands... they'd be shackled, right, to go in and out. And so, then they put the coat on you. And they just kind of drape it, because it was winter for me when this was happening... I guess March, but 4:00 am in March in Massachusetts is very cold. So, they put a winter coat on you, but they wouldn't uncuff you. So, you're in this dog kennel by yourself, there's no one around, you can't do anything, and you're shackled... I can only laugh about it now, but at the moment it was so absurd. Because it's not about sense, it's about causing harm" (Personal Interview 2020, December 14).

The value of receiving a letter while in solitary is magnified by the complete absence of any other meaningful form of human contact.

Maintaining communication with people outside is a critical part of the mental wellbeing for a lot of folks inside prisons. For most prisoners, correspondence is with family. For queer and trans people inside, however, this may prove difficult or uncomfortable. Many queer and trans people experience weakening or complete loss of familial relationships as a direct result of disclosing their queerness. Queer communities have long counteracted this phenomena through the creation of “chosen family.” Black and Pink’s foundational work of fostering pen pal relationships between inside and outside members can operate in the same way, cultivating care, support, acceptance, and in some cases chosen family for inside members. These relationships enable the survival of queer people locked up.

Cory¹² is a transwoman, and member of Black and Pink in Chicago. She spent 7 ½ years in prison. Three years prior to her release, she got a pen pal through Black and Pink. Testament to the high volume of inside member pen pal requests and the dearth of outside members to fulfill them, it was about a year before Cory received her first letter after submitting her information to Black and Pink’s pen pal program. Cory describes her feelings upon receiving that letter, “it literally gave me hope that I was no longer alone in this world” (Nguyen 2020). Over the next three years, Cory and her pen pal built a relationship of honesty. Cory says they became more than friends, they became family. Cory says that the cards she received on her birthday and the holidays from Black and

¹² pseudonym

Pink and her consistent communication with her pen pal was her bridge to the outside world.¹³

Cory explains, “the prison complex... tries... isolating you from society, divided [from family and friends]... Because as society, your families are moving forward in their daily lives. As an inmate, you pretty much do the same thing every day. So, you are kind of frozen in time” (Nguyen 2020). Schedules, timetables, order; these are all what Foucault (1977) referred to as “technologies of power,” how prisons routinize the prisoner to deteriorate selfhood. Similarly, Kropotkin (1927) wrote, prisoners are “a thing, a number, and [they are] treated like a numbered thing.” For Cory, breaking the monotonous day-to-day of prison came when she received a letter. “Seeing it was like... I have a family, I have friends, I’m cared for. It gave me home, hope that things are gonna get better” (Nguyen 2020).

Over the course of three years, Cory and her pen pal talked about it all: their childhoods, their achievements, their struggles. They knew each other intimately. Cory started getting letters from her pen pal’s parents. “So, like her family actually became part of my life, I became part of her family” (Nguyen 2020). As Cory got closer to her release date, she and her pen pal worked with Black and Pink to relocate Cory to Chicago where her pen pal lived. The alternative, Cory says, would have meant being homeless in Alabama. Cory now runs the pen pal program for the Chicago chapter of Black and Pink, helping outside and inside members connect through letters.

¹³ Black and Pink also has a birthday and holiday card writing campaign. This is a way for outside members to send individualized contact with inside members, but is different than a pen pal commitment. The holiday/birthday card is usually a one-time interaction between the two members, where pen pals can have ongoing contact that lasts years.

This is what adrienne maree brown calls “inch wide mile deep” movements where depth in community organizing is prioritized, understanding that “meaningful scale depends on deep transformative work, rather than surface widespread work” (2017, 20). We shouldn't spread ourselves thin, only doing surface work toward liberation. We need to dig in, root ourselves in abolitionist practices. While Lydon was national director of Black and Pink, reentry was never a focus of the organization.¹⁴ He explains that Black and Pink's membership is disproportionately lifers; about a quarter of the membership falls into that category, while only 5% of the general prison population finds themselves in the same boat (Personal Interview 2020, Oct. 2). Black and Pink, Lydon believes, will always be disproportionately lifers because being out in prison requires risk. And one of the ways people negotiate that risk is based on the amount of time they have to serve inside. Even Lydon himself, someone who came out at twelve years old, tried to closet himself for his short prison sentence. It didn't work. Lydon says that sometimes you don't have to be out for the world to still know you're queer and treat you that way. And so, for some, a long sentence or a stigmatized offense (like sex offenses) can mean they have nothing left to lose. Lydon summarizes,

There are a lot of different ways in which people make decisions about [coming out]. One of them is that you're like, “there's nothing for me to lose. I'm going to be here my whole life, anyway, so why not be out. Or people who have long sentences for sex offenses, it's like, “well everyone hates me anyway, so why wouldn't I be out about this? Because

¹⁴ Reentry has been a focus of Black and Pink in the last few years. One program, R.E.A.P. (Restore. Embolden. Amplify. Power.) focuses on addressing the myriad issues that formerly incarcerated queer and trans people face after release from prison, such as housing, medical care, employment, and self-development. In 2019, Black and Pink opened “Lydon House” a home for transwomen and non-binary folks to offer safe housing and a place of belonging, factors that Black and Pink links directly to the disproportionate incarceration of trans people. <https://www.blackandpink.org/programs/reap/>

I'm already at the bottom, so sure, yes, everyone now knows I'm gay"
(Personal Interview 2020, Oct. 2).

Having so many lifers as members pushes Black and Pink to think critically about the engagement of prison support primarily through re-entry or other programs that target the life someone will have *after* they are released. Thus, it becomes increasingly important for Black and Pink to resist assigning value to prisoners *because* of their potential to be released.

The depth for relationship building is variable. Cory's story isn't exemplary of every pen pal bond that develops, but it's not exactly rare. Many pen pals become lifelong friends and support each other. Some become lovers. Some, like Tanya Nguyen, volunteer coordinator of the New York chapter, have power of attorney for one of their pen pals. Some are pleasant, casual connections that take prisoners' focus off the penitentiary. Lydon's relationship with Douglas, his cellmate in Massachusetts and first post-release pen pal, is still a meaningful part of Lydon's life 17 years later. Lydon candidly shares their closeness over the years, "Douglas got out ten years after I got out... I know his mom.... I've met boyfriends... I was there with him when he was having surgery... we're still deeply connected to each other's lives" (Personal Interview 2020, Oct. 2).

Some pen pal relationships develop in a way that an outside pen pal becomes an amplifier of the struggles their inside pen pal is dealing with. Michael and Ciara are pen pals. They've been writing to each other since 2014. Michael is incarcerated in a small town in Louisiana. Ciara is a college dropout living in Western Massachusetts. Ciara runs a local group for Black and Pink pen pals to gather once a week, they spend time writing to their pen pals and discussing any issues that their pen pals might be dealing with. Ciara

began advocating for Michael in 2016, after four years of developing a very close friendship through letters. Michael was experiencing increased levels of harassment and retaliation from prison staff. Ciara reads from a pamphlet that Michael wrote, “the denial of medication set off a series of events that caused me to be disciplined for my mental illness. While going through a mental health crisis, I was strapped to the steel bunk inside my cell. While strapped to the bunk. I was verbally and sexually harassed by Rayburn correctional officers. One officer disrespected me by acting as if he was checking the straps on the bunk but actually placed his genitals in my face, while another officer watched and laughed. I've since filed suit on both incidents” (Wilson and Sonenstein 2018). In addition to distributing pamphlets of Michael’s story, Ciara began organizing letter writing campaigns, where other pen pals and prison justice activists would send letters in support of Michael to the warden of Rayburn Correctional Center and also the Louisiana state attorney general Jeff Landry. Ciara made a website to house information about Michael and his treatment at Rayburn. Michael is still fighting through the prescribed channels for grievances in the prison system. There is an ongoing lawsuit, most recently Michael was allowed to retain pauper status, meaning he will be able to move forward with the lawsuit, even though he does not have the money to pay the filing costs (Young v. Kelly 2020).

Sincere and MJ are pen pals. They are both in Rhode Island. MJ is in the “free world” and Sincere is locked inside the Rhode Island Adult Correctional Institutions. Sincere went into prison at 17 years old. By 2018, they’d already spent 13 years behind bars, more than half that time in solitary confinement. MJ and Sincere began writing to each other around mid-2015. After 2 ½ years of writing, Sincere shares with the Black

and Pink Newspaper, “I love them, they have helped me out so much since we’ve been talking... they are in the middle of watching [launching?] something for me on Facebook to start a type of platform for myself... It’s called Red Art, it’s going to have art... and essays from myself and close friends from inside” (Black and Pink 2017/2018, Dec./Jan.). In 2018, an anthology called *Toward a World Without Prisons* contains poetry and art by people incarcerated in the Rhode Island prison system that are “working for a future without prisons, oppression, war or hate.”¹⁵

Figure 3: MJ and Sincere, image from Red Art Facebook page



Justin and Malik are pen pals. Malik describes the development of their friendship,

In 2012 I submitted a pen-pal application. I officially joined the Black and Pink family and hoped for a response. Around June 2014 I received a letter from a transgender guy named justin adkins. He said that we had

¹⁵ Available at <https://www.cathyjohn.net/store/toward-a-world-without-prisons-publication>

some similar opinions on social justice and other issues that affect our communities and he said he'd like to correspond with me. Well this was the beginning of one of the most productive relationships I've ever had with a 'free world' activist, outside of the relationship I have with my mentor and friend Professor Victor Wallis.

Justin has taken my 'voice' and amplified it to the point where the 'prison-crats' who operate slave camps and gulags respect 'Comrade Malik'! When I explained to Justin that prison guards were murdering Texas prisoners in ad-seg and solitary confinement he helped start an online campaign, #PleaseStopTheKilling But this campaign has been growing and it's not just about Texas anymore. Justin helped me post articles on Huffington Post which shed light on the abuse of elderly and disabled prisoners in Texas.

Justin helped me enter the realm of social media by administrating my facebook [sic] page... Justin surpassed and exceeded any expectations I had in seeking a pen-pal from Black and Pink! (Black and Pink 2015 Jun., 8).

Justin is a trans activist. He was arrested during an Occupy Wall Street march, where over 2500 activists marched from Zuccotti Park to the Brooklyn Bridge. Police arrested over 700 protestors and they were taken to the nearest precincts. When protestors were separated into men and women, Justin was taken to a different block and handcuffed to the metal rail of a toilet, where "for eight hours he sat by people relieving themselves, without food or water... the officers in charge watched Justin, laughed at him, and (falsely) insinuated he was a ringleader who had committed dangerous crimes. He, himself, did not pee" (Gimpelevich 2015).

After his experience of being arrested in 2011, Justin realized he needed to "step up [his] game on work around abolishing the prison industrial complex" (Black and Pink 2015 Jun., 8). Because he lives in a rural community, Justin thought that starting pen pal relationships would be a good option for him to be in solidarity with incarcerated queer people. On the friendship forged through letters, Justin remarks, "the relationship that

Malik and I have is truly one of mutual aid.¹⁶ We have started writing together and getting the word out that while we experience oppression in different ways, the system which oppresses us is the same” (Black and Pink 2015 Jun., 8). Justin describes their work together

The facebook page gets the word out about abuses happening around the world. Malik sends me info to post and tells me the types of topics that are on his mind. I find the resources and post them. Sometimes he sends me info about music he is thinking about, or that has an important message, and I post the audio, or music videos. The facebook page has become a hub for folks he writes and connects with (Black and Pink 2015 Jun., 8).

When Malik has been put in solitary confinement, Justin and other comrades support Malik through writing and calling the prison where he is being kept and demanding his release from solitary. Justin adds, “when guards and the overseers of these gulags know that people have outside support it makes a difference” (Black and Pink 2015 Jun., 8).

Black and Pink believes the survival of queer and trans people inside prison walls depends on the “lifeworlds maintained through letter correspondence” (Luk 2017, 3). Letters themselves can be sources of comfort, to see the handwriting of a loved one, to smell the paper and perhaps smell a piece of them. Letters are a “microcosm” of a more primal human need, the need to know and be known (Luk 2017, 7).

Ninety-five percent of people in prison are released (Schenwar 2014, 5). Building a life back up outside of prison walls is hard work for anyone that leaves prison, for queer and trans people it is even harder. Access to stable housing and employment is already less for queer people *without* adding the stigma of having served time into the equation.

¹⁶ See discussion on mutual aid in chapter II

Forming survival relationships with pen pals can better the chances that, when released, queer people can survive outside prisons too. If ninety-five percent of people in prison are released, then five percent are not. Five percent of 2.3 million people, as Lydon exclaims, is a “fuck ton of people!” (Personal Interview 2020, Dec. 14). The movement for queer survival *must* include lifers, it *must* include people that are not going to walk out of prison one day, are not going to need re-entry help, are not going to make a good rehabilitation story. The survival relationships that grow between people inside and people outside do not necessitate the incarcerated person being released for the correspondence to be meaningful, to be worth it. Rather, it may be lifers that need correspondence, these survival relationships, the most.

CHAPTER V:

“WE ARE ENVISIONING AND FORMING A MYCELIUM OF ABOLITIONIST LEARNING!”: BUILDING A SHARED ANALYSIS

Whenever you conceptualize social justice struggles, you will always defeat your own purposes if you cannot imagine the people around whom you are struggling as equal partners. Therefore if, and this is one of the problems with all of the reform movements, if you think of the prisoners simply as the objects of the charity of others, you defeat the very purpose of antiprison work. You are constituting them as an inferior in the process of trying to defend their rights.
—Angela Davis

This chapter is a thorough introduction to the organization that is the subject of this project, Black and Pink. I begin with developments of a shared understanding of the problem of incarceration, where Black and Pink values the input of incarcerated members and, accordingly, move through that development in ways that encourage and support the participation of people on the inside. In “The Making of a Study Group,” I share the experience of being a member of Black and Pink PDX and how we are growing a shared analysis through study groups and how Stevie Wilson, an inside Black and Pink member in Pennsylvania, runs four study groups inside the prison he is incarcerated in. In “Imagination” I discuss concepts of imagination in striving for a world without prisons. Imagination projects are important to Black and Pink, they are utilized to build the world we want to live in. I end this chapter with stories of chapter organizing. In “Addressing Power,” I look at how New York, Chicago, Boston, Portland, and Seattle chapters confront a recurring question about using one’s home address for pen pal correspondence. At the heart of this inquiry is the presumption that it’s not safe for

someone in prison to know where you live. I discuss the ways chapter organizers push members to lean into feelings of discomfort and really question what that discomfort is rooted in. In “A Prison in Washington,” I discuss ways the Seattle chapter of Black and Pink navigates the mountain of regulations that prisons entail, in their work to go inside prisons to build solidarity with LGBTQ prisoners. The stories in this chapter build upon the theoretical underpinnings of mutual aid, emergent strategies, and the politics of everyday life. Each of these theoretical works illuminate some elements of the Black and Pink work. It is when these theoretical works are taken together that the dimensionality of the organizing work that Black and Pink does can more fully be explored.

When Jason Lydon began writing with imprisoned gay men across the State of Massachusetts, he entered into a genealogy of Boston area gay prison political work. A friend of Lydon said he reminded her of Mike Riegler, who wrote for the anarchist publication *Fag Rag* and began the “Prisoner Project” in the Boston weekly paper *Gay Community News* (GCN) in 1975. Lydon recalled his friend telling him, “‘you’re Mike Riegler reincarnated’... and I’d be like, okay that’s a lot of pressure” (Personal Interview 2020, Oct. 2). Riegler began responding to letters from prisoners writing to GCN by sending them free subscriptions of the paper. The project expanded to sending books to prisoners, providing legal resources, and publishing prisoner letters about their experiences with racism, homophobia, and sexism in the prison system in GCN’s weekly publication. Riegler, who edited the Prison Project, encouraged readers to write to prisoners by publishing pen-pal ads that were sent into the paper (Northeastern University Archives and Special Collections).

Lydon details the lineage and influence Mike Riegler's queer prison advocacy had on how he would think about shaping his own role in the movement, "Riegler ran the prisoner pen-pal project through *Gay Community News*. He was part of *Fag Rag*. So, I got really invested in figuring out what's the history of people connecting with prisoners, like queer folks connecting with queer prisoners. And newsletters really seemed like the way to go" (Personal Interview 2020, Oct. 2). *Fag Rag's* sympathies lay with those who were politically or economically oppressed, "many issues featured letters from incarcerated men, as well as articles by them, and free copies were distributed to prisons" (Lybarger 2020). GCN's Prisoner Project was similar, they posted information about queer prisoners seeking pen pals.

Some of the queer prisoners Lydon was corresponding with told other queer prisoners, "hey, if you write to Jason, he'll write to you" (Personal Interview 2020, Oct. 2). They were right. Soon, what began for Lydon as a way to stay in touch with the folks he'd met inside, the folks who "took care of [him]" (Byrd 2018), ballooned into something unmanageable. Lydon was writing to somewhere between 35 and 40 people. He was working full time. And, because he was a queer kid in his early 20's, he was drinking and partying a lot. It became impossible for him to keep up, so he enlisted the help of his friends.

Lydon made dinner and invited a dozen of his close-knit group of friends over to enjoy the lavish meal he'd prepared. "People came over to my house. I was like, 'look at this beautiful dinner,' and they're like, 'this looks so good!' I was like, 'well, you can't eat it until you respond to these letters... because I can't do it by myself. I need your help' ...

so people just wrote letters for hours at my house” (Personal Interview 2020, Oct. 2).
That was the first unofficial meeting of what would become Black and Pink.

Black and Pink

Black and Pink is an organization that advocates for, and builds community with queer people inside and outside of prisons, primarily through fostering pen pal relationships between prisoners and “free world” people and publishing a monthly newspaper. According to Black and Pink’s statement of purpose, it is

an open family of LGBTQ prisoners and “free world” allies who support each other. Our work toward the abolition of the prison industrial complex 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 (Black and Pink 2013 Oct., 2).

I conceptualize Black and Pink as a mutual aid project that disrupts and resists the social death and disposability politics of the criminal punishment system. By mobilizing large numbers of people to connect with and care for queer prisoners, Black and Pink has orchestrated a mutual aid effort that lessens a prisoner’s vulnerability to violence on the inside. Additionally, these connections foster care between people. That care takes shape in myriad ways. Some pen pals offer friendship, emotional care, romance, political camaraderie, financial support, or some combination. These caring connections are the enactment of what abolitionists often refer to as “the world we want to live in.”

Sharing written correspondence with an incarcerated person is an act of solidarity and support that is communicated to more than the prisoner themselves, it lets everyone around them know that someone outside knows about this person and cares about what is happening to them. According to Black and Pink,

When a prisoner receives mail, both the prison guards and other prisoners know that the person receiving mail has some sort of support system on the outside. For marginalized prisoners, especially, this display of support can function as a harm reduction tactic since those connected to people on the outside are less likely to be victimized (“Writing to LGBTQ Prisoners as a Group” n.d., 1).

This was part of the reason the group launched the Black and Pink newspaper in 2007, as shown in the timeline presented in appendix A.¹⁷ The newspaper is a free publication with a rapidly growing distribution to LGBTQ prisoners in the United States. It has a current circulation of more than 20,000 prisoners (as of November 2020). Each issue contains submissions from incarcerated members, along with relevant news, history, and opinions from the free world and contributions from Black and Pink organizers (who are primarily free world folks). But the newspaper is more than just the content and the paper it’s printed on; it is also a means of survival. As Lydon explains, “figuring out more ways that people can utilize survival mechanisms... is part of what Black and Pink always tried to do with the newspaper... part of the framing of it was, we just need to get things to people so that other people hear their names called at mail call... so that we can hopefully reduce some amount of harm that way” (Personal Interview 2020, October 26).

Building a Shared Analysis of Power

According to Spade, a key tenet of mutual aid is to build a shared understanding about why people do not have what they need (Spade 2020, 9-12). Through group participation, Black and Pink developed a shared analysis of power and the problem of putting people in cages and the role of Black and Pink as a collective of prison activists.

¹⁷ Newspapers from 2010-present are archived online at www.issuu.com/blackandpink

The effort toward developing a set of values and analysis began with the following publication in the September 2010 issue of the newspaper:

We believe efforts to end oppressive systems, and create a world where people are free from violence and able to make decisions about their own lives, are most effective when they are led by or accountable to the people who know those systems and have that personal experience and political analysis...

We want to make sure Black & Pink is accountable to queer and trans people who are in jail or prison, and formerly incarcerated people... One example could be: 2013 establishing a group of people in jail/prison or recently released who sign up to be leaders, and who act as advisors or hold most of the decision-making power in Black & Pink (4).

Outside members of Black and Pink created a first draft of purpose and analysis collectively. It was published in the newspaper along with a form that elicited feedback from inside members about their reactions and suggestions to further develop the analysis. Developing their analysis took years. There was back and forth solicitation of feedback from incarcerated family members. Outside members would congregate at meetings to discuss the feedback they'd received, then revise their analysis. Newly revised analysis would be published in a subsequent issue of the newspaper for inside members to read. Again, there would be more solicitation of feedback and more revision. The final version of Black and Pink's analysis was published in October 2013, over three years after the first draft.

Black and Pink Statement of Purpose and Analysis:

Black and Pink is an open family of LGBTQ prisoners and “free world” allies who support each other. Our work toward the abolition of the prison industrial complex 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.

Our goal is liberation, we have a radical view of the fight for justice: We are feminist. We are anti racist. We want queer liberation. And we are against capitalism. Prisons are part of the system that oppresses and divides us. By building a movement and taking action against this vile system of violence, we will create the world we dream of.

Black and Pink connects struggles for liberation together. It is only through dismantling white supremacy, through dismantling patriarchy, through dismantling capitalism, that prisons can truly become “obsolete” (Davis 2003), for the prison upholds each of those systems of oppression.

We also celebrate the beauty of what exists now: Our love for each other. The strength of our planet. Our incredible ability to survive difficult experiences. All of the power we have to continue existing. While dreaming and struggling for a better world, we commit to living in the present.

The struggle must partner with interconnectedness, compassion, resilience, boldness, creativity, and presence.

Abolition is our goal and our strategy for action. Any advocacy services, organizing, and direct action we take will remove bricks from the system, not put up more walls. We want revolution. And we will work on reforms too, even if they are only small steps to ending the suffering caused by prisons.

Drawing a distinction between prison reform and prison abolition, Black and Pink plants their feet squarely and refuses to let reforms be the focus of their work. Only when reforms align with abolitionist goals will they work with those projects.

Our work is based in the experience of people who are or were in prison. We know that those most hurt by the violence of the prison industrial complex have the knowledge of how to tear it down (Black and Pink 2013 Oct., 3).

Black and Pink claims power and strength in what Michael Hames-García calls “fugitive” knowledge, resisting savior narratives that say subjugated people need to be taught how to resist their subjugation (Hames-García 2004). Instead, Black and Pink looks to incarcerated people as the *most* knowledgeable when it comes to dismantling the criminal punishment system. Black and Pink challenges traditional epistemologies through its publication of first-person prisoner narratives. Prisoners are regarded as the authority and their experiences of sexuality and gender in the context of prison brings to light how sexual and gender norms operate to constrain prisoners. In this way, incarcerated people use narratives of the self to explore the social implications of gender and sexuality. In a restricted environment such as prison, the ability to communicate experiences through storytelling can act as a way to connect with other incarcerated people’s traumatic experiences, in hopes of providing support and healing for that trauma. Black and Pink identifies itself as “criminal” alongside those that are marked as such through conviction and incarceration. Black and Pink states, “One of the key things for all of us to remember is that most of us are criminals. We break the law all of the time. The difference between people on the outside of prison and on the inside of prison is that those on the inside got caught and had less resources... prisoners are not that much different from everybody else we spend time with” (Bess 2016).

Black and Pink’s mission to connect individual queer prisoners with “free world” queer folks is another iteration of the long-held tradition in queer communities of investing in “chosen family.” Chosen family, for the queer communities, functions to

create and cultivate intimate community for queer folks that may have had their familial bonds severed in the process of coming out or suffered other forms of estrangement from family. It's an imaginative reconstruction of the family to combat rejection and isolation. Queer communities claim these intimate bonds as family and in so doing, they claim a critical part of inclusion in society, connectedness to others. The Black and Pink newspaper, affectionately and intentionally invoking the closeness of "family" offers queer prisoners a sense of belonging, a respite from the persistent isolation designed into the prison experience. The prison pen pal program functions in a similar way, by cultivating ties outside the prison walls.

Black and Pink advocates that "first and foremost, everybody should get a pen pal" and that "building connections between prisoners amongst themselves and between prisoners and free world folks is at the heart of what [they] are" (Bess 2016). It is not only the work they *do*, but also who they *are*. Black and Pink's claim indicates that fostering pen pal connections is more than just an action, it is a way of practicing abolition, of unlearning the carceral logics that tell us that some people are disposable. Writing with prisoners is about more than the correspondence itself, it relocates value to people incarcerated in prisons. To receive a letter inside is like a declaration that someone cares about you. Indeed, this is a fundamental value of Black and Pink, we *should* care about prisoners, we *should* value them, a direct challenge to the punitive logics of prison, where the dehumanization of incarcerated people is like doctrine.

The pen pal program is a way to make sure people coming into the work have authentic connections with people behind bars. Stevie Wilson, a Black and Pink inside

member, argues that a free world person can't truly be involved in the deep work of abolition from the outside until they are writing with someone on the inside.

If someone says that you're involved in the American prison movement or you are a penal abolitionist and you're not in direct contact with somebody inside the prison, you are wrong. You're wrong. I don't understand how you know what's going on if you're not in direct contact with somebody you're writing or talking to, emailing or something. I don't know how you know what's going on inside these walls. I don't understand it. So I think that's the problem is more communication needs to happen. Better communication needs to happen (Kaif 2019).

And there's no shortage of people to write to. If there were as many pen pals outside as there were inside, the newspaper might never have existed. A combination of things is happening here. To begin, prisoners are prohibited from writing directly to one another, except in very few instances involving immediate family at different institutions when discussing legal matters. Other than that, prisoners cannot write to another prisoner just to connect, to tell them how they're doing, to commiserate, nothing. These are political acts by the institution, intentional and explicit, meant to undermine prisoners' rebellions and the challenges they pose to state dominance. Black and Pink was receiving far more requests for pen pals from prisoners than the number of outside folks signing up to write. Because there was such a need for connection on the inside and not enough people on the outside to directly meet those needs, the idea to start a newspaper came up. The newspaper offered a way to foster connection *between* prisoners, without having them write directly to one another.

Black and Pink has connected with many organizations over the years in efforts to support queer prisoners in resistance. Those connections have brought about meaningful change on both sides of the relationship. One of those relationships emerged around concerns of people living with HIV and AIDS. In 2013, Black and Pink built a

collaborative project at the Boston Living Center (BLC) to support developing pen pal relationships between folks on the outside living with HIV/AIDS and folks on the inside living with HIV/AIDS. The initial interest and instigation came from BLC members that were formerly incarcerated HIV-positive people. The group ended up writing to 200 people across the county. Eventually, the program's robustness succeeded at writing to every HIV-positive person in Massachusetts prisons, and sending resources to folks who would eventually get out of prison to let them know that BLC was a resource for them when they got out.

While this project of writing folks inside was done with an abolitionist framework, BLC itself didn't have a particularly abolitionist perspective. After partnership with Black and Pink, that begins to shift. BLC brought Lydon in to lead various workshops for their entire staff team on abolition, drug decriminalization, and the need for decriminalization as connected to the HIV movement. The collaboration over the years led to internal changes for BLC, who introduced policies that said they weren't going to call the police, ever, on members.

In 2014, inside members voted to expand the mission of Black and Pink to include people living with HIV/AIDS, regardless of sexual and/or gender orientation.¹⁸ One inside member, enthusiastic about the addition, commented, "YES YES YES. education is key to stopping this from overtaking us" (Black and Pink 2014 Mar., 6). Through engaging inside Black and Pink members in cultivating an analysis of power, Black and Pink shapes and reshapes itself, understanding that its priorities as members on

¹⁸ For complete timeline, see appendix A.

the outside must always take seriously the charge that people in prison have the most relevant knowledge to understand the problems of prisons.

The Making of a Study Group

The Portland chapter of Black and Pink (hereafter Black and Pink PDX) is relatively new. A group of queers met during trainings and workshops with Critical Resistance in the summer of 2019 and began talking with each other about how to build their resistance work against the prison industrial complex in the context of their queer social identities and communities. A few months later, they were beginning to organize a budding Black and Pink PDX. They began with pen pal writing and working to link other queer folks up with pen pals on the inside. I began attending Portland chapter meetings about six months after that summer inception (December 2019). The meetings were intentional about building a shared analysis. It did not presume that people entering the chapter meetings knew much about prison abolition or the history of punishment in the United States. At the monthly chapter meeting, a portion of the time was spent discussing concepts and research. At a previous meeting, one or two people would volunteer to take a topic for discussion. Over the course of the next month they would do independent research on the topic. At the following meeting, they would present an overview of the concept and what they found in their research. The meeting would then move to an open discussion about the topic at hand. At my first meeting, the topics presented were Models of Justice, examining the differences of rehabilitative and retributive justice models, and an overview of Angela Davis' *Are Prisons Obsolete?* We sat in a circle on the floor, a dozen queer people, to talk about the politics of prison. A long-haired queer drew a flow

chart to show how prisons proliferate, exclaiming “prison expansion yields prison expansion.” I volunteered to present at the next meeting, the topic was letters, focusing on the question, *how does the object of the letter work to build a connection between people inside and outside of prisons?*

Cultivating a space where members could come to group meetings with a variety of levels of knowledge is important to building up a robust membership base that works to build understanding across differences. The meetings themselves are new ways of imagining how to conduct ourselves in relationships that are not based on hierarchy. For chapter organizers, people fulfilling the roles of core organizers fluctuates, there is an ebb and flow to who helps plan meetings and coordinate things like database organization, mail processing, and other projects. For example, Black and Pink PDX conducts a regular training session for all interested members to help process mail. Processing mail entails reading letters sent to the chapter’s post office box, entering pertinent information into the chapter’s database, and responding to the letter to help meet the needs of the person writing. Some letters are requests to be added to the pen pal program, some are requesting specific legal resources, some are informing the chapter of particularly egregious harms or violence that are being experienced at their prison. As we saw more and more prisons severely impacted by the spread of COVID-19, inside members in Portland were sharing information about their prison’s practices that were concerning them. These stories were collected, without a particular agenda, except to know that collecting stories is important work. Inside members would then be connected with other community organizations or resources that were working to address the specific needs of COVID-related care and advocacy in the context of prisons.

Dean Spade highlights the importance of transparency in processes and decision making in mutual aid organizing, emphasizing that “most of us have never been in groups that had fair, participatory, transparent structures... we do not have much practice imagining or being in groups where everyone can truly participate in decision-making” (Spade 2020, 65). For mutual aid projects to be more efficient and effective, it is crucial that members know how to raise concerns, how to propose ideas; essentially, how to engage with the processes of decision-making.

Study groups have been a way to build a shared understanding of the prison industrial complex, the harms people encounter when enmeshed in it, and the carceral logics that infiltrate society to bolster punitive designs, systems, and structures. In August 2020, after ruminations from different members of Black and Pink PDX, the core organizers sent out a survey to all members, asking questions about what level of interest in study groups format(s), subject matter, and scheduling. I filled out the survey immediately. I love reading and more than that, I love talking about what I’ve read with other people reading the same thing! I think group reading is dynamic. My understanding of things I’ve read becomes so much more developed when I share it with someone else. I’m sure my partner can attest to the many moments of silence I’ve interrupted, sometimes disrupting their own reading, to share something interesting I’ve just read. Then I wait in eager anticipation of whether it will stir up a conversation. That is all to say, I’ve found the development of these study groups to be a rewarding place to express dynamic reading style and engage in an interactive and iterative process with others. Once surveys were submitted, 190 people had responded with interest. The organizers shared the entire process and results of the survey with chapter members. One of the

long-term goals for Black and Pink study groups is to eventually create inside/outside study groups, to coordinate and correspond with queer prisoners about study materials. The organizers noted, “as an organization committed to abolishing the prison industrial complex alongside incarcerated LGBTQ people, it is important we educate ourselves on the reach of the prison industrial complex especially as it intersects the lives of LGBTQ and HIV+ people. We are envisioning and forming a mycelium of abolitionist learning!” (Internal Member Email Communication, 2020, Aug. 17). Black and Pink PDX invokes adrienne maree brown’s connection between the elements of emergent strategy and properties of nature through a metaphor of mycelium. “Mycelium is the part of the fungus that grows underground in thread-like formations. It connects roots to one another and breaks down plant material to create healthier ecosystems. Mycelium is the largest organism on earth. Interconnectedness. Remediation. Detoxification” (brown 2017, 45).

Two weeks later, the study groups were ready! With a list of resources in tow, smaller numbers of folks were grouped together based on similar preferences in topics, style, or scheduling. My study group consisted of seven people (including myself). Through the collected survey data, overall we indicated that we wanted to meet once a month for 90 minutes, wanted a combination of structured and open-ended discussions, half of us were willing to facilitate, and we were all open to being part of the long-term goal of inside/outside study groups. Our material preferences were (in order of most to least preferred): books, essays, speeches, podcasts, videos. Our topic preferences were (again, in order of most to least preferred) transformative justice, solidarity movement/prison organizing, gender and sexuality and the PIC, disability justice and the PIC, HIV/health and the PIC, and introduction to abolition. We began an email thread

that eventually moved to a signal thread for planning the path forward for our study group.¹⁹

Our first study group meeting, like all good organizing meetings, was about *meetings*. This may seem redundant or like an unnecessary use of time and gathering, but according to Spade, process matters. Capitalism has taught us to strive for short-term and immediate gains, “not building the long-term capacity for all of our well-being” (Spade 2020, 66). So, importantly, it is in this first meeting that we all have input in shaping the meetings to come. Through discussion, a general form for the next meetings began taking shape: we would pick a specific day of the week and stick to it, our meetings would be once a month for about 90 minutes, we would have one or two facilitators per meeting (meanwhile, there were people from many study groups meeting separately to create and compile facilitator resources and support), we’d have one note taker per meeting (this was based on a suggestion for keeping participants in the loop and invested in the study group, even if they had to miss a meeting), and we’d start and end each meeting with questions to inspire us to open up about ourselves (early on, these would look like “getting to know you” type questions, and as participants become more familiar with each other, those questions could expand and contract in depth as the group saw fit), our boundaries included trying out hand-raising (this could be especially beneficial in the remote meeting platform we were using, since it becomes more difficult to read body language through a screen) and an emphasis on conflict resolution (as we came to understand the study group to be a place for learning and challenging our thoughts). So,

¹⁹ Signal is a messaging app with end-to-end encryption, which has become a helpful tool in keeping conversations secure.

we had a structure. For the first meeting, we'd read a shorter piece on transformative justice²⁰ and use the remainder of the time to get to know one another and discuss what we wanted to read in the future.

Stevie Wilson, a Black and Pink member incarcerated in Pennsylvania, runs four study groups inside State Correctional Institute (SCI) Fayette. Wilson “seized on a wing” an opportunity that sprang up in light of canceled programming on the part of the prison (de Certeau 1984, 37). Wilson remarks, “what’s happening in Pennsylvania, because the educational programs were gutted, there’s been a space opened up for prisoners to initiate groups” (Syed 2019).

Zines play a major role in the work to build shared knowledge inside prisons, Wilson says, because long books can be intimidating to anyone, but especially people who have had bad experiences in school or with learning. Because zines are short and small, prisoners with reading and comprehension challenges are still likely to engage, they are also easier to pass discretely to each other on the yard. The prison has rules against borrowing or lending books or materials, there are rules against gathering without prison staff, so Stevie says they had to get creative, they “created groups with agendas [they] knew the administration would approve, like Life Changes: A Grief Support Group, and turned it into a transformative justice/healing circle called ‘Circle Up’” (Wilson 2019).

²⁰ “The Fictions and Futures of Transformative Justice: A Conversation with the authors of Octavia’s Brood,” which can be found here: <https://thenewinquiry.com/the-fictions-and-futures-of-transformative-justice/>

For Wilson, building a knowledge that critically engages the problems he and other people in prison are facing is a critical component to finding a place of healing for himself, which has affected how he views other prisoners. He writes,

Political education helped me see who was the real enemy, who was responsible for my pain... Through study, I gained awareness and knew that other prisoners are not the cause of my pain. I began to see others with new eyes. My education made me more compassionate towards others...

I didn't want to keep this good thing, this knowledge of what was really going on, to myself. I started to share materials with others. I started holding rap sessions about the PIC in the yard. I found that others were just as hungry for an answer to what was going on as I had been. We started to meet regularly... Together we created and maintained four study groups (Wilson 2019).

The study groups do more than share knowledge, they are places where solidarity is built, and can expand beyond the space and time of the study group itself.

Wilson writes,

when one of our members was brutally assaulted by two officers and placed in solitary confinement, we practiced solidarity. We put what we learned into action. We contacted our outside allies and created a phone zap campaign to make sure our comrade was safe and would not be charged with assault. Within two weeks, he was transferred to a prison closer to his family and back in general population.

The cycle doesn't end. We study. We cooperate/care. We practice solidarity. This is how you disorganize a prison. This is how you disrupt the PIC (Wilson 2019).

Building a shared understanding can look like a lot of things. For Black and Pink, it involves centering the experiences of people that are most impacted by systems of oppression. For prison abolition, this means making sure that people doing work on the outside are always, in as many ways as possible, in conversation with and uplifting the voices of those on the inside. It means reorienting epistemological understandings to

value fugitive knowledge. It means meeting people where they're at. It means putting what you learn into action. It means: study, cooperate/care, practice solidarity, repeat.

Imagination

Black and Pink not only resists the carceral state by fostering social connection through its newspaper and pen pal program, but also by encouraging its members to think creatively and be open to imagining new/other worlds. Davis contends, “the call for prison abolition urges us to imagine and strive for a very different social landscape” (Davis and Rodriguez 2000, 215). An enduring theme in the pages of Black and Pink’s newspaper is an instigation to imagine a new world that does not “occupy the same footprint as the prison system” (Davis 2003, 106).

For adrienne maree brown (2017), a queer Black social justice movement facilitator, imagination is crucial to breaking through fears that keep us repeating harmful logics. Brown says, “we are in an imagination battle” (brown 2017, 18). Black and Brown people are killed because “in some white imagination,” they are dangerous, “imagination turns Brown bombers in terrorists and white bombers in mentally ill victims” (18). But we need “to imagine beyond those fears. We have to ideate--imagine and conceive--together. We must imagine new worlds that transition ideologies and norms... this is collaborative ideation--what are the ideas that will liberate all of us?” (brown 2017, 19)

Critical prison studies scholars have noted that imagination is a necessary tool to deconstructing and dismantling the prison industrial complex. This is an idea that Black and Pink embraces. For example, the San Francisco chapter of Black and Pink, named

Flying Over Walls, uses an image of a unicorn jumping over a prison wall in their social media outreach campaigns (see Figure 4).²¹ The prison wall, with the panopticon guard tower looming high, is fortified with barbed wire. Where the unicorn hurdles the prison wall, the razor wire dissipates. The unicorn evokes imagination and fantasy. The imagery of the unicorn clearing the prison walls heralds creative and imaginative work to be done.

Figure 4: Imagery from Black and Pink’s San Francisco Chapter

Flying Over Walls / SF Bay Area Black & Pink



I connect building capacity for imagination (necessary for thinking of new ways to live in the world) with Dean Spade’s articulation that through violent gender norms trans people are told they are “impossible” (Spade 2011, 19). Abolition requires an imagination of the impossible in order to build resistance to a violent status quo. This call is captured visually in the *Flying Over Walls* imagery. The unicorn is the impossible. It is

²¹ This image is credited to Jacks McNamara, co-founder of the Icarus Project. This image was an early inspiration for what became known as “*Flying Over Walls*,” or the Bay Area chapter of Black and Pink. For more about McNamara and their work, see <https://jacksmcnamara.net/>. The Icarus Project provides a “support network and education project by and for people who experience the world in ways that are often diagnosed as mental illness.” For more information about the Icarus Project, see <https://fireweedcollective.org/>

the impossible bodies and lives of trans people (articulated by Spade). It is the impossible task of liberating queer and trans people from the seemingly impenetrable walls of prison. It is the impossible task of eradicating the gender binary that traps so many TGNC folks. Yet, in all that impossibility is this organization, Black and Pink, full of people who call each other family, who traverse that impossibility together.

Another important aspect of expanding the imagination of prison activists is to challenge the proposition of innocence. Prison activist scholar Ruth Wilson Gilmore reminds people who focus on a platform of relative innocence to reduce prison size that they aren't really challenging the structures of prisons at all. In actuality, they're reinforcing the idea that some people *do* belong in prison, they'd just like to shift the definition of who gets captured. Lydon shares Gilmore's analysis that activists should avoid advocating based on nonviolent status. Going after the "low hanging fruit" can be appealing, but we must know the difference between "being strategic about who we get out versus throwing people under the bus... I think those are very different things" (Personal Interview 2020, December 14). Proclaiming a fundamental divide between people in prison for so-called violent and nonviolent offenses is problematic because "you're actually strengthening [the prison system] in many ways because you're saying some people deserve to be there, right, we should torture some people" (Byrd 2018). Dean Spade (2020) refers to this brand of advocacy as "anti-solidarity" practices and explains that prison justice advocates that narrowly focus on innocence or nonviolence "actually [strengthen] the system's legitimacy by advocating that the targeting of those more stigmatized is okay" (Spade 2020, 14). The reality is "a majority of people in state and federal prisons have been convicted of what are defined as violent offenses, which

can include everything from possession of a gun to murder. This statistical reality can be uncomfortable for some people, but instead of grappling with it, many focus on the ‘relatively innocent,’ as Gilmore calls them, the addicts of the falsely accused...” (Kushner 2019). Instead, Gilmore insists we ask ourselves “whether people who have been criminalized should be subjected to the forces of organized violence. They could ask if we *need* organized violence” (Kushner 2019).

Black and Pink refuses to adopt a politics of innocence, where the easiest path to become deserving is to make someone else not deserving. This is the problem with campaigns that center around nonviolence as the rallying cry for releasing people from prison. Violence is actually really complex; it needs to be contextualized. Because the State defines what is violent, the reality is that many queer people in prison are confined on so-called violent offenses. Lydon once believed that a righteousness came from living a life of nonviolence, but his time in prison changed that and it changed the way he saw prison organizing. “It’s the difference between being strategic about who we get out versus throwing people under the bus. And I think those are very different things. I think that when I got locked up I met, especially in the county jails in Georgia, I met people who were incarcerated for violent offenses, and I was like, ‘Oh, I care about you. I like you. I want good things for you” (Personal Interview 2020, Dec. 14). Lydon abandoned the violent/nonviolent dichotomy.

Organizing from the margins means centering the most vulnerable, the most marginalized, then we gain more liberation for folks. Lydon sees lifers and people convicted of sex offences as the most marginalized within a prison abolition discourse. “The most ‘undesirable’ is where we should center our abolitionist organizing, quite

different from the low hanging fruit” (Personal Interview 2020, Dec. 14). He goes on, “if we focus [on the low hanging fruit] instead of focusing on the margins, then we claim victories that are way too small” (Personal Interview 2020, Dec. 14).

As an *open* family of LGBTQ prisoners and allies, they are dedicated to inviting and embracing all LGBTQ prisoners on the path toward liberation, regardless of what case they caught²². As an abolitionist organization, Black and Pink “would not engage in the type of work that throws anybody under the bus. My liberation cannot be achieved by harming someone else... so for an abolitionist strategy to exist, it needs to be one that is collaborative, that is intersectional... understanding that we must all get free together, and not anybody else's expense” (Byrd 2018).

Addressing Power

New outside pen pals are going to have a lot of questions about starting new relationships with people they don’t know. Oftentimes, folks are confronting or challenging the idea that prisons are necessary for the first time. In the various organizer settings for different chapters, I noticed a recurring topic, sometimes posed as a question from a new member, about using your personal home address to correspond and whether that was something safe to do. Chapters that have encountered this question more often have developed an analysis that does two things: (1) asks the outside pen pal to interrogate where their desire to shield their address comes from, and (2) develops an analysis of power that challenges members to develop practices in their pen pal

²² To “catch a case” is to be arrested, convicted, and subsequently serve time in jail or prison

relationship that offset the power imbalance between incarcerated people and people in the “free world.”

Black and Pink PDX cites this question specifically in their FAQs for new pen pals:

Am I anxious about giving my mailing address to a new pen pal?

Many of us feel nervous about sharing personal information with brand new people in our lives and that is quite reasonable. There is, however, the extra stigma around sharing information with incarcerated people. In general, we encourage people to use their home address and to *take time to question where these anxieties are coming from*. If you are not willing to share your address with your pen pal there are a number of options you can use. You can have your mail forwarded to our local PO box. We encourage everyone to do what feels right and best for themselves while at the same time looking deeper at what is causing fear and work on that as we build our movement towards abolition (Black and Pink PDX 2020).

The anxiety a new member might feel about sharing personal information is met with compassion and empathy, while maintaining a commitment to dismantling the stigmas of being incarcerated. In organizing work, it’s critical to meet people where they are at in their own process of undoing oppressive ideologies, while maintaining the goal of liberation for all people. The organizers here make an important point, connecting the discomfort one might feel in sharing personal information with a person in prison to ideologies that move us away from abolition.

During a New York chapter meeting for “free world” folks who were interested in starting a pen pal relationship, a participant expressed they were having a “hard time” putting their address on a letter to their pen pal. Then they asked others for their thoughts on that. Through detailing her own experiences with pen pals as an example, a core organizer offered reassurance that our fears of people in prison as inherently dangerous are so often not realized, “I’ve always put my personal address on [letters] and have never had an issue with that“ (Nguyen 2020).

The Boston chapter has encountered this concern so many times over the last fifteen years of organizing that it is preemptively included as a discussion topic in their “Pen pal 101” sessions.

A question that we hear a lot is should I use my own return address? “Is that safe?” is basically the underlying question... I personally really encourage you to use your own mailing address, and that's for a few reasons. The one that might be most important is... [you] know exactly where [your inside pen pal] lives. You know the town... the building... the unit... sometimes the cell number... sometimes you know if they're on the upper or lower bunk. You have so much information about this person and so much access to information about this person... I don't think it's necessarily fair to deny them such basic information about you as where you also live... We don't want not wanting or not being able to use your own return address to be the thing that stops you from having a relationship with somebody inside, but I do also think of it as part of just showing them respect, showing that you trust them (Patterson and Smith 2020).

By examining the power relations between imprisoned and “free world” members, the Boston chapter has developed a nuanced analysis that addresses the underlying narrative that prisoners are dangerous, and we must be kept safe from them. They also balance the need that some folks may have to keep their addresses private and the needs that incarcerated members have for social connectivity and community building. The core organizers conclude that there are a lot of reasons someone may not be able to receive mail from prison at their home, and ultimately the core organizers will help figure out an alternative that works to address their concerns.

Fundamental to Black and Pink’s analysis of the prison industrial complex is relationships to power. The Chicago chapter shared this insight about various ways that power differentials can manifest in regard to pen pal relationships,

there's definitely going to be a large... power differential and a relationship between you and your pen pal... you're on the outside, you have freedom of movement you're able to get things, you're able to access the internet. You just have access to a lot of freedoms and privileges that people inside

don't have. So, there's just a huge power differential [there].

They go on to explain,

one of the classic examples... is that you are able to look up a lot of stuff about your pen pal, you have a lot of information readily available to you on your state's website, or your State Department of Corrections website. You can see what your pen pal was convicted of, or you can see what tattoos they have, how tall they are... and your pen pals can't do that about you, they don't have any information about you, besides what you tell them (Nguyen 2020).

All chapters are especially critical of looking up information about pen pals. Prisons lose a lot of autonomy and control in prison, including any notion of privacy of information.

The Chicago chapter concludes the discussion on power differential with a word of advice, “definitely don't look up [your pen pal's] info on the Department of Corrections webpage, that's like not a chill or fun thing to do. Every time you see somebody's profile online, it's a very ugly experience. So, I would recommend against doing that” (Nguyen 2020).

Surprisingly, the Seattle chapter had not encountered hesitancy from new members in sharing their home addresses with their pen pals. Recently, a new member shared that their spouse “prefers to keep our address private” and requested to use the chapter's post office box to receive letters from their pen pal. When discussing this matter with other core organizers, they discovered that one member already used the chapter's post office box as a go-between for pen pal correspondence. That member provided the chapter with self-addressed stamped envelopes to quickly mail their inside pen pal's letters to them. Other core organizers agreed that this method of receiving letters would be fine (Personal Correspondence 2020, Dec. 10).

“A Prison in Washington”

I began attending Black and Pink Seattle chapter core organizing meetings (field research for this dissertation) in 2019. I’d actually been to a mail processing meeting once a few years earlier. I was on a road trip with my partner and their ex-partner²³, heading to Vancouver Island to camp. We stopped in Seattle to visit some of my partner’s friends from college. Two of them were Black and Pink core organizers at the time. They were having a mail-processing night while we were in town and invited us to join. I had been writing to my own Black and Pink pen pal for about a year at that point, but I’d never been to a chapter meeting. There was no chapter in the Oregon college town where I lived.

I arrived at the core organizer meeting twenty minutes late because my drive to Washington took longer than expected, I hadn’t factored in the necessity of stopping for coffee along the way. When I arrived, I was greeted by a friendly dog named Alfred. Alongside Alfred was Charlie, who welcomed me into the house. Max was cooking chili on the stove and everyone else hovered in the kitchen picking at the potluck contents as they waited for the final touches to be added to the chili. They were talking about their childhood Halloween costumes. “We’re having an intergenerational queer Halloween party,” Sam informed me. “We should add that to talk about in the meeting.” I hadn’t realized this meeting ran on queer time, so my twenty-minute delay was nothing new. We were still waiting for one more to arrive.

²³ The configurations and re-configurations of queer relationships are endless, if you have the tenacity to love fiercely.

When the chili finished, we plopped it on the makeshift dining table that was in the middle of the living room. We surrounded the main course with the assortment of potluck wares that folks had brought. We took ample servings and cozied into the living room couches. We would eat first, then start the meeting.

One by one, we introduced ourselves with our names and pronouns.

“I’m Max, I live here. ‘She’ or ‘they’ pronouns... I don’t mind ‘she,’ but ‘they’ is more accurate.”

“I’m Alex. I really like the way you said that Max. I don’t mind ‘he,’ but ‘they’ is more accurate.”

“Hi, I’m Sam, I use ‘they/them.’”

“I’m Franki and I use ‘she’ or ‘they’ pronouns.”

My turn. “I’m Nic, ‘they/them.’”

“I’m Davie and I use ‘they/them.’”

Ravi arrived as we were just rounding out introductions. ‘I’m Ravi and I use ‘he/him’ pronouns and I brought vegan spring rolls. They don’t look great, but they taste delicious!” He was right, they were delicious.

After our introductions, the meeting took a more formal turn, as formal as it could be considering we were all sitting comfortably in Max’s living room with chili bowls in hand. The agenda was laid out: Trello. Lavender Rights Project. Shifting Roles. “A prison in Washington.” Halloween Party and other Events. Black & Pink Newsletter. Survey.

Organizers in the meeting said that information about their work with and inside prisons was sensitive. They agreed to talk about what they were doing and asked that any

prison they spoke about be referred to simply as “a prison in Washington.” There were a handful of organizers that would facilitate support groups for LGBTQ prisoners inside a prison in Washington as individuals, never identifying their affiliation with Black & Pink.

One prisoner from the group Sam and Davie were working with was being released soon. The prisoner is trans and she needed housing support. She would need an address to give to the parole officer upon her release. Technically, she only needed this address for the day of her release, but Sam and Davie hoped to find a more stable housing option than one day. One of the rules of the prison is that group leaders, like Sam and Davie, couldn't have *any* contact with a prisoner outside of the group itself. This meant that they couldn't contact any prisoner after they were released. Everyone agreed that Sam and Davie would not make any of the requests themselves. It was important that they not jeopardize the support group that they helped run inside the prison. The requests would need to come from Black and Pink generally, but couldn't show a link from Black and Pink to Sam or Davie as members. Everyone in the meeting agreed that all pictures of Sam and Davie should be removed from Black and Pink's public facing social media. This way, there wouldn't be an obvious link between them, should the DOC look into it.

The support groups happened twice a month. Every other week, Black & Pink organizers would hop in their cars for the trek to a prison. If they had a red badge, it meant they had completed the department issued orientation and they could facilitate the group with prisoners unsupervised. Importantly, this meant no prison staff would be present during the meeting. If they had a pink badge, it meant they hadn't completed the orientation yet, thus prison staff would be required to stay in the room for the meeting. According to Sam and Davie, the level of discussion changed dramatically when prison

staff were present. There were dozens of prisoners that attended the group, mostly transwomen.

As they enter prison, red badges in hand, and facilitate groups within the prison, the organizers of Black and Pink are enacting what de Certeau referred to as *la perruque* or “the wig.” La perruque “is the worker's own work disguised as work for his employer... in the very place where the machine he must serve reigns supreme, he cunningly takes pleasure in finding a way to create gratuitous products whose sole purpose is to signify his own capabilities through his work and to confirm his solidarity with other workers or his family” (de Certeau 1974, 26). The work that Seattle organizers do infiltrates the strategic design of prisons, designs that isolate and leave those in its clutches without resources and without support.

CHAPTER VI

CULTIVATING SURVIVAL COMMUNITY: THE TRANSFORMATIVE WORK OF
THE *BLACK AND PINK* NEWSPAPER

*Let's be gentle with ourselves and each other
and fierce as we fight oppression.*
—Dean Spade

Prisoners speaking for themselves and with one another is an important avenue toward prisoner empowerment through constructing fugitive knowledge. This chapter examines four cases of collective struggle in the Black and Pink newspapers. First, I ground the creation of survival community in histories of queer worldmaking. In “Creating Transgender Healthcare Knowledge from the Inside” I look at the ways trans women prisoners navigate gender and confinement, creating and sharing resources with each other. The newspaper acts as a sort of map-making project of how to move through multiple oppressive systems toward survival. Next, I look at the newspaper as a collective, a community resisting the disposability politics of prisons together. In “Failure is an Option,” I recount the accidental printing of a letter by an inside member, Joshua, who justifies his sexual abuse of a child. In response, the Black and Pink family comes together to care for and about Joshua, offering this survival community as a place for reflexivity, accountability, and change, rather than expulsion and exile. In “Transformative Healing,” the story of Lilly, a Black and Pink inside member, illustrates transformative healing—a healing through the healing of others—that is the basis for survival community, crafted through the pages, poetry, and at the heart of the Black and

Pink newspaper. Finally, I examine the newspaper as a place of uncovering the shortcomings and manipulation of well-intentioned policy meant to curb sexual violence in prisons. In “The ‘dysfunctional savior practices’ of PREA,” the stories of Black and Pink members shine light on the Prison Rape Elimination Act (PREA), particularly the ways that it has produced more harm than good in protecting queer and trans prisoners from violence.

The first Black and Pink newspaper was a “shitty ass thing” that Jason Lydon put together himself, admittedly without much design or editing skills (Personal Interview 2020, Oct. 2). It was a makeshift collection of Lydon’s writing, currently incarcerated and formerly incarcerated people’s writings that Lydon found or had. He printed a copy at his church, then went to Kinko’s where he knew, from his punk rock zine-making days, how to steal copies. It was mailed to about 120 LGBTQ prisoners. The first newspaper was produced by what some would call illegal—and others might call crafty—means, finding resources where you can, with the understanding that the necessity of connecting prisoners to the outside is essential to their survival.

A sense of cruciality is seen through the years of developing the newspaper. As the number of prisoner subscriptions grew and before the newspaper had stable financial support that ensured its publication, the outside leadership circle struggled with figuring out ways to pay for the newspaper’s publication and distribution. At one point, they decided to divide up the cost and responsibility of getting the newspaper published among the leadership, each person was responsible for a month. However they had to do it, it was their job to get the newspaper printed. Some people had jobs, others did not. Some people paid for it directly from their bank accounts, some people stole copies from

their work, some people traded sex for money to pay for printing. With multiple people in the leadership circle involved in criminalized economies, like the drug trade or sex work, their understanding of access to material resources was entrenched in what it means to be in struggle. But the urgency, the criticalness, of getting the newspaper printed and sent out is palpable, each month was understood as critical to the survival of people inside. The leadership circle committed to getting the newspaper published between them by whatever means necessary; “it doesn’t matter how it gets [paid for], but you have to figure it out” (Personal Interview 2020, Oct. 2).

Black and Pink’s newspaper forges what I call a *survival community*, growing bonds between people separated by miles, by prison bars, and by regulations prohibiting them from communicating with each other directly. The restriction of prisoners communications thwart the kinds of solidarity building that are possible when prisoners see their own suffering through a collection of accounts of suffering from others, a meaning-making project that allows prisoners to both identify their pain and harm as something more than just a mishap of justice in an otherwise fair system and to also to transform that pain toward survival. Rather, articulating the stories of many prisoners, connecting their harms, is a sort of consciousness raising, not unlike the consciousness raising of the women’s movement, where women were able to move their understanding of their own experiences as *not* isolated, but actually part of a web of oppressive behaviors in a patriarchal society. Indeed, one of the explicit purposes of the Black and Pink newspaper was to “provide an avenue where people who are locked up can realize that others share in the same story and that no one is alone” (Black and Pink 2010 Mar., 1).

In 2014, Black and Pink outside members began working on what would become the largest survey of LGBTQ prisoners to exist to date. Keeping with the call to be guided by incarcerated voices, the newspaper solicited its readership for input on the survey itself. What kinds of questions are LGBTQ prisoners interested in knowing about? What topics should be broached? What should be done with the survey after it is conducted? Inside members responded with questions they wanted included in the survey and how they thought the survey should be used. In the end, the survey was 133 questions long. 1,118 prisoners²⁴ participated in the survey. The number one thing that prisoners wanted from the survey was to receive a copy of it, to see themselves and their experiences, collected and reflected back to them, in and with the experiences of others. After the survey and analysis was complete, every participant received a copy of the survey report in the mail.

One participant in the Black and Pink survey remarked, “the most important way to empower prisoners is by giving them a voice... Inability to communicate is the one most effective way prisons control and oppress us prisoners” (Lydon et al. 2015, 59). The newspaper is a catalogue of collective struggle, offering fertile ground to construct fugitive knowledge that values first the voice of prisoners and values most, their survival.

Prisons are entrenched in rigid and restrictive understandings of gender conformity, where transwomen are not seen as women, rather they are housed in men’s prisons where they face a medical institution that understands transness as pathological. Additionally, they exist in a prison system that offers little in the way of redress, aside

²⁴ About a quarter of the newspaper’s readership at the time

from the legal mechanisms administered through the State. Transwomen prisoners exist in a space between three oppressive systems; the prison system, the medical system, and the legal system, and use their movements through the complicated architecture of gender and confinement to create roadmaps for other trans women prisoners toward survival.

Survival Communities as Queer Worldmaking

Black and Pink connects its members through family, through creating a shared vision of resistance and creation of space for hope and healing, necessary to sustain that vision; this is a queer “world-making project” (Berlant and Warner 1998, Muñoz 1999). Black and Pink’s newspaper “constituted an imagined community, as they allowed an unknowable number of people, many of whom would never meet directly, to conceive of themselves as part of a shared culture—or *world*—of opposition” (Thuma 2019, 90).

Queer theorists have described the intimate matter of queer worldmaking. In “Sex in Public,” Lauren Berlant and Michael Warner (1998) describe the world-making project of queer culture “where ‘world,’ like ‘public,’ differs from community or group because it necessarily includes more people than can be identified, more spaces than can be mapped beyond a few reference points, modes of feeling that can be learned rather than experienced as a birthright.” (558) The worldmaking project of queer culture extends beyond the present and the tangible, it encapsulates possibility and futurity. In *Disidentifications*, José Muñoz (1999) used the study of queer performance to illuminate its capacity to disrupt “a hegemonic world vision that substantiates the dominant public sphere,” a worldmaking project that destroys (to remake) the world of majoritarian exclusivity to construct a new place of belonging. “The concept of worldmaking...

establish[es] alternative views of the world...; they are oppositional ideologies that function as critiques of oppressive regimes of ‘truth’ that subjugate minoritarian people.” (Muñoz 1999, 195). Queer worldmaking is as much about *un*-making as it is about building alternatives to dominant discourse and culture, it is a project of “deform[ing] and re-form[ing] the world. *This reiteration builds worlds*” (Muñoz 1999, 196, emphasis in original).

Muñoz wrote about futurity and utopian possibility that emerged in the Third World Gay Revolution’s detailed list of demands in a text titled “What We Want, What We Believe.” Muñoz claimed that when the Third World Gay Revolution exclaims, “We want a new society—a revolutionary socialist society” they are not invoking the “we” of their membership or their accumulated identities. “This ‘we’... [speaks to] a logic of futurity. The ‘we’ speaks to a ‘we’ that is ‘not yet conscious,’ the future society that is being invoked and addressed in the same moment. The ‘we’ is not content to describe who the collective is but more nearly describes what the collective and the larger social order could be, what it should be” (Muñoz 2009, 19).

In a similar tone as the Third World Gay Revolution, Black and Pink invokes a *we* of the present and the future. In March 2011, Black and Pink stated, “we also celebrate the beauty of what exists now including our love for each other, the strength of our planet, incredible human resilience, and all of the power we have to continue existing. While dreaming and struggling for a better world we embody a deep commitment to living in the present.” (6) They frequently refer to creating “the world we dream of” (“Statement of Purpose”). Black and Pink lives somewhere between the harsh violence of prisons that seem like a permanent fixture and a world where prisons are not only

abolished, but unnecessary. And yet, Black and Pink affects the lived reality of the *family* it creates. Family that are rendered less alone than they were before connecting themselves to others in struggle.

Creating Transgender Healthcare Knowledge from the Inside

Black and Pink routinely updated its readers with developments in legal battles involving transgender prisoners. The newspaper gave information to readers about incarcerated transwomen, like Ophelia De'lonta, Michelle Kosilek, Michelle Norsworthy, and Shiloh Quine, housed in men's prison facilities located in Massachusetts, Virginia, and California. All four women had a history of suicide attempts and self-harm while they were incarcerated, which they attributed to not receiving the proper treatment for gender identity disorder²⁵ (GID) by their respective institutions.

Ophelia De'lonta's legal fight for healthcare started in 1999, when she petitioned the court for access to hormone treatment. After being dismissed by a federal judge, De'lonta filed again. In 2004, she was granted access to hormone therapy and allowed to "dress as a woman in the men's prison" (Gremore 2013). De'lonta continued to suffer

²⁵ I refer to the conditions, experiences, and diagnoses by the names that prisoners give them. At the times of their writing, prisoners were commonly using Gender Identity Disorder (GID) to describe their experiences and treatments, because that was the recognized diagnosis of the Diagnostic and Statistical Manual of Mental Disorders prior to 2013 (DSM-V). GID was altered when the American Psychiatric Association published a revised version of DSM-V in 2013. GID was replaced with "gender dysphoria" which is characterized as follows: "Individuals with gender dysphoria have a marked incongruence between the gender they have been assigned to (usually at birth, referred to as *natal gender*) and their experienced/expressed gender... there must also be evidence of distress about this incongruence." (DSM-V 2013, 453) As updates to medical and psychiatric diagnosis are slow to enter into the cultural discourse, they are even slower to enter the prison culture. Having significant limitations to access of updated information and research tools, it is reasonable that the language of GID may endure in prisons and among transgender prisoners long after it had evaporated from the discourse of transgender people or activists in the free-world.

from urges to remove her genitals, and attempted to self-castrate several times over the years.

After a failed attempt at self-castration in 2010, De'lonta filed a federal lawsuit claiming that Virginia had failed to provide her with adequate medical care for GID (Potter 2011). After initially being dismissed by Judge James C. Turk, an appeals court ruled that the claim should be heard and returned the case to the lower court. In 2013, Judge Turk ruled that prison officials must provide De'lonta an examination by a gender specialist, albeit De'lonta must pay for the evaluation by the specialist herself. The examination would determine whether sex reassignment surgery (SRS)²⁶ is medically necessary to treat GID.

In February 2014, Black & Pink shared news of De'lonta's recent parole. De'lonta believed her parole was granted to sidestep her pending lawsuit against the State. After release, De'lonta went to live with her naive in Maryland. In an interview after her release, De'lonta reflected on the three decades she spent in prison, "it was a nightmare, I had long hair, soft skin and a female body, minus the breasts. De'lonta experienced frequent sexual abuse, raped so often that she "lost track after the tenth time" (Spies 2015). De'lonta was the only transgender prisoner in the eight different prisons in which she lived. She says without friends, there is no one to aid in protection against attacks, "all you can do is fight back. I stabbed four people" (Spies 2015). Soon after she was released on parole she received the first phase of the sex reassignment surgery

²⁶ Again, here I use the language that prisoners themselves used in their advocacy for trans healthcare in prisons. Among activists and scholars, SRS is more commonly referred to as gender affirmation or gender confirmation surgery.

process she fought so hard for while incarcerated. De'lonta said, "I feel free... really free" (Spies 2015).

Michelle Kosilek waged a decades long legal battle for gender affirming healthcare treatment that began in 1992. In 2000, Kosilek sued the Massachusetts Department of Corrections (MDOC) for violating her Eight Amendment rights, stating that denial of SRS constituted cruel and unusual punishment. Kosilek's case was unusual in that it argued for the MDOC to oblige the prison doctor's assessment and recommendation that surgery was the only adequate treatment for Kosilek's diagnosed condition of GID. What was unusual, says attorney Moira Cooper (2014), was that the prisoner seeking the injunction was not refused the sought-after treatment from prison doctors. In fact, multiple doctors, including those hired by the DOC, recommended SRS for Kosilek. The prescribed treatment was instead denied by prison administration. In 2006, MDOC Commissioner Kathleen Dennehey testified that while she agreed with the doctor's plan for treatment, she determined it would create a security risk for the (male) prison facility and thus denied the acquisition of surgery for Kosilek (Wykoff 2014, 153).

In September 2012, Black & Pink dedicated an entire page to republishing an article by Denise Lavoie announcing *Judge Rules Michelle Kosilek Deserves Surgery* (Black and Pink 2012, 7). Kosilek's case represented a landmark win for transgender prisoners seeking gender affirming surgery. The district court judge in the case was Mark L. Wolf. Wolf had been ruling on Kosilek's various litigation since the early 2000's. In 2002, Wolf ruled that Kosilek was entitled to treatment for GID—including hormone therapy, laser hair removal, and psychotherapy. Kosilek sued the MDOC again in 2005

claiming the treatments were not enough. Kosilek was routinely referred to as “killer” and “murderer” in media coverage of her healthcare advocacy.

On September 22, 2012, the Human Rights Campaign (HRC) had a fundraising gala in Boston featuring then senate candidate Elizabeth Warren. As a show of solidarity with Kosilek, Black & Pink organized a protest to the HRC gala event in response to Warren’s statement regarding Kosilek’s surgery: “I don’t think it’s a good use of taxpayer dollars” (Black and Pink 2012 Oct., 7). Fifteen protesters held signs and chanted “Trans Prisons are Under Attack! Elizabeth Warren Turned Her Back!” (see figure 5). In a statement issued on their website and reprinted in the October 2012 issue of the newspaper, Black & Pink celebrated Kosilek’s victory in court as a victory for human rights.

Figure 5: Information regarding protest against HRC fundraiser featuring Elizabeth Warren (Black and Pink 2012 Oct., 7)



Kosilek wrote to Black & Pink in late 2012 to thank them for their support and celebration of her milestone win in court, stating “transprisoners are often so isolated and insulated from our community that we may as well be on another planet” (Black & Pink, Feb/Mar 2013, 4). Kosilek offered readers a counter narrative to the “killer” and “murderer” she was labeled in the media:

To any who may have been manipulated into seeing me as less than human, or unworthy of being a member of our family because of the crime I was convicted of, I stand by my truths; I was seduced out of a residential

drug treatment center by my therapist, who later tried to kill me with a butcher knife after throwing boiling water on me. I killed her in self-defense (Black and Pink 2013 Jan/Feb, 4).

Black & Pink's newspaper offers an invaluable venue for prisoners to share their stories on their own terms, to resist the transmisogynist stigma of prison communications and media coverage.

In 2014, a divided federal appeals court overturned Judge Wolf's decision that Kosilek was entitled to SRS as treatment for GID. Kosilek appealed the ruling, but in 2015 the appeal was rejected by the US Supreme Court, ending the decades long legal battle Kosilek fought to obtain sex reassignment surgery to treat the GID she experienced.

The state of California was embroiled in similar lawsuits by transgender prisoners. Michelle Norsworthy, a transgender woman, spent over three decades in men's prisons in California. At 30 years old, after over a decade inside, Norsworthy was introduced to language that deeply resonated with how she felt. A psychiatrist introduced her to transsexualism as language and concept. Norsworthy recounts, "I'd never heard it before... I looked it up in a dictionary back in my cell and it clicked—a person who strongly identifies with the opposite sex... It gave me a language. Every opportunity I had to say the word I would, it made me feel so much better" (Pilkinton 2015). For six years following the discovery of transsexualism, Norsworthy battled with the California Department of Corrections and Rehabilitation (CDCR) for access to hormone treatment. Eventually, she won that battle. After being diagnosed with GID in 1999, Norsworthy was prescribed hormones the following year. Like De'lonta, Norsworthy was granted parole before the State performed surgery. When she was released on parole,

Norsworthy—and her medical treatment—were no longer the responsibility of the CDCR and the appeal was dismissed by the courts as moot.

Around the same time as Norsworthy’s case, CDCR was involved in a lawsuit filed by Shiloh Quine. Norsworthy and Quine had the same legal representation, and their cases had the same judge. Shiloh Quine was born in 1959. Quine’s first suicide attempt took place while in a county jail at age 18. During this confinement in California, Quine cut her wrists, in large part because she did not feel comfortable in her own skin. Quine first tried hormone supplements on the black market at 19 years old, after she attempted to amputate her penis at age 16. After being incarcerated in the CDCR, Quine attempted suicide several more times. After a suicide attempt in 2008, Quine was referred to doctors for “transgender services” (*Quine v. Beard* 2014, 5). Quine began hormone treatment for GID in 2009. Soon after, Quine began petitioning the prison for SRS. Through each level of review, Quine’s requests for SRS were ignored. In 2013, Quine sought access to gender affirming clothing, cosmetics, and hygiene items that were commonly available to prisoners housed in women’s facilities. In April 2014, Quine was able to see Dr. B. Bloch—a CDCR psychologist—who concluded that SRS was a medically necessary intervention in Quine’s treatment. However, in June 2014, Quine attempted suicide again after prison officials told her she “can’t get the surgery (for a sex change)” (*Quine v. Beard* 2014, 6).

In 2014, Quine filed a lawsuit against CDCR employees for their “deliberate indifference” to her diagnosis of GID and the denial of the medically necessary relief of SRS. The suit claimed that denying Quine SRS as a medically necessary treatment for GID was a violation of rights guaranteed under the Eighth and Fourteenth Amendments.

The Eighth Amendment extends protection from cruel and unusual punishment. The Fourteenth amendment guarantees the equal protection of the laws. Additionally, the suit claimed that denying Quine access to personal items approved and available to prisoners at female institutions also constituted a violation of the Fourteenth Amendment on the basis of gender and transgender status.

In 2014, Quine also received a visit from photographer and author Kristen Schreier Lyseggen who was working on a project about trans women in men's prisons. This was Quine's first visit *by anyone* in 15 years. Upon entering the visiting room, Lyseggen asked Quine how she was allowed to wear make-up in the men's prison. Quine explained they were tattoos she'd done on herself to give the appearance of eyeliner and plucked eyebrows (Lyseggen 2015, 133). Quine had a caring, romantic partnership with her cellmate, Kenny, since early 2012. As her lawsuit for SRS moved closer to a decision, Quine and Kenny prepared for a possible life apart. If Quine was allowed the SRS she needed, she would be transferred to a women's facility to serve the remainder of her life sentence. They would never see each other again.

After several months of discovery, depositions, interrogations, and expert testimony, Quine and CDCR began pre-trial settlement negotiations. Within a month, the two parties had reached an agreement. The settlement agreed that Quine would receive the SRS that several medical and mental health clinicians had deemed medically necessary treatment. After her surgery, Quine was rehoused in a California prison for women. Consequently, she would be allowed access to the clothing and other items that are designated for female prisoners only. As part of the settlement, CDCR agreed to change its policies so that transgender prisoners would be able to access clothing and

commissary items consistent with their gender identity, regardless of what sex-segregated facility they were housed in. CDCR would also revise their policies regarding access to medically necessary treatment, including SRS. After her historic victory for access to transgender healthcare, Quine reflected, “I felt that, you’re giving surgery to people who need hearts and kidneys, and you’re paying just as much for that, for these incarcerated inmates... [s]o it felt like discrimination. You’ll provide for certain aspects of individuals, but when it comes to transgenders, we’re not worthy” (Stahl 2017).

De’lonta, Kosilek, Norsworthy, and Quine weren’t the only cases of GID held in the pages of Black & Pink’s newspaper. Incarcerated trans women wrote in with their own accounts of GID within the prison system, some giving information or advice to other prisoners seeking care, some lamenting their own legal struggle, and some celebrating victories in access to affirming healthcare. In August 2011, there is an entire page in the newspaper dedicated to sharing the story of a self-identified “male-2-female (m-2-f) pre-op transsexual” named Anastasia L. Seger. Seger shares accounts of verbal harassment from both prison staff and other prisoners, but says she feels lucky because there are people who have been more harassed than she has. Seger recounts her struggle for trans healthcare in prison in Arkansas.

In 2006 I was diagnosed as suffering from Gender Identity Disorder (GID). I tried for over 17 months to get some form of treatment. I was told everything from ‘You do not have a diagnosis for GID,’ to ‘Your current licensed provider has not diagnosed you as suffering from GID.’ I wrote letters to everyone that I could think of. From the mental health counselors to the psychiatrist. From the director of the entire Department of Correction [sic] to the head mental health administrator. I kept copies of all the letters and requests. I also filed numerous grievances and followed them all the way to the final step.

In September of 2007 I was finally allowed to see a specialist. He gave me a diagnosis of GID transsexual type. I took one-on-one counseling with him until March of 2009. Then he turned over my main sessions to a psychologist because of logistical reasons. But he was to be consulted on matters concerning my GID. In September of 2009 he ended his employment with the department. Since I last spoke to him in March of 2009 I have received no meaningful treatment for GID. I have steadily campaigned for treatment. I even filed a civil suit called a 1983. It was summarily dismissed as frivolous...

Before I started my campaign for treatment in 2006, the department had no policy for dealing with inmates that were trans gendered. If a person came into the department taking hormone therapy, that person was NOT allowed to continue it. Nothing was done for us trans gendered inmates. But since then, a policy has been written. It allows persons that were taking hormones before their arrest to continue taking them in prison if they have documentation, unless the doctor believes for some reason that they should not continue them for health reasons.

But anyone that was not taking them or cannot prove that they were taking them will not be allowed to start them no matter what. I was taking "Black Market" (birth control) before my arrest so I am not allowed to take them now. The policy allows people to get psychotherapy as a form of treatment for their GID if they were not on hormones previously. But that is the only form of treatment available to those of us that were diagnosed in prison or not prescribed hormones through a licensed physician before their arrest.

I am now trying to get the policy changed. The courts have ruled that a policy should not be used to deny an inmate a form of treatment so I am using that as the basis of my arguments. I am not a lawyer nor do I have a lot of experience in legal matters. What I know is what I have learned during my trials trying to get treatment for myself (Black and Pink 2011 Aug., 4).

Seeger identifies herself as "not a lawyer nor do I have a lot of experience in legal matters." Seeger does not claim the kind of expertise that society says is necessary to give advice (lawyer), she illuminates her expertise as something different. Her knowledge comes from having lived experience under the weight of three oppressive systems, the prison system, the medical system, and the legal system. These three oppressive systems impact Seeger in different, but compounding ways. Prisons rely on prison staff discretion

for addressing harms. Prisons are invested in patriarchal understandings of men as women because those understandings of gender and strictly conforming to those values and expectations, are a form of social control. A social control that the prison exercises, at the expense of transgender dignity and safety. The medical system also understands gender in limited and rigid ways, relying on pathologizing transness in order to address it. The legal system includes things like the Prison Litigation Reform Act (PLRA), a 1996 law that makes it difficult for prisoners to pursue remedies through federal courts (ACLU 2002, 1). The legal system also requires a kind of technical knowledge that makes filing a lawsuit correctly sometimes an impossible task for a prisoner, who lacks the resources and training of legal expertise. Prisoner lawsuits seeking redress from harm are often dismissed on technicalities, like not being penned in the “correct” way. Seger’s positionality at the intersection of all three systems gives her a knowledge that a lawyer *couldn’t have*. Her advice comes from having lived, having moved through the labyrinth of navigating transgender care in prison.

In December 2011, an incarcerated member named Orphan from Arizona wrote to Black & Pink with advice for other transgender prisoners who may be seeking redress for inadequate care. She advised, “The ADA [Americans with Disabilities Act]... is the most important and relevant federal law and statute for bringing suit for prisoners with disabilities who are not receiving the accommodations or care they require” (2011, 5). The advice that transgender prisoners offer one another is based solely on their own experience or what they’ve learned going through the grievance processes. In this way, the knowledge they impart to others is authentic, offering realistic expectations of a system that is brimming with bureaucratic conditions.

In March 2012, an incarcerated member with the name Anastasia—perhaps the same Anastasia L. Seger but it cannot be confirmed as this Anastasia is only identified by first name—is featured with two pages of tips for getting treatment for GID in prison (see figures 6 and 7). She shares relevant information for case law dealing with GID inside and outside of prison and teaches prisoners the chain of command for prison officials. She instructs them to keep copies of all correspondence, which becomes useful in the final action of filing a formal complaint or grievance. Anastasia warns readers of the rigidity of the Prison Reform Litigation Act (PRLA), a law that was instituted by Congress in 1996 to halt so-called frivolous lawsuits from prisoners. However, the law has, as legal scholar Margo Schlanger (2003) asserts, “significantly undermined the already sharply limited ability of inmates to obtain counsel... [and] imposed new and very high hurdles so that even constitutionally meritorious cases are often thrown out of court” (1644).

Jessica, an incarcerated transsexual, shares news of a new policy adopted by the Texas Department of Criminal Justice (TDCJ) dealing with GID. “Under the new policy, inmates will be able to continue the same hormone therapy they were prescribed before being incarcerated... and the prison will be able to initiate hormone therapy while incarcerated in accordance with current standards of care” (Black and Pink 2012 Oct., 5). Similar to the policy identified by Seger in Arkansas, this policy permits prisoners to continue their course of hormone treatment for GID if they had documentation for their treatment prior to incarceration. However, this Texas policy differs from Arkansas’s by allowing prisoners who had no prior licensed hormone therapy the possibility of beginning hormone treatment while incarcerated.

Figure 6: Article by Black and Pink inside member Anastasia (Black & Pink 2012 Mar., 3)



Getting Treatment

Being a transsexual in prison offers many challenges. From dealing with harassment from your fellow inmates and/or the guards to getting treatment. In some states getting treatment for Gender Identity Disorder (GID) is one of the hardest challenges that you will face. If you are seeking treatment there are several things that you must keep in mind:

1. You have to have a diagnosis of suffering from GID. Either one made prior to your incarceration or one from within the system or Department of Correction (DOC).
2. If you do not have a diagnosis of GID then you need to contact the mental health department with your concerns to start the process of getting a diagnosis and treatment. You will most likely have to start with a counselor to get a referral to see the psychologist and/or the psychiatrist.
3. If the people you see within the mental health department are not knowledgeable in the diagnosis and treatment of GIDs then try to get seen by someone that has training and experience in the diagnosis and treatment of GID's.
4. If you are unsuccessful in your efforts to get to see someone about your GID, send letters explaining your situation to the deputy/assistant director or deputy/assistant commissioner of the department of correction that you are in. Then if that gets no satisfactory response then you go the next step and write to the director or commissioner of the department. Also be sure to write to the head of the mental health department at your unit and also the one over the entire department. Keep copies of all your correspondence for your records. Also, make sure that the copies say exactly the same thing as the ones you send out.
5. If after writing letters, you still do not get treatment, it is time to file a Formal Complaint or Grievance. Be sure to list all persons involved and the dates. If you do not complete the entire process including the appeals stage, you may be unable to pursue your complaint in a court (a 1983 civil rights suit). This is per the Prison Reform Litigation Act (PRLA). 6. If you were taking hormones prior to your arrest and incarceration and can provide documentation that they were prescribed by a licensed doctor then the DOC is required to continue them at the same level unless a doctor says that they are detrimental to your health. *Continued on page 4*

Figure 7: Continuation of article by Black and Pink inside member Anastasia (Black & Pink 2012 Mar., 4)

Continued from page 3: Prisons and jails are required by law to give you some form of treatment. But, they are not required to give you the form of treatment that you want. The treatment given can be little as psychotherapy.

If a licensed doctor recommends or prescribes you a certain course of treatment such as hormone therapy then the prison or jail may be required to give you this medically necessary treatment. If the prison or jail refuses to do so and you have exhausted the entire grievance process then you can file a 1983 complaint. The law library at your unit should be able to provide the forms for you. If not then you can write to the clerk of the district or area that you are in and request them. The law library has or can get this address for you. You will have to send copies of grievance/s and the appeals process along with the completed 1983 form to show that you have exhausted the grievance process. You may also want to send copies of all the letters and/or requests that you have sent to various individuals and their responses if any to show their involvement. It is a good idea to keep a record of the dates that you spoke with people and about your desire for treatment as well as the dates of all the letters and requests that you have sent.

There are several cases that deal with the treatment of GID. If you have access to a computer that has a data base of cases in your law library use the search feature and use the keywords: Gender Identity Disorder; Transsexual/ism; Gender Dysphoria; and Transgender.

There are a lot of cases. Some deal with discrimination, some with prisons, and other with medical issues. Some examples are: "Gammett v. Idaho Board of Correction," "Schwenk v. Hartford," "White v. Farrier," and "Fields v. Smith." You will just have to see which ones you can use.

If you do not have access to a computer then ask a law library worker if they can use the computer to look up the cases for you. They are generally able to at least point you in the right direction. The American Civil Liberties Union may be able to help you. Good luck and keep up the good fight. Be careful. Once you start requesting treatment you may become a target of the inmates and/or administration.

The things that I've stated here are things that I have discovered from personal experience and research. You have to educate yourself about your illness. Contact support groups and advocacy groups. I am not a lawyer nor do I claim to be an expert in these legal matters or on GID's. But I am sympathetic to your plight. I am also an inmate seeking treatment in my state. I have already caused a policy to be written that has been of some help to incoming persons suffering from GID. Before I started my campaign for treatment there was no policy and people coming into the system taking hormones were not allowed to continue them. But now they are if they have documented proof of them.

Sincerely,
Anastasia, Arizona



*Editor's Note: Anastasia has shared some great knowledge and resources with us. Some people may be uncomfortable asking to be given a "diagnosis" of a psychiatric illness to receive "treatment," or the existence of this diagnosis within Psychiatry in the first place. However, within the belly of the prison beast, you may find it helpful to use the tactics Anastasia described to gain the things you want: hormones, permission to present yourself according to your gender identity, etc. It's up to you, best of luck.

The Black & Pink newspaper was a powerful forum for sharing knowledge, experiences, and extra-legal advice *from* transgender prisoners *to* transgender prisoners. Contributors used the publication to encourage other prisoners to advocate for the trans healthcare treatment they needed and deserved, they gave helpful tips and advice on how to do that within the rigid institutions of prison bureaucracy and medical treatment. This kind of knowledge resource sharing is a form of mutual aid. Transgender prisoners sift through their experiences with prison medical authorities and distill useful knowledge for the purpose of accessing transgender healthcare, illustrating the empowering nature of a newspaper produced with the belief that “those most impacted by the violence of the prison industrial complex are best equipped with the knowledge of how to tear it down” (Black & Pink, March 2011, 6).

Not all tactics employed for transgender legibility are toward the goal of accessing hormones or undergoing surgery. Some prisoners want to access gender affirming clothing or make-up. Tracy R., a transwoman in Alabama, sought shower privacy. She writes,

In July I finally got the mental health staff to [officially declare] me as transgender. This was done so the ADOC would facilitate the PREA [guidelines] which allows me private showers.... Since I've been in this block since 2011 I talked the administration into installing a curtain around one of the shower heads... It took over a month for the curtain to be installed. While we were waiting ADOC made it policy that the showers were off limits thirty minutes each day while I bathed” (Black and Pink 2017 Nov., 21).

In March 2015, Black & Pink shared information with readers about Ashley Diamond, a black transgender woman who was imprisoned in a men's facility in Georgia. With the help of the Southern Poverty Law Center, Diamond was suing the Georgia Department of Corrections (GDC) for violating Eighth Amendment protections from

cruel and unusual punishment. Prior to incarceration, Diamond had been receiving hormone therapy for 17 years; however, upon entering prison, her hormone therapy was halted and never resumed. Additionally, Diamond's feminine clothing and undergarments were confiscated. In December 2013, the Rutledge State prison warden, Shay Hatcher, put Diamond in solitary confinement for "pretending to be a woman" (Michaels 2015).

On April 3, 2015, the U.S. Justice Department filed a statement of interest in Diamond's case. The statement noted that "[t]wo things are clear from the record in this case: one, the generally accepted standards for treatment of gender dysphoria require treatment decisions be individualized; and two, Ms. Diamond did not receive individualized care" (U.S. Department of Justice 2015, 11). The statement acted as a reminder to departments of corrections that prisons have the obligation to treat gender dysphoria just as they have the obligation to treat any other medical or mental health condition. The lawsuit was settled before trial and as a result the GDC has abolished its "freeze frame" policy, which prevented transgender prisoners from receiving hormone therapy.

In early 2016, the TDCJ expanded access to hormone therapy for transgender prisoners, loosening its strict guidelines for who could receive hormone treatment after the Department of Justice confirmed that denying hormone therapy for trans people constitutes cruel and unusual punishment. Being denied healthcare, including hormone treatment and SRS, is one of the ways transgender people are systematically discriminated against in prisons. Additionally, this denial fuels self-harm and suicide. Inside member Cassie, a transwoman serving time in Texas, wrote to Black & Pink to share how these policy changes have affected her. As a transgender woman in the prison

system, she was denied hormones for six years while incarcerated, even though prior to prison she was on hormones. With the changes in the policy, Cassie is able to access hormones again. Whitney Lee, an incarcerated transwoman in Ohio, sued the State of Ohio for denying her hormone therapy.

Outdated ideas on gender may inform what constitutes a legitimate transgender experience to prison medical staff. In this way, transgender performativities based on stereotypical gender presentations, such as hyper-feminine or hyper-masculine characteristics, may be viewed as more legitimate than less stereotypically gendered performativities. Informed by cisnormativity, transgender prisoners' gender experiences are pathologized, creating conditions that construct transgender prisoners as vulnerable. Prisons *require* transgender prisoners to be pathologized in order to access their right to medical care.

Some US prisons have adopted what some consider “progressive” policies toward transgender prisoners, where transgender prisoners are allowed to continue hormone therapy once in prison if they began hormone therapy *before* they were incarcerated. Of course, only hormone therapy administered through licensed medical establishments is considered legitimate to the prison. So, for prisoners like Anastasia, who were taking “black market” hormones prior to incarceration, their transgender identity is illegible in the context of prisons. It is only through pathologizing that transgender prisoners can access treatments inside that may align their bodies with their genders.

As newsletter editors, Black and Pink does something really important in what may appear as a benign or even obvious statement at the conclusion of Anastasia's trans health submission.

Editor's Note: Anastasia has shared some great knowledge and resources with us. Some people may be uncomfortable asking to be given a "diagnosis" of a psychiatric illness to receive "treatment," or the existence of this diagnosis within Psychiatry in the first place. However, within the belly of the prison beast, you may find it helpful to use the tactics Anastasia described to gain the things you want: hormones, permission to present yourself according to your gender identity, etc. It's up to you, best of luck (Black and Pink March 2012, 4).

In acknowledging the particular context of transgender prisoners, wedged between and under these oppressive boulders of the prison system, the medical system, and the legal systems, sometimes in order to survive, you take whatever path will allow you air to breathe. Without judgment, Black and Pink offers its readers validation that the pathologization required of them may not be right, it may not be accurate or comfortable for them; but they are in the belly of the beast. As a movement, there may be broader calls to destigmatize trans identities, but, importantly, none of that is possible without trans survival, without *their* survival.

Failure is an Option

When scholar activists choose to research and write about social movements, it is often because we have ties to those movements, we are participants, we went to meetings, we saw things happen. And often the stories that get told about movements are the success stories. There is this sort of activist pressure to present ourselves in the most successful light, because social movements seeking change from the status quo are already outside of the mainstream in that they are not the status quo, they are working to disrupt, reorder, or totally demolish the status quo. For prison abolition work, Liat Ben Moshe (2018) acknowledges this double bind that abolitionists find themselves in, "in order to counter the vast critiques and sheer repression that comes from holding

abolitionist views, there is a temptation to be overly optimistic about what a non-carceral future might bring” (350), yet “abolitionists... are often in a position of not knowing what to do. This seeming chasm between pragmatism and vision for the future of a non-carceral society are not necessarily binary opposites... in relation to the epistemology of disorientation as being generative” (Ben-Moshe 2018, 348). And it’s precisely in this generative between-space of disorientation that possibilities arise, in this space of trial-and-error, in this space of not quite there.

There’s a concept in psychology called “holding space” that has made its way into many communities, at least the communities of activists, queer people, and people of color that I am acquainted with. What is meant by this is simply allowing someone to be seen, heard, accepted as they are, without judgment. People can treat each other in ways that hold space for their growth. Black and Pink creates a world where space-holding is a necessity. People are able to come in as their whole selves, and those “in the family” know that people will mess up, in fact it's expected because we’re human. When someone messes up, the space is expansive enough to hold them, to provide security, reflexivity, and transformation.

When someone justifies having sex with a child, a lesson in holding space

In January 2016, Black and Pink accidentally printed a letter in their newspaper which detailed the sexual abuses someone had committed on a young child. The writer went on to justify the “relationship” and thought other people marked as sex offenders should also reevaluate the seriousness of their actions and might see, like he did, that nothing wrong happened.

Dear Black and Pink Family,

Hello everybody out there! My name is Joshua (AKA Sonorous Nocturne). I'm, 26 years old, white, gay and happily in love with this sexy boy who love me back. I'm currently incarcerated in California serving a term of 15 years to life. Ain't that a bitch? But part of that is what I want to talk about. What I want to say is controversial and might upset some of you, but please hear me out.

I write this letter in response to a few of the letters I have read in the Black and Pink newspapers. to those who have committed sex acts upon children. I do not wish to belittle you or what you did, but those of you who admit to such acts seem so riddled with guilt and I fail to understand why. I don't know the details or the why of what you did but I am sure that not all of you (if In fact none of you) are the kidnappers and rapists that society portrays you as. Was your sexual contact with a child so bad? Society would have you think so. But did you know that its only in the past 50 years that opinions and laws regarding sex and kids have changed? In ancient Greece and Rome it was a common and accepted practice for a grown man to take a 10-12 year old boy teach him about the body and sex through a hands-on approach. All throughout history children have been having sex and no one battled [sic] an eye. For a boy, by 15 he should have a house, a wife and children. For girls, once she hit her period, it was time to be wedded and bedded. up until the 1950s, if a child went to a parent and said "So and so molested me", do you know what the response would be? If you didn't like it then stay away from that person. Up to the 1970s, there were legal child pornography magazines, not to mention tons of sex parties where kids got involved. Talk to people in their 50s and 60s. You'd be surprised at what some of them tell you.

Now it seems that society has forgotten what it was like to be a kid. I ask all of you to think back to your own childhood for a minute. When you were 8-10 years old, did you have a friend or someone you trusted who you played "I'll show you mine if you show me yours?" Most of you probably did. It was a secret and naughty and you liked it. Now how about when you were 11-13? Did you have someone close to you who you had your first sexual experience with? Again, most of you probably did. And it was awesome right? When did you lose your virginity? Around 15 or so? Nowadays, everything you did was illegal and if found out, you could be arrested for. Some states have no hesitation in arresting an 8 year old who a "good samaritan" caught touching another boy. In my opinion, this is completely asinine. Picture if you will, that trusted companion who you played with and shared your first experience with. Now picture that person a little older, say 10 years. Besides age, what's changed? You still know and trust this individual, so why would you not do what you had done? Why does the fact that they're an adult change things? People fail to realize that children are sexual beings just as much as adults are. They approach adults about sexual interaction just as much as they approach

other kids. Yes, there are bad people out there who do horrible things, but that doesn't mean that everyone who is accused of pedophilia is such a person.

Take me for example. As I said before, I am serving a term of 15 to life and as you no doubt must have guessed, for sexual contact with a child. But you must understand a few things about me before I can go into what happened.

I was raised in a small town in northern California. Not a bad place but very back woodsy. I was fairly asexual as a child and it wasn't until I was 12 that I realized I liked boys instead of girls. I couldn't express my sexuality like I wanted until I was graduating high school. It was the kind of school where the jocks wore flannel and had gun racks in their trucks. Because of where I grew up, I never had any sexual encounters with anyone. At 19 years old, I had never kissed or been touched by anyone. So when I was 19, I was visiting some relatives of mine for the holidays. My 9 year old cousin always loved being around me. He would sit in my lap all of the time and we'd play video games and watch cartoons together. So imagine my surprise when he asked me to stick my hand down his pants. Yes, he asked me. Once I had asked why and that he was sure and knew what was going on, I did. It was something I had always wanted. Maybe not him specifically, but I was so desperate by that time, I would have gladly done anything with any male who offered, regardless of age. My cousin enjoyed me touching him and I asked if he wanted to do any more. He gave me a wicked smile and nodded, and so I performed oral sex on him. It was both mine and his first time and we loved it. We weren't caught, but we were found out and now here I sit.

I ask you, was what I did so wrong? Do I deserve a life sentence for giving a kid a blowjob? Do any of us who were simply in a consensual relationship with a minor? Just because the person is under 18 doesn't mean that they aren't sexually aware and/or active. No one was raped ; no one was hurt. So why do so many of us have to forsake our futures for one simple act? And what about if it was multiple acts over a long period of time? Why does that make a difference? If all parties understand what [is] going on and willingly participate, why does age matter? (Black and Pink 2016 Jan., 4)

The following month's publication contained a response letter from Lydon:

My letter this month focuses on a submission that went out in the January issue of the Black and Pink newspaper. The submission was from Joshua (AKA Sonorous Nocturne). We have received many responses to his submission. We have been clear in other issues of the newspaper that we do not print any articles, stories, or art that are oppressive or harmful. We

acknowledge that no one of us wants to be defined by the worst thing we have ever done. However, that does not mean that we wish to create space to justify the harm we have caused. We agree with many of you who responded that a child who has not reached puberty CANNOT consent to sexual contact with an adult. It is perfectly okay to use the newspaper to tell stories about your journey to take responsibility for the harm you caused. It is okay to ask each other questions about harm and feelings of guilt. It is not okay for us to print stories where someone details the harm they caused and justifies it. As an abolitionist organization, Black and Pink does not believe we can solve social problems by locking people up. This does not mean we do not believe people should be held accountable and responsible for their actions. We are not trying to shame people for the things they have done, but we are also not ignoring harm people admit to.

I also want to recognize that it may have been really hard, or triggering, for someone who has experienced child sexual abuse to read that story last month. Reading about someone justifying sexual abuse as consensual can be really painful. I want to apologize deeply, for that. While people detail lots of experiences of being assaulted or harmed, it is very different to print a detailed story from someone describing the harm they caused. I want to encourage people to take the space needed to breathe and take care of yourself (as best as possible, given the reality of being locked up). We will do our best to prevent the printing of this kind of story in the future by paying more attention to submitted stories at each stage of the process (when submissions are typed, when they are selected for the paper, and during the final approval of the issue).

There was an organization called Generation FIVE that was founded by survivors of child sexual abuse who are working to end child sexual abuse within five generations. They give us these five strategies:

Leadership Development: trains and support diverse community members and organizations to provide leadership in ending child sexual abuse within their communities.

Community Solutions: develop community-based support networks and culturally relevant solutions to address child sexual abuse.

Transformative Justice: build the capacity of communities to support survivor healing, foster offender accountability and recovery, and call bystanders into effective action.

Alternative Institutions: design alternative community institutions that prevent child sexual abuse and respond effectively to individual, family and community needs.

Movement Building: build a broad based social movement, creating change in the social values and political conditions that allow for child sexual abuse to continue.

As Black and Pink members we can begin practicing these things right now, whether you are in prison or not. We have a responsibility to challenge each other and work with each other to change. Black and Pink works with all LGBTQ people regardless of their offense, we are not trying to shame anyone for anything they have done. We do want to invite our membership to remember that we use the term family because we are all looking out for each other. Part of looking out for each other is inviting each other to change and encouraging each other to grow into stronger justice-seeking people. At the same time, being a family means we have to support those of us who are survivors, acknowledge when we harm each other, and then work to address that harm. We keep building this movement together, even though it's difficult, knowing that once there were no prisons, that day will come again (Black and Pink 2016 Feb., 2).

Lydon takes on a few responsibilities in his response letter to the accidental printing of Joshua's letter. First, Lydon deliberately states that as an abolitionist organization they do not believe that locking people up is ever appropriate. He then goes on to distinguish between locking people up (injustice) and taking accountability for harm (transformative justice). These are two completely different processes. An abolitionist ideology does expect people to be unaccountable for the harm they've caused, but they do not believe that cages are a path to accountability. Second, Lydon offers an authentic apology to all readers. He recognizes that details of this kind of sexual abuse can be triggering and harmful for some readers. He believes some readers were probably harmed simply by reading the newspaper that month. And, importantly, he takes accountability for that harm, as unintentional as that harm may have been. The reality is many of their readers are survivors of sexual abuse, some of them child sexual abuse. In this letter, Lydon models what taking accountability looks like. It looks like giving a sincere, authentic apology. It looks like finding ways to not let it happen again. For Black and Pink that means ramping up their letter reading process, newspaper editing process, and final approval process. And it looks like offering support and a vision for something that doesn't rely on punishment, but rather on hope and pathways for change. And finally,

Lydon sees this vision as possible for them all to practice in the present. Lydon reminds readers that the organization's belief that people are not disposable means they are committed to working with each other to change. Lydon reminds readers that when they call each other family, it means looking out for one another. And part of looking out for each other means holding each other accountable and encouraging each other to change, to "grow into stronger justice-seeking people" (Lydon, Black and Pink 2016 Feb., 2).

The newspaper goes on to publish response letters from other incarcerated folks. Their words are compassionate and offer support, yet they make it clear that sexual contact with a child is harmful and is not okay. They simultaneously keep Joshua within the arms of the family, or the community, and let him know that harm has been done.

It is not, at all, in any way, OK to have an adult engage in sexual activity with children. I must respectfully dissent with your statements as justifications. Just because it's been happening for thousands of years does not make it OK. Most world religions have persecuted GLBTIQ people for thousands of years. Doesn't make it OK! Right. Look bro, I am not up with the hype, nor do I hate all sex offenders. You CAN be strong and not make the same mistakes you've made in your past... I have learned something about compassion and developing a compassionate heart, so Joshua knows that although you have some time to do you can better yourself, physically, spiritually, and mentally. You don't have to do your time alone, you are loved by our community bro. It's not easy, I know, I'm relatively young and [have] LWOP²⁷. I've had to peel myself off the bottom of the barrel too many times to count (Black and Pink 2016 Feb., 8).

In this response, this prisoner finds connection with Joshua; they are both on long sentences. And in that moment of realizing their shared battles with the prison system, a system that is going to harm them both over the many years they are inside, they offer Joshua compassion, hope, and continued community space.

²⁷ life without the possibility of parole

Another response comes from someone changed with a similar crime. They take Joshua's letter seriously and respond with thoughtfulness and genuine care for Joshua's, as well as children's, wellbeing. One does not have to be sacrificed for the other.

First let me say that it was courageous of you to write your opinions about the issue of involving children in sexual situations. Don't get me wrong. I do not advocate such involvement even though I, too, was guilty of not only hands-on offending but also the spreading around and possession of Internet child pornography. I know all too well the appeal of seeing children as sexual beings. I even used your logic by saying children approach adults for sex, pose for naked pictures of themselves or with other children, and looking at images of child pornography was better than hands-on touching a child. I also subscribed to the theory that not everyone accused of pedophilia is such a person. I no longer hold those views. Let me explain why, and understand that this is just something or you, and others, to consider. It is my opinion now, twenty years after the first conviction, and while I'm still involved in the legal process through a civil commitment process.

True, children being involved with other children within five (5) years of their own age is something that happens. Most kids do, as you said, play "show me mine, show me yours." However, these children are usually always close in age, interest, experience, and knowledge. For someone, say, eighteen (18) and older to play the game with a minor child is completely inappropriate because of the differential in those same factors. I am not debating whether some children (who usually have already been victimized or are imitating something they've been shown or seen) can and do seem to make the first move sexually. I am not debating whether or not they can also "want" to continue the attention they receive from the older person in a sexual way. You did ask the question of was what you did really so wrong. My opinion now is that, yes, it was/is wrong just as the same as what I did was wrong, whether hands-on or through images of child pornography.

Ask yourself this: if the person under eighteen is truly sexually away and/or active, how did they get that way? Does having multiple sexual acts with such a person over a long period of time make it any more right? Wouldn't the difference be that subjecting a child to such prolonged exposure to sexual things only further complicate their understanding of what is right versus what is wrong with such situations? There are laws to protect children that are put in place for very good reasons. First, it is very harmful to the child's development as a child to be exposed to adult sexual situations. A child's body simply and factually is not mature enough for an adult to have sex with under even the best of circumstances. A person's

mind does not mature fully until their twenties, and neither does their understanding of many things.

Some of the things a child cannot fully understand, beyond the fact that what can, but rarely actually does happen, to their bodies during sexual exposures, can in some ways feel good. A molester (and I use that term reluctantly) does not do his/her “job” properly if it does not cause the child to feel good and believe they participate in their own abuse or that they want it to happen again. That is one way in which early sexual encounters are harmful. They cause the victim to believe everything is right, proper, and okay, when it isn’t. You said that you had no sexual experience until you were nineteen (19) and then it was with your nine (9) year old cousin. Okay. So, what if you have the experience he had but when you were nine? Would you, at nine, have wanted an older male to do things to you when you didn’t really know what your body was doing in response, only that it somehow “felt good?” Put yourself in your cousin’s place. I’ll bet all he really wanted was to please his older cousin and be accepted by him. He liked the video games and contact with you and seemed to indicate he “wanted” sexual contact with you, which you interpreted as the go-ahead from him to do with him what you did. That’s how it was for the child I victimized twenty years ago. That’s something I’ll regret for the rest of my life.

There are five areas that need to be in place for a sexual relationship to be considered appropriate or healthy. (1) It involved equal partners. This does NOT mean adult/child, boss/employee, sober/drunk, etc. (2) capable of giving and withholding consent. This means both are legally able to voluntarily agree to, as well as to refuse sexual contact. (3) Involved in a relationship of affection and respect. Both persons are known to each other, aware of any conditions which violate the first two areas, and are sensitive to negative consequences to either party as an outcome of sexual contact. (4) It is for the purpose of giving and receiving pleasure. This means making sure your partner receives pleasure and the sex is not for selfish pleasure. An adult with a child is selfish because they are not thinking of the consequences to the child or others. (5) Aware of unintended consequences. This covers areas such as STDs, pregnancy, divorces, loss of jobs, imprisonment, and other such topics. There is no scenario ever that involves an adult with a child that passes all five of these criteria for a healthy sexual relationship.

As to your challenge to stop and rethink things, trying to find that the “monsters” aren’t quite as monstrous as they are “made out to be,”... I have all the love in the world for you as a brother/sister/human being who, like me, make poor decisions. I’m sorry yours happened at the age it did, but at least you have a CHANCE to change your thoughts and ideology and turn your life around now, not waiting until you’re in your fifties...

I'm writing this to you, specifically, and to anyone else to whom it applies, in the hope that perhaps instead of searching for unrealistic reasons why what you (and I) did was right, we can all face the fact that it was indeed wrong and should not have happened at all. I share the frustrations of society painting all sex offenders with the same broad strokes of definitions of monsters. I think that in order to change that view, it better serves the cause to search for understanding as to why we chose as we did, correct that thinking, and prove to society that a sex offender CAN change. This is in direct opposition to the Nancy Grace's of the world who scream from the hilltops that we are monsters, Joshua, your point of view, in my humble opinion, only give that view fuel. Rethinking YOUR position can help take that fuel away and do more good than the thoughts you prescribe. Please consider that and know this is said with all the best intentions in the world, not to shame or chastise you in any way. Again, you were courageous for stating your views. I hope you can be courageous, too, in changing them. So, yes, Joshua this does return the love you sent out to others. Be safe (Black and Pink 2016 Feb., 8).

This writer connects with Joshua from a place of vulnerability: they admit that they too have harmed children. He connects with Joshua by expressing that he's held a similar logic in relationship to sexual contact with a child. Then, he goes on to enumerate the ways that healthy sexual relationships can look like. He encourages Joshua to imagine the experience from the point-of-view of the child, his nine year old cousin, to elicit what other emotions may have been going on for the young child that Joshua read as sexual advances. The writer connects personally by calling Joshua by name more than once. Through these responses Joshua is assured over and over again that he is not being shamed. Shame is not a transformative emotion. Shame often leads people to hide and conceal struggles. They want Joshua to widen his perspective, not barricade it in. This is what holding space can look like. Even in a moment that seems unfathomable, like someone justifying the sexual harm they've done to a child, it is still possible to respond with compassion and love.

Lydon admits that there hadn't been much, if any, explicit conversation about power dynamics between children and adults as a collective. Black and Pink had many

issues of the newspaper come out where they talked about power structures, particularly in relationship to race, class, sexuality, and gender. But a discussion about age and sexuality was never breached. Lydon recalls there was a feeling of difficulty in making a declarative statement, one that Black and Pink does not often do, that said sexual contact with a prepubescent child is never okay. It was important to frame the response in a clear way that let Joshua know, “the power here is the problem, not you the person” (Personal Interview 2020, Oct. 26). Joshua still had inherent worth and dignity, those don’t get stripped when he makes bad choices. Black and Pink’s analysis links the harm of child sexual abuse to the harm of prison, both steeped in grave power imbalance. “Just like prisoners cannot possibly ever have a consensual sexual relationship with a prison staff person, because the power [difference] is too big... same here too, the power difference is too big, it is not ever possible” (Personal Interview 2020, Oct. 26).

Years earlier Black and Pink enumerated their values and analysis, which recognized the prison system as a white supremacist and transmisogynist system. Those understandings were discussed collectively, as a Black and Pink family, with inside and outside members involved. As an organization, Black and Pink is clear about what it will not publish. They won’t publish things that support white supremacy, transphobia, or transmisogyny. Lydon admits they’ve refused to publish things from white prisoners detailing their experiences of “reverse racism.” Lydon says he had no problem writing back to those members to talk to them about their experience and offer another perspective or analysis that understands racism in terms of power. However, in enunciating their understandings of power, they had never said anything specific about power imbalance based on age and sexuality, particularly between adults and children.

So, the declarative statement that names sexual contact between an adult and child as wrong comes out as a result of having someone write in, having their letter printed (accidentally), and having responses that displayed the justification for child sexual contact that upset the foundational understandings of power and harm that the organization had created collectively and regularly espoused.

Lydon calls the accidental printing of this story a “big fuck up... I’ve never been more embarrassed than when I realized we had printed that... it made massive changes to the organization” (Personal Interview 2020, Oct. 2). He calls it one of the most significant learning moments for him. But, this mistake, this accidental printing, this failure, I argue, was a really generative experience. It “offer[ed] more creative, more cooperative, more surprising ways of being in the world” (Halberstam 2011, 2). The organization changed some of its practices to better serve its family members, people were able to express their own experiences to reading it, and most importantly there is a really compassionate conversation that got to take place that acknowledges how it is difficult sometimes to see what we do as harm, and ultimately offered someone a lot of love in hopes that they will reflexively transform their understanding and behaviors.

Transformative Healing

Lilly’s story unfurls like a patchwork quilt on the pages of Black and Pink’s May 2010 newspaper, a series of vignettes that recount her pain and resilience, ultimately stitched together with hope. In 2008 she was pulled over by police after leaving a nightclub. She was arrested for having unpaid fines. Officers at the county jail noticed that her ID identified her as “male.” Although Lilly identified herself as female to the

officers and explained she'd lived life as a woman since she was 15 years old, she had breast implants and other "feminine feature enhancement surgeries." The processing guards were confused about where to house Lilly, so they contacted their shift captain. The shift captain asked Lilly if she had a penis or vagina between her legs. Lilly explained that although she had a penis between her legs, she was female. The enraged shift captain stuck his finger in Lilly's face and said, "Just because you wear makeup, you dress like a whore and have a pair of tits, it does not mean that you're a fucking female!" Humiliated, Lilly just stood there while the two other guards laughed at what the captain had said. Like most transgender women who have not had genital reconstruction surgery, Lilly was housed in the men's unit of the jail.

Lilly was pat searched, and her shoes were taken away because they were high heels, presumably they could be used as a weapon. Lilly, now barefoot, walked down the corridor and was placed in a cell with 20 men. The men began catcalling and hollering at Lilly. Scared, Lilly asked the guards for a blanket to cover herself up. They unsympathetically told Lilly, "If you would stop dressing up like a \$20 hooker you wouldn't have to worry about covering up your body!"

Lilly could feel the other prisoners' eyes staring at her. She held her head down to avoid eye contact. Three men approached Lilly with increasing hostility. At first they asked her simple questions about where she was from, but their inquiries quickly grew obscene. They started hounding Lilly to show them her breasts and asking her about her undergarments. She resisted their advances, at one point digging her nails into the arm of one man who put his hand down her shirt to grab her breast. At only 5'5" and 135 lbs., Lilly was no match for the three men. They told her that if she didn't comply with the

sexual demands they had she would be hurt or possibly killed. They told her if she snitched she would be killed. Lilly looked to the other 17 men in the cell to come to her aid or protest the violence of the three men. Lilly received no help. Some men laughed. One man lauded, “pass her this way when you’re done with her” and another said, “I’ll take sloppy seconds!” Lilly was alone and in danger. She remembers, “my heart felt like it stopped and my blood turned cold.”

For two hours, men forced Lilly to perform oral sex. One man turned extremely violent. “He grabbed me by my hair and threw me to the sink and told me to take off my panties and bend over the sink.” Lilly pleaded and begged for him not to. “He tore off my panties and then he and three other men brutally and savagely sodomized me. My panties were shoved in my mouth because I kept crying, screaming and begging these men to stop...” Not once during the two hours of horrific sexual violence did the guards of the jail come to check on Lilly.

Lilly spent three weeks in that jail. Not a day went by that Lilly wasn’t sexually abused. Lilly never spoke to anyone about her experiences of rape and sexual violence. Two years later, Lilly was incarcerated again. This time, Lilly was put in a protective custody unit with other queer prisoners. Lilly said she did not fear being raped in this unit. This is where Lilly read a story written by Paula W. in the Black & Pink newspaper. Paula W. wrote about the physical, emotional, and sexual abuse she went through in prison. Lilly sees her own pain, present in the story of another transwoman who experienced sexual violence like her. When prisoners write in to Black and Pink with the pain they’ve endured, the newspaper acts as a reflector, a moment where readers can see themselves in the stories they read. They inspire others to share. It’s common for a Black

and Pink writer to comment on how reading someone else's experience in the newspaper gave them the courage to share their own story. This is the case with Lilly. Seeing Paula W's story helps Lilly validate her own pain and trauma, to move toward healing.

Lilly laments, "what happened to me was horrible and disgusting and no one should ever have to go through something like that ever!... Even though I am angry at what these men did to me, there is another part that has brought me a lot of emotional pain and... great sadness..." Lilly explains, "when I was being raped, half of the offenders were no older than their early 20's. In my eyes, those were just boys, boys who were doing and following the negative actions of what the adults were doing and not seeing or realizing that it was wrong!!... I'm doing everything in my power to make sure that no GLBT goes through what I went through in that jail" (Black and Pink 2010 May, 9). Lilly locates the problem of violence not in individuals, but through a shared learning that trans people are violable and are disposable. This foundational understanding of trans people must change, Lilly says, in order to have a future without transphobic violence.

Lilly is *doing* a political project of healing trans pain and histories of violence through *connecting* with other trans stories of violence (in this case, Paula W.) through the Black and Pink Newspaper. Alok Vaid-Menon speaks about vulnerability and what it means to embark on a healing journey as trans communities,

The origin of vulnerability comes from "vulna-" which means "wound" and vulnerability means "willingness to be wounded."... allyship is not just like 'I love you' or 'you're amazing'... it's 'I'm willing to be wounded alongside you.' And that means that we are exposing ourselves to pain and to hurt and to trauma, but we're doing it because we know that's how we heal, by actually encountering the wound, sitting with the wound, feeling the wound... but in the world [we're in now] they tell us to just do everything we can to ignore the wound, to pretend it's not there, that's the history of this country. And in our world, and I see in so many trans

worlds, we're being insistent to be like 'I am hurt. I am traumatized, and I'm working on it' (Vaid-Menon 2020).

Lilly feels empathy for Paula W., but more than that, Lilly opens up her own history, her own pain, "to be wounded alongside" Paula W., to move toward healing. Black and Pink's newspaper is a gathering space for queer and trans people in prisons to share their wounds, to connect with other stories that make possible a kind of vulnerability, to be wounded alongside other wounded people, in order to heal those wounds.

The "dysfunctional savior practices" of PREA

According to Jason Lydon (2016), the early 2000s saw a collaboration between conservative and progressive prison reformers in the name of addressing what was understood to be "the crisis of prison rape" (63). Christian fundamentalists were set on eliminating "homosexual rape" and progressives sought to alleviate all forms of individual sexual violence experienced by prisoners. This collaboration yielded the Prison Rape Elimination Act (PREA), federal legislation passed by Congress in 2003. According to the Department of Justice, the intent of PREA is to "prevent, detect and respond to sexual abuse" of incarcerated people. Incarcerated people include anyone confined in federal or state prisons, private correctional institutions, juvenile detention centers, jails, ICE detention centers, and certain community-based residential treatment facilities. At its most basic level, PREA was enacted to protect people from prison rape.

In its efforts to reduce incidences of prison rape, PREA provides information, resources, recommendations, and funding to facilities that are covered in the act. All institutions of confinement, including prisons, jails, and detention centers are subject to PREA. Institutions are monitored through audit requirements and a reduction in federal

assistance for states and agencies found to be out of compliance. PREA works to increase data collection and reports to “improve management of incidences” according to Massachusetts Department of Correction website.

PREA establishes a “zero tolerance” policy in regard to sexual misconduct. According to Washington State Department of Corrections annual PREA training materials, “zero tolerance” means that all allegations of sexual misconduct will be taken seriously and investigated. They will also be referred to local law enforcement when appropriate. The department will impose disciplinary sanctions for sexual misconduct. Additionally, retaliation against anyone involved in reporting or investigating a PREA complaint is prohibited.

PREA covers all sexual behavior between an incarcerated individual and a staff member. PREA specifically notes due to the imbalance of power there is no ability for incarcerated individuals to consent to sexual conduct with staff. Importantly, PREA does make a distinction between consensual and non-consensual sexual behavior between incarcerated individuals. PREA only applies to *non-consensual* sexual behavior between prisoners.

Data collection for reports of sexual victimization are extremely fraught in the context of prisons. First, validation of sexual abuse is low in prisons. Studies indicate the exact number of false allegations of sexual violence are difficult to pinpoint. According to the National Sexual Violence Resource Center (2012), false reporting ranges anywhere from 2 to 10 percent. This means that anywhere from 90 to 98 percent of reports are reliable, they are true. According to RAINN, prisoners are 50 times more likely to be victims of sexual assault or rape than the general public. As part of the National Prison

Rape Statistics Program, the Bureau of Justice Statistics administers the National Inmate Survey annually to gather mandatory data on the incidence and prevalence of sexual assault in prisons, jails, and detention centers. PREA requires a ten percent sample of correctional facilities, with a minimum of one prison and one jail facility in each state.

In July 2019, the Trans Pride Initiative (TPI) released a scathing report on the ineffectiveness of PREA in the Texas prison system. TPI is a Texas nonprofit that works to empower trans and gender nonconforming people to overcome social barriers to equal healthcare, housing, employment, and education. The TPI report identified multiple compliance concerns with the TDCJ implementation of PREA. The rate that reported incidences of sexual victimization are substantiated is extremely low, around 12 percent nationally. For Texas, TPI points out, the rate is abysmal. A mere 3.9% of allegations are substantiated.

These low substantiation rates of reports of sexual assault and rape are detrimental to the safety of survivors. For Chris, a Black and Pink inside member from Texas, reporting the rape he experienced brought about more consequences. After he was raped by another prisoner, Chris tried reporting the assault to prison staff and was told to “quit lying”(Black and Pink 2012 Sep., 3). So, when Chris was raped a second time, an assault he believed was retaliation for trying to report the first rape, Chris kept quiet. He didn’t report it. After he was moved to a new unit six months later, Chris reported both rapes. He was put in solitary confinement during the investigation. Ultimately, the reports were “unsubstantiated due to lack of evidence” (Black and Pink 2012 Sep., 3). Chris’s experience with sexual assault, reporting, and punishment tells us a few things about the implication of laws that were supposedly meant to protect the vulnerable. First, the

institutional agents (prison staff) are not invested in the same protection that the legislative act demands. Second, the extra-legal consequences of reporting, such as being raped as retaliation for reporting, are not accounted for in the prescriptive policy. Third, the prison responds to reports of rape by further confining and cutting victims off from support, through mandatory solitary confinement.

In the pages of the Black and Pink newspaper, many queer prisoners contend that PREA does more harm than good. PREA investigations are initiated for benign behavior between queer prisoners, such as hugging, holding hands, sharing a meal, or rubbing someone's head. Lydon maintains that while progressive organizations, including mainstream LGBT movements, have acknowledged the high rates of sexual violence that gay men and transwomen prisoners experience, "they have ignored the ways the PREA mandates discipline LGBTQ prisoners for consensual sexual interactions," acting as "dysfunctional savior practices that end up harming the very individuals it claims to protect" (Lydon 2016, 64).

Ryan, incarcerated in Florida, describes PREA as treating the victim of sexual violence like the offender, such as, "if you make a rape allegation, you're going straight into administrative confinement and you WILL be transferred... [this] is exactly why people fail to report PREA violations. Because even if you don't want or need to be put in confinement, it happens anyway... [C]onfinement is punishment regardless of why you're in there" (Black and Pink 2016 May, 10). As a result of reporting sexual abuse, a prisoner can lose their job, privileges, access to recreation, visitation, attending religious services, not to mention the neglect of mental health support. This so-called progressive policy locks someone who experienced sexual violence in a box, without any resources.

There are numerous accounts by Black and Pink incarcerated members speaking to the ways they've been punished for queer intimacy or sex. Josh, a 29 year old gay man incarcerated in Washington, was sent to solitary confinement for having consensual oral sex with another prisoner (Black and Pink 2015 Mar., 4). In Josh's case, the sexual encounter was not reported, it was discovered by prison staff and punished. Brandon, incarcerated in Idaho, writes, "the prisons have criminalized homosexuality between these walls" (Black and Pink 2016 Jan., 4). Ryan, incarcerated in Florida, echoes these concerns: "guards seem to be attempting to apply the ideas of PREA to instances of consensual sex among inmates, in a sense using it as a weapon against us. They fail to comprehend that PREA is the Prison RAPE Elimination Act, and not the Prison SEX Elimination Act" (Black and Pink 2016 May, 10). Jason, incarcerated in Arizona, and his boyfriend were issued a "Do Not House With" order for "a possible future PREA violation may occur" (Black and Pink 2016 Sep., 16). Jason's understanding is that "ADOC is using PREA to target homosexual inmates. My boyfriend and I both consider what they did harassment [sic]" (Black and Pink 2016 Sep., 16).

Miss Venus, a prisoner in Arkansas, writes

The administration is trying to outlaw the LGBTQ community in the Arkansas department of corrections. They tell me there is no such thing as consensual contact between two individuals housed in prison. I got with my 'partner' and we fell deeply in love. But I got put in the hold because I was intimate with my husband Joe. I am being punished for being sexually involved with the man I love. That breaks my heart and I've had many sleepless nights. I'm so afraid of losing him out of my life. I tell him how much I love him. We are both in the hole suffering from hot temperatures, severe heat, why am I being punished for having sex with the man I love? I am being retaliated against for being a part of the LGBTQ community (Black and Pink 2016 Dec., 12).

Miss Venus names the homophobia and transphobia permeating the Arkansas prison system, lamenting "I need to know how to cope and adjust to these harsh

cruel discriminatory tactics and policies. I [feel] like they treat me like an alien... They are trying to teach me that the way that I am is wrong” (Black and Pink 2016 Dec., 12).

Prisons invoke PREA as a way of truncating queer intimacy and expression. Meanwhile, the belief that sexual abuse for queer prisoners is expected and accepted, like that of Officer Torick highlighted in chapter 1, continues to permeate the prison system. Gavin, a gay prisoner in Nevada, writes, “there is a guard at my facility who is not homophobic, is a cis-gendered, straight white male, and he believes abuse against our community while in prison and despite PREA, is just something we have to accept; get used to” (Black and Pink 2016 May, 10). The guard told a gay prisoner who experienced abuse that it “was his fault and was because ‘you people [Gay people] put yourselves out there like that’” (Black and Pink 2016 May, 11).

The state is fundamentally homophobic and transphobic, and thus laws that seek to remediate sexual violence, will only produce safety for some few, if any, people. Those furthest from conforming to gender and sexual expectations will also be furthest from safety. PREA, Lydon contends, actually serves to punish queer people in more than immediate ways. Lydon believes that in ten years we will likely see parole and probation denied to queer prisoners at disproportionate rates because of PREA violations on their records (Lydon 2016, 64). In that case, the impact of PREA will be more than neglecting to address actual sexual violence, more than erasing queer intimacy through punishment and isolation, it will actually keep queer and trans people in prison—a place where

“the acts of bodily dominion... are themselves acts of sexualized violence”—
longer (Jackson 2013, 207).

CHAPTER VII

CONCLUSION: “FOR THE MARGINAL PEOPLE WHO GET TOO FAR OFF THE PROPER PROPERTY/PROPRIETY LINE—THE QUEER QUEERS”

*So we find ourselves resisting ‘justice’ when it steps on our toes
(the ‘lesbian/gay community’) but not when it tramples on the
already ‘judged’ and imprisoned; and complaining that it’s too
discouraging to do prisoner support... of course it’s discouraging
to do prisoner support; practically nobody’s doing it! It takes more
than a few of us crazies to shake this [bottom]-line threat of
imprisonment (for the marginal people who get too far off the
proper property/propriety line—the queer queers).
—Mike Riegle*

*Prisons do not disappear social problems, they disappear human beings.
—Angela Davis*

In December 2020, the Boston chapter of Black and Pink broke off on their own, “thanks to tremendous growth, we became a fully independent and autonomous organization and renamed ourselves, ‘Black and Pink Massachusetts’ to more accurately reflect the geographic scope of our operations” (“Who We Are” n.d.). As this development is so recent, and I have not been in contact with current Black and Pink Massachusetts members, I will not speculate on the circumstances nor driving forces surrounding this move. I will, however, connect this development to concepts of mutual aid. According to Spade, the model of nonprofits is based on central governance. During a panel about mutual aid, Spade clarified that when he advocates the proliferation of mutual aid, he is distinctly not advocating for bringing things to scale in ways that move toward centralized governance. Rather, Spade argues for decentralized proliferation of mutual aid, to have “more and more and more groups that might be doing things really

differently, which is actually really amazing” precisely because different communities have different strengths, speak different languages, and have different cultural norms (Holland et al. 2020). Spade reminds us that in disaster, local knowledge is always the most useful knowledge. I offer Spade’s conceptualization of the need to decentralize mutual aid efforts in conversation with the restructuring of an independent Black and Pink Massachusetts, to contend that decentralizing the work of anticarceral activism may better realize the power of localizing connections and building cultures of penal resistance and abolition.

Decentralizing Black and Pink does not come as a surprise to me, since the organization has explicitly anarchist origins. The name itself denotes the black flag (anarchism) and the pink triangle (queerness). Figuring out what it means to be a part of Black and Pink was not a straightforward path, although it was intentional, a step in forging a collective identity that could build principled action for and by its members. The definition has always been flexible, shaped and reshaped over time. Listening to Lydon recount the early days of Black and Pink really nestles its development in anarchist principles. Sometimes, Lydon remembers, people would tell him about the work Black and Pink was doing, not knowing that he was the founder. He’d hear about chapters being started, excited that people were moving the work forward without necessarily seeking permission to use the name.

The first chapter popped up in Philadelphia, called Queers Against Prisons, in 2008. It was headed by a friend of Lydon, Danni West. West was part of Black and Pink’s first public action in 2006. Lydon recalls, the city of Cambridge was having a National Coming Out Day event, and “I don’t remember anymore what exactly it was,

but I remember being offended about something about it” (Personal Interview 2020, Oct. 26). So Lydon and West put on orange jumpsuits and handed out informational flyers outside Cambridge City Hall. They entered the building and as the event started and people began speaking, the two of them just started shouting. Surprisingly, they were not ushered out of the event, rather they were given airtime to address the audience. They spoke for 35 minutes to the event attendees about how prisons impact queer and trans people, particularly queer and trans people of color. As just two people they successfully took over a large event, Lydon considered that a huge victory.

Much of the early days of Black and Pink seem ad hoc.

The struggles of Black and Pink to build a structure that could move beyond the charismatic leader was crucial to expanding responsibility and collective ownership. Importantly, it was clear to Lydon that “Black and Pink needs to be an organization that’s not just what I tell people to do. People were very willing to listen to me tell them what to do, which is very generous. They’re my loving friends... even with all the many attempts at different structures, it’s very hard [for] an organization that started as a person’s personal project... To become something that belongs truly to more people, [it] needs them to leave” (Personal Interview 2020, Oct. 2). At a retreat in 2011, Black and Pink developed values and an analysis to help guide the organization in making decisions. Despite having tried several different organizational structures before, the retreat was really the moment that catapulted the organization to be shaped by more hands than just Lydon’s. The retreat was an attempt at facilitating themselves through a non-hierarchical process of development as a collective. The cabin where the retreat took place became an organizing space for people to work on writing things in conversation with each other. “We even split up into groups, we had some people downstairs who were working on

writing things, some people upstairs who were working on writing things. At one point we were like, we might as well go outside because it's just as cold outside as it is inside, because there was no heat in there" (Personal Interview 2020, Oct. 2). Using the space to separate and rejoin, weaving together an analysis with intentionality to ensure the organization was always considering, "how do we make sure people on the inside are shaping this?" (Personal Interview 2020, Oct. 2).

Black and Pink has had different iterations of leadership over time. They tried having an inside leadership circle, where incarcerated members shared a bio that was published in the newspaper, inside members voted on who would be in the leadership circle. This lasted less than two years as a leadership structure. Figuring out what inside leadership looked like was something that Lydon says he doesn't feel like Black and Pink was ever able to do in a sustainable way. During one interview, Lydon and I both struggled to think of any extant organization that does it well. The reality is prisons are one of the opaquest institutions. And for an organization to interact with such a restrictive institution, all the while challenging it, it's going to face challenges. Lydon believes "the prison system is designed to make it difficult to impossible [for people to organize]" (Personal Interview 2020, Oct. 2).

Challenges to prisoner organizing does not stop activists from continuing to do organizing work, climbing over the hurdles when they pop up. Chicago Black and Pink inside member, Patrice Daniels, exemplifies this sentiment with his encouraging words, "do not become discouraged by the uphill nature of it all. The true value is in the act of trying to bring about the change" (see figure 8). Daniels was incarcerated at 18 years old. He has a handful of pen pals writing with him. Daniels also has mental health issues that

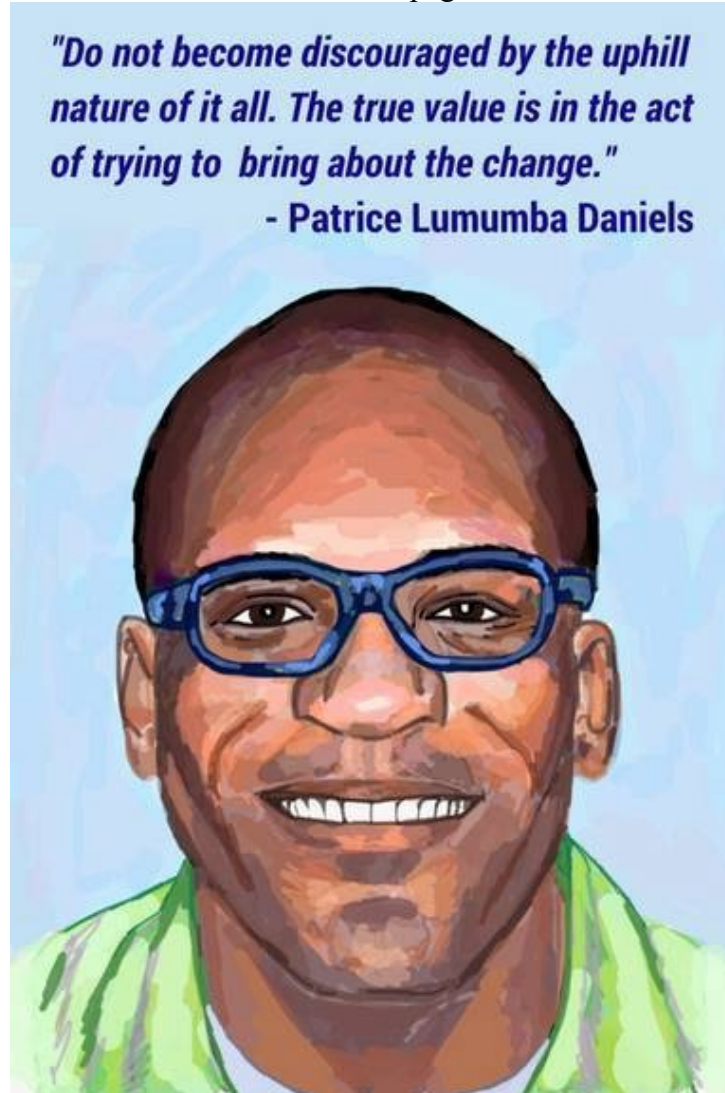
at times have gotten him put in solitary confinement. After an episode where Daniels harmed himself he was placed on “crisis watch”, where he was stripped naked and placed in solitary confinement, the lights remained on in the cell 24 hours a day and the window was covered from the outside. Advocating for Daniels’ release from solitary, his pen pals encouraged other Black and Pink Chicago members to call the warden of the prison holding Daniels. They describe Daniels through his friendship and contributions to the Black and Pink family and work toward abolition.

My dear friend and pen-pal of the past 3 years needs our help... Patrice has been an important inside member of Black & Pink for many years—contributing writings, blog posts, audio interviews, and more to Black & Pink forums. He has also been a critical part of prisoner-led organizing efforts in Illinois to improve the treatment of mentally ill prisoners, end solitary confinement, and advocate for LGBTQ prisoners. Not to mention the friendship, care and solidarity that he has provided to his pen-pals and friends on the outside. We need to have his back right now (“Call-In for Patrice” 2016).

The relationships that have developed between Daniels and his pen pals anchor the influence he has in abolitionist organizing work happening on the outside. Daniels’ pen pals write to him to ask what his thoughts are on different projects. Stevie Wilson, incarcerated in Pennsylvania, argues that a free world person cannot truly be involved with abolition on the outside until they are writing with someone on the inside.

If someone says that you’re involved in the American prison movement or you are a penal abolitionist and you’re not in direct contact with somebody inside the prison, you are wrong. You’re wrong. I don’t understand how you know what’s going on if you’re not in direct contact with somebody you’re writing or talking to, emailing or something. I don’t know how you know what’s going on inside these walls. I don’t understand it. So I think that’s the problem is more communication needs to happen. Better communication needs to happen (Kaif 2019).

Figure 8: portrait of Patrice Daniels by Grace Mattingly, from Black and Pink Chicago Facebook page



Building pen pal relationships, Black and Pink forges these direct connections between inside and outside, ensuring that the work toward abolition is done authentically, in connection with those directly impacted by prisons.

I return to the questions that grounded this project. How do LGBTQ politics function in collaboration with state violence against people of color, particularly transwomen of color? And, what happens when queer liberation goes mainstream and works together with the State? The outcome of collaborative work with the state is the

maintenance of social control, placing criminalized populations, particularly those that experience multiple forms of racial, gender, sexual, and other marginalization, at the very bottom of the struggle for queer liberation. Queer organizations that forget histories of criminalization and anti-queer violence produced by the state are bound to sustain a system of (in)justice teeming with homophobia and transphobia.

How is the State implicated in producing anti-queer violence through state mechanisms that outlaw queer existence? How do we understand the prison industrial complex in relation to queer lives and queer bodies through a queer analysis? Prisons are institutions of social control whose function is to punish. Furthermore, prisons are sites of gender rigidity, marking them as hostile grounds for those who transgress gender and sexual norms. Experiences of incarceration for queer and trans people are markedly different and we expand our understanding of carceral spaces when we center gender and sexuality in our analytical frameworks. It is imperative that the State's role in producing violence, particularly sexual violence, in the context of prisons be made explicit, the implications for queer people in carceral spaces are a matter of survival. Black and Pink's work to publish incarcerated queer narratives of sexual violence provide an empirical knowledge that understands the State as a major perpetrator of anti-queer violence. Black and Pink has built a platform for queer and trans prisoners to broadcast, with their own voice, how incarceration has impacted them.

For activists, what does it look like to center marginalized people in movements for carceral justice? How do activists grapple with maintaining radical organizing in the face of an ever-normalizing nonprofit industrial complex? How do queer abolitionists imagine paths toward queer survival? Building a shared understanding of social problems is at the

heart of maintaining radical organizing. For Black and Pink, constructing that shared understanding necessitates centering the experiences of people that are most impacted by systems of oppression. Toward prison abolition, this means ensuring that people doing prison justice work on the outside are always, in as many ways as possible, in conversation with and uplifting the voices of those on the inside. This entails reorienting epistemological understandings to value fugitive knowledge. Activists pursue inexact and imperfect paths in radical organizing, paths that are not necessarily streamlined for “success.” Rather, the work toward abolition requires an unlearning, an unknowing, a “dis-epistemology” that embraces uncertainty (Ben-Moshe 2018, 347). In this way, abolitionist paths toward queer survival are manifold, they are both happening every day and they are uncharted territory, they are here and now and yet to come.

To fully explore what is going on in the work of Black and Pink, I’ve engaged with concepts of mutual aid, emergent strategy, and the politics of everyday life, each of these works elucidate meaning in the stories of Black and Pink, from the letters written to the newspapers published to the analysis of power developed. By exploring the lifeworlds generated through the work of Black and Pink, we uncover alternatives to systems of criminal punishment. These alternatives involve embodying an abolitionist politics and a politics of mutual aid, are sustained in our everyday practices, shaping and reshaping our relationships to one another, growing intimate bonds of mutuality and care.

The remainder of this chapter makes connections between historical developments in carceral politics and abolition in order to contextualize the work of Black and Pink. In the 1970s, victims’ rights activists and feminists called for harsher prosecution and punishment of perpetrators of gender-based violence. Carceral logics

were embedded in surprising confluences between progressive activists and conservative law-and-order, which helped build the carceral state. In an effort to produce safety for queer people, LGBT movements have forged a similar path by advocating for inclusion of queer groups in hate crime legislation. This connection is a cautionary tale, told with the goal of widening the scope of our imaginations of what queer survival might look like. I juxtapose the carceral development of the 1970s with a simultaneous gay liberationist movement that directly engaged with anticarceral activism, voicing concern for queer people locked behind bars and drawing connections between queers and prisoners. Resistance to criminalization and policing was a queer anticarceral politics at the root of what we know today as gay pride. Situated in these historical developments in carceral politics are organizations like Black and Pink. Through untangling two models of carceral justice activism, prison reform and prison abolition, I illuminate the abolitionist politics and practices of Black and Pink.

How Activists Grew the Carceral State

Political scientist Marie Gottschalk (2006) uncovers a path of prison growth different from those identified through racial analysis. In contrast to scholars like Michelle Alexander that attribute large prison booms to the war on drugs started by Nixon and further enforced by Reagan, Gottschalk's account of the growth of the carceral state is much more protracted. Over long periods of time the legitimization of federal law enforcement and institutional capacity expanded. This expansion, coupled with a weak welfare state, laid the groundwork for the U.S. reliance on state coercion to a much higher degree than other western democracies. Thus, when special interest groups

emerged, they were more oriented toward retributive penal policies. For example, the crime victims' rights movement which was spurred by anti-domestic violence and anti-rape movements with the goal of providing support to victims, was coopted by state actors. Gottschalk highlights the collaboration of crime victims' rights movement organizations and their primary funder, Law Enforcement Assistance Agency (LEAA). LEAA coopted the work of victim relief by requiring that shelters cooperate with local law enforcement to receive funding. This provided a direct relationship between funding sources and creating a particular discourse that we must utilize law enforcement to alleviate the harms of victims. Thus, the victims' rights movement developed a discourse that supported legal remedies like restraining orders and mandatory arrest policies. In response, feminists focused on actions like increasing police responsiveness to domestic disturbances. This led mainstream victims' rights activists to support enforcement approaches to victimization in the U.S., unlike the welfarist approaches of many other nations. The backlash against a radicalized prisoner rights movement taken together with retributive victims' rights movement diminished grassroots opposition to the expansion of the carceral state and instead provided critical support. This institution-oriented query claims that by providing these funding streams, American political institutions bolstered the adoption of a particular victims' discourse. Gottschalk reveals the institutional implications for victims' rights activists in the US, offering approaches of European victims' rights movements as a counternarrative that approached victims' rights as a welfare issue, rather than a criminal issue. The relative weakness of the welfare state in the US explains why activists lodged their remedy in carceral approaches.

In a submission to Black and Pink's newspaper, Marissa, a transwoman in a men's prison in Utah, identified the schism between *women* and *prisoners* in anti-violence advocacy. Marissa is a survivor of childhood sexual abuse and sexual abuse in prison. Marissa criticizes PREA because it does nothing to prevent rape in prison, it merely instructs prison officials on how to respond to it. She asks, "how do we prevent the rape from ever happening in the first place?" While incarcerated in Utah, Marissa attempted to work with the State department of health. She quips, "let's just say writing a grant for the prevention of rape is all fine and dandy as long as it is intended for resources to help *women*, but trying to help prison inmates is a whole other obstacle" (Black and Pink 2011 Mar., 5, emphasis in original).

Scholars have argued that the rights-based framework and hate crimes discourse of mainstream LGBTQ politics does little in service of improving the life chances of queer and trans people (Spade 2011, Richie 2012, Meyer 2014, Valcore and Dodge 2016). The struggle for antidiscrimination laws, hate crimes legislation, and inclusion through the institutions of marriage and the military excludes many LGBTQ people, particularly those with multiple marginalized identities. Proponents for hate crimes laws argue that they send a positive message from the State that can encourage the democratic participation of minority groups (Ingram and Schneider 2005, Meyer 2014). But ultimately, the reliance on more laws and the inclusion of sexual orientation as a bias category into extant hate crimes legislation does little to influence the positive social construction or improve democratic participation of queer people (Valcore and Dodge 2016, 311). Like Gottschalk's account of the victims' rights movement, critics of LGBTQ movements that rely on law enforcement and legal remedies for protection indict

activists for bolstering the carceral state which produces inequalities and lowers the life chances of queer and trans people of color.

Queer Anticarceral Activism

Regina Kunzel's (2008) historical documentation of the 1970's gay liberationists' concerns with the condition of gays and lesbians in prison showcases the important, yet underrecognized, political connection between activists outside and prisoners inside. The first march commemorating the Stonewall Rebellion marched passed the Women's House of Detention. Marching passed this jail site was symbolic for it housed activists like Angela Davis and Weather Underground member Jane Alpert in the late 1960's and other labor or community activists. The Women's House of Detention was also a site of protest during the early women's liberation movement. Its location on a triangular block at the intersection near Christopher Street meant the jail lay centrally located in Greenwich Village's newly politicized queer movement. Joan Nestle remarked that the jail was "a shrine for separated lovers," where lesbians would stand on the street below and call out to their incarcerated girlfriends late at night (Nestle 1987, 77). In 1971 several gay liberation groups in New York City lined up outside the Men's House of Detention to protest the brutality faced by gay prisoners. In 1972, activists led a march to Charles Street Jail during gay pride week, chanting and singing outside the jail. In 1973, gay activists in Chicago led a demonstration supporting the gay prisoner in the Cook County Jail (Kunzel 2008, 32). By locating movement rallying sites at or to jails and prisons, early LGBTQ activists forged profound political connections between the fight for queer liberation and the liberation of prisoners.

Antiracist queer feminist activists resisted calls for carcerality and waged campaigns to free women who were criminalized for defending themselves against intimate partner violence, challenging the “tough on crime” politics of carceral feminists discussed in the previous section. In *All Our Trials*, Emily L. Thuma (2019) traces grassroots activism from the 1970s and early 1980s that centered criminalized women in their antiviolence mobilizations. As a form of movement building, activists employed radical print media to penetrate prison walls and connect activists across locations. Activists advocated for people who were pathologized for gender nonconformity and sexual deviance and women who experienced racialized violence from the State. These genealogies of criminal punishment adversaries offer ideological alternative pathways toward justice and lay the groundwork for current abolitionist struggle.

“Abolition is the Slam Dunk”

The webinar begins with a recording of the voice of Su’Ganni Tiuza, a Boston Black and Pink inside member introducing himself, “my name is Su’Ganni Tiuza. I am a black, bisexual man and I am currently incarcerated in the Massachusetts state prison” (Cox et al. 2020). Tiuza names his racial, sexual, gender, and confined identities. Each of these identities—and particularly the combination of these identities—is meaningful to Tiuza’s experiences of marginalization in society.

Tiuza begins speaking about abolition, about what those of us in the audience of the webinar will gain from the ensuing discussion. Abolition is the “the framework to eradicate the ideals, systems, and institutions of oppressive policing and the Prison Industrial Complex... We expect that at the conclusion of this event, not only will you be

enlightened, you also will be armed with enough abolitionist knowledge to go on and start making a real difference in society” (Cox et al. 2020). Tiuza employs familiar rhetoric usually reserved for society to bestow upon so-called criminals, how they can one day make a contribution to society. In the Black & Pink universe, it is Tiuza, it is incarcerated queer and trans people that have something to share, something to teach those out in the free world about how *we* can make “a real difference in society.”

Tiuza recounts a scene of typical transphobia in the prison environment. In this account, Tiuza connects transphobia to larger systems of policing and punishment.

Today, I witnessed something that I unfortunately seen many times, yet despite its recurrence, is still unsettling to me. A black transgender sister of mine who is incarcerated here at Norfolk was cleaning the showers in my housing unit... her job requires her to go from unit to unit to complete this task. Due to this prison being on quarantine lockdown I haven't seen her in a while. So I went upstairs to see her... in the midst of us talking, I seen a few people looking at her with contempt. Their body language and facial expressions screamed hate. They screamed transphobia. Again, I seen this many times. There is a system in place based on the ideas of homophobia and transphobia. This system occupies prisons and police departments, as well as other institutions. When we have prisons and police departments infested with policies, cultures, and promotion of anti-queer identity and expression, reform is not the all of all strategy to stop this madness. You have to get rid of these policies, cultures, and promotion. You have to get rid of the systematic homophobia and transphobia. That is what abolition means; to get rid of (Cox et al. 2020).

We need to eradicate, to completely remove, these systems of punishment that are vested in homophobia and transphobic logics. But abolition is not the foundational logic that most people that advocate for prisoners are operating under. Most people that advocate on behalf of prisoners do so with reform, not abolition, in mind.

Tiuza critiques the sole reliance on reform as a solution to the problems of prison. “Reform to me is like the assist in a game of basketball and abolition is the slam dunk. You don't get that slam dunk without the assist, yet the slam dunk score wins the game.

So yes we need reforms, but if it is not followed by abolition then we will find ourselves five, ten, fifteen years from now protesting and reforming the same issues of today” (Cox et al., 2020). For Tiuza, reform is a means, a tactic, that ought to arrive at full-fledged prison abolition. Without the goal of abolition, reforms lose their meaning. They are just a ball we’ve thrown up into the air. We will not win with reforms. We’ve just, figuratively dropped the ball. Near the end of Tiuza’s message, a recorded voice interrupts: “You have one minute left.” He hurriedly closes his remarks with a simple “thank you and God bless.”

In service of prison justice, there are two distinct types of work occurring toward different ends. On the one hand, prison reformists work to shift the current prison system toward one that is less violent, less racist perhaps, less cruel; less prison-like. Prison reform does not challenge the notion of prisons as necessary, but it does recognize that the current iteration of criminal justice is not a fair one. On the other hand, abolitionists work to stop, or abolish, the prison system wholesale. In the introduction of *Interrupted Lives*, Ruby C. Tapia (2010) explains the fundamental difference between reform and abolition as, “reforming the prison entails changing its existing practices to make the system a better one,... [r]eformers object to prison administration. Abolitionists object to the prison’s very existence” (3).

While the underlying philosophy may not be the same, there are moments when reformists and abolitionists may work in solidarity. Black and Pink makes this distinction known in their statement of purpose:

We understand abolition as not only our end goal but also our pragmatic strategy for action. Any advocacy, services, organizing, and direct action we take will be sure to remove bricks from the systems, not put in others we will need to abolish later. We will willingly work with reformist

organizations on campaigns we believe are abolitionist, even if they are only small steps at alleviating the suffering caused by the prison industrial complex (Black and Pink, March 2011, 6).

Ruth Wilson Gilmore calls these non-reformist reforms, which entail “changes that, at the end of the day, unravel rather than widen the net of social control through criminalization” (Gilmore 2007, 242). Lydon understands non-reformist reforms—or abolitionist reforms—as “tak[ing] tools away from the prison industrial complex, or from prison specifically,” tools that maintain their power” (Selahi and Kaba, 2017). He adds, “we’re actually engaging in [an] abolitionist long term strategy of ensuring that prisoners then have more ability to resist on their own. If there’s significantly less vile, tortuous consequences for resistance, then resistance can become more powerful” (Selahi and Kaba, 2017). Removing solitary confinement is an example of an abolitionist reform. Solitary confinement is used by prisons for myriad reasons, among them retaliation and further punishment of prisoners who engage in organizing or resistance.

Abolitionists often argue that reform sometimes actually works to bolster the prison industrial complex. In this way, reform and abolition are fundamentally at odds. We’ve seen this recently in the protests that erupted across the country after the murder of George Floyd by police officers in Minneapolis. Some protesters began fervently demanding “defund the police” while others hoped to re-train police officers within the existing system of policing to be less racist and less violent. During his campaign for presidency, Joe Biden suggested that police ought to be given *more* resources and funding to combat the violence they perpetuate.

Former President Barack Obama criticized movement calls to defund the police, comparing social justice ideas to marketing campaigns:

We take for granted that if you want people to buy your sneakers, that you're going to market it to your audience, right?... So if you believe, as I do, that we should be able to reform the criminal justice system so that it's not biased and treats everybody fairly, I guess you can use a snappy slogan, like Defund the Police, but, you know, you lose a big audience the minute you say it, which makes it a lot less likely that you're actually going to get the changes you want done. But if you instead say, Hey, you know what? Let's reform the police department so that everybody's being treated fairly (Hamby 2020).

Obama represents a reformist view of the criminal legal system, imbued with trust that the system will take kindly to some changes, that that's all that is required to result in fair and equitable treatment. Ultimately, reformers believe that justice is possible through the current system. In contrast, people calling to defund the police do not speak from a reformist perspective. The call to defund the police is a call to dismantle the policing arm of the criminal legal system, not just tweak it. Through the abolitionist perspective, police, prosecution, trials, sentencing, and imprisonment are all arms of a fundamentally rotten criminal legal system; they ought not be salvaged, rather they need to be amputated. Defunding is one means toward that amputation, toward abolition.

Abolitionist philosophy itself is not monolithic, people enter and move toward abolition from many directions. Abolitionist understandings of the development of the criminal punishment system in the US inform us that prisons function to: maintain racial hierarchies (Alexander 2010, Murakawa 2014), discipline gender and sexual transgressors (Davis 2003, Mogul et al. 2011, Spade 2011), disappear indigenous peoples (Smith 2012), repress political dissent (Berger 2014), dispose of the poor (Gilmore 2007, Reiman and Leighton 2011), and manage disability and difference (Ben-Moshe, et al. 2014). The work of Black and Pink, through creating personal connections between incarcerated and free world queer people and amplifying the voices of queer prisoners through their newspaper, is grounded in an abolitionist framework. Black and Pink

engages in what Ruth Wilson Gilmore calls *non-reformist reforms*, reforms that enable a path toward liberation, not curtail it (Gilmore 2009).

As a project of queer survival, *Black and Pink* arrives at abolition through an embodied course. In order to understand legal discourse, we must “come to terms with the non-discursive structures of violence in which the production of legal meaning is imbedded” (Thomas 1992, 1515). Prisons function as an “agency, accessory and instrument of violence” and prison reforms, therefore, “can be read as a graphic contemporary sign of the vengeance with which the language of the law is inscribed or ‘written’ on the bodies” of queer and trans prisoners (Thomas 1992, 1515). The stories brought together through the *Black and Pink* newspaper create a new politics—a politics in the flesh—toward abolition, one that is not (only) rooted in ideology, but is based in the bodies of queer prisoners. Abolition is situated in the resistance to threats to queer survival. This resistance articulates a pivotal turn toward abolition, this pivot is located in the reclamation of bodily integrity of queer prisoners.

Black and Pink—grown in the interstices of carceral justice and queer liberation politics—offers a great deal to mainstream movements about what survival entails and whose survival must be emphasized in movements for social justice. Through connecting the historical legacies of anti-queer violence and queer criminalization, it becomes imperative that we ask what it would look like to integrate our carceral justice and abolition work with our visions for queer liberation. Prisons play a critical role in promoting homophobic and transphobic violence, maintaining threats to queer bodies and queer lives. What might it look like for every big LGBTQ organization to call for a moratorium on prison growth? What might it look like if those same organizations

committed to not using the police and pressing charges as an avenue to safety, recognizing that police and prisons only exist to keep very few safe, and exist more to maintain hierarchies? What would it look like for antiprison work to move beyond advocacy for nonviolent offenders, and to recognize that the State has a monopoly on violence, defining what and who is decidedly violent? Returning to the history of state legitimacy of anti-queer violence allows us to more fully understand the context of queer people in prisons. Indeed, this grounding reveals the profound overlap between anticarceral activism and gender and sexual liberation. The interstitial politics, cultivated by organizations like Black and Pink, realize that the potential for more effective, more meaningful, and more radical resistance is possible for queer people and prison abolitionists, and of course where the twain shall meet.

CHAPTER VIII

EPILOGUE

The accessibility of prison activist scholarship must also be *for* prisoners, not just about them. Wilson emphasizes,

People outside, you should think about how to make the work more accessible. Oftentimes the work is not written towards prisoners or written for prisoners. That's not the audience. The audience is other academics, you know, or some other journal ... I ask myself, "Who writes for prisoners? Who writes for prisoners?" And that's the big thing. And I think that that's why—if we could get over that or we could somehow learn how to get around this, then we would see many more people in prison declare themselves abolitionists and working toward abolition—we would see it (Kiaf 2019).

I have thought about Wilson's words often, as I'm writing this dissertation, about who I want to be able to read it. I understand my committee members must. But the first people I will be sending this completed dissertation to, printed out and sent by snail mail in a manila envelope, are my pen pals inside. They know that I'm writing it, I've shared my progress with them through the years. My hope is that they see themselves in these pages, that they will feel like their voices have been amplified through this process. I am writing this, above all, for them.

APPENDIX

Black & Pink Timeline, compiled by Jason Lydon
Available at <https://www.blackandpink.org/about/#history>

2005

- Black and Pink founded in Boston by Jason Lydon.
- The organization began as an explicitly anarchist project, so the name was chosen to represent the black flag of anarchism and the power of queer politics and experience.

2006

- First public action, disrupting the Cambridge, MA National Coming Out Day event at City Hall. Successfully took over the event and spoke about the harms of incarceration on LGBTQIA2S+ people with all those at the event.
- Nearly 150 incarcerated members by the end of the year.
- Collaborated with Prison Book Project in Massachusetts and their resource development of Locked Out, an LGBTQIA2S+ prisoner resource list.
- Co-organized with the Statewide Harm Reduction Coalition, SHaRC, in efforts to stop the Chicopee Women's Jail.

2007

- First inside newsletter was created.
- Black and Pink began to participate in national campaigns and gatherings including the Transforming Justice convening in Oakland

2008

- First semi-chapter of Black and Pink, Queers Against Prisons, starts in Philadelphia headed by danni west.
- Successfully advocated for a trans woman to get out of solitary confinement in Massachusetts.
- Black and Pink gets added to resource lists distributed to incarcerated people across the country.

2009

- Joined an international effort to collaborate between LGBTQIA2S+ focused prisoner organizations that do pen pal support, coordinated by Dean Spade.

2010

- Co-led successful campaign to stop Massachusetts from charging incarcerated folks \$5 a day for their own incarceration.
- Conducted the first mini-survey of inside members focused on “developing leadership” with currently incarcerated members. 20 people responded.
- First group of inside members were paid for their artwork through the San Francisco Artists Against Rape Project.

2011

- First Black and Pink retreat during which the Statement of purpose and values of Black and Pink were established.

2012

- Received first grants from Sparkplug Foundation, Astraea, and Resist.
- In the summer, Jason Lydon became the first full time National Director.
- Partnered with Critical Resistance and The City School to host a season of events focused on abolition culminating in an event with Angela Davis, Noam Chomsky, and Vijay Prashad.
- Began posting bail for people in Boston- this would be the first iteration of a bail support program.

2013

- Created Hot Pink, erotic zine made up of inside members written erotic stories and Spirit Inside zine made up of inside members writing about faith.
- Participated in the Criminal Justice Policy and LGBTQ/HIV communities gathering at Columbia University which resulted in the Roadmap for Change report and then the National LGBT/HIV Criminal Justice Working Group.
- San Diego Chapter is created.
- Became part of the Out for Change Transformative Media Organizing Project out of the MIT Media Lab.

2014

- Survey project begins, which results in 1,200 incarcerated folks responding leading to the release of Coming Out of Concrete Closets.
- Inside members vote to include people living with HIV/AIDS in the Black and Pink mission regardless of sexual orientation or gender identity.
- NYC chapter is created.
- Western Mass chapter is created.
- Ohio chapter is created.
- Flying Over Walls/SF Bay Area chapter is created.

2015

- Denver chapter is created.
- Sent formerly incarcerated members to the summit for LGBTQIA2S+ People of Color at the White House and some members were denied entry.
- Providence chapter is created.
- Hosted first ever National Gathering of Black and Pink chapters.
- Released Coming Out of Concrete Closets research.

2016

- Created partnership with Northeastern University School of Law to create prisoner self-advocacy resources focused on multiple states with highest prisoner members.
- Inside membership surpasses 10,000.
- Black and Pink officially becomes a 501c3.

2017

- Dominique Morgan is hired as National Director.

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