

Terrorizing Gender: Transgender Visibility and the Surveillance Practices of the U.S.
Security State

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Prof. Dr. Jens Tenscher

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*¡Jesús Vive!
¡La lucha sigue!*

Queerness is not yet here. Queerness is an ideality. Put another way, we are not yet queer. We may never touch queerness, but we can feel it as the warm illumination of a horizon imbued with potentiality. We have never been queer, yet queerness exists for us as an ideality that can be distilled from the past and used to imagine a future. The future is queerness's domain.

~ José Esteban Muñoz, "Cruising Utopia."

Abstract

After decades of erasure, transgender people are gaining unprecedented mainstream media attention; yet transgender communities, particularly those of color, remain disproportionately affected by poverty, discrimination, violence, and harassment. *Terrorizing Gender* examines how media representations of transgender people connect to their surveillance by state institutions, specifically federal and state governments, the military, and the legal system. The project calls for centering transgender subjectivities and experiences in critical media studies in order to move beyond an exclusive focus on analyzing representations and visibility politics. Placing transgender at the center of gender studies, critical media studies, and surveillance studies focuses attention on the relationship between material consequences and representational trends in popular culture. By highlighting the material realities of transgender people, the project refutes popular narratives of progress that claim equality and civil rights victories for LGBT people over the last decade. *Terrorizing Gender* highlights two case studies: WikiLeaks and whistleblower Chelsea Manning, who was sentenced to 35 years in prison for violating the Espionage Act and leaking sensitive U.S. documents; and a black transgender woman from Minneapolis, CeCe McDonald, who was charged with murder for killing her attacker during a transphobic and racist assault in 2011. I argue that news media predominantly construct transgender people as deceptive, deviant, and threatening, and that these constructions not only affirm, but *align* with state interests in surveilling, harassing, and ultimately, criminalizing transgender communities. Particularly, the popular discourse of colorblindness – a pervasive belief that race should not and no longer does matter – circulated by media institutions is central to the state’s management and disposing of transgender lives. *Terrorizing Gender* thus contends that the current popularity of “transgender” must be understood to connote a *contingent* cultural and national belonging given the racialized and gendered violence that the state continues to enact against most gender non-conforming people, particularly those of color.

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Introduction

A Transgender Tipping Point?

America's Transition: Almost one year after the Supreme Court ruled that Americans were free to marry the person they loved, no matter their sex, another civil rights movement is poised to challenge long-held cultural norms and beliefs. Transgender people ... are emerging from the margins to fight for an equal place in society. ~ Katy Steinmetz on "The Transgender Tipping Point" in *TIME Magazine*¹

After decades of erasure, the year 2014 marked an unprecedented moment of visibility for transgender people² within mainstream media and national discourse. *Rolling Stone* magazine proclaimed 2014 as the "Biggest Year in Transgender History"³ and media content featuring transgender issues and characters were in high-demand: from Netflix's hit show *Orange Is the New Black*; to ABC Family's popular drama series *The Fosters*; to MTV's documentary *Laverne Cox Presents: The T-Word* following the stories of seven transgender youths; and Amazon's highly anticipated premier of *Transparent*, which is partially based on director Jill Soloway's own experiences with her parent's transitioning process. The media's fascination with transgender people reached a preliminary culmination point in June 2014 when Laverne Cox, actress and transgender rights activist, best known for her role as Sophia Burset in *Orange Is the New Black* became the first openly trans person (and a trans woman of color as that) to grace the cover of *TIME Magazine*. The issue's accompanying headline proclaimed that 2014

¹ Katy Steinmetz, "The Transgender Tipping Point: America's Next Civil Rights Frontier," *TIME Magazine*, 183, no. 22 (June 9, 2014): 38.

² I explain my use of key terminology later in this introduction.

³ Samantha Allen and Nico Lang, "11 Ways 2014 Was the Biggest Year in Transgender History," *Rolling Stone*, December 23, 2014, <http://www.rollingstone.com/culture/features/11-ways-2014-was-the-biggest-year-in-transgender-history-20141223> (accessed April 20, 2015).

marked “The Transgender Tipping Point: America’s next civil rights frontier.”⁴ In the article itself, author Katy Steinmetz particularly credited the Internet as a “revolutionary tool for the trans community, providing answers to questions that previous generations had no one to ask, as well as robust communities of support.”⁵ Simultaneously, the Internet had also generated a “radical increase in trans consciousness” in the larger public.⁶



Figure I. *TIME Magazine* “The Transgender Tipping Point” (June 9, 2014, Vol. 183, no. 22)

Yet despite the public’s increased interest in trans people and a broader consciousness about their existence in 2014, the media’s treatment of transgender people and issues oftentimes continues to follow an all too familiar problematically fetishizing, sensationalizing and/or outright transphobic pattern: For example, in February 2014 trans activist and writer Janet Mock was invited to appear on Piers Morgan’s show on CNN to promote her acclaimed memoir *Redefining Realness: My Path to Womanhood*,

⁴ Steinmetz, “The Transgender Tipping Point.”

⁵ *Ibid.*, 44.

⁶ *Ibid.*, 44.

Identity, Love & So Much More. During the interview, Morgan repeatedly asserted that Mock was “a boy until age 18” and praised her flawless ability to pass:

Morgan: So this is the amazing thing about you – had I not known anything about your story, I would have had absolutely not a clue that you had ever been a boy, a male, which makes me absolutely believe you should have always have been a woman.⁷

Furthermore, the show’s Twitter account fetishized Mock’s personal life by posing the question, “How would you feel if you found out the woman you were dating was formerly a man?”⁸ Instead of focusing on Mock’s extensive advocacy for transgender rights or her accomplished career as a writer, she was solely reduced to and fetishized for her transition. After the show, a public feud between Mock and Morgan ensued as Mock took to Twitter and called Morgan out for sensationalizing her life.

Early in 2014 the popular ESPN sports blog *Grantland* published the article “Dr. V’s Magical Putter: The remarkable story behind a mysterious inventor who built a ‘scientifically superior’ golf club.”⁹ During his research, author Caleb Hannan had not only stumbled upon the fact that Essay Anne Vanderbilt had lied about her scientific and educational credentials; Hannan had discovered that the inventor of the “magical” golf club was a trans woman. In a gross violation of her privacy, during his research Hannan outed Vanderbilt to an investor in her golf company. Vanderbilt repeatedly pleaded with

⁷ Video clips of the segments available at Chris Geidner, “Transgender Advocate Janet Mock: Piers Morgan ‘Sensationalized’ My Story,” *BuzzFeed*, February 4, 2014, <http://www.buzzfeed.com/chrisgeidner/transgender-advocate-janet-mock-piers-morgan-sensationalized#.gwEJO4p8Dw> (accessed April 20, 2015).

⁸ Parker Marie Molloy, “Op-ed: Janet Mock Slams Piers Morgan for Transphobic Questions, Tweets,” *The Huffington Post*, February 5, 2014, <http://www.theadvocate.com/commentary/2014/02/05/op-ed-janet-mock-slams-piers-morgan-transphobic-questions-tweets> (accessed April 20, 2015).

⁹ Caleb Hannan, “Dr. V’s Magical Putter: The remarkable story behind a mysterious inventor who built a ‘scientifically superior’ golf club,” *Grantland*, January 15, 2014, <http://grantland.com/features/a-mysterious-physicist-golf-club-dr-v/> (accessed April 20, 2015).

him to stop scrutinizing her background and refused to further talk to him. She committed suicide in October 2013. Despite the fact that Vanderbilt's identity as a trans woman (which she was not willing to share publicly) was not relevant to the story at all, Hannan chose to make it the central focus of the article. Worse yet, without considering its questionable reporting ethics, *Grantland* decided to publish the article posthumously without any reflection on how the article's intentional outing had contributed to Vanderbilt's death.

Another "botched" moment of mediated transgender visibility occurred on Katie Couric's daytime talk show just months before Laverne Cox appeared on the cover of *TIME*. Cox had joined transgender model Carmen Carrera, a former contestant on the reality TV show *RuPaul's Drag Race*, for an interview with Couric to discuss their careers and experiences as prominent trans women. During the interview Couric prodded Carrera about her transition and genital status, justifying her invasive questions as an attempt to "educate" others who may not be "familiar with transgenders [sic]." ¹⁰ Couric outright asked Carrera: "Your private parts are different now, aren't they?" Cox later used the moment to provide Couric and her viewers with an "education" of her own:

The preoccupation with transition and surgery objectifies trans people. And then we don't get to really deal with the real lived experiences. The reality of trans people's lives is that so often we are targets of violence. We experience discrimination disproportionately to the rest of the community. Our unemployment rate is twice the national average; if you are a trans person of color, that rate is four times the national average. The homicide rate is highest among trans women. If we focus on transition, we don't actually get to talk about those things.¹¹

¹⁰ *The Katie Couric Show*, ABC, January 6, 2014, <http://katiecouric.com/videos/carmen-carreras-quest-to-become-a-victorias-secret-angel/> (accessed April 20, 2015).

¹¹ *The Katie Couric Show*, ABC, January 6, 2014, <http://katiecouric.com/videos/orange-is-the-new-black-laverne-cox/> (accessed April 20, 2015).

Cox's response reflects something about this increased transgender visibility, which may initially seem paradoxical, yet points to the disturbing truths concerning the lived realities of most transgender people: namely that despite the exponential increase in media attention, transgender communities, particularly those of color, remain disproportionately affected by poverty, discrimination, violence, and harassment.

The following statistics from the 2011 National Transgender Discrimination Survey, which for the first time "quantified" the disproportionate amounts of violence and discrimination affecting trans communities, illustrates this further: transgender people are nearly four times more likely to have a household income of less than \$10,000/year compared to the general population. A staggering 41% of respondents reported attempting suicide, with rates rising for those who lost a job due to bias (55%), were harassed/bullied in school (51%), or were the victim of physical assault (61%) or sexual assault (64%). One-fifth reported experiencing homelessness at some point in their lives because they were trans- or gender non-conforming. Most importantly, the study showed that prejudice against trans people in combination with structural and interpersonal racism resulted in particularly devastating levels of discrimination against trans- and gender non-conforming people of color. While over 54% of respondents have had contact with the police and 16% had been sent to jail, 47% of those trans people spending time in jail were African American.¹² The following homicide numbers also

¹² Conducted by the National Center for Transgender Equality (NCTE) and the National LGBTQ Task Force this survey of over 6,400 trans- and gender non-conforming people is the largest and most-comprehensive one to date. NCTE is currently working on a second iteration of the survey to be released in 2016. See Jaime M. Grant, Lisa A. Mottet, Justin Tanis, with Jack Harrison, Jody L. Herman, and Mara Keisling. "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey."

point to the troubling intersectionalities of racism and transphobia: according to the National Coalition of Anti-Violence Programs (NCAVP) ten out of the eleven trans women murdered in 2014 were trans women of color.¹³ More disturbingly these homicide numbers have steadily increased and reached “a historic high” in 2015 with over 20 transgender people, most of them women of color, being killed. I recite these statistics above not to reduce trans people to dehumanizing statistics of horror and violence but to illustrate the stark contrast between their increased media visibility and the everyday realities of trans communities.

How does the exponential increase in trans visibility co-exist with an increase in documented violence against trans communities? *Terrorizing Gender: Transgender Visibility and the Surveillance Practices of the U.S. Security State* explores these questions by examining how media representations of transgender people connect to their surveillance by state institutions, specifically federal and state governments, the military, and the legal system. In order to do so, I utilize an interdisciplinary framework that draws from critical media, queer, transgender, critical race, ethnic, legal, and surveillance studies. The project specifically calls for centering transgender subjectivities and experiences in critical media studies in order to move beyond an exclusive focus on representation and visibility politics. Placing transgender at the center of gender studies, critical media studies, and surveillance studies focuses attention on the relationship

Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. http://www.transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf (accessed January 6, 2016).

¹³ Cited in Kathy Steinmetz, “Why Transgender People Are Being Murdered at a Historic Rate,” *TIME*, August 17, 2015. <http://time.com/3999348/transgender-murders-2015/> (accessed January 6, 2016).

between material consequences and representational trends in popular culture. In other words, the project's main concern is *not* whether mediated transgender representations are simply good or bad; rather the project interrogates how the dominant representations of transgender subjects produced by media and state institutions, impact the everyday lives of trans- and gender non-conforming people, mainly in terms of their life chances.¹⁴ By highlighting the material realities of transgender people, the project refutes popular narratives of progress that claim equality and civil rights victories for LGBT people over the last decade. I argue that dominant representations of transgender people as deceptive, deviant, and threatening permeate mass-mediated discourses and in turn are used to justify, even normalize, state-sanctioned violence against gender non-conforming populations.

The popular discourse of colorblindness – a pervasive belief that race should not and no longer does matter – which is circulated by the media, is central to the state's management, easy dismissal, and devaluation of transgender lives. Colorblindness, sometimes referred to as multiculturalism, disavows how racial inequality continues to structure U.S. society, as well as how race and gender are inextricably linked in the interpellation and experience of the (trans) subject. Moreover, the media and state represent transgender subjects as deceptive, deviant, and threatening – in a word, as traitors – through subtle, or as Hall would say, inferential, forms of racialization.¹⁵

¹⁴ By no means does this project attempt to invoke and/or replicate deterministic, cause-and-effect models of media effects studies. As I detail in the methods' section of this introduction, *Terrorizing Gender* is firmly rooted in a constructionist, context-specific approach to discourse analysis.

¹⁵ See Stuart Hall, "The Whites of their Eyes: Racist Ideologies and the Media," in *Silver Linings: Some Strategies for the Eighties. Contributions to the Communist University of London*, eds. George Bridges and Rosalind Brunt (London: Lawrence and Wishart, 1981), 28-52.

Relatedly, the dissertation enhances surveillance studies work that focuses on racialized surveillance practices of the state, but which often ignores its gendered dimensions. Frameworks of intersectionality bring together and make possible cross-disciplinary conversations about this alleged “Transgender Tipping Point.”

I employ queer methodologies that fuse critical discourse analysis and ethnography to analyze and engage with various primary sources about transgender visibilities and identities (including news media, social media, popular culture artifacts, as well as legal and policy documents). *Terrorizing Gender* highlights two case studies: Chelsea, formerly Bradley, Manning, a U.S. Army intelligence analyst who was sentenced to 35 years in prison in 2013 for violating the Espionage Act and leaking over 700,000 sensitive military and diplomatic documents to the whistleblowing website WikiLeaks. After her trial, Manning’s public “coming-out” as transgender generated an unprecedented amount of media scrutiny and public attention paid to transgender issues. The second case study follows CeCe McDonald, a black transgender woman from Minneapolis, MN who was charged with murder for killing her attacker during a transphobic and racist assault in 2011. For what many saw as an act of self- defense, McDonald originally faced up to 40 years in prison. Both case studies have turned a national spotlight on the discrimination, bigotry, and violence that many transgender people frequently face and are illustrative of everyday transgender experiences.

Chapter 1, “Prosecuting a (Gender) Traitor,” examines the intersections between the news media’s and military’s treatment of Manning. I argue that together these institutions systematically Othered her in order to promote imperialist U.S. foreign

policy. The news media's pathologizing portrayal of Manning provided a rationale for the state's extra – if not illegal – treatment of Manning by tying her alleged sexual orientation and gender non-conformity to mental instabilities that threatened state interests. I explicitly connect this pathologizing media coverage of Manning's gender non-conformity to a process of racialization that ascribes her the status of a domestic alien enemy and allows her treatment to mirror that of foreign terrorist Others. Chapter 2, "Contingent Belonging," analyzes responses from other transgender veterans to Manning's revelations and introduces the concept of *transpatriotism* – a form of jingoism characterized by both an unwavering devotion to the state and a strict adherence to the gender binary – to illuminate what I argue is the conditional inclusion and recognition of certain, privileged transgender people into the national imaginary.

CeCe McDonald is the subject of the two subsequent chapters. Chapter 3, "The Blindfolds of Justice," scrutinizes local news and justice system discourses about McDonald, specifically the racialization of her gender non-conformity to produce her as a threatening subject whose actions did not rise to the level of self-defense. After a trial that garnered national media attention, McDonald agreed to a plea deal in 2012 and served almost two years in prison for manslaughter. Chapter 4, "#FreeCeCe: The Material Convergence of Social Media Activism," uses ethnographic methods to examine how the CeCe Support Committee inspired national support for McDonald using social media platforms to circumvent local media gatekeepers and challenge the legal system's alleged color blindness. This chapter intervenes in celebratory scholarship on convergence

culture to demonstrate that social media's ability for transformative civic engagement is limited by material oppressions.

Throughout these chapters, I argue that news media predominantly construct transgender people as deceptive, deviant, and threatening, and that these constructions not only affirm, but *align* with state interests in surveilling, harassing, and ultimately, criminalizing transgender communities. *Terrorizing Gender* thus contends that the current popularity of "transgender" must be understood to connote a *contingent* cultural and national belonging given the racialized and gendered violence that the state continues to enact against most gender non-conforming people, particularly those of color.

To introduce the project's interdisciplinary contributions to critical media, transgender, queer and surveillance studies I trace some of the major debates that have permeated these fields, examine persistent gaps and point to the need for more intersectional and interdisciplinary approaches to make sense of mediated transgender visibilities. Before outlining my theoretical framework and queer methodology, I will provide a few notes on key terms that I use throughout this project. I will conclude this introduction by previewing the remaining chapters of the dissertation.

A Note on Terminology

My use of the terms "queer," "transgender"/ "trans," and "LGBT" in this dissertation require some brief explanation: Defining identity categories such as "transgender," or the commonly used shortened version "trans"/"trans*," are inherently difficult and contradictory, particularly as we risk "assigning a normative telos to an

identity category that is often employed to oppose this modernist, binary logic.”¹⁶ It is also important to acknowledge that “transgender” much like “queer” is inherently a product of Western theorizing and tends to leave unaccounted and/or overrides other non-western and non-binary understandings of gender, such as the Indian hijras, the Māhū in Maohi and Hawaiian cultures, as well as Two Spirit identities in First Nation and indigenous tribes. As Tom Boellstorff notes, the tendency to project Euro-American theoretical frameworks of race, gender, and sexuality onto other non-Western contexts presents persistent barriers to theorizing queer/ness, particularly in a global context.¹⁷ Even within Western contexts, anthropologist David Valentine has convincingly demonstrated how the unquestioned use and institutionalization of “transgender” as progressive by activists and academics (re)produces class and racial hierarchies that lead to subtle erasures and/or the absorption of subjectivity (e.g., that of drag queens) into a seemingly monolithic category.¹⁸

Furthermore, as Heather Love asserts, it is theoretically, practically, and methodologically difficult to draw a clean-cut line between “queer” and “transgender.”¹⁹ Both queer and transgender studies are invested in destabilizing discrete identity categories and the gender binary. While “queer” is associated chiefly with non-normative sexual practices and desires; “transgender” is associated primarily with non-normative

¹⁶ Isaac West, *Transforming Citizenships: Transgender Articulations of the Law* (New York: NYU Press, 2014), 9.

¹⁷ Tom Boellstorff, “Queer Studies Under Ethnography’s Sign,” *GLQ: A Journal of Lesbian and Gay Studies* 12, no. 4 (2006): 627.

¹⁸ See David Valentine, *Imagining Transgender. An Ethnography of a Category* (Durham, NC: Duke University Press, 2007).

¹⁹ Heather Love, “Queer,” *Transgender Studies Quarterly* 1, no. 1-2 (2014): 172-175.

gender identifications and embodiments.²⁰ Susan Stryker particularly emphasizes the performativity and social construction of identity by referring to transgender as “people who move away from the gender they were assigned at birth, people who cross-over (*trans-*) the boundaries constructed by their culture to define and contain that gender”²¹ (emphasis in original). I, therefore, conceptualize “transgender” to include a wide range of gender-variant practices, identities, and embodiments that challenge the assumed stability of biological sex, the gender binary, and sexuality.

On the other hand, “cis-gender” has become more popular in recent years to refer to those whose gender identity matches their biological sex.²² Many find the introduction of the term “cis-gender” useful as it consciously marks gender identities that usually go unnoticed and are considered normal, i.e. the unstated assumption of non-transgender status contained in the words “man” or “woman.” Terms such as “transmisogyny” and “cissexism” are also increasingly understood beyond transgender communities and refer to the intersectional oppressions many transgender women (of color) face: these women experience transphobic hate, discrimination, and violence that is specifically directed toward them because their femininity is not deemed “authentic” or “real.”

In the following chapters, I use the term “queer” with all its inclusive potential to cover a broad spectrum of people whose identities, sexual desires, and practices fall outside of the perceived heterosexual and gender-binary norms. However, I fully

²⁰ Love, “Queer”: 172ff.

²¹ Susan Stryker, *Transgender History* (Berkeley, CA: Seal Press, 2008), 1.

²² Biologist Dana Leland Defosse is widely credited as the first person to put the neologism “cisgender” into public circulation in the mid-1990s. “Cis-,” based on the Latin root, prefixes things that are “on the side of” or do not change property.

recognize that “queer” can function as a false universal, a catch-all umbrella term that remains narrowly focused on certain gay and lesbian identity politics and often remains negligent of and oblivious to transgender issues (as I outline in the next section and elaborate in more detail in Chapter 2). Similarly, I often refer to the current gay, lesbian, bisexual, and transgender (LGBT) movement simply as the gay rights movement, which has been pre-occupied with single-issue, assimilationist politics since the 1990s arguing for the expansion of civil rights to LGBT people deeply steeped in equality rhetorics of neoliberal capitalism. Moreover, it is necessary to acknowledge that references to an allegedly coherent and tangible “LGBT community” signify

the power of nationally mass-mediated conversations to manifest an ‘imagined community’ of lesbian, gay, bisexual, and transgender people, whether L, G, B, and T-identifying people are present or not.²³

Undoubtedly media play a central role in circulating the meaning of “LGBT” identities. Often these circulations privilege some identity work over others, for example that of white, male, able-bodied, middle-class homonormativity while narrowing and eliding non-normative queer experiences and desires.

Part of the arguments advanced in *Terrorizing Gender* specifically seek to (re)claim a critical queer politics that fully acknowledges and engages with transgender experiences and the material realities of transgender lives – where the T is not merely the afterthought of the LGB. This project advocates for a queer politics that recognizes the intersectional oppressions that particularly non-normative queer and trans people (of color) are facing and that prioritizes improving the living conditions not for the few

²³ Mary L. Gray, *Out in the Country: Youth, Media and Queer Visibility in Rural America* (New York, NY: NYU Press, 2009), 12.

wealthy homonormative, middle-class gays, but for those disenfranchised queers whose daily lives are characterized by struggles for survival, violence, discrimination, and incarceration. *Terrorizing Gender* encourages both scholars and activists to critically reflect on our own complicity in systems of domination and oppression; such introspection is essential if we are to pursue an intersectional social justice activism that is truly grounded in coalitional, cross-community work beyond singular identity politics.

The Normative Strivings of LGB(T) Politics

It is necessary to contextualize this current moment of transgender visibility within larger socio-political discourses about securing citizenship rights for members of the LGBT community to understand the origins as well as historic and cultural implications of such visibility politics. Over the past two decades, the enactment of federal hate crime legislation, the repeal of the military's Don't Ask, Don't Tell policy (DADT), and most prominently the United States Supreme Court's decision to legalize gay marriage nationwide in June 2015, have presented unprecedented legal victories for LGBT constituencies. Yet, for scholars like Lisa Duggan, these victories of equality signify a homonormative, assimilationist single-issue politics "that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption."²⁴ While assimilationist LGBT politics have promoted the economic, political, and social

²⁴ Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston, MA: Beacon Press, 2004), 50.

enfranchisement of certain homonormative queers since the 1990s, such assimilationist practices have systematically excluded other non-normative queers and gender non-conforming people.²⁵ Despite the fact that the activism of drag queens and transgender women of color was a fundamental part of the riots at Compton's Cafeteria in San Francisco's Tenderloin district in 1966 and at Stonewall in 1969 – the next few decades have shown that activism surrounding issues of sexuality and gender variance do not necessarily always align themselves with one another and have, at times, been very contentious. Historian Susan Stryker notes that despite the politically progressive developments gay liberation and feminism produced in the 1970s, for transgender people these developments often constituted another part of the cultural backlash, mainly because of the different relationships these movements and identities had to government policy and to institutionalized medical, scientific, and legal powers.²⁶

Particularly the persistent emergence of transphobic discourses within certain radical feminist and gay liberation circles, which posit male-to-female transgender people as “unwanted penetrators” of women's space, continues to cause rifts in LGBT communities. In 1973, the West Coast Lesbian Conference in Los Angeles, for example, heatedly split over a scheduled performance by transgender folksinger Beth Elliott. In 1979, Janice G. Raymond's publication *The Transsexual Empire: The Making of the She-Male* cemented anti-transgender sentiment within certain feminist communities: “All

²⁵ See, for example, Cathy Cohen, “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics,” *GLQ* 3 (1997): 437-465; Roderick Ferguson, “Racing Homonormativity: Citizenship, Sociology, and Gay Identity,” in *Black Queer Studies. A critical Anthology*, eds. E. Patrick Johnson and Mae G. Henderson (Durham, NC: Duke University Press, 2005), 52-67.

²⁶ Stryker, *Transgender History*, 95.

transsexuals rape women's bodies by reducing the real female form to an artifact, appropriating this body for themselves ... Transsexuals merely cut off the most obvious means of invading women, so that they seem non-invasive."²⁷ Raymond proclaimed that male-to-female transsexuals were agents of the patriarchal oppression of women and that their presence violated women's sexuality and spirit. Some of these debates have recently been revived with the publication of Sheila Jeffreys' book *Gender Hurts: A Feminist Analysis of the Politics of Transgenderism* in which she reinforces transphobic tropes of "male-bodied transgenders" (i.e., trans women) infiltrating, dividing, and obliterating feminist spaces, while "female-bodied transgenders" (i.e., trans men) escape misogyny by masquerading as men.²⁸ The Michigan Womyn's Music Festival, which was founded in 1976 and billed itself as an event for "womyn-born womyn" only, has also been under scrutiny for its persistent exclusion of trans women. After a boycott of the festival in 2014 stirred much controversy, founder and organizer Lisa Vogel announced that 2015 would mark the festival's final year.²⁹

Discussing specifically the institutionalization of transgender studies in academia at the annual conference of the National Women's Studies Association in 2014 (which has not always been the most welcoming place for transgender scholars and trans-

²⁷ Janice G. Raymond, *The Transsexual Empire: The Making of the She-Male* (Boston, MA: Beacon Press, 1994 re-issue), 104.

²⁸ Sheila Jeffreys, *Gender Hurts: A Feminist Analysis of the Politics of Transgenderism* (New York, NY: Routledge, 2014).

²⁹ See Tatiana Teneyro, "MitchFest Comes To An End," Bitchtopia, April 23, 2015, <http://bitchtopia.com/2015/04/24/mitchfest-comes-to-an-end/> (accessed April 26, 2015). For a good introductory article about trans-exclusionary feminism see Michelle Goldberg, "What Is a Woman? The Dispute between Radical Feminism and Transgenderism," *New Yorker*, August 14, 2014, <http://www.newyorker.com/magazine/2014/08/04/woman-2> (accessed April 26, 2015).

identified people), Susan Stryker recounted how the University of Arizona's decision to actively build transgender studies through an unprecedented faculty cluster hire also revived old debates about how and whether "trans" fits into gender and women's studies (programs). What would it mean to move "trans" beyond restricted understandings of embodiment and identitarian politics? The conference highlighted the need for careful critical inquiry into "trans-feminisms" and for exploring potential trans-feminist coalitions without co-opting self-chosen trans(gender) identifications and/or objectifying trans people.

Thus, while it may be easy to infer that quarrels over identity politics are long in the past, for many transgender scholars and activists the difficult and at times contested relationship with their fellow gay and lesbian comrades is still a major cause of concern. In Chapter 2, I take Manning's retraction as a grand marshal for San Francisco's Pride march in 2013 as a starting point to analyze contemporary mainstream LGBT politics that are narrowly aligned with economic interests in neoliberalism and whiteness. None of the major national LGBT organizations, such as the Human Rights Campaign (HRC), GetEQUAL, or National LGBTQ Task Force (known only as the National Gay and Lesbian Task Force until 2014) which were heavily lobbying for a repeal of DADT at the time, issued a statement in support of Manning during her lengthy pre-trial confinement. Similarly, as local Minneapolis and St. Paul organizers tried to garner national attention for the injustice and violence that CeCe McDonald and so many other trans people are facing at the hands of the justice system – mainstream LGBT advocacy organizations remained silent again. It took a year of persistent grass roots activism and help from

organizations such as the Sylvia Rivera Law Project before even the National Center for Transgender Equality took note of McDonald as her case went to trial in the spring of 2012. Despite making nominal changes to officially include the T in their organizations' titles and policy declarations over the past few years, *Terrorizing Gender* asks whether the T still remains a constituency outside of LGB politics.

The Paradox of Queer Visibility

Understanding queer world making, community, identity, and political life depends to a certain extent on understanding queer visibility in the media. In his comprehensive analysis and historical overview of the representation of lesbians and gay men in U.S. media, Larry Gross contends that the increasingly visible presence of queer people in the media is illustrative of how media can serve “both as carriers and reflections of transformations that the forces of cultural reaction have been powerless to reverse.”³⁰ Yet Gross and other media scholars also acknowledge that this increased visibility typically comes at a price. Stuart Hall, for example, remarked about black popular culture: “what replaces invisibility is a kind of carefully regulated, segregated visibility.”³¹ Similarly, Herman Gray argues that the propagation of visibility and access to cultural representation often engender new forms of subjection, marginalization and regulation.³² While greater media visibility and recognition are often seen as a measure

³⁰ Larry Gross, *Up from Invisibility. Lesbians, Gay Men, and the Media in America* (New York, NY: Columbia University Press, 2001), xvi.

³¹ Stuart Hall, “What is this ‘Black’ in Popular Culture?” in *Black Popular Culture*, ed. Gina Dent (Seattle: Bay Press, 1992), 24.

³² Herman Gray, “Subject(ed) to Recognition,” *American Quarterly* 65, no. 4 (2013): 771-798.

of cultural justice and social equality, they can also produce a pathway to biopolitical management, promoting techniques of surveillance, self-monitoring and self-responsibility for marginalized populations. In other words, being visible also means that one is being counted and administered according to the state's normative and normalizing imperatives. *Terrorizing Gender* investigates this flawed equation between visibility and social progress.

The politics of representation are inherently complex and questions of *who* gets to be seen in the media and what does it *mean* to be seen after all varies greatly for different constituencies within the queer community. Recognizing the political utility of visibility discourses, mainstream LGBT organizations have focused much of their energy and money on campaigns that aim to increase queer visibility in the interest of assimilationist practices and goals. This, according to Douglas Crimp, has generated a “visibility predicated on homogeneity and on excluding everyone who does not conform to norms.”³³ This quest for media recognition also tends to unduly place the burden of representation on a few token figures, as exemplified by Laverne Cox or Janet Mock. In the introduction to the anthology *Media/Queered: Visibility and its Discontents*, Kevin Barnhurst therefore conceptualizes queer visibility as a paradox arguing, “Visibility benefits and suffers from its Oedipal relationship with the popular, with style, and with the market.”³⁴ Queer visibility is thus tied to a trade-off whether it is propelling tolerance through harmful stereotyping, lessening isolation at the cost of activism, trading

³³ Douglas Crimp, “Mario Monetz, for Shame,” in *Gay Shame*, eds. David M. Halperin and Valerie Traub (Chicago, IL: The University of Chicago Press, 2009), 72.

³⁴ Kevin G. Barnhurst, “Visibility as Paradox. Representation and Simultaneous Contrast,” in *Media / Queered: Visibility and its Discontents*, ed. Kevin G. Barnhurst (New York, NY: Peter Lang, 2007), 9.

assimilation for equality, or transforming radicalism into a commoditized market niche. The strivings for equality and the numerical increase of queer characters on TV do not automatically equate to socio-political and cultural progress for queers and may eschew, if not deny the legitimacy of more critical and complex engagements with sexuality and gender non-conformity: “The difficulty with these paradoxes is that they seem to present impossible binds from which queers cannot ever find escape. ... Queer visibility seems to be ... a true contradiction, which asserts its opposite within itself and has no resolution.”³⁵

While the explorations of queer visibility assembled and questions posed in *Media/Queered* provide important critical grounds for the fusion of queer theory and media studies, the book predominantly deals with the representation of middle-class, white, gay male subjectivities and lacks any engagements with trans- and gender non-conforming people. Similarly, other important queer media studies works such as Glynn Davis and Gary Needham’s anthology *Queer TV: Theories, Histories, and Politics*,³⁶ Katherine Sender’s *Business, Not Politics*,³⁷ Ron Becker’s *Gay TV and Straight America*,³⁸ or *Cinema Journal*’s In Focus section on “Queer Approaches to Film, Television, and Digital Media”³⁹ are equally neglectful of exploring trans representations in the media and employ “queer” as a broad umbrella term that ends up referring solely to

³⁵ Barnhurst, “Visibility as Paradox,” 17.

³⁶ Glynn Davis and Gary Needham (eds), *Queer TV: Theories, Histories, and Politics* (New York, NY: Routledge, 2009).

³⁷ Katherine Sender, *Business not Politics: The Making of the Gay Market* (New York, NY: Columbia University Press, 2004).

³⁸ Ron Becker, *Gay TV and Straight America* (New Brunswick, NJ: Rutgers University Press, 2006).

³⁹ Patty Ahn, Julia Himberg, and Damon R. Young, “Introduction to In Focus: Queer Approaches to Film, Television, and Digital Media,” *Cinema Journal* 53, no. 2 (2014): 117-122.

depictions of gays and lesbians in mediated discourses. Likewise, transgender studies, which has become an incredibly vibrant field of interdisciplinary inquiry over the past twenty years – evidenced, for example, through recent publications such as *The Transgender Studies Reader 2* (edited by Susan Stryker and Aren Aizura) and the journal *Transgender Studies Quarterly* (edited by Susan Stryker and Paisley Currah) – has yet to engage with media studies to make sense of this current moment of transgender visibility. Treating transgender identities as a central analytical category, *Terrorizing Gender* moves beyond the mere evaluation of transgender visibility and instead refocuses our attention on the relationship between cultural representations and their material consequences. *Terrorizing Gender* asks: what is the connection between mediated transgender visibilities and their increased exposure to state surveillance practices? What types of transgender visibilities and identities are constituted as normative subjectivities deserving of national belonging and access to U.S. citizenship rights? How are certain transgender identities commodified and/or tokenized by media? Whose bodies and identities are rendered as deviant and thus undeserving in mediated discourses?

A notable exception to this dominance of media studies work focused on gay and lesbian representations is Mary L. Gray’s ethnographic study of how LGBT-identifying youth confront the politics of gay visibility that define and constrain what it allegedly means to be “properly queer” in popular culture and public life.⁴⁰ Gray explicitly de-centers media as the object of analysis to explore how rural youth engage in queer identity work and meaning making processes that challenge common presumptions of

⁴⁰ Gray, *Out in the Country*.

queerness' proper place. These young people's experiences contest the popularity of dichotomous narratives about urban spaces as liberating and rural areas as inherently backward and hostile. Young rural queers access new media and LGBT content not to escape their surroundings but to expand their sense of inclusion to larger, imagined queer communities beyond their hometowns.⁴¹

The few case studies that explicitly address mediated transgender representations are mainly on the murder of Brandon Teena⁴² and its subsequent Hollywood adaption in *Boys Don't Cry* (1999). These analyses point to a prevalence of pathologizing, marginalizing, and disciplining discourses around transgender identities. John M. Sloop, for example, illustrates how dominant cultural ideologies constantly re-normalized and re-essentialized Teena's gender into the traditional binary. Teena's alleged deception of his Midwestern girlfriends symbolizes the larger deception and corruption of the purity of America's heartland.⁴³ In their comparative analysis of race and gender passing, Catherine Squires and Daniel Brouwer note that Teena was frequently labeled as a confused butch lesbian who was "masquerading as a man" and, thus, really a deceiving lesbian. Teena's genitalia were often used as the ultimate source of proof for her female identity. Similarly, LGBT media were content to fix Brendan's identity as female in order to craft a narrative of homophobic murder and apply a hate crime framework.⁴⁴ C. Jacob Hale notes that the elicitation of much transgender and gay political activism around

⁴¹ Gray, *Out in the Country*, 15.

⁴² Teena was a trans man who was brutally raped and then killed by two of his girlfriend's acquaintances in Falls City, Nebraska in 1993.

⁴³ John M. Sloop, "Disciplining the Transgendered: Brandon Teena, Public Representation, and Normativity," *Western Journal of Communication* 64, no. 2, (2000): 165-189.

⁴⁴ Catherine Squires and Daniel Brouwer, "In/discernible Bodies: The Politics of Passing in Dominant and Marginal Media," *Critical Studies in Media Communication* 19, no. 3 (2002): 283-310.

Teena's case worked to harden the borders drawn between butch and female-to-male identities by "inadvertently turn[ing] a vagina into the actuality of gender categorization—as if biology was destiny after all, as if ... we are all what our culture tells us our genitals mean, and as if genitals always, inevitably, outweigh agency."⁴⁵ For Hale, such an essentialist construction between vagina and womanhood negates self-chosen identifications of others who craft different relationships between gender presentation, genitals, embodiment, and subjectivity: "Border zones need not be battle zones, but they must be demilitarized."⁴⁶ In her analysis of queer subjectivity and social class, Henderson particularly explores the mediations of transgender embodiment and working-class life in Teena's case. She argues that Brandon's "pussy" masculinity embodies hope for romance and social mobility but those very same qualities also exposed Brandon to the violent enactment of normative gender difference and hierarchy.⁴⁷

Observing the news media coverage of the murder of transgender teen Gwen Araujo⁴⁸ in Newark, CA in 2002 a decade after Teena, Bernadette Barker-Plummer identifies some progressive implications in news media coverage: pathologizing discourses were replaced with a focus on "wrong body discourse" to explain and

⁴⁵ C. Jacob Hale, "Consuming the Living, Dis(re)membering the Dead in the Butch/FTM Borderlands," *GLQ* 4, no. 2 (1998): 316.

⁴⁶ *Ibid.*, 337.

⁴⁷ Lisa Henderson, *Love and Money: Queers, Class, and Cultural Production* (New York, NY: New York University Press, 2013), 29.

⁴⁸ Gwen Araujo was beaten and strangled to death in 2002 at a party in Newark, CA. Michael Magidson, Jose Merel, Jason Cazares, and Jason Nabors later dumped Araujo's body in a shallow grave in the desert. Using a "transpanic" defense, the men stated they killed Araujo because she/they had "tricked" them by pretending to be a woman whilst "really" being a man. None of the killers were convicted of first-degree murder or a hate crime.

acknowledge Araujo's transgender identity. Yet these "fixing strategies" ultimately re-boxed Araujo's gender into traditional binary categories and left gender fluidities unacknowledged.⁴⁹ In a similar fashion, Chaz Bono's transness on ABC's "Dancing With the Stars" is rendered "safe" through an embodiment of a white, upper-class, heterosexual transnormativity that reifies hegemonic constructions of masculinity as Richard MocarSKI and his colleagues reveal.⁵⁰ More recently media scholars have begun to explore the mediation of transgender representations and identities across converging media platforms. Andre Calvacante uses the movie *TransAmerica* (2005) as a case study to explore the "double work" of paratexts (e.g., film reviews, movie posters, and director commentary on DVDs). Despite the intent to shut down and neutralize certain progressive possibilities of textual decoding to challenge the socio-cultural status quo – what Calvacante terms "paratextual domestication" – paratexts of *TransAmerica* also created important spaces that explore, validate, and celebrate transgender subjectivity.⁵¹ Analyzing mediated transgender moments on Tumblr, Mary Fink and Quinn Miller discuss the importance of new media spaces for trans cultural production as transgender identities have been repeatedly coopted, oversimplified, fetishized, and erased by mainstream media outlets. Exploring Tumblr as a site of resistance to dominant media,

⁴⁹ Bernadette Barker-Plummer, "Fixing Gwen: News and the Mediation of (Trans)gender Challenges," *Feminist Media Studies* 13, no. 4 (2013): 710-724.

⁵⁰ Richard MocarSKI, Sim Butler, Betsy Emmons and Rachael Smallwood, "'A different kind of Man': Mediated Transgendered Subjectivity, Chaz Bono on Dancing with the Stars," *Journal of Communication Inquiry* 37, no. 3 (2013): 249-264.

⁵¹ Andre Cavalcante, "Centering Transgender Identity via the Textual Periphery: *TransAmerica* and the 'Double Work' of Paratexts," *Critical Studies in Media Communication* 30, no. 2 (2013): 85-101.

Fink and Quinn conclude that oppositional trans representations shift and evolve as access to media and technology change.⁵²

By distinguishing more carefully between the visibilities of transgender bodies in media discourses from those of other queer bodies, *Terrorizing Gender* makes important contributions to both media and transgender studies by interrogating the *scrutiny* transgender bodies encounter, both in the media and by the state for their gender variance. In Chapter 1, I detail how news outlets feverishly belabored Manning's experiences growing up in a broken home and being bullied as a gay soldier to provide an alleged motive for her decision to leak classified documents. I argue that the initial emasculation and feminization of Manning as an emotionally disturbed gay man strategically diverted blame away from systemic practices of U.S. imperialism and onto the individualized experience of homophobia in the military. After Manning publicly announced her transition in August 2013, media's subsequent focus on her diagnosis with "gender dysphoria" further pathologized by equating her transgender identity to a psychological disease and mental instabilities. Moving beyond analyses of legacy media, Chapter 4 engages with the rise of new media platforms and takes an ethnographic, "on the ground" approach to explore the potentialities and limits of social media activism for transgender rights. For McDonald's Support Committee, social media became power-building tools that allowed them to circumvent and challenge local media gatekeepers as well as state institutions, specifically the legal system's alleged color blindness. After months of building slow but steady momentum through various social media platforms

⁵² Mary Fink and Quinn Miller, "Trans Media Moments: Tumblr, 2011-2013," *Television & New Media* 15, no. 7 (2014): 611-626.

(including the hashtag #FreeCeCe, Tumblr, Facebook, and the blog *Support CeCe!*), the Committee effectively reached beyond the Twin Cities and generated connections with alternative, independent media outlets and transgender rights organizations. The Committee's grassroots activism successfully raised public consciousness about the disposability of transgender lives. Yet, as I detail in the chapter the Committee's social media activism remained constrained by material stratification and political economy processes that prevented transformative social justice for McDonald.

The Surveillance Practices of the U.S. Security State

While the recent explosion of media content around transgender visibilities insinuates that “trans is the new cool;” media rarely depict and/or reference the policing, discrimination, and violence that disproportionately harm trans communities as Laverne Cox's statement in the opening pages of this introduction highlights. Such surveillance practices manifest themselves in the criminalization of trans communities (particularly those of color), through frequent stop-and-frisk searches, tightened ID laws, 3D body scanners at airports, the denial of access to health care, or placement in gender inappropriate facilities within the prison-industrial-complex to name a few. *Terrorizing Gender* examines the media's and the state's differential treatment of transgender individuals as an entry point through which to analyze gender and sexual visibility within the contemporary United States because it affords the ability to interrogate the state's racialized and gendered surveillance practices since 9/11. I conceptualize the security state as an amalgam of governmental, corporate, and civil entities invested in fostering

national security and citizen safety at the expense of civil liberties. Media corporations themselves are also increasingly embroiled in the security state: driven by neoliberal ideologies and free-market logics the state increasingly “outsources” security duties and national security onto the populace and private agencies, including media corporations.⁵³ For example, Laurie Ouellette and James Hay have argued that as a cultural technology television becomes a key instrument to educate, regulate, shape, and improve the idealized citizen-subject.⁵⁴ News media and popular culture actively (re)produce the state’s risk framing of who and what represents a threat to national security.⁵⁵ Apple’s current battle with federal prosecutors about whether it can be forced “to assist” the FBI in unlocking one of the San Bernardino shooters’ iPhones prominently exemplifies the ongoing struggles over national security and privacy rights within the U.S. security state.⁵⁶ *Terrorizing Gender* explores how the mediated visibility of trans people is linked to their bio- and necropolitical management by state agencies.

Terrorizing Gender particularly focuses on the U.S. prison-industrial-complex (PIC) as a site where private, political, and financial interests collude in promoting prison expansionism and mass incarceration. The PIC is a particularly potent space where

⁵³ James Hay and Mark Andrejevic, “Introduction. Toward an Analytic of Governmental Experiments in these Times: Homeland Security as the New Social Security,” *Cultural Studies* 20, nos. 4-5 (2006): 331-348.

⁵⁴ Laurie Ouellette and James Hay, “Makeover Television, Governmentality and the Good Citizen,” *Continuum: Journal of Media & Cultural Studies* 22, no. 4 (2008): 471-484.

⁵⁵ See, for example, Mark Andrejevic’s exploration of the emergence of certain reality TV securitainment formats post-9/11 that combine entertainment values with precise risk-management instructions.

“‘Securitainment’ in the post-9/11 Era,” *Continuum: Journal of Media & Cultural Studies* 25, no. 2 (2011): 165-175.

⁵⁶ Glenn Greenwald and Jenna McLaughlin, “Apple Wins Major Court Victory Against FBI in a Case Similar to San Bernardino,” *The Intercept*, February 29, 2016. <https://theintercept.com/2016/02/29/apple-wins-major-court-victory-in-its-battle-against-fbi-in-a-case-similar-to-san-bernardino/> (accessed March 1, 2016).

racialized, classed, and gendered surveillance practices coalesce. I interrogate the PIC as a site of “queer necropolitics,” where the containment of certain racialized and always already criminalized populations is legitimated by state agents in order to protect the life of others.⁵⁷ Extending Michel Foucault’s concept of “biopolitics,”⁵⁸ Achille Mbembé uses the notion of necropolitics to account for the various ways in which technologies of power are deployed to create death-worlds, where vast populations are subjected to conditions of life that confer upon them not necessarily the status of literal physical death, but social, political and civil death – they become living dead.⁵⁹ Both Manning’s and McDonald’s experiences within the PIC exemplify the death worlds that many racialized, trans- and gender non-conforming people are forced to endure: from placement in sex-segregated facilities based on birth-assigned sex, to prolonged periods of solitary confinement out of “safety concerns,” as well as the denial of hormone treatments and/or other medical care.

The renewed emphasis on national security after the events of 9/11 and the expansion of neoliberal economies and politics has resulted in a stark interest and surge in scholarship on surveillance studies across numerous disciplines. *Terrorizing Gender* engages with cultural studies, feminist and queer approaches to surveillance that expand

⁵⁷ Sarah Lambie, “Queer Necropolitics and the Expanding Carceral State: Interrogating Sexual Investments in Punishment,” *Law Critique* 24 (2013): 245.

⁵⁸ Foucault argued that within biopolitical governance racism becomes the means and key premise upon which the state claims the legitimate right to kill – “the right to make live and to let die” – and enables its citizens to be killed in order to maintain and improve the health and value of the population as a whole. See Michel Foucault, *Society must be Defended’: Lectures at the Collège de France, 1975-1976* (New York, NY: Picador, 1976), 241.

⁵⁹ Achille J. Mbembé, “Necropolitics,” *Public Culture* 15, no. 1(2003): 40.

Foucauldian thinking about governmentality and security.⁶⁰ With few exceptions, gender and sexuality have largely been invisible in surveillance studies. However, non-normative queer bodies have not been invisible to contemporary systems of surveillance.⁶¹ David Lyon defines surveillance as the “the focused, systematic and routine attention to personal details for purpose of influence, management, protection or direction.”⁶² The lack of attention paid to the gendered practices of surveillance on the part of feminist and queer theorists is surprising, particularly given the long-standing pathologizing of non-normative sexual practices in the West, which Foucault aptly described in *The History of Sexuality*.⁶³ Eric Stanley elaborates that “inheriting a long history of being made suspect, trans/queer people, via the medicalization of trans identities and homosexuality, have been and continue to be institutionalized, forcibly medicated, sterilized, operated on, shocked, and made into objects of study and experimentation.”⁶⁴ For example, until the most recent release of the *Diagnostic and Statistical Manual of Mental Disorders V* (DSM), trans-identified people were commonly diagnosed with “gender identity disorder” – which psychopathologized and reduced trans identity to mental illness.

⁶⁰ For example, a collection of essays in a 2006 special issue in *Cultural Studies* (edited by Mark Andrejevic and James Hay) explored homeland security as the new social security and called on cultural studies to attend to questions of safety and security more thoroughly. See Hay and Andrejevic, “Introduction: Toward an Analytic of Governmental Experiments in these Times.”

⁶¹ See Kathryn Conrad, “Surveillance, Gender, and the Virtual Body in the Information Age,” *Surveillance & Society* 6, no. 4 (2009): 380–387.

⁶² David Lyon, *Surveillance Studies: An Overview* (Cambridge, UK: Polity Press, 2007), 14.

⁶³ Michel Foucault, *The History of Sexuality. Volume 1. An Introduction* (New York, NY: Vintage Books, 1978).

⁶⁴ Eric A. Stanley, “Fugitive Flesh: Gender Self-Determination, Queer Abolition, and Trans Resistance: An Introduction,” in *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, eds. by Eric A. Stanley and Nathan Smith (Oakland, CA: AK Press, 2011), 7-8.

Because much of queer media scholarship has previously attended to the public representation and construction of social realities of gay and lesbian lives, David Phillips advocates for productively fusing and “cross-fertilizing” surveillance studies and queer theory to generate a political analysis of the infrastructures of identity and visibility.⁶⁵ While surveillance studies can offer queer studies a better understanding of the political, legal and technical infrastructures mediating new forms of identity practices, queer studies, I suggest, can provide surveillance studies with a new theoretical perspective on the social consequences of those practices. *Terrorizing Gender* asks *how* and *why* certain transgender people come under the scrutiny of state surveillance practices as it analyzes the power relations intrinsic to those practices.

Surveillance scholarship has frequently addressed how surveillance technologies such as automated facial recognition software and closed-circuit television cameras – the use of which increased dramatically in the wake of 9/11 – (re)produce fears and stereotypes of a racialized, terrorist Other.⁶⁶ Drawing on feminist, queer, and critical race scholarship, *Terrorizing Gender* illuminates that state surveillance practices targeting trans communities are not only racialized and racializing, but also inherently gendered.⁶⁷

⁶⁵ David J. Phillips, “Privacy, Surveillance, or Visibility: New Information Environments in the Light of Queer theory,” in *Media / Queered. Visibility and its Discontents*, ed. Kevin G. Barnhurst (New York, NY: Peter Lang, 2007), 231-242.

⁶⁶ See e.g., Kelly Gates, *Our Biometric Future: Facial Recognition Technology and the Culture of Surveillance* (New York, NY: NYU, 2011).

⁶⁷ For other scholarship engaging particularly the surveillance of transgender bodies see, e.g., Toby Beauchamp, “Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance after 9/11,” *Surveillance & Society* 6, no. 4 (2009): 356-366; Shoshana Magnet and Tara Rodgers, “Stripping for the State: Whole Body Imaging Technologies and the Surveillance of Othered Bodies,” *Feminist Media Studies* 12, no. 1 (2012): 101-118; Paisley Currah and Tara Mulqueen, “Securitizing Gender: Identity, Biometrics, and Transgender Bodies at the Airport,” *Social Research* 78, no. 2 (2011): 557-582.

Just as trans people's gender fluidity complicates and threatens traditional understandings of the gender binary, so too does their potential "passing" within the gender binary. Passing is constructed by the state as deceptive and a (terrorist) threat to national security that needs to be contained. In the case of Manning, the state's understanding and treatment of transgender as deceptive and therefore threatening, manifests in the military's use of extra-legal forms of interrogation and confinement, as I elaborate in Chapter 1. In the case of McDonald, discussed in Chapter 3, it is reflected in an abundance of state violence enacted against her by the police and the criminal justice system. Both Manning and McDonald's cases reflect the everyday experiences of transgender people in the United States, in that both exemplify the state's dehumanizing treatment of gender non-conforming people.

More disconcertingly, while LGBT organizations once fought for the decriminalization of sodomy in *Lawrence v. Texas*, the relationship between sexual politics and the security state has drastically changed over the past decade: mainstream LGBT activism now often actively supports expanding forms of state violence and punishment, for example, through federal hate crime legislation.⁶⁸ I engage more thoroughly with these dubious queer investments in punishment in Chapter 4 by examining how hate crime legislation isolates specific instances of violence against LGBT people as acts of individual prejudice without considering how exposure to systemic and institutionalized violence impacts oppressed communities. I argue that hate crime statutes present another

⁶⁸ For an excellent account of this recent shift see Sarah Lamb, "Queer Necropolitics."

political and legal mechanism by which the multicultural state and its politics of colorblindness masks an ongoing investment in race and racism.

Surveillance practices operate at the intersections of oppressive systems – whether it is racism, sexism, classism, or ableism. In other words, the gendering of sexuality and the sexualization of gender are riven with class and race dynamics that make it impossible to detach the constitution of gender or sexuality from the broader contexts of institutionalized power in which they come to cohere.⁶⁹ For example, I open Chapter 5 with the story of Monica Jones, a trans woman of color, sex work activist, and student in Arizona State University’s social work program, who was arrested in Phoenix in 2013 on a “manifesting prostitution” charge for accepting a ride to a bar with an undercover cop. Jones’ arrest describes the routine harassment and surveillance of transgender women for “walking while trans,” and being profiled and criminalized as sex workers. Jones’ surveillance, however, did not end in Phoenix: her story became even more notable when she was denied re-entry into Australia in December 2014 for allegedly violating her student visa status. Officials later confirmed that Jones’ deportation was due to her classification as a “possible threat” to national security. The case studies presented in this project contribute to an understanding that state surveillance practices of gendered, classed, and racialized bodies are central to the state’s constructions of national security – of who is granted access to national belonging and who is considered a threat in need of immediate containment and neutralization.

⁶⁹ Valentine, *Imagining Transgender*, 60.

Methods of Inquiry

Complementing the interdisciplinary framework of *Terrorizing Gender*, I situate this project within queer methodologies that employ mixed-methods to investigate different discourses, spaces and temporalities in which transgender identities come to cohere. In *Female Masculinity*, J. Jack Halberstam proposes a “queer methodology” that deploys a combination of methods, which are typically cast as being incompatible with one another by those who firmly believe in disciplinary (or maybe even disciplinarian) boundaries and departments.⁷⁰ Furthermore, queer anthropologist Tom Boellstorff bemoans that despite the increased valorization of interdisciplinary scholarship across the humanities in recent years, such efforts often fall short of truly engaging with interdisciplinary perspectives as they are often reduced to a “discordance between training and object of study”: “The citation networks and the methodologies remain largely unchanged, the metaphorical construal of objects of study as ‘texts’ sufficing as theoretical mandate.”⁷¹ A queer methodology, however, consciously combines different theoretical and methodological approaches, for example, textual criticism, (auto)ethnography, archival research and historical surveys. In so doing, “queer methodology, in a way, is a scavenger methodology that uses different methods to collect and produce information on subjects who have been deliberately or accidentally excluded from traditional studies of human behavior.”⁷² Similarly, Jasbir Puar describes her approach to a queer methodological philosophy as one that “irreverently challenges a

⁷⁰ J. Jack Halberstam, *Female Masculinity* (Durham, NC: Duke University Press: 1998).

⁷¹ Boellstorff, “Queer Studies Under Ethnography’s Sign”: 628.

⁷² Halberstam, *Female Masculinity*, 13.

linear mode of conduction and transmission: there is no exact recipe for a queer endeavor, no a priori system that taxonomizes the linkages, disruptions, and contradictions into a tidy vessel.”⁷³ In many ways, *Terrorizing Gender* came to cohere precisely by refuting the “tidy vessel” of disciplinary boundaries. I purposely had not settled on a pre-determined “script” containing a particular set of methods or theoretical frameworks before delving into the research process. Instead, my objects of study often guided me towards varied methodological and theoretical engagements, resulting in a big and flavorful, yet at times unruly, pot of queer inquiry.

Queering disciplinary boundaries and methodologies allows *Terrorizing Gender* to challenge and disrupt the prevalence of heteronormative knowledge production around gender and sexuality. Simultaneously, I also employ a queer methodology to complicate and resist the popularity of linear progress narratives circulating about the LGBT movement’s “equality” victories. Although it is common for media scholars to use textual analyses when studying media objects, *Terrorizing Gender* explicitly fuses critical discourse analysis and ethnography to scrutinize the interplay and collusion between popular culture, legal, and state discourses in sanctioning, if not fortifying, the surveillance, disciplining, and incarceration of transgender people.

Terrorizing Gender assembles an array of primary sources – composed of (inter)national and local news papers, news broadcasts and websites, social media, television shows, policy documents, court and legal records, as well as organizational press releases and manifestos – to critically account for this current moment of

⁷³ Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press: 2007), xv.

transgender visibility.⁷⁴ Drawing on these varied and, at times seemingly detached sources provides an alternative understanding of transgender visibility – one that explicitly contextualizes and connects this visibility to the histories of racialized and gendered violence that the state continues to enact against marginalized communities. Below I detail my approach to critical discourse analysis and queer ethnography that are undergirding the methodological framework of this project.

Discourse Analysis

I use Foucauldian discourse analysis to trace and analyze *how* and *why* media and state institutions construct transgender people as deceptive, deviant, and threatening. I analyze the thoughts, ideas, and knowledges about transgender people that are produced in discourse – specifically, news media accounts, policy and legal documents from state agencies, medical and social institutions, and LGBT organizations. According to Foucault, we can only have knowledge of things if they have meaning, and it is discourse that produces knowledge, not the things-in-themselves: subjects like “madness,” “punishment” and “(homo)sexuality” exist meaningfully only within the moral, legal, medical and psychiatric discourses, practices and institutional apparatuses about them.⁷⁵ Dissecting the practices and politics of meaning-making in his theory of articulation, Stuart Hall, like Foucault, concludes that the unity of a discourse is really the articulation

⁷⁴ I detail my selection criteria of specific media and legal documents more thoroughly in each individual chapter.

⁷⁵ See Stuart Hall, “The Work of Representation,” in *Representation: Cultural Representations and Signifying Practices*, ed. Stuart Hall (London: Sage, 2007), 45-46.

of distinct elements, which can always be rearticulated differently because “it is a linkage which is not necessary, determined, absolute and essential for all time.”⁷⁶

The production of knowledge about trans subjects is imbued with hierarchical power relations that tend to ostracize and diminish them. Mediated and legal discourses about trans people actively constitute the transgender subject and define its subject position within a specific socio-historic context. In other words, the “regime of truth” – a “common sense” corpus of knowledge about trans people – is always dependent on specific historical contexts and structured by power differentials: “Different discursive formations and apparatuses divide, classify and inscribe the body differently in their respective regimes of power and ‘truth.’”⁷⁷ Because subjects are always operating within a “regime of truth,” what knowledges about transgender people do media and state institutions produce in this particular cultural moment? How are these discourses positioning, regulating, disciplining, and punishing transgender subjectivities? Through comparative discourse analyses and a fusing of cultural studies’ conceptions of articulation with frameworks of intersectionality, *Terrorizing Gender* links how the discursive production of “deviant” versus “proper” transgender identities is connected to the state’s violent management and surveillance of trans lives. In other words, the project traces the interplay and collusion between media and state discourses sanctioning and fortifying the targeting, disciplining, and incarceration of trans people.

⁷⁶ Lawrence Grossberg, “On Postmodernism and Articulation. An Interview with Stuart Hall,” in *Stuart Hall. Critical Dialogues in Cultural Studies*, eds. David Morley & Kuan-Hsing Chen (New York, NY: Routledge, 1996), 141. See also Stuart Hall, “Race, Articulation and Societies Structured in Dominance,” in *Sociological Theories: Race and Colonialism* (Paris: UNESCO, 1980), 305-345.

⁷⁷ See Hall, “The Work of Representation,” 50.

In order to analyze how transgender subjects are (re)produced through institutional discourses as deviant, disposable, and unworthy of care or protection, it is useful to merge Foucault's thinking about power as de-centralized, circular, and multipliable with Marxist theorizations on the (more linear) relationship between ideological and repressive state apparatuses.

Repressive and Ideological State Apparatuses

Building on Marx's understanding of the relation between base and superstructure, Louis Althusser distinguished the repressive state apparatus (RSAs) – i.e., the government, army, police, courts, laws, and prisons – which function predominantly by violence and repression and only secondarily by ideology, from the ideological state apparatus (ISAs) – i.e., schools, churches, political parties, the family, and the media. ISAs function predominantly by ideology and only secondarily by repression, which “is very attenuated and concealed, even symbolic.”⁷⁸ According to Althusser, the multiple, heterogeneous, and relatively autonomous ISAs experience a continuous struggle over ideological hegemony as the ruling class must maintain a certain degree of control over them to ensure the stability of the repressive state apparatus: “*no class can hold State power over a long period without at the same time exercising its hegemony over and in the State Ideological Apparatuses*” (emphasis in original).⁷⁹ But how are dominant ideological structures (re)produced within the media even without direct coercion by state

⁷⁸ Louis Althusser, “Ideology and Ideological State Apparatuses (Notes Towards an Investigation),” in *Media and Cultural Studies: Keywords. Revised Edition*, eds. Meenakshi Gigi Durham and Douglas M. Kellner (Malden, MA: Blackwell Publishing, 2006), 81.

⁷⁹ *Ibid.*, 81.

institutions? According to Hall, “This is the aspect of ideology under liberal capitalism which most needs explaining.”⁸⁰

In their groundbreaking study, *Policing the Crisis: Mugging, the State, and Law and Order*, Hall and his colleagues demonstrated that the police, the courts, and the media did not merely passively react to crime, but that they were integral in the construction of moral panics around “muggings,” which were predominantly associated with Black youth in Britain in the 1970s.⁸¹ Scrutinizing particularly the role of the media in their selection and framing of mugging stories, Hall revealed media’s functioning as an “ideological state apparatus.”⁸² Hall argued that in democratic societies media have the systematic tendency to reproduce the ideological field of a society in such a way as to reproduce, also, its dominant structure: “The media serve, in societies like ours, ceaselessly to perform the critical ideological work of ‘classifying out the world’ within the discourses of dominant ideologies. This is neither simply [sic], nor conscious ‘work’: it is *contradictory* work” (emphasis in original).⁸³ While the state sanctions and enacts violence against transgender people in multiple ways, it is precisely the “selective construction of *social knowledge*” (emphasis in original)⁸⁴ about trans people by the

⁸⁰ Stuart Hall, “Signification, Representation, Ideology: Althusser and the Post-Structuralist Debates,” *Critical Studies in Mass Communication* 2, no. 2 (1985): 101.

⁸¹ Refuting wide-held beliefs that muggings were on the rise and an entirely new phenomenon, Hall et al. identified that a moral panic erupted over muggings precisely at this time in Britain due to societal anxieties about the decline of the British Empire and pressures on British capitalism. State institutions in conjunction with the media played a fundamental role in legitimating the severity of crime sentences, how crime statistics were interpreted, where police resources were allocated, and what signification muggings were given in the larger societal context. See Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, *Policing The Crisis: Mugging, the State, and Law and Order* (London: Macmillan, 1978).

⁸² Hall et al., *Policing the Crisis*, 63, 76.

⁸³ Stuart Hall, “Culture, the Media and the ‘Ideological Effect’” in *Mass Communication and Society*, eds. James Curran, Michael Gurevitch, and Janet Wollacott (London: Edward Arnold Publishers Ltd., 1977), 346.

⁸⁴ *Ibid.*, 341.

media, that allows for that violence to endlessly (re)occur outside of explicitly repressive and coercive state mechanisms. In *Terrorizing Gender* I argue that dominant ideologies permeating mass-mediated discourses racialize and criminalize transgender people as deceptive, deviant, and threatening, and in turn become the vehicle through which state-sanctioned violence against certain “aberrant” populations is legitimated and continuously allowed to happen.

Intersectionality

Drawing on women of color feminisms and frameworks of intersectionality, the case studies in *Terrorizing Gender* illustrate that the disposing of transgender lives is inevitably connected to the interconnection of oppressive systems: racism, sexism, classism, homo-, and transphobia, and ableism, for example. With origins in black feminist thought intersectionality, which was conceptualized by legal theorist Kimberlé Crenshaw,⁸⁵ is an interpretive framework that rejects additive models of oppression and instead highlights the interlocking of oppressive systems. In other words, oppressive institutions do not function separately, one layered on top of the other, but are mutually constitutive: racism does not function separately from, or on top of, sexism. Highlighting particularly the experiences and perspectives of Black and women of color, critical race and feminist scholars in the 1980s argued that these women’s experiences could not be understood without accounting for their interpellation by multiple identity categories.

⁸⁵ Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Legal Forum*, 140 (1989): 139-167.

Patricia Hill Collins specifically linked intersectionality to the “matrix of domination” – the organization of systems of oppression – to show how Black women are differently positioned in society based on race, ethnicity, gender, sexuality, class, nation, and age.⁸⁶

Similar to Crenshaw’s tri-partite focus on structural, political, and representational intersectionality,⁸⁷ *Terrorizing Gender* examines the representational intersectionality of transgender people as a key tool for understanding how mediated representations of trans people are linked to their daily interactions and experiences with systems of state power and violence. Because gender always already intersects with race, ethnicity, sexuality, and class, the case studies presented in *Terrorizing Gender* illustrate that media and state institutions conceptualize transgender people as deceptive, deviant, and threatening precisely because they fail to account for these lives at the intersections of multiple identity categories. For CeCe McDonald, for example, it was impossible to separate her trans identity from her identity as a poor woman of color. She and her friends were viciously attacked because of *both* homo-/transphobia and racism. Yet local news media and state prosecutors denied these intersecting oppressions, leaving McDonald undeserving of legal protection.

While intersectionality has been incorporated widely into feminist, ethnic, and sexuality studies and has emerged as an important analytic in queer of color critique,⁸⁸ its

⁸⁶ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment* (New York, NY: Routledge, 1990), 221-238.

⁸⁷ Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43, no. 6 (1991): 1241-1299.

⁸⁸ See e.g., Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis, MN: University of Minnesota Press, 2004).

uptake in critical, feminist media studies remains scarce.⁸⁹ *Terrorizing Gender* demonstrates the need to move beyond (additive) analyses of single and/or binary identity categories that often occur in media studies if we are to properly account for the representational violence (i.e. through sensationalizing and fetishizing discourses) and state violence that transgender communities are frequently subject to. Choosing an intersectional approach to media analysis also explicitly highlights the limitations of visibility politics, which are prominently touted by mainstream LGBT politics and their (political) allies in progress narratives about acquiring citizenship rights for LGBT people. This project cautions that visibility and law reform alone do not suffice to produce truly liberating, intersectional social justice efforts.

Queer Ethnography

I had moved to Minneapolis to start graduate school just a few months after CeCe McDonald and her friends were attacked in the summer of 2011. When McDonald went to trial the following year, I paused for the first time to ponder what material consequences actually derive from increased LGBT visibility. Initially, I had not paid much attention to what had happened to a poor transgender woman of color walking down a street in a neighborhood not very far from my own. But then I started to scrutinize my own privileged, white, cis-gender queer positionality more closely. I began to question why Minneapolis' queer community – at least the one that I was most familiar

⁸⁹ Notable exceptions are Margreth Lünenborg and Elfriede Fürsich's "Media and the Intersectional Other," *Feminist Media Studies* 14, no. 6 (2014): 959-975; and Carolyn Nielsen's "Moving Mass Communication Scholarship Beyond Binaries: A Call for Intersectionality," *Media Report to Women* 39, no. 1 (2011): 6-12.

with – seemed so removed from and unmoved by the daily struggles of many trans folks. Instead, it seemed much easier for privileged, white, normative queers (myself included) and their organizations to hide behind the veil of marriage equality and revel in unprecedented political victories. Is the trans then really part of the queer? Is it even desirable for the trans to be part of the queer? Who gets to claim a stake in the queer? The chapters on McDonald are not only informed by close readings of legal, news media and social media discourses circulating about her case between the 2011 and 2014, but these chapters are also refracted through a queer ethnographic lens.

Ethnography typically describes the qualitative study of research participant observations, their interactions and perspectives. Boellstorff argues that the main contribution of ethnography to queer studies is to provide “truly situated knowledges” and “a better calibration of descriptive versus prescriptive modes of inquiry”:

Rather than congratulate ourselves for having established that there is no universal queer, or for the general insight that queerness is inflected by nation, generation, gender, class, ethnicity, religion, and so on, ethnographic methods provide a way to explore how these intersectionalities play out in actual communities of subjectivity and practice.⁹⁰

As I began to scrutinize the local media’s treatment of McDonald’s case more closely for this dissertation project in the winter of 2014, I realized that textual analyses alone would not allow me to provide what Clifford Geertz terms “thick description” – the holistic, deep “on-the-ground” reading of a local site:

From one point of view, that of the textbook, doing ethnography is establishing rapport, selecting informants, transcribing texts, taking genealogies, mapping fields, keeping a diary, and so on. But it is not these things, techniques and received procedures that define the enterprise. What defines it is the kind of

⁹⁰ Boellstorff, “Queer Studies Under Ethnography’s Sign”: 637.

intellectual effort it is: an elaborate venture in, to borrow a notion from Gilbert Ryle, “thick description.”⁹¹

By engaging with ethnography I also explicitly follow Gray’s call to de-center media as the sole object of analysis in new media research. Instead, as Gray convincingly argues, media scholars need to pay “greater ethnographic attention to the uptake and meaning of media in our everyday lives.”⁹²

I chose to engage McDonald’s story from such an ethnographic perspective: I closely studied the field sites of McDonald’s neighborhood in South Minneapolis and visited the “scene of the crime” – the Schooner Tavern in the fall of 2014. In order to gain a better understanding of the complicated legal procedures in McDonald’s case, I conducted interviews (via email and in person) with McDonald’s lawyer Hersch Izek from the Legal Rights Center in Minneapolis and Abigail Cerra who works as a public defender in Hennepin County. I also talked with Abby Simons, Paul Walsh, and Drew Duchesne who are reporters/editors at the *Star Tribune* to gain insights into reporting and editorial decisions that were made in the newsroom. Most importantly Myrl Beam, a fellow graduate student and board member of the now defunct Trans Youth Support Network, put me in touch with members of McDonald’s support committee. Their perspectives were essential to this project. In particular, Lex Horan’s accounts of the workings of the CeCe Support Committee fundamentally contributed to my research on the Committee’s social media campaign.⁹³ I was also able to listen to and speak with

⁹¹ Clifford Geertz, “Thick Description: Toward an Interpretive Theory of Culture,” in *The Interpretation of Cultures: Selected Essays by Clifford Geertz* (New York: Basic Books, Inc., 1973), 6.

⁹² Gray, *Out in the Country*, xiv.

⁹³ For more details about my interactions with McDonald’s support committee see Chapters 3 and 4.

McDonald herself during two public events in Minneapolis: the University of Minnesota Transgender Commission's "Spring Back: A Cabaret on Resilience" in March 2014 and the second annual Trans* Equity summit in the fall of 2015. The people I interviewed were not merely "subjects" or "informants," but they actively contributed to this project as research agents and have shaped its final form and content. Being aware of my privileged access to knowledge production and the status of the academic as the allegedly "true intellectual thinker,"⁹⁴ I sought to involve my interviewees as much as possible in the research process by asking them to interrogate, evaluate and if necessary correct what I wrote about them. For example, I actively solicited feedback and revised passages of my work on McDonald after I received comments from Horan on earlier draft versions.

While I have no intention of exceptionalizing McDonald's story in my chapters, engaging in ethnographic research around her case has certainly been a personal matter. My own geographic and – to some extent personal – proximity to the activism around McDonald are inseparable from my writing about her case, especially in Chapter 4. The close interactions with McDonald supporters and my "on-the-ground" approach significantly changed my own conceptualizations of the relationship between researcher and informant, between scholarship and activism. I came to realize that "the ground" quite literally is "both our particular field site – the communities within which we study and about which we write – and also the epistemological ground on which we stake our

⁹⁴ See Richa Nagar's reflections on decades of work as part of a feminist alliance work in India for an excellent account of the problematic privileging of academic expert knowledge. In "Storytelling and Co-Authorship in Feminist Alliance Work: Reflections from a Journey," *Gender, Place & Culture: A Journal of Feminist Geography* 20, no.1 (2013): 1-18.

claims.”⁹⁵ The queer ethnographic work underlying Chapters 3 and 4 explicitly troubles and challenges the persistence of (white) heteronormative knowledge production around gender and sexuality, particularly in media studies. *Terrorizing Gender* is informed by a feminist praxis and feminist methodology that acknowledges the blurred lines between scholarship and activism:

If all writing is fundamentally tied to the production of meanings and texts, then feminist research that blurs the borders of academia and activism is necessarily about the labor and politics of mobilizing experience for particular ends.⁹⁶

My writing in these chapters reflects an unapologetically sympathetic stance toward McDonald and her supporters and criticizes the many failures and violence that McDonald encountered both from media and state institutions. In many ways, hearing from McDonald and the people directly involved in the organizing significantly influenced my own understandings of social justice activism. It is not visibility alone that brings about acceptance and equality. True care for and value of transgender lives, particularly those of trans women of color, requires an intersectional approach to social justice activism that ruthlessly deconstructs oppressive systems and our own complicity within them – whether that is the criminalization and racialization of marginalized communities by media institutions, the racial inequalities permeating the prison-industrial-complex and the U.S. justice system, capitalism’s dependency on and perpetuation of virulent forms of white supremacy, or the hierarchies of knowledge production upon which our neoliberal universities are built. Part of the work that

⁹⁵ Margot Weiss, “The Epistemology of Ethnography: Method in Queer Anthropology,” *GLQ: A Journal of Lesbian and Gay Studies* 17, no. 4 (2011): 650.

⁹⁶ Nagar, “Storytelling and Co-Authorship”: 1.

Terrorizing Gender does explicitly follow cultural studies' commitment to move beyond the ivory tower and engage directly with the communities surrounding the walls of academia – those are the communities that remain often ignored and neglected as too distant others.

More importantly, I recognize how my own subject positionality, as a privileged, white, cis-gender, queer scholar researching a poor trans community of color still runs the risk of contributing to the privileging and colonizing of some voices over others: as María Lugones and Elizabeth Spelman aptly pointed out in their foundational essay, “Have we got a Theory for You! Feminist Theory, Cultural Imperialism, and the Demand for ‘the Woman’s Voice’” – feminist and queer scholars should not only be concerned about the male monopoly over accounts of women’s lives but also the hierarchical privileging of some women’s voices over others, particularly as white middle-class women in the U.S. “have in the main developed ‘feminist theory.’”⁹⁷ The “production of ethnography’s privileged access to, and ourselves as the bearers of, local knowledge,”⁹⁸ therefore demands that we question our own complicity in the politics of knowledge production as well as in the accrual of human and material capital more critically. Yet this “reflexive turn” in ethnography functions as a double-edged sword: while it proactively reveals the inherent subjectivity of knowledge production, it strategically deploys this admission to justify its truth claims. Situating the author in the text “simultaneously acknowledges the situatedness and partiality of all knowledge while conveying to the reader that transparent

⁹⁷ María C. Lugones and Elizabeth V. Spelman, “Have We got a Theory for You! Feminist Theory, Cultural Imperialism, and the Demand for ‘the Woman’s Voice,’” *Women’s Studies International* 6, no. 6 (1983): 575.

⁹⁸ Weiss, “The Epistemology of Ethnography”: 649-664.

self-representation is both possible and crucial to evaluate the truth claims of the ethnography.”⁹⁹ Thus, I recognize, how despite my ability to critically reflect on my own subject positionality, the dangers of replicating a voyeuristic and/or imperial gaze of marginalized communities – in this case poor trans communities of color – persist.

Reflecting on her ethnographic work with queer rural youth in the United States, Gray notes,

Ethnographies of sexualities—like all ethnographies—are ironically most limited by our logistical, methodological need to name and find what it is we are trying to understand. We can’t get around this need, as it is the basis of scientific inquiry. But we also must be diligent in recognizing how this shapes what we eventually seek in and draw from our studies.¹⁰⁰

In other words, all ethnographic work and research is inherently contingent and messy.

As I alluded to above, our own subject positionality and our own situatedness reveal the contingent production of ethnographic knowledge. I will return to ethnography’s contingency, the problematics of (research) privilege and capital, as well as the politics of knowledge production in more detail in Chapter 5.

Chapter Overview

In Chapter 1, “Prosecuting a (Gender) Traitor,” I conduct an extensive analysis of national news media coverage (including, for example, the *New York Times*, *Washington Post*, and *Guardian* among others) and legal documents surrounding Chelsea Manning’s case from the time of her arrest in June 2010 in Baghdad, throughout her confinement at the Marine Corps Brig at Quantico, Virginia, and concluding with her court martial in the

⁹⁹ Weiss, “The Epistemology of Ethnography”: 654.

¹⁰⁰ Gray, *Out in the Country*, 190.

summer of 2013. Manning’s arrest initially lacked significant “newsworthiness” and was only covered by a handful of independent journalists and bloggers. This lack of public interest during Manning’s pre-trial, I argue, points to the larger political economy impacts on print media as financial pressures severely inhibit their ability to operate as traditional “watchdogs.” Once mainstream media outlets picked up on Manning’s case, she was predominantly vilified as a traitor and threat to national security for exposing U.S. war crimes and imperialist foreign policy decisions. Manning’s failure to sacrifice herself for the nation was portrayed by the media as a failure to properly perform heterosexuality and heteromascularity. Following Manning’s public “coming-out” as transgender, media accounts were characterized by sensationalistic discussions about surgical procedures that revealed not only widespread ignorance about transgender identities and health care but a deep-rooted transphobia that continues to pathologize and medicalize transgender as a psychological disease. I explicitly connect the pathologizing of Manning’s gender non-conformity and her betrayal of whiteness to a process of racialization that ascribes her the status of a domestic alien enemy who needs to be permanently contained. The final part of the chapter shows how Manning’s racialization allowed her legal treatment at the hands of the U.S. military to mirror that of foreign “terrorist Others” through exposure to “enhanced interrogation techniques,” prolonged confinement practices, and being charged with aiding the enemy. Manning became a domestic non-subject – the *homo sacer*¹⁰¹ – stripped of the constitutional rights and privileges typically conferred upon U.S. citizens.

¹⁰¹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998).

Chapter 2, “Contingent Belonging: Chelsea Manning, Transpatriotism and Iterations of Empire,” engages frameworks of U.S. sexual exceptionalism¹⁰² to explore *why* Manning has been such a contentious and unwieldy figure for the LGBT movement. As mainstream LGBT organizations such as the Human Rights Campaign lobbied for the repeal of the military’s DADT policy in 2010 and 2011, Manning’s revelations presented an unpredictable liability for a “queer liberalism”¹⁰³ that seeks LGBT inclusion in persistently exclusionary, conservative, and violent institutions. Drawing on ethnic and queer studies scholarship, I explain how the successful repeal of DADT is emblematic of a “freedom with violence”¹⁰⁴: the DADT campaign invokes progress narratives, promotes national security, and implicitly affirms imperialist U.S. foreign policy. I specifically scrutinize the proliferation of patriotic, homonational discourses in the wake of 9/11 wherein certain domesticated queer bodies and their sexual exceptionalism are deployed to promote U.S. nationalism. Lieutenant Dan Choi, a Korean American discharged under DADT in 2009, exemplifies these homonational discourses. Choi quickly became *the* public face of the DADT repeal campaign, which (re)asserted images of Asian Americans as the hard-working model minority. Yet, I argue that Choi’s inclusion into homonationalism and the nation state was only temporary and conditional because of the intersecting oppressions he was subject to: racism within the military, homophobia of his Southern Baptist family, and struggles with mental illness. Moreover, as

¹⁰² Puar, *Terrorist Assemblages*.

¹⁰³ See David L. Eng, *The Feeling of Kinship. Queer Liberalism and the Racialization of Intimacy* (Durham, NC: Duke University Press, 2010).

¹⁰⁴ Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the US State* (Durham, NC: Duke University Press, 2011).

homonationalism leaves unexplored *if* and *how* trans- and gender non-conforming identities become deployed for similar exceptionalist purposes of U.S. nationalism; I introduce the concept of transpatriotism to trace how some transgender identities lose their stigma and become incorporated into projects advancing U.S. empire, particularly in the fight against the Global War on Terror. For example, echoing conservative, militaristic discourses, other transgender veterans (most prominently former Navy SEAL Kristin Beck) labeled Manning a treacherous black sheep of the “trans community” for threatening national security. My research shows that the transpatriotism expressed by these veterans is imbued with jingoism, an unwavering devotion to the state, and adherence to the gender binary. Transpatriotism thus reinforces the hegemony of white heteronormativity, heteropatriarchy, and U.S. imperialism. Chapter 2 concludes with a critique of the recent push for transgender inclusion in the military¹⁰⁵ and the latest legal developments in Manning’s case.

Chapter 3, “The Blindfolds of Justice,” turns to CeCe McDonald’s case and traces her treatment by local media outlets in Minneapolis and St. Paul. Drawing on critical race theory and intersectionality, this chapter argues that Twin Cities media’s racialized framing of McDonald’s gender non-conformity as deceptive and threatening justified the state’s refusal to grant McDonald a right to self-defense. Moreover, by fetishizing McDonald’s gender non-conformity local news elided how her transgender identity *in relation* to her identity as a poor woman of color also affected the circumstances of the case. Similarly, the court refused to admit evidence that would have contextualized the

¹⁰⁵ While gays, lesbians, and bisexual people are allowed to serve openly since the end of DADT, the military currently still bans transgender soldiers from serving under a medical clause.

racism as well as homo- and transphobia surrounding the case: the judge, for example, denied to admit the swastika tattoo of McDonald's attacker as evidence of his belief in white supremacy. I argue that the collusion of news media and legal discourses, which explicitly denied McDonald's intersectional transgender subjectivity, reinforced views of the justice system's alleged colorblindness, masked the state's ongoing investment in and protection of whiteness, and sanctioned the individual and systemic violence enacted against McDonald. This chapter also contextualizes McDonald's experiences in the justice system within a larger critique of hate crime and "stand your ground" laws. Engaging with the trials of George Zimmerman, Marissa Alexander, and the New Jersey Four, I scrutinize these laws to understand whom they are actually designed to protect. I argue that the justice system strategically deploys and insists on its own gender- and colorblindness to continue to deny legal protections to marginalized communities, while legitimating white violence long after Jim Crow laws have been declared unconstitutional. More explicitly, media and state institutions actively condone and recuperate the violence of (white) perpetrators and aggressors into the national imaginary by elevating them as victims, while certain racialized Others are always already criminal, deviant, and disposable.

Chapter 4, "#FreeCeCe: The Material Convergence of Social Media Activism," explores the CeCe Support Committee as a case study for effective grassroots organizing that is fueled by and increasingly reliant upon social media for advancing social justice. An ethnographic approach reveals how the success of the Committee's social media activism largely depended on traditional activist strategies. Because the group's activism

was based on unpaid labor and supported by numerous physical protests, the use of social media platforms enabled the Support Committee to challenge news media's racialized framing of McDonald's gender non-conformity as deceiving and threatening and exposed the state-sanctioned violence enacted against her. Therefore, I contend that the transformative political potential of social media activism is only possible when sustained by coordinated, "on-the-ground" activism offline. Moreover, this case study illustrates that intersecting oppressions do not simply disappear in online activism; instead those oppressions – particularly the centrality of whiteness and ageism in organizing – continue to constrain the actual material achievements of social media activism. The fusion of online and offline protests in McDonald's case particularly refutes Bennett and Segerberg's popular theory of "connective action," which claims that social media activism does not require the symbolic construction of a united "we" to be successful.¹⁰⁶ Instead, the Committee's work shows that *collective action* is still highly relevant for activist organizing, as it can enable or constrain effective political work. For example, the Committee's ability to create sustainable coalitions was limited by its lack of outreach to communities and organizations of color as well as its unwillingness to engage in cross-generational organizing. The material convergence of the Committee's activism not only mirrors Minneapolis' geographic make-up as a segregated and gentrified city, but it also challenges its image as a Midwestern bastion of progressive, white liberalism. Transgender visibility and the politics of convergence do not automatically equate to

¹⁰⁶ See Lance W. Bennett and Alexandra Segerberg, "The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics," *Information, Communication & Society* 15, no.5 (2012): 739-768.

improvement in the material realities and living conditions of marginalized and oppressed transgender communities.

Chapter 5, “The Promise and Perils of Transgender Visibility,” draws some preliminary conclusions about the alleged “transgender tipping point.” The chapter begins by chronicling Monica Jones’ encounters with U.S. law enforcement in Phoenix, Arizona and Australian custom officials at the Sydney airport. While Jones was interrogated by Australian custom officials due to alleged visa violations, she was approached by a film crew of the reality TV program *Border Security: Australia’s Front Line*, who were ready to capitalize on the “juicy story” of a trans woman of color caught in legal troubles over sex work. Jones’ “hypervisibility” and “deviance” produced by her identity as a trans woman of color as well as her outspokenness for transgender rights and the legalization of sex work, attests to the precarity and constant surveillance of trans people, particularly in moments of border crossing and travel post-9/11. I argue that the criminalization of Jones is inextricably tied to a terrorist corporeality – produced by her racialized gender non-conformity and assumed deviancy as a sex worker – that threatens national security. Jones’ experiences encompass many aspects of transgender visibility and its material consequences, principally in terms of trans peoples’ access to national belonging and U.S. citizenship as I have discussed throughout this project. And so I finally return to the “transgender tipping point” (including, of course, Caitlyn Jenner and her media experiences). Following other trans scholars and activists, I scrutinize how this alleged tipping point may provide the opportunity to articulate a critical trans politics that moves beyond a gay rights agenda enamored with law reform and visibility politics.

Without belittling the importance and rightful celebration of increased transgender visibility over the past few years, *Terrorizing Gender* serves as a caution that the promise of visibility as a crucial element in progress narratives about securing citizenship rights for LGBT individuals may not necessarily lead to “the promised land” and outweigh its perils.

Chapter 1

Prosecuting a (Gender) Traitor

Locked up in a white room, underneath a glaring light
Every 5 minutes, they're asking me if I'm alright
Locked up in a white room naked as the day I was born
24 bright light, 24 all alone

What I did was show some truth to the working man
What I did was blow the whistle and the games began

But I did my duty to my country first
That's what they taught me as a man [sic]
But I can't be silent after all I've seen and done
24 bright light I'm almost gone, almost gone

~ Graham Nash and James Raymond "Almost Gone (The Ballad Of
Bradley Manning)"

On June 6, 2010 *Wired*, an online technology website that hosts blogs on topics ranging from business, science, and transportation to security, posted an article that announced the arrest of a U.S. Army intelligence analyst, Private First Class Manning,¹ in the investigation of a video leaked to the whistleblowing website WikiLeaks. The video depicts the ruthless attack of a U.S. Apache helicopter strike in Baghdad in 2007, which had killed several unarmed Iraqi civilians, among them two war correspondents working

¹ After her sentencing to 35 years in prison on August 22, 2013 Bradley Manning announced in a statement: "I am Chelsea Manning. I am a female. Given the way that I feel, and have felt since childhood, I want to begin hormone therapy as soon as possible. I hope that you will support me in this transition." See Adam Gabbatt, "'I am Chelsea Manning,' says Jailed Soldier formerly known as Bradley," *The Guardian*, August 22, 2013, <http://www.theguardian.com/world/2013/aug/22/bradley-manning-woman-chelsea-gender-reassignment> (accessed March 4, 2016).

for Reuters.² The video known as “Collateral Murder” had garnered significant media attention upon its release by WikiLeaks in April 2010 raising questions about U.S. war crimes and causing an upheaval in U.S. foreign relations. Reuters had unsuccessfully requested the release of the video footage under the Freedom of Information Act in 2007. A statement issued by the Department of Defense shortly following Private Manning’s arrest on June 7, 2010 stated:

United States Division-Center is currently conducting a joint investigation of Specialist Bradley Manning, 22, of Potomac, Md., who is deployed with Second Brigade 10th Mountain Division, in Baghdad, Iraq. He was placed in pretrial confinement for allegedly releasing classified information and is currently confined in Kuwait. The Department of Defense takes the management of classified information very seriously because it affects our national security, the lives of our soldiers, and our operations abroad.³

No one could have predicted at that point that Private Manning would soon become implicated in the biggest leak of government secrets in U.S. history, comprising more than 700,000 U.S. intelligence documents. WikiLeaks and its alleged source became one of the most prominent news stories of the decade.

In July 2010, WikiLeaks first released a set of classified U.S. military documents pertaining to the war in Afghanistan revealing details of civilian victims and alleged ties between Pakistani intelligence and the Taliban. These leaks were followed by the Iraq War logs in October 2010 containing 400,000 classified U.S. documents on the Iraq war from 2004 to 2009. Among other things, these logs chronicled the torture conducted by

² Kevin Poulsen and Kim Zetter, “U.S. Intelligence Analyst Arrested in Wikileaks Video Probe,” *Wired*, June 6, 2010, <http://www.wired.com/2010/06/leak/> (accessed January 15, 2016).

³ Robert Mackey, “U.S. Soldier Arrested in Wikileaks Inquiry After Tip From Former Hacker,” *The Lede. The New York Times Blogs*, June 7, 2010, www.lexisnexis.com/hottopics/lnacademic (accessed January 15, 2016).

Iraqi forces with the silent approval of U.S. troops, checkpoint shootings of Iraqi civilians, and missile strikes accidentally targeting children. Lastly, in November 2010, WikiLeaks published a trove of State Department documents, colloquially referred to as “Cable Gate,” revealing the secret dealings of behind-the-scenes international diplomacy, exposing blunt commentary from world leaders and recounting U.S. pressure tactics overseas.⁴ These materials painted a highly embarrassing portrait of U.S. might and imperialist foreign policy.

While WikiLeaks insisted on the anonymity of its source, it was an exchange between Manning and ex-hacker Adrian Lamo that ultimately led to her arrest in June 2010. In an online chat room she wrote as “bradass87”: “I’m sure you’re pretty busy [but] if you had unprecedented access to classified networks 14 hours a day, 7 days a week for 8-plus months, what would you do?”⁵ Lamo began logging their chats and notified the authorities. Lamo would later say that he was afraid Manning’s leaking could put American lives at risk.⁶ Manning stood trial in June 2013 for 22 violations of military law, eight of which fell under Article 104 – the Espionage Act for “aiding the enemy” – a 1917 statute against sharing information with unauthorized sources, which has become a key decree used by the Obama administration, in what some view as a larger “war on whistleblowers.” Although Manning was found not guilty of the “aiding the enemy”

⁴ See David Leigh and Luke Harding, *WikiLeaks. Inside Julian Assange’s War on Secrecy* (New York, NY: Public Affairs, 2011).

⁵ Janet Reitman, “The Trials of Bradley Manning,” *Rolling Stone* 1178, March 14, 2013, www.rollingstone.com/politics/news/the-trials-of-bradley-manning-20130314 (accessed January 15, 2016).

⁶ Ginger Thompson, “Last Witness for Military Takes Stand in Leak Case,” *New York Times*, December 20, 2011, www.nytimes.com/2011/12/21/us/governments-last-witness-takes-stand-at-bradley-manning-hearing.html?ref=bradleyemanning (accessed January 15, 2016).

charge on July 30, 2013, she was convicted of 20 other charges including six under the Espionage Act and sentenced to 35 years in prison.

From her arrest in 2010, the media attention surrounding Manning's case was driven by a quest for potential motives, focused on her difficult childhood, alleged mental instabilities, a narcissistic personality, and her experiences of being bullied when she identified as a gay male. Particularly Manning's announcement shortly after her sentencing in August 2013, in which she revealed her transgender identity and desire to transition, ignited an unprecedented public debate about the correct use of pronouns for trans-identified individuals and questions of gender self-determination. At its worst, the media whirl following her announcement contributed to the long-standing stigmatization and pathologizing of transgender identities as dangerous, deceptive, and terroristic. As Stryker and Currah have pointed out in their introduction to the inaugural issue of *Transgender Studies Quarterly*, "It is virtually impossible, in the wake of the Manning case, to ignore transgender issues or not to have opinions about them."⁷ Manning's case brought to the fore questions about unrestrained government surveillance and secrecy, the Obama Administration's aggressive pursuit of whistleblowers, the humane treatment of detainees, and whether the military systematically fails to provide support to minority and LGBT soldiers.

In this chapter, I draw on Stuart Hall's theory of articulation to scrutinize the media coverage of Chelsea Manning and her treatment at the hands of the state.⁸

⁷ Susan Stryker and Paisley Currah, "Introduction," *Transgender Studies Quarterly* 1, nos. 1-2 (2014): 2.

⁸ Lawrence Grossberg, "On Postmodernism and Articulation. An Interview with Stuart Hall," in *Stuart Hall. Critical Dialogues in Cultural Studies*, eds. David Morley & Kuan-Hsing Chen (New York, NY: Routledge, 1996), 131-150.

Articulation theory proves especially useful to investigate and lay bare how Manning's transgender subjectivity was inscribed, denied, and/or disciplined in different discursive spheres. I demonstrate how the articulations surrounding Manning's media coverage cohere with, overlap, and reinforce the state's surveillance practices enacted against her – whether it is through illegitimate treatment in detention, prolonged confinement practices, or leveling the aiding the enemy charge against her. I suggest that the news media's portrayal of Manning as “emotionally fractured” and plagued by “delusions of grandeur” provided a rationale for the state's extra – if not illegal – treatment of Manning by tying her alleged sexual orientation and gender non-conformity to mental instabilities that threatened state interests. More specifically, I argue that Manning's initial emasculation and feminization as a gay man in mainstream media reporting and the media's subsequent focus on her diagnosis with “gender identity disorder,” which further psychopathologized her, perpetuates the military's traditional role as a heteropatriarchal institution – one that fundamentally privileges white hegemonic maleness or “a dominance inherently built on a gender binary system that presumes heterosexuality as a social norm.”⁹ Manning's leaking of classified information, which revealed the ugly operations of U.S. imperial expansionism, and her inability to properly embody and perform heterosexuality and heteromascularity, rendered her as the alien enemy who both betrayed and failed to properly enact whiteness.¹⁰ Manning's case shows how discourses

⁹ Andrea Smith, “Dismantling Hierarchy, Queering Society,” *Tikkun* 25, no. 4 (2010): 60. www.tikkun.org/nextgen/dismantling-hierarchy-queering-society

¹⁰ I use the term “alien enemy” throughout this essay to point to the ways in which intersecting discourses of sexuality, gender, and race were constitutive of one another in Othering Chelsea Manning. I also consciously employ the term in reference to a specific legal category in the United States that differentiates between aliens as individuals who are not U.S. citizens, mainly for tax and immigration purposes. In the

of sexuality, gender, and race are constitutive of one another; specifically how Manning's whiteness must be understood through the logic of gender, which is in part contingent upon her ability to embody and perform heteromascularity. Thus, the sexualized Othering of Private Manning through her treatment as an alien enemy is entangled with a racialization process and demonstrates that white supremacy and heteropatriarchy remain vital logics for the building of U.S. empire.

I begin with a comprehensive analysis of the news media coverage¹¹ surrounding Manning to explore how her gender non-conformity was scrutinized by the media before I engage in close readings of court documents and legal discourses pertaining to her pre-trial confinement and court proceedings.

wake of Pearl Harbor the Roosevelt administration, for example, had used the Alien Enemies Act of 1798 to incarcerate enemy aliens and confiscate their property during World War II. As a result, thousands of Japanese, Germans, and Italians were arrested and interned for the duration of the war and were later deported to their nations of origins. Today, the Alien Enemies Act is still in effect in modified form and authorizes the President to apprehend, restrain, secure, and remove alien enemies in times of war (see 50 U.S. Code Chapter 3 - ALIEN ENEMIES). As I elaborate later in this and the next chapter, I explicitly use the term in response to the government leveling the "aiding the enemy" charge against Manning to illustrate how the modes of national belonging and access to U.S. citizenship are always contingent and precarious at best.

¹¹ Of particular interest for a qualitative media analysis of Manning's news coverage were prominent, large-circulation newspapers, news broadcasts on national network television, and cable news channels. To target stories about Manning, I searched the Lexis-Nexis database and the Vanderbilt Television News Archive for stories about "Bradley Manning" and "Chelsea Manning" during the time period between May 2010 and March 2014 across multiple media outlets, including the *New York Times*, the *Washington Post*, the *Guardian*; ABC, CBS, and NBC network television news; CNN, FOX News, and MSNBC cable news channels; as well as NPR. The programs and publications I selected for analysis were prominent; appealed to large-scale, mainstream news audiences; and substantially and centrally concerned Chelsea Manning. I eliminated stories that were either duplicates or only marginally concerned with Chelsea Manning. For example, if a story covered the Afghan and Iraq war logs, focused on Edward Snowden's NSA leaks, or portrayed Julian Assange and/or WikiLeaks but only briefly referenced Manning, it was eliminated because the article was not *substantially* about Chelsea Manning. However, if a story was *centrally* concerned with Chelsea Manning – specifically her (pre)trial proceedings, her upbringing and family life, treatment in the army and detention, her alleged sexual orientation and/or gender identity, as well as motivations for disclosing classified documents – then that story was included. I also eliminated very short pieces, typically under 20 seconds for television news and under 400 words for print. For this time period the total sum of news stories that fit the criteria and that I scrutinized for my in-depth discursive analysis of Chelsea Manning's media coverage comprise approximately 236 articles.

Chelsea Manning: The Traitor is a “Sissy,” “Fag,” and “Mentally Unstable”

While Stryker and Aizura contend in their introduction to the second edition of the *Transgender Studies Reader* that, “With the pop cultural cachet of transgender phenomena seeming to increase with every new episode of *RuPaul’s Drag Race*,”¹² the story of Chelsea Manning appeared on the media landscape at an unprecedented moment for transgender visibility. The media’s fascination with transgender phenomena, however, is not new. In 1952 Christine Jorgensen was the first transgender person to receive significant media coverage for her successful sex reassignment surgery. As Stryker notes in *Transgender History*, the media particularly focused on the fact that Jorgensen was an “ex GI,” who had been drafted into the army after high school, suggesting deep-rooted anxieties about masculinity and sexuality: “... if a macho archetype such as ‘the soldier’ could be transformed into a ‘blond bombshell,’ what did that mean for the average man?”¹³ Not surprisingly, fears about the undermining of heteromale militarism would also resurface in Manning’s case.

¹² Susan Stryker and Aren Z. Aizura, “Introduction. Transgender Studies 2.0,” in *The Transgender Studies Reader 2*, eds. Susan Stryker and Aren Z. Aizura (New York, NY: Routledge, 2013), 3.

¹³ Susan Stryker, *Transgender History* (Berkeley, CA: Seal Press, 2008), 48.

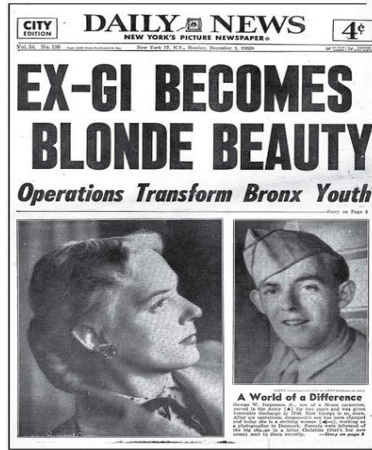


Figure 1.1 Christine Jorgensen on the front page of the *New York Daily News* (December 1, 1952)

Some 50 years after Jorgensen’s story made headlines, the dominant themes emerging from Manning’s news accounts depict similar anxieties about sexuality and gender non-conformity as Manning was mainly pathologized for her gender variance and her inability to properly perform heteronormative whiteness. Below I engage with the initial absence of coverage surrounding her case and the media’s deliberation of whether she should be considered a whistleblower or traitor, before turning to Manning’s alleged mental instabilities, her difficult home life and experiences being bullied, as well as the media’s denial of her transgender subjectivity and a pre-occupation with genital surgery after Manning announced her desire to transition.

In Absentia

First, it is noteworthy that the time period between Manning’s arrest in June 2010 and her pretrial in December 2012 is marked by a glaring lack of media attention and coverage. Despite Manning’s detainment on May 27, 2010 in Kuwait, major news outlets did not report on her arrest until June 7, 2010. While WikiLeaks published the Afghanistan and Iraq logs followed by a large trove of State Department cables

throughout the second half of 2010, silence mostly surrounded Manning's case and whereabouts. If one wanted to keep up with Manning's numerous pretrial and motion hearings beginning in December 2011, also known as Article 32 hearings,¹⁴ one had to find alternative news outlets and the handful of independent journalists who regularly attended, transcribed, and commented on her hearings. Among those were Occupy Wall Street organizer Alexa O'Brien and Kevin Gosztola from the blog Firedoglake. These independent journalists were clearly Manning supporters as they considered her exposure of war crimes ethically conscious and heroic acts.

Later on in November and December 2012 when Manning's defense filed an Article 13 motion against unlawful pretrial punishment at the Marine Corps Brig at Quantico, Virginia, Margaret Sullivan, the public editor for the *New York Times*, saw herself forced to call out her own paper for failing to send a reporter to cover Manning's compelling testimony over her harsh treatment:

It was part of a fascinating few days in the history of the Manning story – resonating with implications for free speech, national security and the American military at war – but you wouldn't have known much about it if your only source of information was the *New York Times* ... As a matter of news judgment, giving so little coverage to the hearing is simply weird. This is a compelling story, and an important one. ... Beyond the story itself, the *Times*, which considers itself the paper of record, had an obligation to be there – to bear witness – because, in a very real sense, Private Manning was one of its most important sources of the past decade.¹⁵

Sullivan's allusion to the seeming paradox of a glaring absence of coverage concerning Manning's pretrial hearings while the *Times* had simultaneously been one of the lead

¹⁴ Article 32 hearings are a required proceeding under the United States Uniform Code of Military Justice to determine whether there is enough evidence to merit a general court-martial.

¹⁵ Margaret Sullivan, "An Empty Seat in the Courtroom," *New York Times*, December 9, 2012. www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

publishers of the WikiLeaks documents in question allows for several interpretations. One explanation for the lack of the newsworthiness of Manning's story may be found in the fact that with the continuous decline of print media and newspaper revenues, newsrooms are facing drastic cuts to their budgets and staff shortages are making it more difficult if not impossible to send their own reporters to cover a broad array of events. Thus, if the calculation was that "The *Times* did not think the hearing itself demanded coverage"¹⁶ since hours of pre-trial hearings do not necessarily yield front-page news, it was certainly much cheaper to depend on wire-service articles from the Associated Press or Reuters if the event was to be covered at all. The initial lack of Manning's coverage points to some of the larger impacts of the political economy of the media, where downsized newsrooms in both print and electronic news organizations severely undermine the ability of traditional print media to still function as a "watchdog" and as the Fourth Estate that monitors political processes and informs the public.

Whistleblower or Traitor?

Once Manning was revealed as the alleged leaker of U.S. government documents, rightwing news outlets were quick to denounce and vilify her as a traitor. Only the British left-leaning newspaper *The Guardian* took a more sympathetic stance towards Manning's actions and critiqued her questionable treatment at Quantico early on. National newspapers shied away from taking specific sides on whether Manning was a

¹⁶ David Leonhardt, the *New York Times*' Washington bureau chief cited in Margaret Sullivan, "The Times Should Have a Reporter at the Bradley Manning Hearing," *New York Times Blogs (The Public Editor's Journal)*, December 5, 2012. www.lexisnexis.com/hotttopics/lnacademic (accessed March 14, 2014).

whistleblower or a traitor and engaged mostly in factual, juridical recounting. An op-ed in the *New York Times* argued that Edward Snowden with his revelations about NSA surveillance practices and the PRISM program was “not nearly as reckless as Bradley Manning, . . . who seemed not to know or care what secret documents he was exposing”¹⁷ and that there was “an unavoidable appearance of self-aggrandizement as well.”¹⁸ FOX News described her as a “rogue GI” and Mike Huckabee argued that “anything less than execution is too kind.”¹⁹ Similarly in March 2013, Bill O’Reilly referred to “vile” WikiLeaks and asked Geraldo Rivera “what did this weasel plead guilty to?” only to recount:

For those of you who don’t remember Bradley Manning. He was in Iraq. He’s some kind of gay, militant guy and I guess that was his beef; that he wasn’t treated the way he wanted to be treated, but he leaked the information of Afghans helping the U.S. military and that got them killed.

O’Reilly further asserted that “You make an example out of this guy; that’s what you do.”²⁰ Similarly, Admiral Mike Mullen, the chairman of the Joint Chiefs of Staff, told reporters that Julian Assange and his WikiLeaks sources “might already have on their hands the blood of some young soldier or that of an Afghan family.”²¹ These comments reveal how the portrayal of Manning’s actions as harming not only her fellow U.S.

¹⁷ Editorial Board, “Snowden’s disclosures do not amount to treason,” *New York Times*, June 12, 2013, www.lexisnexis.com/hottopic/academic (accessed March 14, 2014).

¹⁸ David Carr, “Whistle-Blowers in Limbo, Neither Hero Nor Traitor,” *New York Times*, August 1, 2013, www.lexisnexis.com/hottopic/academic (accessed March 14, 2014).

¹⁹ Haroon Siddique and Matthew Weaver, “US Embassy Cables Culprit should be Executed, Says Mike Huckabee,” *The Guardian*, December 1, 2010, www.theguardian.com/world/2010/dec/01/us-embassy-cables-executed-mike-huckabee (accessed March 14, 2014).

²⁰ *The O’Reilly Factor*, “Soldier Pleads Guilty in WikiLeaks Case,” FOX News, March 1, 2013 <http://video.foxnews.com/v/2198349268001/soldier-pleads-guilty-in-wikileaks-case/> (accessed March 4, 2016).

²¹ Greg J. Partlow, “Mullen says Leak put Troops and Afghans in Danger,” *Washington Post*, July 30, 2010 <http://www.lexisnexis.com/hottopic/academic> (accessed March 14, 2014).

soldiers but also Afghani families reassert and solidify a protective and patriarchal role that the U.S. ascribes to itself in an ever recurring media narrative of justifying the wars in Afghanistan and Iraq as liberating people of color (especially brown women from their oppressive counterparts) in the name of freedom and democracy.

Contrary to the media discourses cited above, Manning herself revealed a grave concern over dubious U.S. military actions in Iraq in her chat logs with Adrian Lamo and subsequently in her pre-trial statement to court on February 28, 2013. Manning claimed that she wanted people to see the truth and hoped that by revealing the gruesomeness of war, she could “spark a domestic debate on the role of the military and our foreign policy in general.”²² Manning displayed great frustration and disgust over U.S. military actions in Iraq that condoned, for example, the arrest of 15 Iraqis by the Iraqi federal police for allegedly printing “anti-Iraqi literature,” which turned out to be nothing more than a benign political critique of Iraq’s prime minister Nouri al-Maliki. Referring specifically to the “Collateral Murder” video and its “war porn content,” Manning was particularly disturbed by the dehumanizing treatment of Iraqi civilians at the hands of the U.S. aerial weapons team crew: “I wanted the American public to know that not everyone in Iraq and Afghanistan are targets that needed to be neutralized, but rather people who were struggling to live in the pressure-cooker environment of what we call asymmetric warfare.”²³

²² Hansen, “Manning-Lamo Chat Logs Revealed.”

²³ Alexa O’Brien, “Bradley Manning’s Full Statement,” *Salon.com*, March 1, 2013, http://www.salon.com/2013/03/01/bradley_mannings_full_statement/ (accessed March 14, 2014).

“*WikiLeaks Suspect Manning: A Troubled Home Life*”²⁴

Most prevalent across a variety of different news outlets was a focus on Manning’s alleged “erratic behavior” and emotional problems which ignored the possibility that Manning might have been motivated by a larger conscience. Specifically an emphasis on Manning’s past struggles with her sexuality was frequently mentioned as being important to her decision to leak classified information. Manning, the daughter of a former Naval-intelligence operator, had developed an interest in science and programming early on. Born in Oklahoma, Chelsea, then still known as Bradley, had come out to her friends as gay at 13 and was repeatedly teased during her high school years. After her father kicked her out of the house, she spent a few years adrift working across the Midwest. Manning joined the Army in 2007, which offered a new life and a way to pay for college. Manning’s tiny physique, standing at 5 feet 2 inches, certainly made her an atypical soldier. In boot camp, she was persistently bullied and suffered anxiety attacks. Enlisting in the Army also meant that Manning had to live shrouded under layers of secrecy due to the military’s Don’t Ask, Don’t Tell policy (DADT),²⁵ which prevented gay and lesbian soldiers from serving openly. Nonetheless she attended a 2008 gay rights demonstration in Syracuse, NY.²⁶

²⁴ Headline of NPR’s *Morning Edition* from March 19, 2011. www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

²⁵ I explore the purpose of the military’s DADT policy and its repeal in 2011 more closely in the following chapter.

²⁶ For information on Manning’s background see Ginger Thompson, “Early Struggles of Soldier Charged in Leak Case,” *New York Times*, August 8, 2010, <http://www.nytimes.com/2010/08/09/us/09manning.html?pagewanted=all&module=Search&mabReward=relbias%3Ar> (accessed January 15, 2016).

Barbara Starr on CNN emphasized that the “very low-ranking private” had “discipline problems” and “had been teased in the military for being gay.”²⁷ *The Washington Post* frequently referred to her as a “Young man adrift” and as “troubled,”²⁸ while a NPR report described her as “cherubic looking.”²⁹ In one of the first detailed profiles of Manning, Ginger Thompson from the *New York Times* asserted that Manning “barely looks old enough to drink”³⁰ and wondered whether it was her desperation for acceptance or “delusions of grandeur” that caused her to leak the information,³¹ similarly, the Associated Press during pretrial hearings in November, 2012 described a “compact, 24-year-old intelligence analyst [who] looked youthful in his dark-blue dress uniform, close-cropped hair and rimless eyeglasses” but spoke in “emphatic bursts, sometimes stumbling over his words.”³² A front-page article in the *Guardian* asked “Naive idealist or notoriety seeker?”³³ while in an opinion editorial, Bill Keller described the transcripts of online chats with Adrian Lamo as the only insights into Manning’s psyche, which “portrays a young man, in his own words, ‘emotionally fractured’ – a gay man in an institution not hospitable to gays, fragile, lonely, a little pleased with his own cleverness,

²⁷ Barbara Starr, “Who is Bradley Manning?” *CNN*, August 5, 2010,

<http://www.cnn.com/video/#/video/us/2010/08/05/starr.pvt.manning.message.cnn>

²⁸ Ellen Nakashima, “Despondent Words from an Alleged Leaker,” *Washington Post*, June 10, 2010, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

²⁹ Rachel Martin cited in “Leaks Probe Focuses On Low-Level Army Analyst,” *Morning Edition*, NPR, November 30, 2010, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

³⁰ Thompson, “Last Witness.”

³¹ Thompson, “Early Struggles of Soldier.”

³² Associated Press, “Pvt. Bradley Manning says he Thought He’d Die in Custody after being Arrested for Allegedly Sending Info to Wikileaks,” *FOX News*, November 29, 2012, www.foxnews.com/us/2012/11/29/judge-accepts-terms-pvt-bradley-mannings-plea-in-wikileaks-trial-likely-to-face/ (accessed March 14, 2014).

³³ Ed Pilkington, “Naive idealist or notoriety seeker? Manning trial begins,” *The Guardian*, June 4, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

a little vague about his motives.”³⁴ Responding to the fact that Manning had initially tried to contact the *New York Times* before handing the documents to WikiLeaks, Keller further surmised “If Manning had connected with the *Times*, we would have found ourselves in a relationship with a nervous, troubled, angry young Army private who was offering not so much documentation of a particular government outrage as a chance to fish in a sea of secrets.”³⁵ Interviewing several of Manning’s friends, *The Guardian* ran a special investigation on the “beaten, bullied outsider who knew U.S. military’s inner secrets” and reported that Manning “was far from typical soldier material. He was smart, gay, physically weak and politically astute.”³⁶

Focusing particularly on Manning’s upbringing, numerous articles provided detailed accounts of her early dysfunctional family life: “Trial shows young man scarred by childhood neglect and loneliness: The army offered escape from early years blighted by parental alcoholism.”³⁷ Even more tellingly, a story in the *New York Times* titled “Loner Sought a Refuge, and ended Up in War” alleged,

That story involved the child of a severed home, a teenager bullied for his conflicted sexuality whose father, a conservative retired soldier, and mother, a Welsh woman who never adjusted to life in Oklahoma, bounced their child back and forth between places where he never fit in.³⁸

³⁴ Bill Keller, “Private Manning’s Confidant,” *New York Times*, March 10, 2013, <http://www.nytimes.com/2013/03/11/opinion/keller-private-mannings-confidant.html?ref=bradleyemanning&r=0&gwh=A287BC65111F24B90A32E1E08D7B51DD> (accessed January 15, 2016).

³⁵ Bill Keller, “Private Manning’s Confidant.”

³⁶ Maggie O’Kane, Chavala Madlena, and Guy Grandjean, “Special Investigation: The Beaten, Bullied Outsider who Knew US Military’s Inner Secrets,” *The Guardian*, May 28, 2011, www.lexisnexis.com/hotttopics/lnacademic (accessed March 14, 2014).

³⁷ Paul Lewis, “Bradley Manning sentenced: Trial shows young man scarred by childhood neglect and loneliness: The army offered escape from early years blighted by parental alcoholism,” *The Guardian*, August 22, 2013, www.lexisnexis.com/hotttopics/lnacademic (accessed March 14, 2014).

³⁸ John M. Broder & Ginger Thompson, “Loner Sought a Refuge, and Ended Up in War,” *New York Times*, July 31, 2013, www.lexisnexis.com/hotttopics/lnacademic (accessed March 14, 2014).

Although narratives of soldiers and veterans as “broken” and “injured” yet sacrificing themselves³⁹ are frequently circulated and deployed by media as a means to incorporate them into the national imaginary, Manning’s failure to sacrifice herself for the nation was portrayed by the media as a failure to properly perform heterosexuality and heteromascularity. By painting her as mentally disoriented and unstable, her “failures” became highly individualized, absolving the state and the military from taking any responsibility. Manning’s injury was due to her own “deviance” not to the failures of the state in either its conduct of imperialist foreign policy or the military’s lack of adequate mental health care and support for LGBT soldiers. The media’s extensive focus on Manning’s emotional disturbances, particularly her troubled childhood, diverted blame away from practices of U.S. imperialism and onto the individualized experience of homophobia, especially in the context of the military.

Although former secretary of state Robert Gates was quick to point out in a statement shortly released after Manning’s capture that her security leak should be viewed as an isolated incident – since “We have over two million men and women in uniform, and ...we should always err on the side of trusting them”⁴⁰ – the fear generated by “effeminate” gay males “infiltrating” the military is certainly not new. During the “lavender scare” of the late 1940s and 1950s, the State Department relentlessly targeted homosexual employees who were seen as seductive, duplicitous, and posing a national

³⁹ I am especially reminded of narratives surrounding the Pat Tillman story or disabled veterans finding new meaning in their lives by participating in the Paralympics.

⁴⁰ Cited in Thom Shanker, “Loophole May Have Aided Theft of Classified Data,” *New York Times*, July 8, 2010, <http://www.nytimes.com/2010/07/09/world/09breach.html>(accessed January 15, 2016).

security risk.⁴¹ In their introduction to *Feminist Genealogies, Colonial Legacies, and Democratic Futures*, M. Jacqui Alexander and Chandra Mohanty point to the state-generated discourse on gays in the U.S. military as reflective of a severe crisis in heteromascularity. Their analysis of the initial institution of DADT in 1993 is worth quoting here:

Ostensibly, the purpose of this debate was to determine whether “effeminate” masculinity (practices, but not spoken) could be relied upon to undertake one of the most important tasks of citizenship: that of loyalty to and defense of one’s country. The central preoccupation was whether such feminized masculinity (which was deemed neither masculine nor citizen at all) would jeopardize manly masculinity (heteromascularity) as it undertook its job: defense of the imperial nation. After months of contestation (including predictable state lament over its own threatened identity in the context of a reduced military), heteromascularity reasserted itself, rendered “gay” sexuality present yet silent, and erased lesbian sexuality almost entirely. Further, this conclusion premised homosexuality in whiteness, making it possible for “invisible” lesbian and gay soldiers to intervene in the Third World and within communities of color at home.⁴²

Manning’s frequent media characterization as an effeminate gay man and traitor to the U.S. security state retains and even strengthens these heteromasculinist discourses as it allegedly proves the ineptness of now “visibly” serving effeminate queer soldiers. Tony Perkins, president of the conservative Family Research Council, for example, called Manning an “extreme homosexual activist” whose “fury over the services’ homosexual policy” may have led him to publicize classified documents: “Unfortunately for all of us, Manning’s betrayal painfully confirms what groups like FRC have argued all along: the

⁴¹ See e.g., Marc Stein, *Rethinking the Gay and Lesbian Movement* (New York: Routledge, 2012), 41ff. for details.

⁴² M. Jacqui Alexander and Chandra Mohanty, “Introduction: Genealogies, Legacies, Movements,” in *Feminist Genealogies, Colonial Legacies, Democratic Futures*, eds. M. Jacqui Alexander and Chandra Mohanty (New York: Routledge, 1997), xxvi.

instability of the homosexual lifestyle is a detriment to military readiness.”⁴³ Even more significantly, Alexander and Mohanty gesture toward the ways in which discourses of sexuality, gender, and race are constitutive of one another. Although not always articulated explicitly, Manning’s case allows us to see that the process of sexualizing the Other is always implicitly entangled with a process of racialization. As a white, gay intelligence analyst serving (silently) in Iraq, Manning could have been incorporated into narratives justifying the “defense of the imperial nation.” Yet Manning’s betrayal of the state and her inability to embody the prized characteristics of heteromascularity designate her as an alien enemy. Manning’s whiteness was, in part, contingent upon her ability to act as the “manly man” demonstrating that whiteness is understood through the logic of gender. Her treatment and representation by the media reveal how contingent and fragile these exceptionalist modes of belonging are.

“My Problem”: Pronouns, Genitals, and Taxpayer Dollars

The media’s belittlement and pathologizing of Manning’s character heightened as she announced via her lawyer David Coombs on NBC’s *Today* show shortly after her sentencing on August 22, 2013 that

I want everyone to know the real me. I am Chelsea Manning. I am a female. Given the way that I feel, and have felt since childhood, I want to begin hormone therapy as soon as possible. I hope that you will support me in this transition. I also request that, starting today, you refer to me by my new name and use the feminine pronoun....⁴⁴

⁴³ Cited in Chris Johnson, “Gay Soldier Accused of Leaking Classified Files,” *Bay Windows*, August 12, 2010: 3-16.

⁴⁴ Cited in Gabbatt, “I am Chelsea Manning.”

While Bob Schiefer from CBS's *Evening News* and other cable news channels claimed that with this announcement Manning had "dropped a new bombshell,"⁴⁵ for those closely monitoring her case this information was anything but new. In the infamous chat logs with Adrian Lamo, which *Wired* had fully published online by July 2011, one could read:

(1:47:01 PM) bradass87: im an army intelligence analyst, deployed to eastern baghdad, pending discharge for "adjustment disorder" in lieu of "*gender identity disorder*" ... [my emphasis]

(10:19:00 AM) bradass87: im kind of coming out of a cocoon ... its going to take some time, but i hopefully wont be a ghost anymore

(10:19:53 AM) info@adrianlamo.com: You mentioned gender identity, I believe.

(10:19:59 AM) bradass87: ive had an unusual, and very stressful experience over the last decade or so

(10:20:53 AM) bradass87: yes... questioned my gender for several years... sexual orientation was easy to figure out... but i started to come to terms with it during the first few months of my deployment

(11:50:54 AM) bradass87: i wish it were as simple as "hey, go transition"... but i need to get paperwork sorted... financial stuff sorted... legal stuff... and im still deployed, so i have to redeploy back to the US and be outprocessed.⁴⁶

In these chat logs Manning revealed a persistent discomfort with her masculine features.

Furthermore during Manning's first Article 32 hearings in December 2011, her lawyer

David Coombs had explained in great detail how the military was well aware of

Manning's struggles with gender identity, yet failed to competently respond to her signs

of distress by providing adequate counseling or support.⁴⁷ During her deployment to Iraq

in 2009, Manning had begun to question her gender identity as she felt herself surrounded

⁴⁵ Cited in Evening News, CBS, August 22, 2013, www.lexisnexis.com/hotttopics/lnacademic (accessed March 14, 2014).

⁴⁶ Evan Hansen, "Manning-Lamo Chat Logs Revealed," *Wired*, July 3, 2011, <http://www.wired.com/2011/07/manning-lamo-logs/> (accessed January 15, 2016).

⁴⁷ Charlie Savage, "Manning Played Vital Role in Iraq Despite Erratic Behavior, Supervisor Says," *New York Times*, August 14, 2013. www.lexisnexis.com/hotttopics/lnacademic (accessed March 14, 2014).

by “a bunch of hyper-masculine, trigger-happy, ignorant rednecks.”⁴⁸ While on leave in the U.S. during the winter of 2010, she had spent a few days dressed as a woman calling her female alter ego “Breanna” and began to increasingly incorporate her female gender identity into her daily life.⁴⁹ Upon her return to Iraq in April 2010, Manning approached the sergeant in her chain of command with an email titled “My Problem” and enclosed a picture of herself as a woman:

This is my problem. I’ve had signs of it for a very long time. Its [sic] caused problems within my family. I thought a career in the military would get rid of it. It’s not something I seek out for attention, and I’ve been trying very, very hard to get rid of it by placing myself in situations where it would be impossible. But, it’s not going away its haunting me more and more as I get older. Now, the consequences of it are dire, at a time when its [sic] causing me great pain in itself. ... I don’t know what to do anymore, and the only “help” that seems to be available is severe punishment and/or getting rid of me. All I do know, is that fear of getting caught has caused me to go to great lengths to consciously hide the problem. As a result, the problem and the constant cover-up has worn me down to a point where it’s always on my mind, making it difficult to concentrate at work, difficult to pay attention to whatever is going on, difficult to sleep, impossible to have any meaningful conversations, and makes my entire life feel like a bad dream that won’t end.⁵⁰

During Manning’s court martial in 2013, her supervisor Master Sergeant Adkins testified that he still deemed Manning competent to perform her daily duties as an intelligence analyst as she delivered good work products despite her documented struggles and emotional, at times even violent, outbursts. Asked by Coombs why he did not forward Manning’s email to the appropriate chain of command until three months later, Adkins responded: “I really didn’t think at the time that having a picture floating around of one

⁴⁸ Hansen, “Manning-Lamo Chat Logs Revealed.”

⁴⁹ Ibid.

⁵⁰ Forwarded email from MSG Adkins to CPT Lim titled “My Problem” June 3, 2010. Photocopy retrieved from *Firedoglake*, <http://www.documentcloud.org/documents/757463-de-qqq-from-lim-to-kerns.html> (accessed January 15, 2016).

of my soldiers in drag was in the best interests of ... the intel mission, sir.”⁵¹ Adkins further acknowledged that since the unit was facing “manpower issues” and since Manning was only one of two analysts tasked with the Shia insurgency, he felt “an indirect pressure knowing how ... the unit wanted to make sure that everyone who could possibly deploy would deploy.”⁵² These court documents revealed not only that the Army knew about Manning’s struggle with her gender identity and sexual orientation in advance of the leaks, but that her chain of command deliberately chose to ignore warning signs about her mental health and failed to provide her with adequate treatment. As the military had been struggling with recruitment rates since the beginning of the Iraq War in 2003 and as many units were notoriously understaffed and overburdened, Manning’s worthiness to the military consisted solely in her ability to consistently produce valuable intelligence. By prioritizing its mission over Manning’s personal well-being, the military demonstrated little to no care for the individual soldier and (re)asserted its traditional role as a heteropatriarchal institution.

Manning’s struggles with her gender identity were well documented long before most mainstream media outlets caught on to it. And once media did catch on, they engaged in sensationalized discussions about how these struggles were allegedly a major motive for Manning’s disclosure of classified documents, what pronouns should be used to properly refer to her, whether she would be housed in an all-male correctional facility, and whether she could possibly get a sex change financed by taxpayer dollars.

⁵¹ In *The Matter Of: United States vs. PFC Bradley E. Manning* Vol. 34, Morning Session August 13, 2013, Unofficial Transcript, *Freedom of the Press Foundation*, p. 70.

<https://pressfreedomfoundation.org/sites/default/files/08-13-13-AM-session.pdf>

⁵² In *The Matter Of: United States vs. PFC Bradley E. Manning* Vol. 34, p. 82.

Manning's request to be referred to by female pronouns left many editors rushing to their stylebooks and demonstrates the problematic use of gendered pronouns. The *New York Times*' "Manual of Style and Usage," for example, states:

transgender (adj.) is an overall term for people whose current identity differs from their sex at birth, whether or not they have changed their biological characteristics. Cite a person's transgender status only when it is pertinent and its pertinence is clear to the reader. Unless a former name is newsworthy or pertinent, use the name and pronouns (he, his, she, her, hers) preferred by the transgender person.⁵³

Yet, *Times*' managing editor Dean Baquet argued that "readers would be totally confused if we turned on a dime overnight and changed the name and gender of a person in the middle of a major running news story."⁵⁴ A spokesperson for NPR declared, "Until Bradley Manning's desire to have his gender changed actually physically happens, we will be using male-related pronouns to identify him."⁵⁵ After some fumbling and pressure from trans advocacy groups such as GLAAD, several news outlets including NPR, the Associated Press, and the *New York Times* began switching to "she" and/or more gender-neutral references. However, several major news outlets refused to honor Manning's request and resumed willfully misgendering her. CNN declared that it would continue to refer to Manning as male "since he has not yet taken any steps toward gender transition through surgery or hormone replacement therapy."⁵⁶ FOX News introduced a segment on

⁵³ Margaret Sullivan, "The Soldier Formerly Known as Bradley Manning," *New York Times Blogs* (The Public Editor's Journal), August 22, 2013, www.lexisnexis.com/hottopic/inacademic (accessed March 14, 2014)

⁵⁴ Christine Haughney, "'He'? 'She'? News Media Are Encouraged to Change," *New York Times*, August 23, 2013, www.lexisnexis.com/hottopic/inacademic (accessed March 14, 2014).

⁵⁵ Haughney, "'He'? 'She'? News Media Are Encouraged to Change."

⁵⁶ Carlos Maza, "CNN has no Excuse for Continuing to Call Chelsea Manning a Man," *Media Matters for America*, August 28, 2013, <http://mediamatters.org/blog/2013/08/28/cnn-has-no-excuse-for-continuing-to-call-chelse/195647> (accessed January 15, 2016).

Manning by playing Aerosmith’s “Dude (Looks Like a Lady)” in the background while juxtaposing a photograph of Manning in her military uniform with a grainy black-and-white photograph of her dressed in a wig and makeup.⁵⁷



Figure 1.2 “Call Me Chelsea” Segment on *FOX & Friends* (August 27, 2013)

Similarly, CNN showed the very same photograph arguing that “Manning is apparently a cross dresser... a misunderstood, very confused young man who had some serious psychological issue.”⁵⁸ And questioning court reporter Adam Klasfeld about Manning’s gender identity on NPR’s *Here and Now*, Robin Young prefaced their discussion with “a warning – [since the topic] may not be an appropriate conversation for all ears,”⁵⁹ only to emphasize that Manning was putting the military in “an awkward situation ... because they have an incoming inmate to an all-male prison, who has said she sees herself as a woman.”⁶⁰ Manning’s decision to transition elicited numerous transphobic responses

⁵⁷ No Author, “Fox & Friends Teases Segment On Chelsea Manning With Aerosmith’s ‘Dude (Looks Like A Lady),” *Media Matters for America*, August 27, 2013, <http://mediamatters.org/video/2013/08/27/fox-amp-friends-teases-segment-on-chelsea-manni/195615> (accessed March 16, 2016).

⁵⁸ *The Legal View with Ashleigh Banfield*, *CNN*, August 15, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁵⁹ *Here And Now*, “‘I Am Chelsea’: Bradley Manning Wants To Live As A Woman,” *NPR*, August 22, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁶⁰ *Ibid.*

from news outlets. Her request to respect her gender identity was ignored by most media; moreover, she was deliberately misgendered and psychopathologized as a mentally unstable threat to national security.

With sensationalized discussions, several media outlets immediately focused on whether Manning wanted sex-reassignment surgery and whether taxpayers would have to cover the costs for her desired transition. In the *Today* show interview, Savannah Guthrie repeatedly asked Coombs: "... is it the bottom line you don't think she wants sex reassignment surgery or she doesn't think she'll be able to get it?"⁶¹ CNN ran numerous headlines over the following days announcing, "Manning Wants Sex Change,"⁶² "Is Bradley Manning entitled to gender change in prison?"⁶³ or "Bradley Manning's Sexual Identity."⁶⁴ Similarly, the *O'Reilly Factor* deliberated whether Manning's demands for transgender health care could set a "dangerous precedent":

Bill O'Reilly: Chelsea, as the *New York Times* is now calling her, wants to set precedent bill. Wants to be the first person ever to have the U.S. government --

Lies Wiehl (FOX News legal analyst): -- pay for the sex change...

Kimberly Guilfoyle (FOX News legal analyst): He doesn't want equipment change he just wants the hormones to become more feminine ...⁶⁵

⁶¹ Cited in the *Today Show*, NBC News, August 22, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁶² *Legal View with Ashleigh Banfield*, CNN, August 22, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁶³ Danny Cevallos, "Is Bradley Manning entitled to Gender Change in Prison?," *CNN.com*, August 23, 2013, <http://www.cnn.com/2013/08/23/opinion/cevallos-bradley-manning-gender-identity/> (January 15, 2016).

⁶⁴ *The Lead with Jake Tapper*, CNN, August 22, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁶⁵ *The O'Reilly Factor*, "Is it Legal?" FOX News Network, August 27, 2013, <http://www.lexisnexis.com/hottopics/lnacademic> (accessed March 14, 2014).

These news commentaries not only reveal a very typical tendency to conflate Manning's sexual orientation with her gender identity, but they further reflect the frequent media frenzy and sensationalism voiced around the idea of taxpayer money supporting transgender health care and an ignorant pre-occupation with surgical procedures. They also reveal a deep-seated transphobic attitude toward gender non-conforming people and continue the longstanding tradition of pathologizing and medicalizing transgender as a psychological disease. While homosexuality has been removed from the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (DSM) in 1973, gender non-conformity is still listed in the current DSM as "gender dysphoria," previously known as "gender identity disorder." The erasure of Manning's transgender subjectivity and the prevalence of pathologizing and marginalizing discourses confirm the reduction, if not the outright denial, of gender fluidities that exist outside the traditional, hegemonically constructed gender binary.

It is also important to mention that generally the media's focus on transgender women far exceeds that of transgender men and that the sensationalizing, sexualizing, and ridiculing discourses surrounding Manning seem to follow a larger pattern of media's tendency to specifically objectify transgender women. Julia Serano suggests that these discourses symbolize not only a persistent transphobia but more so a trans-misogyny:

as someone on the MTF [male-to-female] spectrum, I am not dismissed for merely failing to live up to binary gender norms, but also for expressing my own femaleness and femininity. And personally, I don't feel like I'm the victim of transphobia so much as I am the victim of trans-misogyny.⁶⁶

⁶⁶ Julia Serano, *Excluded. Making Feminist and Queer Movements More Inclusive* (Berkeley, CA: Seal Press, 2013), 29.

The gender binary is supported and perpetuated by the mass media's treatment of sexual minorities and gender non-conforming people. Manning's media representation speaks not only to the paradoxes of mediated transgender visibilities, but also to the ways in which cissexism (the belief that transgender identities are somehow less authentic or inferior to those individuals whose gender identity matches the sex they were assigned at birth) and misogyny intersect in these discourses with severe effects on the lives of people identifying on the trans female spectrum. Unfortunately, only very few articles and broadcasts offered more nuanced coverage by explaining what gender identity actually means or by contextualizing Manning's case with the disproportionate incarceration and criminalization of transgender people, particularly those of color.⁶⁷

Lastly, several news stories reveal a belief that Manning and her defense team had deliberately used her gender identity struggles during her trial as an excuse for her actions: ABC reporter Josh Elliott proclaimed on *Good Morning America*, "the Army private who leaked thousands of secret government and military files to the website WikiLeaks now says that his gender identity crisis led him to do it."⁶⁸ Richard Herman, a criminal defense attorney, debated with CNN anchor Fredricka Whitfield in the *News Room*:

Herman: There's no way that taxpayers are going to pay \$100,000 for a gender transformation for this guy while he's in prison. If he wants to be Chelsea, he can practice all he wants in Fort Leavenworth. Then when he gets out, he can have the operation and he can pay for it.

⁶⁷ See, for example, Ruth Tam, "He or she might actually favor 'ze,'" *Washington Post*, September 6, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014); or No Author, "The Manning moment," *Washington Post*, September 2, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014). I elaborate on the disproportionate criminalization and incarceration of transgender and people of color in more detail in Chapter 3.

⁶⁸ Cited in *Good Morning America*, ABC, August 15, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

Whitfield: The issue has to be why now. Why wouldn't this be addressed long before trial? Long before sentencing? Why now? Why would his request be made now when the argument will be this is something you could have done long ago, right?

Herman: He argued at trial that it was a defense. He said there was a connection. When he puts that wig and lipstick on, the guy's a dead ringer for Tonya Harding, isn't he? It didn't work. It was a silly defense, frankly.⁶⁹

Similar to the report from CNN's *News Room*, the prosecution around Major Ashden Fein emphasized during the closing arguments of Manning's court martial that she was solely responsible for her own actions: "This is a case about PFC Manning, Your Honor. The army is not on trial. The command is not on trial. Mr. Adkins is not on trial. Behavioral health is not on trial."⁷⁰ Fein further proclaimed, "PFC Manning took an oath. He knew what he was doing. The army didn't abandon PFC Manning. PFC Manning abandoned the army. The army didn't betray PFC Manning, PFC Manning betrayed the army."⁷¹

Seizing on Manning's gender transition as a palpable explanation for her disclosures demonstrates the media's excessive psychopathologizing of her perceived gender deviance; "which makes perfect sense only if you blame the gender straightness of Bush and Blair for the invasion of Iraq,"⁷² as civil rights attorney Chase Madar noted. Much more factual, however, is that neither Manning nor her

⁶⁹ Cited in *Newsroom*, CNN, August 24, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁷⁰ In *The Matter Of: United States vs. PFC Bradley E. Manning Vol. 37*, August 19, 2013 Afternoon Session, Unofficial Transcript, *Freedom of the Press Foundation*: p. 11. <https://pressfreedomfoundation.org/sites/default/files/08-19-13-PM-session.pdf>

⁷¹ *Ibid.*, 46.

⁷² Chase Madar, "Review: MY HERO Bradley Manning," *The Guardian*, August 3, 2013 www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

defense team ever argued that those struggles were relevant for her disclosure of the documents in question. During the defense's closing arguments, Coombs tried to paint Manning as an intelligent, caring, compassionate, and well-intentioned person who may have been a little naïve. Coombs explicitly stated that he was not offering these struggles as a mental health defense to excuse, or "in any way to lessen PFC Manning's decisions on why he did what he did, but instead to explain the context, the circumstances surrounding it."⁷³ Moreover, in an apology statement to the court a couple of days later, Manning consciously declared, "At the time of my decisions, as you know, I was dealing with a lot of issues, issues that are ongoing and continuing to affect me. Although a considerable difficulty in my life, these issues are not an excuse for my actions."⁷⁴

In their review of terrorism studies, Jasbir Puar and Amit Rai note how white mythologies of "pathological personalities" that emerge from negative childhood experiences, inconsistent mothering, and a damaged sense of self are frequently presented as psychological compulsions that determine and fix the mind of the terrorist.⁷⁵ As the detailed analyses of Manning's media coverage above reveal, very similar discourses ascribe meaning to Manning's actions and gender non-conformity, all reaching the

⁷³ In *The Matter Of: United States vs. PFC Bradley E. Manning*, Vol. 33, August 12, 2013 Morning Session, Unofficial Transcript, *The Freedom of the Press Foundation*, <https://pressfreedomfoundation.org/sites/default/files/08-12-13-AM-session.pdf>, p. 22; see also In *The Matter Of: United States vs. PFC Bradley E. Manning* Vol. 37, August 19, 2013 Afternoon Session, Unofficial Transcript, *The Freedom of the Press Foundation*, <https://pressfreedomfoundation.org/sites/default/files/08-19-13-PM-session.pdf>, p. 61.

⁷⁴ Chelsea Manning, "Bradley Manning statement: 'Unfortunately, I can't go back and change things,'" *The Guardian*, August 14, 2013, <http://www.theguardian.com/world/2013/aug/14/bradley-manning-statement-sentencing-trial> (accessed January 15, 2016).

⁷⁵ See Jasbir K. Puar and Amit S. Rai, "Monster, Terrorist, Fag: The War on Terrorism and the Production of Docile Patriots," *Social Text* 20, no. 3 (2002): 122-123.

conclusion that gender non-conformity led her to be a domestic terrorist. Speculations about why Manning dared to send WikiLeaks the nation's "most closely guarded secrets" about U.S. carnage in Iraq and Afghanistan was frequently accompanied and explained by her portrayal as being unfit and not "man enough" for military service. In short, as someone who should have never been deployed in the first place, let alone given a top security clearance. Manning's initial casting as an effeminate gay male, a "sissy" who could not deal with the pressure and was mentally unstable aimed to feminize and discredit her. Moreover, the media's emasculating treatment continued even after Manning's transition because her womanhood was not deemed legitimate. As major news outlets focused on Manning's "gender identity disorder" portraying her as sexual deviant, the press further psychopathologized her and actively worked to undermine the credibility of her actions and statements exposing U.S. military wrongdoing and abuse as a product of her mental health. This portrayal of Manning exonerated the military from taking any responsibility for her or their actions, for example by acknowledging its systematic failures in providing support for soldiers struggling with sexuality and gender identity. Instead, news media actively fed into the racialization of Manning as an alien enemy. Additionally, the press's focus on Manning's gender identity as a motivation for her leaking classified documents largely to the omission of her own account that she did so out of a "love for my country and a sense of duty to others,"⁷⁶ drew attention away

⁷⁶ Chelsea Manning, "Appeal for Presidential Pardon," *Global Research News*, August 21, 2013, www.globalresearch.ca/text-of-bradley-mannings-letter-to-president-obama/5346626?print=1 (accessed January 15, 2016).

from her questionable treatment in detention as well as her harsh sentence paralleling the state's own conceptualization of Manning as a traitor and threat to national security.

The Haunting Ghosts of Guantánamo

As folk singer Graham Nash recounts in “The Ballad of Bradley Manning” in the epigraph to this chapter, speaking truth and blowing the whistle on secretive and abusive foreign policy and military practices brought the wrath of the U.S. military judiciary upon Manning. While former JAG⁷⁷ officer Tom Kenniff asserted on FOX News that “he’s not a terrorist, he’s a U.S. citizen, he’s in uniform. He’s entitled to all the rights anyone would enjoy in this trial”⁷⁸ – Manning’s treatment in detention, the slow pace of the trial proceedings, as well as the Obama Administration’s vigorous pursuit of charging her with Article 104, “aiding the enemy,” have stirred debates about the transparency of the U.S. military justice system, the use of enhanced interrogation techniques and prolonged confinement practices, as well as statutory protections for whistleblowers. The state’s constant surveillance, monitoring and policing of Manning during her confinement and the denial of rights and privileges typically granted to U.S. citizens during trial proceedings together created Manning’s status as a domestic alien enemy.

⁷⁷ JAG stands for Judge Advocate General’s Corps and refers to the legal branch within the military that deals with military justice and law.

⁷⁸ FOX News, “Judge: Bin Laden Raid Member can Testify in WikiLeaks Case,” FOX News, April 11, 2013, <http://video.foxnews.com/v/2293646359001/judge-bin-laden-raid-member-can-testify-in-wikileaks-case/> (accessed January 15, 2016).

A Veil of Secrecy

Public access to Manning's pretrial hearings in 2011 was severely limited and put a questionable light on the transparency of the U.S. military justice system. During the pretrial proceedings, reporters were not allowed to carry any electronics into the courtroom and wireless Internet service was disabled while the court was in session. Thus, reporters and activist bloggers had to rely mostly on their own hand-written notes to analyze and write about the proceedings. In October, 2012 the Center for Constitutional Rights filed a lawsuit against the government for withholding basic court documents (including dockets of court activity, transcripts of the proceedings and orders issued from the bench by military judge, Col. Denise Lind) to seek greater public access. Over 30 news organizations also filed an amicus brief with the court protesting the restrictions. In February 2013, the Department of State finally announced the release of 84 out of roughly 400 judicial court orders (partially heavily redacted) for greater transparency and to circumvent the lawsuit. During Manning's actual court martial from June through August 2013, the Freedom of the Press Foundation raised money to hire an unofficial stenographer to attend the trial and produce daily transcripts.

The lack of media coverage surrounding Manning's pretrial hearings mentioned earlier in the chapter was therefore partially due to restrictive media access; the redactions and extensive delays in releasing information from the trial proceedings further extended a veil of secrecy that deliberately prevented public access, which is a fundamental component of a public trial. This lack of public accessibility violated core protections provided to Manning by the First and Sixth Amendments, which guarantee

both freedom for the press and a criminal defendant the right to a public trial without unnecessary delay. David Carr aptly noted in the *New York Times* that, “A public trial over state secrets was itself becoming a state secret in plain sight.”⁷⁹

Quantico is the new Gitmo?

From the start of her confinement in June 2010 in Camp Arifjan, Kuwait, Manning, then only 22-years old, was repeatedly deprived of human contact and put on a “reverse sleep cycle” as part of “administrative segregation” (the military does not use the term “solitary confinement”). In July, 2010 Manning was transferred from Kuwait to the Marine Corps brig in Quantico, Virginia, and put on “suicide prevention”:

I was also stripped of all clothing with the exception of my underwear. Additionally, my prescription eyeglasses were taken away from me. Due to not having my glasses, I was forced to sit in essential blindness during the day ... Under my current restrictions, in addition to being stripped at night, I am essentially held in solitary confinement. For 23 [hours a] day, I sit alone in my cell. The guards checked on me every five minutes during the day by asking me if I am okay. I am required to respond in some affirmative manner. At night, if the guards can not [sic] see me clearly, because I have a blanket over my head or I am curled up towards the wall, they will wake me in order to ensure that I am okay. I receive each of my meals in my cell. I am not allowed to have a pillow or sheets. ... If I attempt to do push-ups, sit-ups, or any other form of exercise I am forced to stop by the guards.⁸⁰

During pretrial hearings in November 2012, two psychiatrists who had evaluated Manning after her arrival at Quantico testified that Brig officials repeatedly ignored their recommendations to remove her from suicide risk watch and subsequently from

⁷⁹ David Carr, “In Leak Case, State Secrecy In Plain Sight,” *New York Times*, March 25, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁸⁰ Dawn L. Rothe and Kevin F. Steinmetz, “The Case of Bradley Manning: State Victimization, Realpolitik and WikiLeaks,” *Contemporary Justice Review: Issues in Criminal, Social, and Restorative, Justice* 16, no. 2 (2013): 286.

prevention of injury (POI) watch without further explanation, despite their assessment that she was not deemed a danger to herself or appeared depressed.⁸¹ In March of 2011, P.J. Crowley, a former State Department spokesperson and aide to Hillary Clinton, had to resign from office after calling Manning's treatment "ridiculous and counterproductive and stupid"⁸² and further argued that the actions at the Quantico Brig undercut the credibility and legitimacy of the prosecution.⁸³ Forced to respond to Crowley's comments, President Obama stated that the Pentagon had assured him that conditions of Manning's treatment were "appropriate."⁸⁴ Around the same time Juan Mendez, the U.N. special rapporteur on torture, was denied a request for a private, unmonitored visit with Manning to investigate whether her treatment at Quantico amounted to torture. A statement by the Department of Defense (DoD) claimed: "As in the federal prison system, and for security reasons, DoD does not guarantee unmonitored communications with confinees except for privileged communications or in other special circumstances not present here."⁸⁵ The discourses surrounding Manning's treatment in detention, disclose that the state deemed Manning a threat to national security that needed to be contained and warranted the military's use of extra-legal forms of interrogation and

⁸¹ Nathan Fuller, "Quantico psychiatrist says Bradley treated worse than death row," *Chelsea Manning Support Network*, November 28, 2012, <http://www.chelseamanning.org/news/quantico-psychiatrist-bradley-manning-treated-worse-than-death-row-inmates> (accessed January 15, 2016).

⁸² Ed Pilkington, "Clinton spokesman quits over Manning: Crowley called handling of WikiLeaks suspect 'stupid.' Remarks force Obama to address issue directly," *The Guardian*, March 14, 2011, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁸³ *MSNBC Live with Cenk Uygur*, MSNBC, April 14, 2011, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁸⁴ Cited in Mary Beth Sheridan, "State Department Spokesman Quits," *Washington Post*, March 14, 2011, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁸⁵ Ellen Nakashima, "U.N. 'frustrate' over Manning," *Washington Post*, April 12, 2011, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

confinement. These technologies of torture – constant observation and frequent interruption techniques – employed against her were well-worn tactics widely used on detainees in Iraq and Afghanistan, as well as the infamous prison camp in Guantánamo Bay. Manning’s treason and her alleged suicidal tendencies reduced her to alien status and therefore undeserving of the rights conferred upon U.S. citizens; her status thus justified her domestic treatment mirroring that of foreign “terrorist Others.”

In 2011, a UN special report concluded that the U.S. government was guilty of “cruel, inhuman and degrading treatment”⁸⁶ toward Manning. A similar conclusion was drawn by some 250 prominent lawyers, law professors and legal scholars who published a letter in the *New York Review of Books* denouncing Manning’s treatment as “illegal and immoral,” violating the Eighth Amendment’s prohibition of cruel and unusual punishment, and the Fifth Amendment’s ban against pretrial punishment.⁸⁷ An editorial in *The Nation* further asserted, “The treatment of Manning in Quantico, as well as the incarceration of inmates in CMUs [Communication Management Units] for no apparent penological purpose, demonstrates that the poisonous shards of Abu Ghraib are still with us.”⁸⁸ After nine months in solitary confinement, mounting public pressure and negative press coverage, Manning was transferred to the Joint Regional Correctional Facility at Fort Leavenworth, Kansas. There Lt. Col. Dawn Hilton described her as a “typical detainee” who did not exhibit any significant mental-health or behavioral issues since her

⁸⁶ Ed Pilkington, “Bradley Manning’s Treatment was Cruel and Inhuman, UN Torture Chief Rules,” *Guardian*, March 12, 2012, <http://www.theguardian.com/world/2012/mar/12/bradley-manning-cruel-inhuman-treatment-un> (accessed January 15, 2016).

⁸⁷ See Yochai Benkler, “The Dangerous Logic of the Bradley Manning Case,” *New Republic*, March 1, 2013, www.newrepublic.com/article/112554 (accessed January 15, 2016).

⁸⁸ Editorial, “Abu Ghraib in America,” *The Nation*, March 28, 2013, Ebsco host.

arrival.⁸⁹ Yet, commenting on Manning's transfer, Jeh Johnson, the Pentagon's general counsel, said:

Many will be tempted to interpret today's action as a criticism of the pre-trial facility at Quantico. That is not the case. We remain satisfied that Pte [Private] Manning's pre-trial confinement at Quantico was in compliance with legal and regulatory standards in all respects, and we salute the military personnel there for the job they did in difficult circumstances.⁹⁰

In January 2013, Manning was awarded with 112 days of credit for enduring unlawful treatment at Quantico. However, the judge denied a motion to dismiss all charges filed by the defense for lack of a speedy trial. Judge Col. Lind further ruled that Manning's motive – prompted by the military's dehumanizing treatment of Iraqi and Afghani civilians and its strategic avoidance of public accountability for its morally and legally disputable actions by hiding behind classified information – was irrelevant to intent. This meant that the defense could not use motive during the merits portion of the trial – in other words, until Manning was found guilty or not guilty.⁹¹ Nor was the defense allowed to elaborate on whether or not the WikiLeaks disclosures were actually damaging to U.S. national security. Precluding both of these issues severely limited defense attorneys' ability to advance an argument about Manning's acts being whistleblowing in order to counter the prosecution's charge that she was deliberately

⁸⁹ Elisabeth Bumiller, "WikiLeaks Defendant to be Moved," *New York Times*, April 19, 2011, www.nytimes.com/2011/04/20/us/20manning.html?ref=bradleyemanning (accessed January 15, 2016); Reitman, "The Trials."

⁹⁰ Cited in Esther Addley, "Bradley Manning moved to 'more open' military prison," *The Guardian*, April 21, 2011, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁹¹ Nathan Fuller, "Judge limits Manning's whistle-blower defense, pretrial confinement nears 1,000 days," The Chelsea Manning Support Network, January 16, 2013, <http://www.chelseamanning.org/news/judge-limits-bradley-mannings-whistle-blower-defense-pretrial-confinement-nears-1000-days> (accessed January 15, 2016).

aiding the enemy. Manning's actual court-martial proceedings finally began on June 3, 2013 after the now 26-year-old had spent over a 1,000 days in pretrial detention.

Aiding the Enemy

Manning's Othering was furthered by the government's insistence that with her disclosures, Manning actively and knowingly aided the enemy. Despite Manning's acknowledgement that while she could have sold the data to Russia or China to "make bank," she did not do so "because it's public data ... it belongs in the public domain"⁹² – the prosecution's team around Major Ashden Fein was keen on portraying Manning as an arrogant, narcissistic anarchist who craved notoriety and had the deliberate evil intent to share classified information with enemies of the United States, specifically Al Qaeda:

Your Honor, PFC Manning was not a humanist; he was a hacker. ... he was not a troubled young soul. He was a determined soldier with a knowledge, ability, and desire to harm the United States in its war effort. And, Your Honor, he was not a whistleblower; he was a traitor. A traitor who understood the value of compromised information in the hands of the enemy and took deliberate steps to ensure they, along with the world, received all of it.⁹³

The Obama administration's rigorous prosecution of whistleblowers under the presumption that leaking classified information to journalists or news organizations – for example, *The Guardian*, *Washington Post* or WikiLeaks (which according to Yochai Benkler belongs to the "networked fourth estate"⁹⁴) – is tantamount to aiding the enemy

⁹² Hansen, "Manning-Lamo Chat Logs Revealed."

⁹³ In *The Matter Of: United States vs. PFC Bradley E. Manning*, Vol. 21, July 25, 2013 Morning Session, Unofficial Transcript, *The Freedom of the Press Foundation*: p. 166-167
<https://pressfreedomfoundation.org/sites/default/files/07-25-13-am-session.pdf>

⁹⁴ See Yochai Benkler, "A Free Irresponsible Press: Wikileaks and the Battle over the Soul of the Networked Fourth Estate," *Harvard Civil Rights-Civil Liberties Law Review* 46 (2011): 311-397.

is highly problematic as it attempts to inhibit the free flow of information. Prosecutor Fein, for example, further emphasized that Manning’s ruling should function to scare future whistle blowers as, “there is value in deterrence ... This court must send a message to any soldier contemplating stealing classified information.”⁹⁵ Later on, a Department of Defense’s review into the potential fallout from the WikiLeaks disclosures actually revealed that *not a single case* was found where an individual had been killed by enemy forces as a result of having been named in the leaked documents.⁹⁶ By leveling the aiding-the-enemy charge against Manning, the government painted her as someone who had willfully betrayed her country and foregrounded her status as a threat to national security – an alien enemy – who required immediate and permanent containment.

The case of Manning vividly illustrates how the use of the aiding-the-enemy charge, “enhanced interrogation techniques,” and prolonged detention practices are grounded in discourses of a U.S. exceptionalism, ensuring that the state does not have to adhere to the limits of juridical power through the creation of a permanent “state of exception.”⁹⁷ Manning’s prolonged incarceration is a prominent example of how the operations of governmentality, understood as dispersed mentalities, rationalities, and techniques for governing individual bodies, territory, and populations within liberalism post-9/11 are increasingly extra-legal without being illegal. Judith Butler argues that

⁹⁵ In *The Matter Of: United States vs. PFC Bradley E. Manning* Vol. 37, August 19, 2013 Afternoon Session, Unofficial Transcript, *Freedom of the Press Foundation*: p. 45.

<https://pressfreedomfoundation.org/sites/default/files/08-19-13-PM-session.pdf>

⁹⁶ Ed Pilkington, “US whistleblowers: Manning sentencing: No record of deaths caused by WikiLeaks revelations, court told,” *The Guardian*, August 1, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁹⁷ Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press, 2007), 3. I elaborate on this concept in detail in the subsequent chapter.

“When law becomes a tactic of governmentality, it ceases to function as a legitimating ground: *governmentality makes concrete the understanding of power as irreducible to law*” (emphasis in original).⁹⁸ Indefinite detention practices and enhanced interrogation techniques thereby constitute an illegitimate exercise of power that has become part of a broader tactic to neutralize the rule of law in the name of security. These mechanisms do not necessarily signify an exceptional circumstance, but rather the exception becomes established as naturalized norm in the state of emergency. Similarly, Giorgio Agamben emphasizes that “the exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and maintaining itself in relation to the exception, first constitutes itself as a rule.”⁹⁹ Manning becomes the *homo sacer* – the non-subject excluded and banned not by being made indifferent and put outside of law, but by being *abandoned* by it, exposed and threatened on the threshold in which life and law, inside and outside become indistinguishable.¹⁰⁰

Conclusion

As the U.S. nation-state recycles and rearticulates discourses of exceptionalism through the war on terror, the widespread acceptance of such techniques and practices employed against “brown bodies” abroad, whether in Abu Ghraib or at Guantánamo, now enables their use against U.S. citizens “at home” and allows Manning’s “domestic treatment” to mirror that of foreign “terrorist Others.” Perhaps even more importantly,

⁹⁸ Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (New York, NY: Verso, 2004), 94.

⁹⁹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), 8.

¹⁰⁰ *Ibid.*, 28.

Manning's case demonstrates that the process of sexualizing the Other is always implicitly entangled with processes of racialization. Manning's "treason," her "sexual deviance" and ineptness at properly enacting white heteromascularity rendered her an Othered alien enemy, a domestic non-subject, who was denied access to civil and human rights.

Stuart Hall stipulates that articulation involves both its usual reference to the communication of messages (e.g., to utter, speak, or articulate an argument) and its more specialized reference to the process and product of linking distinct discursive elements to create meaning. For Hall, the unity of a discourse comprises the articulation of distinct elements since articulation is always conditional, flexible, mutating and never absolute:

Thus, a theory of articulation is both a way of understanding how ideological elements come, under certain conditions, to cohere together within a discourse, and a way of asking how they do or do not become articulated, at specific conjunctures, to certain political subjects.¹⁰¹

What the analyses of Manning's trial proceedings, court records, and mainstream media coverage demonstrate is that the media's focus on Manning's gender identity as a motivation for her leaking classified documents paralleled the state's own conceptualization of Manning as a traitor of the state.

The media coverage provided a rationale for the state's surveillance and extra-legal treatment of Manning by tying her gender non-conformity to mental instabilities that threatened state interests. The media coverage of Chelsea Manning and her treatment at the hands of the state elucidate how articulation work is done in different discursive

¹⁰¹ Cited in Lawrence Grossberg, "On Postmodernism and Articulation. An Interview with Stuart Hall," in *Stuart Hall. Critical Dialogues in Cultural Studies*, eds. David Morley and Kuan-Hsing Chen (New York, NY: Routledge, 1996), 141-142.

spheres, and how the articulations surrounding Manning's media coverage resonated with, overlapped, and reinforced the state's surveillance practices enacted against her. Manning's case reasserts Lawrence Grossberg's observations that "peoples' identities are defined precisely by the complex articulations between their different positions in a variety of systems of social difference."¹⁰² These articulations form a nexus of discourses that inscribe, produce, manage, and discipline transgender lives (and deaths) according to sexualized, gendered, racialized, and classed logics of what constitutes proper gender identity within the traditional gender binary and the state's conceptualization of safety and security. The next chapter will interrogate more closely why Manning's revelations also rendered her a controversial figure within the LGBT movement, especially during a moment where national LGBT organizations were focusing significant energy and monetary investments on the repeal of DADT.

¹⁰² Lawrence Grossberg, *We Gotta Get Out of this Place: Popular Conservatism and Postmodern Culture* (New York, NY: Routledge, 1992), 99.

Chapter 2

Contingent Belonging: Chelsea Manning, Transpatriotism, and Iterations of Empire

Patriotism is often the cry extolled when morally questionable acts are advocated by those in power. When these cries of patriotism drown out any logically based dissension, it is usually the American soldier that is given the order to carry out some ill-conceived mission. ~ Chelsea Manning, Appeal for Presidential Pardon¹

WE are right at a point in HISTORY were many people are beginning to understand who we are as Transgender, DIVERSE, and that we are just like everyone else. WE ARE ONE. Now Manning just dirtied the hope of a truly FREE America. Dr. Martin Luther King Jr. "I have a Dream" speech was 50 years ago...I am still hoping for HIS dream of equality for ALL. America to be a beacon of Freedom and equality. ... Manning is a tarnish on my dream, he is a tarnish on Dr. Kings Dream. ~ Kristin Beck, former Navy SEAL and transgender veteran²

On April 26, 2013, the San Francisco Lesbian Gay Bisexual Transgender Pride Celebration committee retracted an earlier statement making whistleblower and WikiLeaks Chelsea Manning a grand marshal for its annual parade, which usually honors celebrities, politicians and community organizations for their contributions to lesbian, gay, bisexual, transgender and queer (LGBTQ) communities, calling her appointment a "mistake" and "error." The official retraction statement released by SF Pride board president Lisa Williams emphasized the potential harm Manning's actions had inflicted:

¹ Chelsea Manning, "Appeal for Presidential Pardon," *Global Research News*, August 21, 2013, www.globalresearch.ca/text-of-bradley-mannings-letter-to-president-obama/5346626?print=1 (accessed January 15, 2016).

² Kristin Beck, "The 'Manning Debacle,'" *Facebook*, August 22, 2013, <https://www.facebook.com/kristin.hills.125/posts/496798800413582> (accessed March 14, 2014). The post has since been deleted from Beck's Facebook page.

... even the hint of support for actions which placed in harm's way the lives of our men and women in uniform – and countless others, military and civilian alike – will not be tolerated by the leadership of San Francisco Pride. It is, and would be, an insult to every one, gay and straight, who has ever served in the military of this country. ... Bradley Manning will have his day in court, but will not serve as an official participant in the SF Pride Parade.³

Echoing Williams' statement, Sean Sala, a prominent gay military activist in the Bay area and Navy veteran, threatened to launch a campaign to boycott the parade if Manning was honored: "San Francisco has spit in the face of LGBT Military by using a traitor to our country as a poster child."⁴ Sala further added, "Manning makes Gay military, the Armed Forces and cause of equality look like a sham. We have spent fifty years trying to garnish equality and Manning cannot and will not represent Gay Military patriots."⁵

Similarly, Stephen Peters, president of American Military Partners Association, a group which advocates for same-sex military families had called on the Pride Committee to rescind the invitation as "Manning's blatant disregard for the safety of our service members and the security of our nation should not be praised. ... No community of such a strong and resilient people should be represented by the treacherous acts that define Bradley Manning."⁶ Further labelling Manning's actions a "disgrace," Josh Seefried from OutServe-SLDN (Servicemembers Legal Defense Network) explicitly warned that after just winning the Don't Ask, Don't Tell (DADT) repeal, honoring Manning would send

³ Linda Williams, "SF Pride Statement About Bradley Manning," *Facebook*, April 26, 2013, <https://www.facebook.com/SanFranciscoPride/posts/622822351079480> (accessed June 11, 2015)

⁴ Sean Sala, "Press Statement for Gay Military to boycott San Francisco Pride," *Facebook*, April 26, 2013, https://www.facebook.com/permalink.php?story_fbid=562622293778040&id=298749953498610 (accessed June 11, 2015)

⁵ Ibid.

⁶ Cited in Associated Press, "San Francisco Gay Pride Rescinds Honour for Bradley Manning," *The Guardian*, April 27, 2013 www.guardian.co.uk/world/2013/apr/27/san-francisco-gay-pride-bradley-manning (accessed January 18, 2016).

the wrong signal to the military community that “we think he is some sort of hero.”⁷ Not surprisingly, then, Manning was replaced with safer and less contentious political choices reflecting the allegedly successful inclusion of LGBT people into the nation-state represented by various celebrities including BeBe Sweetbriar, a popular San Franciscan drag performer, Australian hairstylist and reality TV personality Tabatha Coffey, Alex Newell, who is best known for his role as Wade “Unique” Adams on *Glee*, as well as gay Latino fashion designer “Mondo” Guerra, who revealed his HIV+ status on Lifetime’s *Project Runway*.

In recent years, the LGBT movement has gained unprecedented legal victories, most importantly marriage equality, granting recognition and rights to certain gay and lesbian citizens. In sharp contrast, the retraction of the nomination of Manning as a grand marshal for the SF Pride march in April 2013 and the disparaging media coverage surrounding her story – especially following Manning’s public “coming-out” as transgender in her announcement in August 2013 – provides insight into the many contradictions plaguing assimilationist, single-issue politics advanced by many national LGBT organizations and presents a significant moment for analyzing contemporary sexual politics within (neo)liberalism.

In this chapter, I engage Manning’s story to reveal how her “treacherous acts” are incongruous with the assimilationist politics advanced by groups such as the Human Rights Campaign (HRC) and breaks with idealized narratives of “U.S. sexual

⁷ Cited in Kevin Gosztola, “SF Pride capitulates, drops Manning,” *Salon.com*, April 27, 2013, http://www.salon.com/2013/04/27/sf_pride_capitulates_drops_manning/ (accessed January 18, 2016).

exceptionalism”⁸ that represent a seamless incorporation of queers into the workings of U.S. empire. Manning’s story points to the intricate ways in which the boundaries between discourses of gay and transgender identities cannot be neatly separated from one another, but are inherently porous and oscillating. Yet, there is a tendency among some scholars and mainstream LGBT organizers to eradicate transgender identities and experiences by using “queer” as a broad umbrella term to deflect attention away from a persistent investment in narrowly aligned gay and lesbian identity politics. Manning’s case, therefore, not only highlights the importance of paying attention to the nuances and interplay between sexual orientation and gender identity; her story also induces us to ask whether transgender communities still remain outside of mainstream lesbian and gay politics.

A special issue of *QED: A Journal in GLBTQ Worldmaking* in 2014, that focused on Manning, assembled a diverse list of contributors, ranging from queer scholars, activists, and journalists to artists, who provided commentary on how mainstream LGBTQ politics turned away from Manning and her retraction as a 2013 SF Pride marshal.⁹ While these articles succinctly identify the split between the mainstream gay rights movement and more radical grassroots queer politics supporting Manning, I seek to

⁸ Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press, 2007), 3ff.

⁹ See Kevin Gosztola, “How the LGBT Community Helped Create the Caricature of Private Manning,” *QED: A Journal in GLBTQ Worldmaking* 1, no.1 (2014): 30-46; Devon Douglas-Bowers, “The Politics of Abandonment: Siding with the State and Heteronormativity against Chelsea Manning,” *QED: A Journal in GLBTQ Worldmaking* 1, no.1 (2014): 130-138; Queer Strike and Payday, “Chelsea Manning: Whistleblower on San Francisco Pride,” *QED: A Journal in GLBTQ Worldmaking*, 1, no. 1(2014): 139-147; or Victoria Brownworth, “Bradley Manning, Chelsea Manning, and Queer Collaboration,” *QED: A Journal in GLBTQ Worldmaking* 1, no.1(2014): 105-117 for activist and journalistic accounts of the retraction.

move beyond descriptions of Manning being caught between these tensions to engage frameworks of U.S. sexual exceptionalism that allow me to theorize more thoroughly *why* she has been such a contentious and unwieldy figure for the LGBT movement.

Puar argues that contemporary forms of U.S. sexual exceptionalism rely not only on extraordinary forms of national heteronormativity, but on the deployment of certain domesticated homosexual bodies in order to reinforce U.S. nationalism. Puar specifically suggests that Orientalist invocations of the terrorist Other have been used as a discursive tactic to disaggregate gay U.S. nationals from racial and sexual others, particularly Muslim others.¹⁰ Manning's treatment demonstrates that the inclusion of some subjects into these exceptionalist frameworks is always provisional. Spade and Willse dissect how Manning's transgender identity presented a liability for mainstream DADT repeal supporters and made it impossible to seamlessly absorb her into projects of pinkwashing and homonationalism.¹¹ However, I argue that Manning's revelations not only rendered her incompatible with homonational projects – but her actions and her fluctuation between gay and transgender identities generated a new set of conservative, militaristic discursive formations promoted by other transgender veterans that I call “transpatriotism.”

Puar's work exclusively addresses the deployment of certain domesticated gay and lesbian bodies for the reinforcement of nationalist projects, specifically

¹⁰ See Jasbir K. Puar, “Mapping U.S. Homonormativities,” *Gender, Place & Culture* 13, no.1 (2006): 71-73; and Puar, *Terrorist Assemblages*, 38-39.

¹¹ The term “pinkwashing” was coined in reference to Israel's deliberate strategy to (re)brand itself as a modern, queer-friendly tourist destination in efforts to conceal its human rights violations against Palestinians. See Dean Spade and Craig Willse, “Sex, Gender, and War in an Age of Multicultural Imperialism,” *QED: A Journal in GLBTQ Worldmaking* 1, no.1 (2014): 5-29.

acknowledging that “national homosexuality” does not include “two-spirit identity among other formations.”¹² Homonationalism leaves unexplored *if* and *how* trans- and gender non-conforming identities are deployed for similar purposes; therefore, I introduce the concept of transpatriotism to address this critical omission and to achieve a more concise mapping of the intersections between transgender and gender non-conforming identities, nationalism, and U.S. empire. By suggesting that current formations and modalities of U.S. empire are legitimated through transpatriotism, I trace how certain transgender subjectivities have been deployed for nationalist and militaristic means. I conceptualize transpatriotism as a form of jingoism characterized by an unwavering devotion to the state, and specifically by an adherence to the gender binary. Engendered through exceptional forms of transnormativity, transpatriotism is grounded in an unmarked whiteness that incorporates certain previously stigmatized transgender bodies into the folds of U.S. empire.

Manning’s treatment by the media and at the hands of the state reveals the contradictions of modern LGBT politics as deeply embedded in individualizing, neoliberal “equal rights” discourses that elide the ways in which quests for inclusion and recognition are ultimately tied to hierarchic power structures based in race, gender, sexuality, and class. While the repeal of DADT and the most recent push for transgender inclusion in the military promote the incorporation of queer bodies into citizenship and rights frameworks, they elide any acknowledgement of the imperialist workings of the military-industrial-complex, and particularly the fact that the continuous global war on

¹² Puar, *Terrorist Assemblages*, n. 230.

terror is mainly deployed against bodies of color – as evidenced by ongoing drone strikes and counterterrorism operations in the Middle East. The retraction of Manning as a SF Pride grand marshal indicates how easily particular subjects can be removed from the tenuous liberal representations of assimilationist politics. The rescinding of Manning’s nomination and her pathologizing as a sexually deviant traitor suggest that gay and lesbian strivings for equality may weaken, if not deny, the legitimacy of more critical engagements with sexuality, gender, citizenship, and the state.

This chapter will begin by engaging with queer scholarship that looks at the broader contestations over sexuality within contemporary (neo)liberalism through the emergence of homonormative politics. I scrutinize the gay and lesbian mobilization against the military’s DADT policy to reveal the limits and contradictions of the strivings for gay and trans military inclusion. I then contrast Manning’s story with DADT poster child and gay “model” Asian American Dan Choi as well as transgender veteran Kristin Beck to critique formations of homonational and transpatriotic discourses that uncritically support the incorporation of queers into U.S. empire. This chapter concludes by engaging the most recent developments in Manning’s case since the publication of the *QED* issue in early 2014. Following other queer scholars and activists, I advocate for an alternative and more critical queer politics that is invested in larger social justice issues and resists “fighting for equality” in the name of imperialist warfare.

From Grassroots Struggle to Queer Domestication and War Participation?

Arguably, the exigencies of the LGBT movement have changed substantially in the past 50 years, as sexual politics has devolved from a grass roots struggle for liberation into an increasingly liberal program of social assimilation. “Queer” once described activism that critiqued a range of institutionalizations, normalizations and exclusions while arguing for more radical forms of social justice. The term is now often used in conjunction with a particular type of gay and lesbian politics narrowly aligned with economic interests in neoliberalism and whiteness. SF Pride, for example, which has been held annually since 1970 and is one of the country’s largest and most renowned pride festivals, has become increasingly commodified and corporatized over the past few years, straying away from its roots of proud political dissent as voiced in Compton’s Cafeteria riots in 1966.¹³ Potentially losing key SF Pride’s corporate sponsors, such as Clear Channel, Bank of America, as well as Hilton Hotels and Resorts, may have played a role in the decision to drop Manning as a grand marshal in 2013. Indeed, it may seem as if Pride nowadays is really all about “selling as much Absolut vodka as possible”¹⁴ as one commentator on Facebook responded to Pride board president Williams’ statement.

Unfortunately, with an agenda dominated by same-sex marriage and military inclusion – the Few, the Proud, the Gays to adapt the U.S. Marines’ famous recruitment slogan – the *en vogue* language of gay rights distorts and erases the historic alliance

¹³ See Susan Stryker’s “Transgender History, Homonormativity, and Disciplinarity,” *Radical History Review* 100 (2008): 145-157. Stryker specifically points to the 1966 riot in San Francisco’s Tenderloin District, in which drag queens and gay hustlers banded together against police harassment and social oppression to locate transgender action as a means to unsettle hetero- and homo-normative categories and subjectivities.

¹⁴ Williams, “SF Pride Statement About Bradley Manning.”

between radical politics and queer politics, at whose core has been a struggle for sexual freedom and challenges to the status quo. Thus, the emergence of homonormative, assimilationist single-issue politics since the 1990s¹⁵ and the “gains” achieved for U.S. LGBT citizen-subjects – e.g., via increased media representations of and niche marketing for LGBT people, the possibility for gay marriage and adoption, the passing of the Mathew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, or the repeal of DADT– must be read within larger neoliberal, capitalist, and imperial contexts, especially the 1996 Welfare Reform Act¹⁶ and expansionist U.S. foreign policy conducted in the wake of 9/11. Chandan Reddy identifies this contemporary political moment as a *freedom with violence* – a unique structure of state violence integrated with social emancipation.¹⁷ According to Reddy, in arguments for citizen rights LGBT advocates have appealed to the liberalism of the state under the rubric of equality, positioning the state as the ultimate enabler and guarantor of equality: “Even if this standpoint identifies the state as the source of grievance, injury, or horrific exposure to arbitrary violence, its epistemological assumptions ultimately affirm the value of that very state formation.”¹⁸ David Eng aptly describes this confluence of political and economic conditions that form the basis of

¹⁵ In her seminal work *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* Lisa Duggan describes “homonormativity” as “a politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption” (Boston: Beacon Press, 2003), 50.

¹⁶ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 presented a significant overhaul to the United States’ welfare system and has been widely considered a hallmark of neoliberal governing principles that strive to further privatize and reduce welfare programs for citizens. The Welfare Reform Act not only redistributed the primary responsibility for administering welfare from the federal government to the individual states, the Act also requires recipients to work in exchange for time-limited assistance.

¹⁷ Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the US State* (Durham, NC: Duke University Press, 2011).

¹⁸ *Ibid.*, 8.

liberal inclusion, rights, and recognition for particular gay and lesbian U.S. citizens as a “queer liberalism.”¹⁹

In their efforts to overturn the military’s DADT policy,²⁰ national LGBT groups such as GetEQUAL or the Lambda Legal Defense and Education Fund emphasized that the discriminatory policy actually damaged military readiness, effectiveness, and national security.²¹ They maintained that openly serving troops would have no negative effect on unit cohesion, recruitment, and retention, which a report conducted by the Department of Defense in 2010 had concluded as well.²² The arguments advanced in favor of repealing DADT are emblematic of a queer liberalism, invoking narratives of inclusion and progress, promoting domestic and international security, and implicitly affirming imperialist U.S. foreign policy.

¹⁹ David L. Eng, *The Feeling of Kinship. Queer Liberalism and the Racialization of Intimacy* (Durham, NC: Duke University Press, 2010).

²⁰ Bill Clinton campaigned in 1992 on the promise that he would overturn the ban on gays, lesbians, and bisexuals serving in the military. However, Clinton severely underestimated the fierce opposition and resistance he would face from the military service chiefs (among them Colin Powell and Norman Schwarzkopf) as well as social conservatives and the religious right. After five months of hearings and mounting congressional resistance, Clinton agreed to a compromise, 10 United States Code §654 – colloquially known as the “Don’t Ask Don’t Tell” (DADT) policy – which for the first time sanctioned that admitting to being gay in the military was against the law. The arguments repeatedly voiced at the time stressed that DADT was mainly necessary in order maintain “unit cohesion”: “(6) success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion”; whereby “unit cohesion” is defined as “(7) ... the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of individual unit members” (107 STAT 1671, PUBLIC LAW 103-160-NOV. 30, 1993 SUBTITLE G— OTHER MATTERS). Hence, DADT held that “the presence in the armed forces of persons who demonstrate propensity or intent to engage in same-sex acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion which are the essence of military capability.” See David Burrelli, “Don’t Ask, Don’t Tell”: The Law and Military Policy on Same-Sex Behavior,” *Congressional Research Service*, 7-5700 (2010), 1.

²¹ See HRC, “HRC Statement on the End of “Don’t Ask, Don’t Tell,” The Human Rights Campaign, September 19, 2011, <http://www.hrc.org/press-releases/entry/hrc-statement-on-the-end-of-dont-ask-dont-tell> (accessed January 18, 2016).

²² Department of Defense, “Report of the Comprehensive Review of the Issues associated with a Repeal of ‘Don’t ask, Don’t tell’” November 30, 2010, http://archive.defense.gov/home/features/2010/0610_dadt/ (accessed March 4, 2016).

The public discourse surrounding DADT has changed substantially over the last decade with 67% of Americans saying that they would vote for a law allowing gays and lesbians to serve openly in the U.S. military in 2010.²³ Numerous LGBT groups such as the HRC and the SLDN heightened their lobbying efforts and monetary investments in 2010 for “gays in the military” by joining forces with a “Countdown 2010” grassroots campaign to push for the passage of the DADT Repeal Act. Their campaigns effectively employed strategies to humanize and personalize DADT as discriminatory by emphasizing the narratives of gay and lesbian service members facing discharge under the policy.²⁴ However, what was left unaddressed in these campaigns was the fact that due to the involvement in two costly wars in Afghanistan and Iraq, the military was facing recruitment shortfalls and in desperate need for more personnel in the expanding global war on terror. In their zealous efforts pushing for DADT repeal, many LGBT groups as well as gender and sexuality studies scholars failed to acknowledge important oppressive intersectionalities entrenched in military service. For example, the military remains the nation’s largest employer and job program for poor and working class

²³ Lymari Morales, “In U.S., 67% Support Repealing ‘Don’t Ask, Don’t Tell’: The most Opposition comes from Conservative Republicans.” *GALLUP Politics*, December 9, 2010, www.gallup.com/poll/145130/support-repealing-dont-ask-dont-tell.aspx (accessed January 18, 2016).

²⁴ The story of Lt. Col. Victor Fehrenbach, for example, generated much publicity. Fehrenbach had served in the Air Force for 19 years, flew almost 90 combat missions in Iraq, Afghanistan and Kosovo, and was eligible for retirement in September 2011. Under military regulations, however, he would lose his retirement benefits if he was honorably discharged before reaching 20 years of service. Fehrenbach, with support from the SLDN tried to block the Air Force from discharging him arguing that a discharge would cause irreparable harm. The legal basis for his argument was established by a 2008 ruling by the U.S. Court of Appeals for the 9th Circuit, which said the government had to prove the homosexual conduct was affecting morale, discipline and unit cohesion before the service member could be discharged. In August 2010, an agreement was reached that allowed Fehrenbach to successfully retire on September 30, 2011. See Chris Johnson, “Fehrenbach assured retirement from Air Force with pension,” *Washington Blade*, February 16, 2011, <http://www.washingtonblade.com/2011/02/16/fehrenbach-assured-retirement-from-air-force-with-pension/#sthash.wbtVrY12.dpuf> (accessed January 18, 2016).

people, and oftentimes the only means for access to better living standards;²⁵ African American women were the ones disproportionately discharged under DADT;²⁶ and military enlistment is advertised as an expedited “pathway to citizenship” for marginalized immigrant groups.²⁷

On September 20, 2011 President Obama announced the end of DADT, which would “enhance our national security, increase our military readiness, and bring us closer to the principles of equality and fairness that define us as Americans.”²⁸ Because the promotion of homonormative enterprises and strategies, such as the SF Pride Celebration or the repeal of DADT, do not challenge the interdependence of the homophobic, racist, sexist, classist and imperialist operations of the U.S. military-industrial-complex, or seek to alleviate economic injustice, it is essential to ask: What is really to be gained from LGB(T) military inclusion? Manning’s case, as analyzed in the next section, demonstrates that this supposed inclusion in the service of U.S. imperialism is contingent and often fleeting. Moreover, these discourses of sexual, and, as I argue, gendered,

²⁵ See Kenyon Farrow, “A Military Job is not Economic Justice: QEJ Statement on DADT,” in *Against Equality: Don’t Ask to Fight their Wars*, ed. Ryan Conrad (Lewiston, ME: AE Press, 2011), 9-11.

²⁶ Tamara Nopper, “Why I oppose Repealing DADT & the Passage of the DREAM Act,” in *Against Equality: Don’t Ask to Fight their Wars*, ed. Ryan Conrad (Lewiston, ME: AE Press, 2011), 34.

²⁷ Lisa Cacho, for example, points towards “differential inclusion” mechanisms offered to those living with few or no rights: the increased Latino incorporation in the U.S. military after September 11, 2001 was framed as a benign “opportunity for legal recognition” that effectively glossed over the gruesomeness of war and the fact that these “cheap” foot soldiers serve(d) as cannon fodder on the front lines. Former President G.W. Bush had issued an executive order in 2002 that not only expedited the process of attaining naturalized citizenship for active duty soldiers but also waived the residence requirement and naturalization fees for soldiers serving during military hostilities. See Lisa Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: NYU Press, 2012), 108.

²⁸ Barack Obama, “Statement by the President on the Repeal of ‘Don’t Ask, Don’t Tell.’” *The White House, Office of the Press Secretary*, September 20, 2011, <https://www.whitehouse.gov/the-press-office/2011/09/20/statement-president-repeal-dont-ask-dont-tell> (accessed January 18, 2016).

exceptionalism that advertise inclusion actually serve to maintain the oppression of marginalized communities both within and outside the United States.

Fractures in Homonationalism

Observing particularly the LGBT media's reception of Manning, Brownworth notes that Manning's story never became a *cause celebre* for major LGBT publications. Covering Manning's case for the *Advocate*, Brownworth frequently heard that "there's no real LGBT/local angle here" when she tried to pitch stories about Manning to other LGBT publications, alleging that Manning's initial "gayness" had nothing to do with her decision to leak classified information.²⁹ At a time when national LGBT organizations were rallying for DADT repeal and LGBT media were filled with heart-wrenching discharge stories, Manning's revelations presented an unpredictable liability. LGBT outlets seemed aware that giving Manning's story a platform could undermine these lobbying efforts. As mainstream media reports pathologized Manning as a mentally unstable "freak" and as the legal system has arguably failed her as I have demonstrated in the previous chapter, Manning's immediate retraction as grand marshal for the SF Pride Parade in 2013 and the silence around her case from major LGBT advocacy groups is indicative of how easily one can be removed from the spectacle of gay pride and how tenuous these liberal models of inclusionary politics are. Manning's story illustrates that the inclusion of particular subjects into what Puar terms "homonationalism" is always provisional.³⁰

²⁹ Brownworth, "Queer Collaboration," 108.

³⁰ See Puar, *Terrorist Assemblages*.

No commentary better encapsulates the schisms between a mainstream LGBT movement that feels compelled to condemn homophobia *abroad*, but fails to recognize its own complicity in oppressive mechanisms and institutions *at home*, than a two minute outburst by conservative, gay columnist James Kirchick on the Kremlin-financed news channel Russia Today during live coverage of Manning’s court martial in August 2013:

I’m not really interested in talking about Bradley Manning; I’m interested in talking about the horrific environment of homophobia in Russia right now, and to let the Russian gay people know that they have friends and allies and solidarity from people all over the world, and that we’re not going to be silent in the face of this horrific repression that is perpetrated by your paymasters, by Vladimir Putin. That’s what I’m here to talk about.³¹

As we find ourselves at a juncture in contemporary sexual politics where certain racially and economically privileged, homonormative, able-bodied, middle-class queers are now gaining access to rights associated with citizenship and their “humanity” is recognized, a whole group of non-subjects is created as well. The granting of constitutional rights to certain queer bodies and identities comes at a time in which the United States is in a state of perpetual war, waged predominantly against bodies of color at home and abroad: while killing hundreds of thousands of civilians in recent conflicts and ongoing counterterrorism operations, prisons at home function as the “new Jim Crow” for the containment of the “detritus of contemporary capitalism.”³² Given this context, the

³¹ Robert Mackey, “American Uses Kremlin-Financed Network to Denounce Russia’s Anti-Gay Legislation,” *New York Times Blogs* (The Lede), August, 21, 2013, www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

³² Angela Davis, *Are Prisons Obsolete?* (New York, NY: Seven Stories Press, 2003), 16. Also see Michelle Alexander, *The New Jim Crow. Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2012) or Loic Wacquant, “Deadly Symbiosis. When Ghetto and Prison Meet and Mash,” *Punishment & Society* 3, no. 1 (2001): 95-133 for detailed analyses of the prison-industrial-complex.

question is: Whose bodies must be criminalized and obliterated in order to produce the good, homonormative, queer subject at home?³³

The figure of Chelsea Manning presents a clear contrast to Lieutenant Dan Choi, an infantry officer with a deployment to Iraq, who was discharged under DADT in 2009 after coming out on *The Rachel Maddow Show*:

By saying three words to you today, I am gay, those three words are a violation of Title 10 of the U.S. Code. It's a code that is polluted by the people who want us to lie and basically they want us to lie about our identity. It is an immoral code and goes up against every single [sic] that we were taught at West Point with our honor code. The honor code says a cadet will not lie, cheat, steal. . . . Being an Iraq combat veteran, an Arabic linguist, a West Point graduate, I come back to America as a second-class citizen who's forced to lie because of this rule, because of this law.³⁴

Through numerous mediated discursive formations homonationalism became a key sentiment invoked surrounding Dan Choi, whose charisma, articulateness and outspokenness gave a voice and face to the DADT repeal campaign. By handcuffing himself to the gates of the White House in protest of his discharge, Choi quickly became a cover model for patriotic gays everywhere and the “darling” of groups such as GetEQUAL and the HRC. Over the next year, Choi's story could be found in major newspapers, magazines and on numerous networks, including a cover for the *Atlantic* that declared him a “brave thinker,” as well as appearances on *ABC News*, NBC's *Nightly News*, Al-Jazeera and CNN's *Anderson Cooper 360*. Choi repeatedly toured the country,

³³ See Anna Agathangelou, Daniel Bassichis and Tamara Spira, “Intimate Investments: Homonormativity, Global Lockdown, and the Seductions of Empire,” *Radical History Review* 100 (2008): 123.

³⁴ *Rachel Maddow Show*, MSNBC, Friday March 20, 2009, http://www.nbcnews.com/id/29836340/ns/msnbc-rachel_maddow_show/t/rachel-maddow-showfor-friday-march/-_U9Z2BqggamE (accessed March 4, 2016).

attending gay-rights rallies and lecturing on college campuses. Choi, a Korean American, presented the ideal image of the patriotic homonational West Point graduate (with degrees in Arabic and environmental engineering) feeding into discourses surrounding Asian Americans as the hard-working model minority.



Figure 2.1 Dan Choi on the cover of the *Atlantic's* “Brave Thinkers” special issue (November, 2010)

In public interviews lobbying for the repeal of DADT, Choi frequently insisted, “... war is a force that gives us meaning. War is a force that teaches us lessons of humanity.”³⁵ He asserted “But I’ve never been incarcerated, and for something that I thought was not my country’s mission. I know my country’s mission is not to make an entire group of people into second-class citizens.”³⁶ Despite lamenting, “It’s hard to know

³⁵ Cited in Amy Goodman, “Does opposing ‘Don’t Ask, Don’t Tell’ bolster US militarism? A debate with Lt. Dan Choi and queer activist Mattilda Bernstein Sycamore,” *Democracy Now*, October 22, 2010, http://www.democracynow.org/2010/10/22/does_opposing_dont_ask_dont_tell (accessed 6 March 2015).

³⁶ Cited in Yasmin Nair, “Rage, or the Lack Thereof,” in *Against Equality: Don’t Ask to Fight their Wars*, ed. Ryan Conrad (Lewiston, ME: AE Press, 2011), 21.

that all of a sudden, I'm the terrorist,"³⁷ Choi maintained a strong devotion to the country he once pledged to die for: "I still love free speech, and I still love America" – as "those feelings don't go away because you were betrayed."³⁸ The story of Dan Choi mirrors other narratives of patriotic gay and lesbian service members that have proliferated in homonationalist discourses used to reinforce national authority and coherence in the wake of 9/11's imperial policies.

While Choi encountered racism first hand as an officer told a group of cadets during rifle training that the target was "a chinky-eyed, flat-faced gook in North Korea on the DMZ [demilitarized zone],"³⁹ he seemed unable to draw the interconnections between military racism, homophobia, and the enduring war on terror. Given the disproportionate use of violence enacted by the military against poor people and people of color, both within the USA and abroad, the public discourse surrounding Choi erases the paradoxes of an Asian American gay soldier who considered himself a second-class citizen of the United States living under "the oppression of 'Don't Ask, Don't Tell,'"⁴⁰ while his sexuality was deployed to support the global war on terror. Unreflectively seeking such institutional inclusion represents a commitment to an uncritical agenda that fails to see how traditional logics of sexuality and gender are strategically deployed in the

³⁷ Cited in Meredith Bennett-Smith, "Lt. Dan Choi, Gay Military Activist on Trial for Protesting DADT policy, Facing 6 Months in Jail," *The Huffington Post*, March 28, 2013, www.huffingtonpost.com/2013/03/28/dan-choi-trial_n_2963990.html (accessed January 18, 2016).

³⁸ Cited in Bennett-Smith, "Lt. Dan Choi."

³⁹ Cited in Gabriel Arana, "The Passion of Dan Choi," *The American Prospect*, December 2, 2013, <http://prospect.org/article/passion-dan-choi> (accessed January 18, 2016).

⁴⁰ Cited in Amy Goodman, "Iraq Combat Veteran Dan Choi Forcibly Ousted, Barred from Bradley Manning Hearing at Ft. Meade," *Democracy Now*, December 21, 2011, http://www.democracynow.org/2011/12/21/iraq_combat_veteran_dan_choi_forcibly (accessed January 14, 2015).

service of colonialism, racism, and militarism. While Choi's exemplar status as a model minority and gay patriot was celebrated and provided a brief incorporation into U.S. exceptionalism, Manning's lack of such gendered patriotic devotion and her 'ultimate betrayal' of the homeland and (homonormative) whiteness, meant that she was ostracized as the alien enemy.

However, since his crusade for DADT repeal, Dan Choi has had to reckon with intersecting oppressions that have isolated him from family members and the mainstream LGBT movement. Choi's "fall from grace" shows the contingency of his acceptance into the nation. In an article for the *American Prospect* from December 2013, Gabriel Arana alleged that by conflating activism with celebrity, Choi "had fallen in love with his own martyrdom."⁴¹ Arana chronicled Choi's struggles with mental breakdowns and burnouts since the end of the DADT campaign, accompanied by drug use and treatment for his bipolar disease. According to the media, Choi's sexual identity still causes him to be shunned by his Southern Baptist family, who disapproves of his lifestyle. While Choi was initially included in and praised for exemplifying homonationalism by LGBT advocacy groups and numerous liberal mainstream media outlets, his story is much more complex than the discourses surrounding him during the DADT repeal campaign suggest. Choi's temporary inclusion based on his sexual identity through the challenge to DADT was limited because of the oppressive intersectionalities he is subject to – racism, homophobia, and ableism. Choi's claim to inclusion through an assertion of his homomascularity, still left him open to extraction from that narrative and, thus, excluded

⁴¹ Arana, "The Passion of Dan Choi."

from the nation state. In other words, Choi professing his gayness does not necessarily open a pathway for cultural citizenship. The discourses encompassing Choi make explicit that people in and of themselves are not homonational but are discursively constituted as such through powerful media narratives – a process that is never quite complete and always conditional.

Importantly, Choi, who also served in Manning’s unit in Iraq (although at a different time), has been a staunch supporter of her. When Choi was attending a pretrial military hearing for Manning in December 2011, he was pinned down by military police because he was allegedly disrupting the court hearing. In an interview with *Democracy Now*, Choi later explained that his attendance at the court hearing in uniform as an Iraq vet and someone who proudly served was meant to show support for Manning, which presented a clear provocation to the army.⁴² When asked about his support for Manning, Choi praised Manning’s ethical righteousness that demanded the support from “patriotic Americans” and emphasized that he did not stand up for her because they shared an “identity as gay Americans,” but rather because Manning was “a good soldier—in fact, the only soldier in his entire chain of command who did the right thing.”⁴³ Choi’s reflections attest to an interesting moment of affinity between the discourses of liberal inclusion, equality, and Manning’s actions, which disrupted the imperialist workings of the military-industrial-complex. Choi also pointed to the fact that none of the national LGBT organizations had spoken out for Manning. Choi empathetically asserted that the gay community

⁴² Cited in Goodman, “Iraq Combat Veteran Dan Choi Forcibly Ousted.”

⁴³ *Ibid.*

is the only community in the entire world that bases its membership, the price of admission, on *integrity* and *telling the truth* about ourselves, essentially declassifying something that people deserve to know, that's important to our soul, our community, exactly who we are. And when we hide that, that's what damages not only the *safety, but the reputation and the security, of our entire society* (my emphasis).⁴⁴

The values of integrity and ethical responsibility that Choi repeatedly evoked in the interview, and that guided Manning in her decision to release the documents, were omitted from mainstream media coverage. Moreover, Manning's failure to enact homonormative whiteness rendered her unworthy of attention by other national LGBT groups, such as HRC, SLDN, or Lambda. Despite John Pilger's aptly titled commentary in the *New Statesman*, "Never forget that Bradley Manning, not gay marriage, is the issue,"⁴⁵ none of these groups, that had been actively involved in the DADT repeal, issued a single statement concerning Manning's case during her trial proceedings.

Shortly after Manning announced her desire to transition in August 2013, HRC's vice president Jeff Krehely released a statement urging the media to treat her transition with dignity and respect and advocated for appropriate medical care and protection in prison. However, he concluded by emphasizing that

there are transgender service members and veterans who serve and have served this nation with honor, distinction and great sacrifice. We must not forget or dishonor those individuals. Pvt. Manning's experience is not *a proxy* (my emphasis) for any other transgender man or woman who wears the uniform of the United States.⁴⁶

⁴⁴ Cited in Goodman, "Iraq Combat Veteran Dan Choi Forcibly Ousted."

⁴⁵ John Pilger, "Never Forget that Bradley Manning, not Gay Marriage, is the Issue," *New Statesman*, May 21, 2012 Ebsco host. (accessed March 14, 2014).

⁴⁶ Cited in Jeff Krehely, "Pvt. Chelsea E. Manning Comes Out, Deserves Respectful Treatment by Media and Officials," *HRC Blog*, August 22, 2013, <http://www.hrc.org/blog/pvt.-chelsea-e.-manning-comes-out-deserves-respectful-treatment-by-media-an> (accessed March 4, 2016).

Reasserted here is an image of honorable, self-sacrificing queers who proudly serve, an image Manning apparently does not reflect. Failing to advance narratives of homonationalism, Manning's story encourages us to look more closely at current iterations of US empire that legitimate themselves through the fairly recent emergence of transpatriotism, engendered through exceptional forms of transnormativity that are grounded in an unmarked whiteness and a reassertion of the gender binary.

Transpatriotism

Other transgender veterans' responses to Manning's actions and her coming-out bolstered support for US empire and revealed complicit participation in its expansion, predicated on narratives of diversity and colorblindness. Brynn Tannehill, a transgender woman and former Lt. Commander in the Navy who serves as spokesperson for SPART*A, a group representing mostly active duty LGBT service members, exclaimed that "Our view is Manning's gender identity – no matter what it is – does not justify what he did."⁴⁷ Similarly, Autumn Sandeen, a Navy veteran and transgender activist wrote on the *TransAdvocate* blog

... I'm cognizant that Chelsea didn't respect the trans community — the trans community of which I am a part — in how she came out. ... There is no honor in harming the community to which you are entering... Chelsea, as a sibling in both military and trans community, hasn't earned my respect.⁴⁸

⁴⁷ Cited in Lou Chibbaro Jr. "Will Manning Case Harm Effort to Lift Trans Military Ban?" *Washington Blade*, August 22, 2013, <http://www.washingtonblade.com/2013/08/22/will-chelsea-manning-bradley-harm-effort-to-lift-trans-military-ban-transgender-lgbt-news-army-wikileaks/> (accessed January 18, 2016).

⁴⁸ Autumn Sandeen, "Thoughts On Chelsea Manning's Coming Out," *The TransAdvocate*, August 24, 2013, http://www.transadvocate.com/thoughts-on-chelsea-mannings-coming-out_n_10072.htm-sthash.SHQoUZfl.dpuf (accessed January 18, 2016).

Former Navy SEAL Kristin Beck, who came out as transgender in June 2013 and received much publicity for her memoir *Warrior Princess: A U.S. Navy SEAL's Journey to Coming out Transgender* and the documentary *Lady Valor: The Kristin Beck Story* (2014), also accused Manning of using her gender identity as an excuse to act badly: “What you wear, what color you are, your religion, race, ethnicity, sexual orientation, gender identity has no basis on whether you are a CRIMINAL or NOT.”⁴⁹

Despite Manning’s assertion that “Although a considerable difficulty in my life, these issues are not an excuse for my actions. I understood what I was doing and the decisions I made,”⁵⁰ the foregoing statements questioned Manning’s gender identity as legitimate, they sutured her agency to her transgender status, and they further revealed a broader contempt for identity politics in this current moment. However, this disavowal of Manning’s gender identity precisely calls attention to the norms of “the trans community.” The construction of this community relies on the logics of the gender binary as well as the implicit whiteness bestowed on those who help to further the hegemony of U.S. empire. The trans community that Beck articulated and that Manning is excluded from is an expression of transpatriotism.

In her memoir, which is full of accounts of military prowess and heroism, Beck makes several problematic, nationalist statements, for example, about the Taliban in Afghanistan being “the worst women haters in the world;”⁵¹ and upon recounting an

⁴⁹ Beck, “The ‘Manning Debacle.’”

⁵⁰ Charlie Savage, “Manning, Facing Prison for Leaks, Apologizes at Court-Martial Trial,” *New York Times*, August 15, 2013. www.lexisnexis.com/hottopics/lnacademic (accessed March 14, 2014).

⁵¹ Kristin Beck and Anne Speckhard, *Warrior Princess: A U.S. Navy SEAL's Journey to Coming out Transgender* (McLean, VA: Advances Press, 2013), 155-156.

incident where she was harassed and kicked by a group of African American teenagers, Beck voices: “And there was something very ironic ... about black kids attacking [me] for being a ‘minority.’ *Fucking prejudiced bigots*” (emphasis in original).⁵² Beck’s transpatriotism is rooted in a xenophobia that accuses Afghans and ethnic minorities of harboring profound (trans)misogynist attitudes. In what can only be described as a vicious tirade, Beck continued to describe Manning as a liar, thief, and traitor who came out as transgender in order to stay alive in prison:

Let me pose a scenario....

LEVANWORTH [sic]-very tough place with a lot of Marines and others who defended AMERICA and are spending a year or two there for mistakes and bad conduct. Minor sentences, but still loyal to American interest.

GENERAL Prison population: Tough place to be in any prison.

MEDIA: Manning is know[n] to every person in the prison.

SOLITARY: option for Manning to stay alive, but very lonely and its [sic] punishment.

TRANSGENDER: Most prisons have special accommodations to ensure safety for that person.

OUTCOME: Manning shows one photo or a few “Halloween” photos or [sic] him and some of his friends dabbled? These photos are released and a story is unfolded....He is Chelsea and protected in special accommodations.

He will not be in general population where his life expectancy would be about a year tops....He is now using something AGAIN for his own gain. (emphasis in original)⁵³

Not only did Beck’s accusations match those of right-wing conservative talk-show hosts that consistently misgendered Manning, her claim that transgender people receive “special accommodations” in prison to protect them presents a problematic and flawed belief in the military and in the realities of the prison-industrial-complex. By alleging that solitary confinement is a benign means to protect Manning from other

⁵² Beck and Speckhard, *Warrior Princess*, 143.

⁵³ Beck, “The ‘Manning Debacle.’”

inmates, Beck ignores the fact that prisoners frequently face violence at the hands of correctional guards, that prolonged isolation poses significant mental and psychological harm to prisoners, and that trans people of color are disproportionately criminalized and incarcerated to begin with.⁵⁴ Beck's assertion that Manning's actions sullied "many other transgender people who are beacons of righteousness" and the "hope of a truly FREE America" as she "is a tarnish on Dr. King's Dream,"⁵⁵ signals the emergence of transpatriotism.



Figure 2.2 Kristin Beck after "coming-out" in 2013 (photo by Christy Borjes)

The evocation of a "truly free America" and Dr. Martin Luther King demonstrates how the discourse of transpatriotism is predicated on a narrative of American progress and equality that signals entry into an allegedly colorblind society. With the supposed inclusion of marginalized communities into the national imaginary transpatriotism functions to legitimize U.S. empire. Such comments from transgender veterans like Tannehill, Sandeen, and Beck reveal that in order to be recognized as a member of the

⁵⁴ See Catherine Hanssens, Aisha C. Moodie-Mills, Andrea J. Ritchie, Dean Spade, and Urvashi Vaid, *A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV* (New York: Center for Gender & Sexuality Law at Columbia Law School, 2014), 25ff; and National Gay and Lesbian Task Force, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," NGLTF 2011, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf (accessed 6 March 2015).

⁵⁵ Beck, "The 'Manning Debacle.'"

trans community it is essential to perform nationalism and proudly display patriotic devotion. For transgender veterans, patriotism indicates not only a cultural and social belonging within the nation, but the right to represent the nation as a patriot. *Both* homonationalism and transpatriotism allow subjects to become part of U.S. sexual exceptionalism, a discourse that is firmly grounded in the gender binary, heteronormativity, heterosexuality, and U.S. imperialism. *Both* homonationalism and transpatriotism ruthlessly police boundaries of acceptable racial, gender, sexual, and class performances by exceptionalizing certain subjectivities vis-à-vis modes of racialized, sexualized, and pathologized Othering. But, while homonationalism is primarily concerned with reiterating heterosexuality as the norm, transpatriotism specifically functions to (re)assert the gender binary, negating any fluidity. To be a true transpatriot one must adhere to and uphold the binary.

Enabled through U.S. imperial warfare since 9/11 and drawing on hetero- and homonormative ideals of securing citizenship rights, transpatriotism allows for the inclusion and recognition of certain privileged, white normative trans bodies into assimilationist frameworks of liberal equality and US exceptionalism at the expense of marginalized trans communities, particularly those of color – a process that is inherently racialized despite its occurring in a putatively free and equal society. Agathangelous, Bassichis, and Spira argue that the (re)consolidation of empire works through the constant demonization and demolition of the racially and sexually aberrant. While certain classes of subjects are invited into the folds of empire (e.g., Dan Choi or Kristin Beck), there are always Othered bodies of (non)subjects (e.g., Chelsea Manning) “whose

quotidian deaths become the grounding on which spectacularized murder becomes possible.”⁵⁶ While these patriotic transgender veterans denied Manning a right to her subjectivity, it is important to acknowledge that Manning’s whiteness still provides her with privileges, recognition, and media visibility compared to transgender women of color who are disproportionately victims of violence. Since 2014 we have seen an unprecedented rise in the violence against trans women of color in the U.S. with almost no attention or scrutiny from mainstream media. I therefore want to differentiate Manning’s racialization – a result of her gender non-conformity – from other processes of racialization that trans people of color face.

The story of Chelsea Manning reflects how contemporary neoliberal societies link freedom to the notion of legitimate state violence and produce narratives of liberty that tie rights and citizenship to institutionalized violence “at home.” Transgender veterans who ostracized Manning for threatening national security, rendered her a treacherous black sheep of the trans community who deliberately used her struggles with gender identity as a pretext for her deeds. Along with a number of media commentators, these trans veterans deemed Manning to be neither worthy of U.S. exceptionalism nor of the rights and privileges – for example, to a fair and speedy trial – granted to other US citizens. She became the non-subject against whom the liberal state enacts legitimized violence. Her case vividly demonstrates how transpatriotism reasserts the hegemony of white heteromascularity, heteropatriarchy, and U.S. imperialism.

⁵⁶ Agathangelou, Bassichis and Spira, “Intimate Investments”: 3.

The Few, The Proud, The Gays – Final Lessons from Assimilationist Gay Politics

Despite receiving multiple nominations for the Nobel Peace Prize and the prestigious Sam Adams Award, which honors intelligence professionals who have taken a stand for integrity and ethics, Manning was sentenced to 35 years in prison in August 2013, thus ending the U.S. government's long campaign against her. A total of 1,294 days were deducted from her sentence for her time spent in military custody, and she was "compensated" with another 112 days for harsh treatment endured at the Quantico marine base. Reitman from *Rolling Stone* rightly predicted,

Like all the hearings before it, his trial will take place under a thick cloak of secrecy, monitored by military censors, with no public access to court documents, and covered by a sparse and largely independent media. The larger news outlets, like much of the American public, have long moved on from the WikiLeaks saga – just as they lost interest in the war whose abuses Manning exposed.⁵⁷

Manning's sentence represents the longest ever handed down for a leak of U.S. government information and will put her behind bars for most of her adult life. An editorial in the *Guardian* called the sentence "both unjust and unfair"⁵⁸ as her prison term far exceeds other military convictions: for example, that of Charles Garner, who received a ten-year sentence for his role in the Abu Ghraib scandal.

As media and state generated discourses overlapped and reinforced one another in constructing Manning as a domestic terrorist due to her gender deviancy and her betrayal of heteronormative whiteness, the state expanded its repression of Manning's gender

⁵⁷ Janet Reitman, "The Trials of Bradley Manning," *Rolling Stone* 1178, March 14, 2013, www.rollingstone.com/politics/news/the-trials-of-bradley-manning-20130314 (accessed January 15, 2016).

⁵⁸ Editorial, "Bradley Manning: A Sentence both Unjust and Unfair," *The Guardian*, August 21, 2013, www.theguardian.com/commentisfree/2013/aug/21/bradley-manning-sentence-unjust (accessed January 18, 2016).

fluidity by denying Manning access to hormone therapy treatment for over a year.⁵⁹ In September 2014, the American Civil Liberties Union (ACLU) filed a suit on behalf of Manning demanding that she receive treatment for her official diagnosis with “gender dysphoria,” including psychological treatment, hormone therapy and gender-confirmation surgery. The case is currently still pending in a federal court.⁶⁰ In February 2015, *USA Today* obtained an internal memo by Col. Erica Nelson, the commandant of the Fort Leavenworth Disciplinary Barracks, which approved Manning to receive hormone therapy treatment.⁶¹ She is, however, still prohibited from engaging in “female hair grooming.” Although Manning had already legally changed her name to Chelsea in April 2014, in March 2015 an army appeals court ordered the military to stop referring to Manning as male and employ either gender-neutral language or use feminine pronouns in all its legal filings. The military’s tentative decision to finally recognize Manning’s gender identity presents a small victory in her continued fight for receiving appropriate health care and points to the state violence and bureaucratic hurdles that many incarcerated transgender people face.

⁵⁹ Chase Strangio, staff attorney with the ACLU’s LGBT Project said “The official policy of the Federal Bureau of Prisons and most state agencies is to provide medically necessary care for the treatment of gender dysphoria, and courts have consistently found that denying such care to prisoners based on blanket exclusions violates the Eighth Amendment of the Constitution.” Cited in Sunnive Brydum, “WikiLeaks Source Comes Out as Transgender,” *The Advocate*, August 22, 2013. www.advocate.com/politics/transgender/2013/08/22/watch-wikileaks-source-comes-out-transgender (accessed January 18, 2016); see also Dean Spade, *Normal Life. Administrative Violence, Critical Trans Politics, and the Limits of Law* (Brooklyn, NY: South End Press, 2011) for a detailed account of the disproportionate discrimination, and incarceration transgender communities (particularly those of color) are frequently facing.

⁶⁰ See Ryan Grim and Matt Sledge, “Court orders Army to Stop Referring to Chelsea Manning as a Man,” *Huffington Post*, March 5, 2015, http://www.huffingtonpost.com/2015/03/05/chelsea-manning_n_6811352.html (accessed 8 March 2015).

⁶¹ See Tom Vanden Brook, “Military approves hormone therapy for Chelsea Manning,” *USA Today*, February 13, 2015, <http://www.usatoday.com/story/news/nation/2015/02/12/chelsea-manning-hormone-therapy/23311813/> (accessed 8 March 2015).

As Manning's gender non-conformity continues to be positioned as a threat to the nation-state and national security, what, then, is the real emancipatory value of a gay rights agenda that seeks recognition by and entrance into repressive state systems? While her framing as a sexualized alien enemy whose treacherous and shameful acts warrant the enactment of legitimized violence by the state shows how easily one can be excluded from the liberal model of inclusionary politics, Manning's story provides constructive grounds to envision a queer politics that moves beyond assimilationist frameworks. There are several LGBTQ peace and social justice activists who practice a more radical queer politics and who have been supporting Manning since her incarceration in 2010. These activists assert that they "are fed up with marriage and military concerns sucking the oxygen out of what used to be a queer movement and Pride march and celebration about social justice for queers."⁶² Among them are Daniel Ellsberg, the former military analyst who leaked the Pentagon Papers in 1971, folk singer Graham Nash whose "The Ballad of Bradley Manning" lyrics comprise the epigraph of the previous chapter, Tommi Aviccoli Mecca, and Lisa Geduldig, as well as the anti-war group Courage To Resist. The Chelsea Manning Support Network has maintained a strong social media presence, collected donations for Manning's legal defense, and organized rallies nationwide with other groups such as Veterans For Peace and Code Pink.org. In 2013, the "Pardon Private Manning" video campaign prominently featured an array of celebrities, including Oliver

⁶² Michael Petrelis cited in Diane Anderson-Minshall, "Bradley Manning Supporters to Protest SF Pride," *The Advocate*, April 28, 2013, <http://www.advocate.com/pride/2013/04/28/bradley-manning-supporters-will-protest-sf-pride-tomorrow> (accessed January 18, 2016).

Stone, Maggie Gyllenhaal, Alice Walker and Angela Davis, voicing their support for Manning's acts of whistleblowing.

Addressing the case of Manning from a critical queer studies perspective forces an acknowledgement, not only of the specific discriminatory policies of the military, but also of the very purpose of the military and the repeal of the DADT policy. It demands a willingness to critique LGBT politics wrapped up in acquiring citizenship rights for certain queers through participation in the military in the name of equality. In recent editorials, Manning voiced her grave concerns about the eruption of civil war in Iraq necessitating a potentially renewed U.S. intervention. She specifically blamed limitations on press freedoms and excessive government secrecy "for making it impossible for Americans to grasp fully what is happening in the wars we finance."⁶³ Despite Manning's concerns and the call for a more critical queer politics by other activists, the recent push for transgender inclusion in the military seems to be the next big issue for LGBT organizations.

Notwithstanding the repeal of DADT and allowing women to serve in combat, the military currently still bans transgender soldiers from serving. Current trans inclusion advocacy initiatives are spearheaded by billionaire investor and long-time service member Col. Jennifer Natalya Pritzker, who announced her transition in 2013 and is an heir to the Hyatt Hotel fortune. In July 2013, Pritzker's well-endowed Tawani Foundation awarded a \$1.35 million grant to the Palm Center, a think tank that played a crucial role

⁶³ Chelsea Manning, "The Fog Machine of War," *New York Times*, June 14, 2014. <http://www.nytimes.com/2014/06/15/opinion/sunday/chelsea-manning-the-us-militarys-campaign-against-media-freedom.html> (January 18, 2016).

in DADT repeal and conducts research around gender and sexuality in the military, to launch a multi-year research initiative about trans military inclusion. A recent report sponsored under this initiative pointed out that the Pentagon's ban on transgender military service is not based on sound medical reasoning.⁶⁴ Commission member General Thomas Kolditz specifically claimed that allowing transgender people to serve openly would reduce assaults and suicides while enhancing national security: "When you closet someone, you create a security risk, and we don't need another Chelsea Manning."⁶⁵ The Pentagon has since issued a "periodic review" of its medical requirements including the provision that being transgender makes one medically unfit for duty. Secretary of Defense, Ashton Carter, has also voiced his "open-mindedness" to revisiting the current ban on transgender soldiers and commissioned a working group to study the guidelines and regulations needed to welcome transgender people to serve openly.⁶⁶ Once that work is completed, it is expected that the military's transgender ban will be lifted. Similarly, the CIA recently revealed a three-year "Diversity and Inclusion Strategy," which includes a "dedicated program" to recruit transgender individuals as part of an increased effort to recruit minority groups.⁶⁷

⁶⁴ Kerri Ryer, "Former Surgeon General Faults Military's Transgender Ban," Palm Center, March 13, 2014, <http://www.palmcenter.org/press/trans/releases/commissionreport> (accessed January 18, 2016).

⁶⁵ Lisa Leff, "Panel Urges End to U.S. Ban on Transgender Troops," *AirForce Times*, March 13, 2014, <http://www.airforcetimes.com/article/20140313/CAREERS/303130023/Transgender-troop-ban-faces-scrutiny> (accessed January 18, 2016).

⁶⁶ Juliet Eilperin, "Transgender in the Military: A Pentagon in Transition Weighs its Policy," *Washington Post*, April 9, 2015, https://www.washingtonpost.com/politics/transgender-in-the-military-a-pentagon-in-transition-weighs-its-policy/2015/04/09/ee0ca39e-cf0d-11e4-8c54-ffb5ba6f2f69_story.html (accessed 27 April 2015).

⁶⁷ See Elizabeth Harrington, "CIA has Dedicated Program to Recruit Transgender Individuals," *The Washington Free Beacon*, February 18, 2016, <http://freebeacon.com/issues/cia-dedicated-program-recruit-transgender/> (accessed March 7, 2016).

Considering open trans military service a “worthy fight,” aforementioned transgender veteran Brynn Tannehill, for example, proclaimed that

... military service is one of the most time-honored ways to better yourself in America. For many LGBT folks, the military is a pipeline out of poverty, violent homes, homelessness, and hostile communities. Service gives people access to a livable wage and education. Right now these are paths that privilege white, straight, cisgender males. Working on equality issues in the military does not harm civilian movements for equality; it provides greater options for trans persons.⁶⁸

The conservative, transpatriotic narratives favoring and advocating for transgender inclusion in the military advanced by Tannehill, Beck, and others follow a familiar strain of argument advanced to end DADT, namely that eligibility for military service is an essential means for marginalized communities to gain equality, recognition, and access to full U.S. citizenship rights.

As trans exclusion from the military is tackled as the next step in advancing queer normalization and equality, such advocacy demands a more critical engagement with the patriotic and inclusionary rhetoric of “equal rights” to serve in an all-volunteer army, whose purpose it is to defend “freedom” and “democracy,” where LGB (and soon T?) people can now be just as “virile” in carrying out missions and killings as their heterosexual counterparts. Aaron Miracle, a service member of the Army National Guard from 2002-2010 affiliated with the group Iraq Veterans Against the War, has been one of the few transgender veterans who has publicly supported Manning and explicitly spoken out against the recent push and (re)allocation of resources for trans inclusion in the

⁶⁸ Brynn Tannehill, “We’re not Astro turf: Why open Trans Military Service is a Worthy Fight,” *Huffington Post*, September 16, 2013, http://www.huffingtonpost.com/brynn-tannehill/were-not-astro turf_b_3903502.html (accessed 10 March 2015).

military. Myracle considers transgender inclusion in the military a misguided step and notes that “[It] is not a push for trans inclusion. It’s a push for binary-identified trans people inclusion.”⁶⁹ The transpatriotism undergirding the push to end the ban not only relies on a nationalist and patriotic rhetoric but seeks to integrate gender non-conforming individuals into the military by neatly (re)boxing them into the traditional gender binary. Instead of arguing for trans inclusion in the military, there are numerous other, urgent social justice issues facing trans communities: disproportionate rates of criminalization, imprisonment and violence, the denial of urgently needed medical care, and placement in gender inappropriate facilities, for example. For critical queer scholars, the “shameful” acts of Chelsea Manning prompt us to question whether we can do things with shame that we cannot do with pride.⁷⁰ As we are currently firmly situated within the celebratory era and visual spectacle of gay pride, what could be enabling about shame and its related affects?

In April 2014, Gary Virginia, the new SF Pride board president, publicly apologized to Chelsea Manning and reinstated her as an honorary grand marshal. Virginia acknowledged, “Even with this controversy, thousands of Manning supporters in the 2013 Pride Parade represented the largest non-corporate, walking contingent in the parade.”⁷¹ It is possible for Manning’s reinstatement to serve as a starting point for a

⁶⁹ Cited in Toshio Meronek, “Transgender Activists Speak out Against Campaign to end Trans Military Ban,” *Truthout.org*, July 21, 2015, <http://www.truth-out.org/news/item/25015-transgender-activists-speak-out-against-campaign-to-end-trans-military-ban> (accessed 6 March 2015).

⁷⁰ For a detailed exploration of the residual effects of shame on lesbian and gay subjectivity in the era of gay pride see David Halperin and Valerie Traub, “Beyond Gay Pride,” in *Gay Shame*, eds. David Halperin and Valerie Traub (Chicago, IL: The University of Chicago Press, 2009), 3-40.

⁷¹ Cited in Lucas Grindley, “San Francisco Pride Apologizes, Honors Chelsea Manning,” April 13, 2014, *Advocate*, <http://www.advocate.com/pride/2014/04/13/san-francisco-pride-apologizes-honors-chelsea-manning> (accessed January 18, 2016).

productive conversation between grass-roots social-justice activism and the more established branches of the LGBT movement to consider the future direction of queer politics – one that weighs the costs of seeking equality, inclusion, and recognition by state institutions more carefully. Manning’s reinstatement has also forced several mainstream gay organizations to re-evaluate their claims of inclusivity toward transgender individuals. Despite being nominally included in the LGBT acronym, transgender issues and communities have been mostly ignored by gay rights organizations narrowly focused on certain gay and lesbian identity politics over the past three decades.

Too often queer struggles for a “right to serve” become co-opted to promote American militarism that elides any attention to the implementation of questionable U.S. foreign policy and power structures that are embedded in and inextricably tied to hierarchies of oppression as I have noted throughout this chapter. Manning’s reinstatement should encourage us not to sit comfortably on these “victories of equality” but to dismantle a prevailing “how-can-you-not-want-rights?” logic and continue voicing dissent against the intersectionalities of racist immigration policies, imperialist warfare, trans- and homophobia in the military, as well as the disturbingly high numbers of sexual assault and harassment of male and female service members, queers and straights, alike. Let me close this chapter with an excerpt from Manning’s official request for pardoning by President Obama:

Patriotism is often the cry extolled when morally questionable acts are advocated by those in power. When these cries of patriotism drown out any logically based dissension, it is usually the American soldier that is given the order to carry out some ill-conceived mission. Our nation has had similar dark moments for the

virtues of democracy — the Trail of Tears, the Dred Scott decision, McCarthyism, and the Japanese-American internment camps — to mention a few. I am confident that many of the actions since 9/11 will one day be viewed in a similar light ...when I chose to disclose classified information, I did so out of a love for my country and a sense of duty to others. If you deny my request for a pardon, I will serve my time knowing that sometimes you have to pay a heavy price to live in a free society.⁷²

⁷² Manning, “Appeal for Presidential Pardon.”

Chapter 3

The Blindfolds of Justice: CeCe McDonald and the Disposability of Black Transgender Lives

When I reached the courthouse the morning Chrishaun ‘CeCe’ McDonald was supposed to have her pre-trial hearing on a charge of second-degree murder, I saw news trucks lined up at the curb. Wow, I said to myself. Someone is finally paying attention to CeCe McDonald. I was so naive. They were there for the Amy Sener trial, which started that day. They were continuing their endless coverage of a rich white woman who allegedly struck and killed an innocent pedestrian and drove away. The level of media interest is very different when it comes to a young, poor, black transgender woman who gets involved in a desperate midnight fight over in my part of town. ~ Haddayr Copley-Woods, Minnesota Public Radio Reporter¹

We see all kinds of crime by all sorts of people and in the best way humanly possible we try to review it as racially blind, as sexual-orientation blind, as economic-blind as we could be. The scales of justice have got a blindfold on them for a reason, and we try to follow that. ~ Hennepin County Attorney Michael Freeman²

On the night of June 5, 2011 CeCe McDonald, an African American trans woman and a group of her friends, all LGBT African Americans, had been enjoying a quiet night barbecuing and spending time together at McDonald’s apartment building in South Minneapolis. Around 11:30 PM they decided to take a short walk over to Cub Foods, a local 24-hour grocery store, to pick up some groceries. On their way to the store, the group was racially profiled and harassed by police as a squad car pulled up to them and asked what they were doing out on the street since a “noise complaint” had been made in

¹ Haddayr Copley-Woods, “Another trial that Minnesotans should be watching,” MPR, April 27, 2012, <http://www.mprnews.org/story/2012/04/27/haddayr> (accessed November 5, 2014).

² Freeman interviewed by Andy Mannix, “Michael Freeman talks Prosecution of CeCe McDonald [VIDEO],” *City Pages*, May 11, 2012, http://blogs.citypages.com/blotter/2012/05/michael_freeman_prosecution_cece_mcdonald.php (accessed November 5, 2014).

the neighborhood. After several minutes of trailing them, the police car pulled away. As McDonald and her friends kept walking along East 29th street, they passed the Schooner Tavern and began hearing catcalls from across the street.³

After making a visit to the Schooner Tavern on an early October evening in 2014, I would describe the tavern as an average neighborhood bar that offers cheap drinks, live music, pool tables, and seems to attract primarily a white, blue-collar working class and biker crowd in an ethnically diverse, lower income neighborhood. The tavern is located in East Minneapolis bordering a mall complex, in the midst of a rather oddly placed commercial and industrial section that is bisected by light rail tracks. This commercial section is straddled by the considerably wealthier and more gentrified neighborhood of Longfellow to its South and Powderhorn Park to its West, which is traditionally working-class, predominantly inhabited by people of color, and known for higher crime rates. The Schooner is also directly located off of Lake Street, a major, bustling thoroughfare in Minneapolis that is home to many immigrant populations from Latin America and East Africa, primarily the city's large Somali population. On its website the Schooner prides itself for being conveniently located with easy access to public transportation, "ample lighted parking" and "friendly, safe, cab service."⁴

³ Andy Mannix, "CeCe McDonald Murder Trial. Behind the Scenes of the Transgender Woman's Case," *City Pages*, May 9, 2012, <http://www.citypages.com/2012-05-09/news/cece-mcdonald-murder-trial/> (accessed September 30, 2014).

⁴ The Schooner Tavern, <http://schoonertavern.com/> (accessed January 20, 2016).



Figure 3.1 Schooner Tavern (my own photograph)

However, what McDonald and her friends encountered outside the Schooner that night was not the friendliness and hospitality of a neighborhood bar, but rather an onslaught of racial, homo- and trans-phobic slurs from some of its white patrons smoking and drinking outside the bar. Among those were Dean Schmitz, his ex-girlfriend Molly Flaherty, and Jenny Thoreson, Schmitz' current girlfriend. What exactly was exchanged that night is still up for debate. However, McDonald and her friends testified that Schmitz and his group assaulted them with numerous slurs, calling them “faggots,” “nigger lovers,” “tranny,” and “a bunch of nigger babies.”⁵ Schmitz allegedly yelled: “Look at that boy dressed as a girl, tucking his dick in!” and “You niggers need to go back to Africa!”⁶ In an interview McDonald later remembered:

The incident in it itself was so complex. We dealt with race. We dealt with sexual orientation. We dealt with transphobia and transmisogyny. We dealt with homophobia. ... You don't know what part of you that you're defending. I didn't know if I was fighting for myself because I was black. I didn't know if I was fighting for myself because I was trans. But it all coincided.⁷

⁵ Larry Tyaries Thomas, one of McDonald's friends recalling those slurs cited in Mannix, “CeCe McDonald Murder Trial.”

⁶ Cited in Sabrina Rubin Erdely, “The Transgender Crucible,” *Rolling Stone*, July 30, 2014, <http://www.rollingstone.com/culture/news/the-transgender-crucible-20140730> (accessed September 17, 2014).

⁷ CeCe McDonald interviewed by Michelangelo Signorile, host of Sirius XM's *Progress Show*, Transcript retrieved from “Transgender Activist, Recalls Hate Attack, Manslaughter Case,” *The Huffington Post*,

How the two groups came to get involved in a physical altercation remains unclear; however, all parties agreed that Molly Flaherty first threw her glass tumbler at McDonald, an act that caused a gash requiring eleven stitches to repair. McDonald recalled:

As I was turning — she had a glass tumbler — as I was turning she threw her drink in my face. All her liquor went into my eyes. And then I felt the glass shards break into my face. And it was really an excruciating pain and instantly I was covered with blood, and I was really scared and I couldn't see because there was liquor in my eyes. After she hit me with the glass, she decided to pull me into the street by my hair and show how strong she was.⁸

As people piled onto Flaherty, a security guard from the Schooner walked out of the bar and saw how Schmitz was trying to shove McDonald off his ex-girlfriend. Schmitz and McDonald both stepped away from the group. According to the bar's security guard, McDonald was holding onto a pair of fabric scissors while Schmitz was clenching his fists and approaching her before he suddenly fell over and exclaimed, "You stabbed me!"⁹ McDonald herself testified that she did not jab Schmitz but was trying to defend herself:

I had some scissors in my purse, just to be on the safe-side [be]cause I never know. I pulled them out. He came towards me, but... I didn't stab him, it was like he ran into the scissors, because [crying/sighing] it's like he was trying to get me; like he really just wanted to hurt me so bad. ...I was just, only trying to protect us, myself.¹⁰

February 22, 2014, http://www.huffingtonpost.com/2014/02/22/cece-mcdonald-manslaughter-case_n_4831677.html (accessed September 17, 2014).

⁸ Cited in Signorile "Transgender Activist, Recalls Hate Attack."

⁹ Security guard Gary Gilbert cited in Mannix, "CeCe McDonald Murder Trial."

¹⁰ *State of Minnesota v. Chrishaun Reed McDonald*. Court File No.: 27-CR-11-16485. Scales Transcript, p. 24. (Hennepin County, Fourth Judicial District, June 5, 2011).

Despite conflicting eyewitness accounts, police later arrested McDonald considering her both the instigator of, and aggressor in, the attack.

In this chapter, I trace McDonald's story and the events surrounding her case through close readings of the local media coverage, court records, and ethnographic accounts from members of her support committee. I scrutinize how the local media's framing of her as a gender-deviant murderer and the state's eagerness to prosecute her for alleged second-degree murder denying her a right to plead self-defense, worked hand-in-hand to discipline McDonald for being gender non-conforming and daring to survive a vicious attack motivated by racism and homo- and transphobia. I argue that the local media explicitly corroborated and colluded with the state by refusing to acknowledge the lived experience of a transgender woman of color defending her life as she was publicly harassed and attacked for her gender identity and race. Drawing on critical race theory and intersectionality, I argue that the media's framing of McDonald's gender non-conformity as deceptive and threatening in conjunction with the state's refusal to grant McDonald a right to self-defense, illustrate how both the media and the state reinforce the justice system's self-professed color and gender blindness, masking the state's ongoing investment in and protection of whiteness. The public discourses created by local news organizations about McDonald and the events surrounding her case demonstrate how the local media were complicit in (re)producing identity categories, narratives, and stereotypes about transgender populations that reinforce their *a priori* criminalization and the state's targeting, policing, and incarceration of trans communities, particularly those of color. As *both* the media and the state failed to recognize and acknowledge McDonald

as an intersectional subject, the assertion of a colorblind rhetoric enabled the multidimensional violence enacted against her. I conclude this chapter by referencing court cases paralleling McDonald's as well as the passing of the Hate Crimes Prevention Act to interrogate whom these laws are actually designed to protect and how the justice system's alleged impartiality continues to deny value and legal protections to both people of color and transgender communities long after the end of Jim Crow. The overlap and interplay of mediated and legal discourses are indicative of the multifaceted operations of state power and systematically perpetuate the categorization of certain racialized populations as always already criminal, deviant, and, therefore, disposable. In so doing, this chapter points to the limits of utilizing media visibility and the law as avenues to achieving social justice.

Local Crime Reporting: Transgender Violence and White Victims

Analyzing several local print and broadcasting outlets in Minneapolis reveal the prevalence of derogatory and insulting language used to discuss McDonald – if her story was even deemed newsworthy at all.¹¹ The quote from Haddayr Copley-Woods, a contributor to Minnesota Public Radio News, in the epigraph to this chapter concisely describes the crux of the matter: while news outlets meticulously covered the high-profile, celebrity trial of the wife of a former Minnesota Vikings football player who was

¹¹ Using key words such as “Chrishaun ‘CeCe’ McDonald” and “Dean Schmitz” I conducted a search of prominent Minneapolis and St. Paul news outlets, such as the *Star Tribune*, the *Pioneer Press*, the *Minnesota Daily*, *Minnesota Public Radio*, the *MinnPost*, and *Lavender Magazine* for the time frame between McDonald's arrest on June 5, 2011 until the time of this writing in September, 2014. I also searched for transcripts from the local affiliates of the four networks, ABC, NBC, CBS, and FOX using the same keywords. After eliminating duplicates and articles only peripherally addressing the case, my search resulted in 64 articles and broadcasts about McDonald.

convicted in a hit-and-run that killed a prominent Asian American chef around the same time McDonald was facing charges for second-degree murder, they differed drastically in their coverage of the story of a poor, young, black trans woman defending her life. The *St. Paul Pioneer Press*, the second largest newspaper covering the Twin Cities, did not publish a single article on McDonald's case. When local news media did cover McDonald's story, they mainly sensationalized her gender non-conformity, repeatedly misgendered her as male, and were dismissive of and/or oblivious to the racial and transphobic motivations behind the assault, and thus unwilling to recognize the intersectional nature of the violence and discrimination at work in her case.¹²

Initial news reports on the stabbing broke under crime reporting sections and all identified McDonald as a male suspect: "A 23-year-old man has been charged,"¹³ "He is accused in the death of 47-year-old Dean Schmitz, who died after an altercation at The Schooner Tavern ...,"¹⁴ or "A 23-year-old man fatally stabbed a bar patron in the midst of a melee outside the Minneapolis tavern."¹⁵ The local NBC affiliate, KARE 11, closed its initial report on the stabbing with "McDonald is currently in custody at the Hennepin County Jail. Police say his mug shot is unavailable as the investigation continues."¹⁶

While law enforcement typically releases mug shots of individuals who are arrested and

¹² See, for example, No Author, "Murder Charges filed in Mpls. Weekend Stabbing," KARE 11 News, June 7, 2011, <http://archive.kare11.com/rss/article/925977/391/Murder-charges-filed-in-Mpls-weekend-stabbing> (accessed September 24, 2014).

¹³ No Author, "Charges Filed In Minneapolis Stabbing," WCCO: CBS Minnesota, June 7, 2011, <http://minnesota.cbslocal.com/2011/06/07/charges-filed-in-minneapolis-stabbing/> (accessed September 24, 2014).

¹⁴ No Author, "Murder Charges filed in Mpls. Weekend Stabbing."

¹⁵ Paul Walsh, "Minneapolis stabbing victim ran into scissors, suspect says," *Star Tribune*, June 8, 2011, <http://www.startribune.com/local/west/123370453.html> (accessed September 24, 2014).

¹⁶ See KARE 11, "Murder charges filed in Mpls. weekend stabbing."

under suspicion of having committed a crime, the Minneapolis Police Department's delay in providing news stations with her mug shot raises several questions: Did the police hide McDonald's gender identity and the stab wound prominently displayed on her face to divert attention from the fact that the stabbing was much more complicated than a brawl that had gotten out of hand? Did KARE 11 and other news stations demand from the police to explain the absence of the mug shot in the alleged murder case? Did the news station not fulfill its journalistic watchdog function to follow-up and question state authorities in its investigative reporting on the case, or did KARE 11 not deem the absence of McDonald's headshot worthy of inquiry? While the police motive cannot be established beyond a doubt, hiding and delaying the release of the mug shot rendered McDonald's intersecting identity categories, especially the intersections of her gender identity and race, invisible.

Most of the early stories focused solely on the "victim," Dean Schmitz. The local FOX affiliate ran the headline "Man Faces Murder Charge in Minneapolis Bar Stabbing"¹⁷ without mentioning the racist and transphobic slurs that initiated the altercation between the two groups. Instead, in an effort to sanitize Schmitz's death and elevate his role as the victim, FOX 9 presented sound bites from mournful family members emphasizing what a caring and loving person Schmitz had allegedly been as he "would give the shirt off his back to help people."¹⁸ None of the channels mentioned

¹⁷ No Author, "Man Faces Murder Charge in Minneapolis Bar Stabbing," myfox9.com, June 7, 2011, <http://www.myfoxtwincities.com/story/17594883/man-faces-murder-charge-in-minneapolis-bar-stabbing> (accessed September 24, 2014). Site has since been removed but content is still available at: <http://archive.is/9kuYs>

¹⁸ Jeremy Williams, Schmitz's son, cited in *ibid*.

Schmitz's extensive criminal record that contained convictions for drug possession and domestic assault. Schmitz's ex-wife Tammy Williams was "hoping for justice" and asserted, "Whoever did this left my kids without a father, and to me, that's devastating."¹⁹ In a later interview during McDonald's sentencing, the *Star Tribune* further cited Schmitz' family saying "with all of the focus on McDonald, Schmitz, a father of three, has been forgotten as the true victim,"²⁰ and quoted his ex-wife: "Dean loved his children, and at the hands of Chrishaun McDonald, he can never tell them again."²¹ Schmitz's unexpected death not only confronted his loved ones with the painful experience of suddenly losing him, but his dead body was specifically (re)constructed in news narratives to idealize and mobilize an imagined white fatherhood to secure the cultural and socio-political dominance of white heteromascularity, thus absolving Schmitz of any blame. The media's valuing of Schmitz' life simultaneously depended on the immediate criminalization and Othering of McDonald because of her gender non-conformity.

On May 9, 2012 the Minneapolis' *City Pages*,²² a weekly paper, published a cover story under the sensationalizing title, "The Edge of Doubt: When a Transgender Woman

¹⁹ Tammy Williams cited in No Author, "Man Faces Murder Charge."

²⁰ Abby Simons, "Transgender Defendant gets 3 Years in Fatal Bar Fight," *Star Tribune Metro Edition*, page 1B, June 5, 2012, www.lexisnexis.com/hottopic/lnacademic (accessed [September 24, 2014](#)).

²¹ Cited in *ibid*.

²² *City Pages* is the only alternative weekly remaining in the Twin Cities. Founded in 1979 as a music-oriented publication, it was originally called *Sweet Potato*. After focusing more on news and entertainment, it was renamed *City Pages* in 1981. Similar to declining revenue streams and readership numbers impacting other print publications, alternative weeklies are also struggling with declining advertising sales, which they draw mainly from small, local businesses, while trying to expand their digital publishing platforms. In recent years, its coverage has become increasingly sensationalizing and foregrounds infotainment. In May 2015, the *Star Tribune* bought the paper for an undisclosed amount from the Denver-based Voice Media Group, which has been moving away from its alternative weeklies portfolio. Voice Media publications include the *Village Voice* in New York and the *Dallas Observer*. *City Pages* currently reaches approximately 360,000 readers a month in print and records around 1.3 million visits a month to its website. See Evan Ramstad, "Star Tribune makes deal to buy alt-weekly City Pages," *Star Tribune*, May 6, 2015, <http://www.startribune.com/star-tribune-buys-city-pages/302763201/> (accessed June 23, 2015).

Stabs a Man tattooed with a Swastika, how will Justice be Served?”²³ The title and accompanying story reinforced the notion that McDonald’s gender non-conformity rendered her deviant and threatening. The cover art intensified the perceived threat by depicting scissors, the alleged murder weapon, cutting through a black and white face. Reminiscent of the movie *Basic Instinct* (1992), a noir erotic thriller portraying a bisexual woman (Sharon Stone) as a murderous, narcissistic psychopath, the cover art gracing *City Pages* played into long-enduring stereotypes and fears of queers as deceptive and dangerous. While the full-length feature acknowledged the racialized and trans misogynist motivations behind the attack, it was full of hyperbole describing the incident, particularly a graphic recount of the stab “slowly staining” Schmitz’s shirt “red from the geyser of blood.”

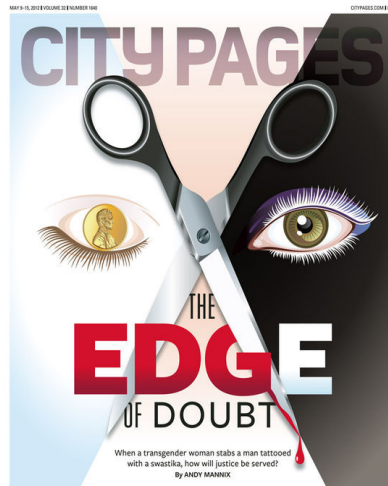


Figure 3.2 *City Pages* “The Edge of Doubt” (May 9, 2012)

The article was also extremely dismissive of the organizing work that was happening on McDonald’s behalf; author Andy Mannix not only alleged that

²³ Mannix, “CeCe McDonald Murder Trial.”

McDonald's Support Committee was exceptionalizing her by treating "her as a folk hero of sorts, a transgender Matthew Shepard," but concluded that the plea-deal offered to McDonald was "generous."²⁴ Mannix further suggested the inevitability of violence against trans women, as "the tragedy outside the Schooner Tavern may have been bad timing more than anything else. It was the chance meeting of two people who couldn't have been more different. Together, they were primed to explode."²⁵ Despite the *City Pages'* explicit acknowledgement of the racial and transphobic comments inciting the brawl, by suggesting that the fatal outcome in the incident at the Schooner Tavern was merely due to "bad timing" and that McDonald was simply at the wrong place, at the wrong time, Mannix individualized and exceptionalized the Schooner patrons' actions and insinuated that the violence committed against McDonald and her friends was an isolated incident. Not once, for example, did Mannix contextualize McDonald's case with the nationwide increase in violence committed against trans people, especially trans women of color; instead, he paired McDonald's gender non-conformity with Schmitz' white supremacist background as symmetrically powerful forces whose convergence caused a violent eruption. In so doing, Mannix implicitly blamed McDonald's Otherness for how the events unfolded and implied that gender non-conforming people are inherently threatening. This effectively worked to gloss over and erase long and systemic strains of racialized, white supremacist violence enacted against LGBT communities and people of color in U.S. history. By idealizing Schmitz as a loving father figure, enforcing his heteronormativity, and absolving him of any blame or responsibility for the incident,

²⁴ Mannix, "CeCe McDonald Murder Trial."

²⁵ Ibid.

the *City Pages*' article, similar to news reports mentioned earlier, cast the white, presumably racist perpetrator getting killed as a tragedy that needed to be properly mourned and recuperated into the national imaginary; conversely, it presented a trans woman's fight and courage to survive as an anomaly. Schmitz became a loving, white father figure precisely through his encounter with a person marked as violent Other. With its coverage, the *City Pages* not only Othered McDonald for her racialized gender non-conformity, but the paper created and fed into discourses that describe trans people as impulsive, inherently violent, unpredictable time bombs ready to explode at any moment. The paper systematically used the Othering of McDonald to rehabilitate the perpetrator and absolve his racist violence into a heteronormative national belonging.

During McDonald's pre-trial proceedings and later her sentencing, local media coverage also frequently justified the state's decision to hold her in solitary confinement and isolation "because of safety concerns related to gender-transition status"²⁶ and "the well-being of others."²⁷ In his news column for the *MinnPost*, a nonprofit, nonpartisan, web-based publication, Brian Lambert later commented on McDonald's sentencing with the headline, "She's man enough to do her time in the boy's prison."²⁸ The *Minnesota Daily*, the University of Minnesota's student-run newspaper, addressed McDonald's case only in its Editorial & Opinion pages and condemned McDonald's assignment to an all-male facility asking, "How does a community of people who do not fit within a binary

²⁶ Abby Simons, "2nd Weapon Raises Questions," *Star Tribune (Minneapolis, MN) Metro Edition*, July 12, 2011, page 4B. www.lexisnexis.com/hottopics/lnacademic (accessed September 24, 2014).

²⁷ Abby Simons, "Transgender Defendant gets 3 Years."

²⁸ Brian Lambert, "Local CEO prods peers to oppose marriage amendment," *The Glean, MinnPost*, June 18, 2012, <http://www.minnpost.com/glean/2012/06/local-ceo-prods-peers-oppose-marriage-amendment> (accessed September 24, 2014).

gender prison system receive proper punishment fairly under the law?”²⁹ Yet while the efforts of the student paper urging legislators and correctional facilities “to find a safe place for its transgender inmates and understand their needs”³⁰ are laudable, these editorials viewed McDonald’s solitary confinement as a benign means to keep her safe and presumed she was guilty. However, as my analysis of Chelsea Manning’s treatment in detention in Chapter 1 has demonstrated, solitary confinement presents another means in the state’s inventory of detention practices to further surveil, silence, discipline, and repress individual prisoners. Several civil rights organizations, including the Sylvia Rivera Law Project and the Center for Constitutional Rights, assert that “solitary confinement is torture” because it violates constitutional rights against cruel and unusual punishment.³¹ Putting prisoners in so called “Special Housing Units” or “Security Housing Units” to supposedly protect them from other inmates without justification, due process, or outside oversight, also ignores the fact that prisoners frequently face violence at the hands of correctional guards and that prolonged isolation poses significant mental and psychological harm to prisoners.³² The few articles that sought to shed light on the precarious status of transgender prison populations because of their incarceration in correctional facilities based on their birth-assigned sex, therefore, neglected to critically

²⁹ Eric Best, “Transgender in the prison system,” Opinion, *Minnesota Daily*, page 7, June 27, 2012, <http://www.mndaily.com/2012/06/27/transgender-prison-system> (accessed September 24, 2014).

³⁰ Editorial Board, “Transgender in a binary system,” Opinion, *Minnesota Daily*, page 14A, January 21, 2014, <http://www.mndaily.com/opinion/editorials/2014/01/20/transgender-binary-system> (accessed September 24, 2014).

³¹ Center for Constitutional Rights, “Torture: The Use of Solitary Confinement in U.S. Prisons,” Center for Constitutional Rights, 2012, <http://ccrjustice.org/solitary-factsheet> (accessed February 21, 2015).

³² See Catherine Hanssens, Aisha C. Moodie-Mills, Andrea J. Ritchie, Dean Spade, and Urvashi Vaid, *A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV* (New York, NY: Center for Gender & Sexuality Law at Columbia Law School, 2014), 25ff.

interrogate the state's deceitful use of solitary confinement. These articles still deemed McDonald's incarceration as just and failed to critique the general functions of the U.S. prison-industrial-complex and the systemic inequalities of the justice system as I will elaborate in the chapter's second section.

Star Tribune: Reporting "Dilemmas," Compelled Disclosures, and Transgender Style Guidelines

The Minneapolis *Star Tribune*,³³ the largest newspaper covering the Minneapolis-St. Paul metropolitan area, stood out with its sensationalistic and derogatory reportage. The *Star Tribune* continued to misgender McDonald well after her self-identification as a trans woman was known and consistently framed her as a murderer. Articles frequently referred to McDonald by her birth name and described her as "Chrishaun Reed 'CeCe' McDonald, 23, who is a person in transition from a man to a woman"³⁴ or as "McDonald, who is transgender and lives as a woman."³⁵ By consistently misgendering her, the *Tribune* belittled McDonald's gender identity, denied her transgender subjectivity, and

³³ After filing for bankruptcy in 2009 and several ownership changes in the early 2000s, the *Star Tribune* was sold to local businessman and former Republican Minnesota State Senator Glen Taylor for \$100 million in 2014. Taylor also owns professional Minnesota sports teams, including the Minnesota Timberwolves and the Minnesota Lynx. After a decade of declining revenue, Star Tribune Media has seen marginal revenue growth and operating profits over the past two years. The *Tribune's* weekday circulation reaches about 300,000 readers and its website gets more than 7 million unique visits a month. See Evan Ramstad, "Star Tribune makes deal to buy alt-weekly *City Pages*." In April 2014, Taylor indicated that the *Tribune*, which Republicans consider too liberal, will "have better balance" in its reporting aided by veteran reporters retiring. See Britt Robson, "New owner Glen Taylor: less liberal Star Tribune ahead," *MinnPost*, April 16, 2014, <https://www.minnpost.com/business/2014/04/new-owner-glen-taylor-less-liberal-star-tribune-ahead> (accessed April 3, 2015). Taylor's comments on the political changes at Minnesota's largest daily newspaper are certainly not isolated and are characteristic of ongoing concerns about private ownership influence on editorial decisions.

³⁴ Simons, "2nd Weapon Raises Questions."

³⁵ Abby Simons, "Woman Charged with Starting Fatal Melee," *Star Tribune Metro Edition*, page 4B. May 23, 2012, www.lexisnexis.com/hottopics/lnacademic (accessed September 24, 2014).

her right to self-determination. These news reports discursively upheld a fixed, normative gender binary (where one is always either male or female, but can never be fluidly in between or change from one end of the spectrum to another). Similar, to Barker-Plummer's observations surrounding news coverage of the murder of Gwen Araujo in 2006,³⁶ the *Star Tribune* and the other local news organization marked only McDonald's transgender identity, instead of attaching, for example, the label "cis-gender" to the patrons McDonald and her friends encountered outside the Schooner. Headline after headline felt it necessary to point out that McDonald was transgender, fetishizing her gender non-conformity: Local CBS affiliate WCCO, for example, ran the headline "Transgender Woman Gets 41 Months After Accepting Plea Deal"³⁷ and MPR reported "Transgender woman gave up self-defense claim in plea deal."³⁸ While the *Tribune* repeatedly fetishized McDonald's trans identity, it refused to discuss how the intersection of her trans identity and identity as a poor woman of color affected the circumstances of the case. By reasserting cis-gender identity and the gender binary as the norm, local media failed to recognize McDonald as an intersectional subject and concurrently obscured the material and structural inequalities that she was facing.

While the *Star Tribune* reported that "McDonald and a witness said Schmitz incited a melee after midnight when he made racist and gay-bashing remarks toward

³⁶ See Bernadette Barker-Plummer, "Fixing Gwen," *Feminist Media Studies* 13, no. 4 (2013): 710-724.

³⁷ No Author, "Transgender Woman Gets 41 Months After Accepting Plea Deal," WCCO: CBS Minnesota, June 4, 2012, <http://minnesota.cbslocal.com/2012/06/04/transgender-woman-gets-41-months-after-accepting-plea-deal/> (accessed September 24, 2014).

³⁸ Laura Yuen, "Transgender woman gave up self-defense claim in plea deal," MPR: Minnesota Public Radio, May 3, 2012, <http://www.mprnews.org/display/web/2012/05/03/cece-plea/> (accessed January 20, 2016).

McDonald, who is black,”³⁹ the paper’s succeeding articles were quick to label and criminalize McDonald as “a transgender murder suspect”⁴⁰ whose alleged “pent-up fury exploded” from the “pressures of being transgender.”⁴¹ The *Tribune*’s fetishizing of McDonald’s gender non-conformity not only sought to render her deviant, but like other local news outlets, the newspaper deliberately reinforced a representation of McDonald as threatening and violent precisely because she was transgender. Invoking deep-rooted tropes of black rage and black criminality, the local media coverage of McDonald’s case repeatedly suggested that the “pressures” of being transgender inevitably result in violence (or as I have demonstrated in my chapters on Chelsea Manning, in the leaking of government documents threatening the nation-state and national security). These portrayals of McDonald as dangerous and threatening, therefore, invalidated her claims to self-defense.

While local outlets fetishized McDonald’s transgender identity, they typically ignored or omitted altogether the fact that she was African American. Not once, for example, did an article in the *Star Tribune* refer to her as “a transgender woman of color.” In those rare occasions when local outlets pointed out McDonald’s racial identity it was treated as separate from her transgender identity: “The group that included McDonald, all of them black, crossed the street to confront the bar crowd.”⁴² At the same

³⁹ Simons, “2nd Weapon Raises Questions.”

⁴⁰ Abby Simons, “Attorney for Mpls. transgender murder suspect says new charge is ‘retaliation,’” *Star Tribune*, October 7, 2011, <http://www.startribune.com/local/minneapolis/131325654.html> (accessed September 24, 2014).

⁴¹ Simons, “Transgender Defendant gets 3 Years.”

⁴² Paul Walsh, “‘CeCe’ McDonald freed after 19 months in prison for killing Mpls. bar patron,” *Star Tribune*, January 13, 2014, <http://www.startribune.com/local/minneapolis/239960331.html> (accessed September 24, 2014).

time, Schmitz's whiteness predominantly remained unmarked and was only occasionally implied by acknowledging that racially, homo-, and transphobically charged verbal assaults had preceded the altercation. The media coverage surrounding McDonald refused to acknowledge that race played a role in the incident, let alone its intersection with gender. News media thereby failed to take into account and acknowledge how multiple identity categories relating to race, gender, sexuality, and class present intersecting systems of oppression and that these oppressions do not function separately from one another.⁴³ McDonald and her friends were targeted not only because of their race, or class, or their sexual orientation, or their gender non-conformity – one did not trump the other – but because these oppressive systems were intertwined and mutually constitutive of one another in shaping the groups' experiences – forming a “matrix of domination.”⁴⁴

The *Star Tribune* later became directly involved in McDonald's pre-trial proceedings. Under the Minnesota Free Flow of Information Act⁴⁵ the paper was ordered to disclose a letter that McDonald had sent to the paper shortly after her arrest. In the letter, which the *Star Tribune* referenced several times in its coverage, McDonald described her initial confession of stabbing Schmitz as a “mistake” and claimed that she

⁴³ See Kimberlé Crenshaw's groundbreaking work on intersectionality, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43, no. 6 (July 1991): 1241-1299.

⁴⁴ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Boston, MA: Unwin Hyman, 1990), 18; 227-228.

⁴⁵ The Minnesota Free Flow of Information Act protects journalists from compelled disclosure of the identity of their sources to the disclosure of “any unpublished information procured by the person in the course of work or any of the person's notes, memoranda, recording tapes, film or other reportorial data whether or not it would tend to identify the person or means through which the information was obtained” (Minnesota Statute § 595.023).

made admissions to the police to cover up for a friend. The prosecution asserted that the letter was “relevant to the prosecution of a serious felony, cannot be obtained by alternative means, and there is a compelling interest in obtaining the letter to prevent injustice.”⁴⁶ While attorneys for the *Star Tribune* argued that newspapers should not be treated as a repository of information for litigation purposes,⁴⁷ the Court granted the prosecution’s request and ordered the *Star Tribune* to disclose the letter to better weigh McDonald’s believability:

In a case where the defendant has noticed his [sic] intentions to rely on self-defense, the issue of credibility and the defendant’s state of mind are paramount. This is not a case of “who done it.” It is a case where the central issue will be whether the death of D.S. [Dean Schmitz] was justified.⁴⁸

The Judge’s order to disclose the letter points to the fragility of the freedom of the press guaranteed by the First Amendment. The leaks of classified documents by WikiLeaks in cooperation with newspapers such as the *New York Times* and *The Guardian* in 2010, have also renewed debates about the use of subpoenas to force journalists to disclose confidential news sources and unpublished information. As the state explicitly compelled the *Star Tribune* to cooperate, the disclosure of the letter further reinforced the ostracizing, criminalizing, and demonizing of McDonald as a deceptive murderer.

Because the *Star Tribune* received criticism from local community organizers for its derogatory coverage of McDonald, I directed several inquiries to the staff reporter, Paul Walsh, who initially covered her case about whether he would be willing to share

⁴⁶ *State of Minnesota v. McDonald*, Minnesota Free Flow of Information Act – Memorandum in Support of Application for Disclosure, November 3, 2011, 1.

⁴⁷ See *State of Minnesota v. McDonald*, Order and Memorandum of Law Granting the State’s Application for Disclosure, December 9, 2011, 6.

⁴⁸ *Ibid.*, 13.

his experiences. However, I only received a one-line email wherein Walsh indicated, “Sorry, I won’t be able to help you.”⁴⁹ Similarly, Abby Simons, another staff writer, tried to deflect any responsibility for the paper’s derisive coverage arguing – inaccurately – that the “the heat the *Star Tribune* took”⁵⁰ for reporting on McDonald with male pronouns occurred before she started covering the case. Simons’ statement, however, is inconsistent: despite interviewing local activists and organizers supporting McDonald, *Star Tribune* articles still used the wrong pronouns and omitted important context about the daily street violence and harassment trans women of color often face. Lex Horan, a member of CeCe Support Committee recalled:

[A]t the time what they told us is that *Star Tribune* policy was that they couldn’t use female pronouns ... for CeCe. I think clearly what was happening was, Abby [Simons] was as sympathetic as a reporter we could have gotten, but the editorial board was shutting her down.⁵¹

How could reporters have spoken differently about McDonald’s gender non-conformity? Would it have made a difference if the *Star Tribune* and other outlets had not repeatedly reminded readers of McDonald’s anatomy through fetishizing and insulting phrases, for example, by simply stating that she was “identifying as a woman”? Local reporters could have consulted with LGBT organizations such as GLAAD’s Media Reference Guide on transgender issues,⁵² or made an effort to follow the advice from local community organizers about how to properly refer to McDonald. Journalists could have also made an attempt to employ gender-neutral or gender-queer pronouns (for

⁴⁹ Paul Walsh, personal correspondence with the author, October 11, 2014.

⁵⁰ Abby Simons, personal correspondence with the author, October 1, 2014.

⁵¹ Lex Horan, interviewed by author, September 27, 2014.

⁵² See GLAAD, “GLAAD Media Reference Guide - In Focus: Covering the Transgender Community,” GLAAD, August 2014, <http://www.glaad.org/reference/transgender> (accessed January 20, 2016).

example, *ze*, *hir*, or *theirs*) to address people who identify on a more fluid gender spectrum outside the traditional binary. The use of such pronouns has become much more common beyond queer and trans circles over the last few years.

After contacting the *Star Tribune*'s senior editor about whether the newspaper adhered to any style guidelines in its reporting on McDonald, I received a note from the Managing Editor for Operations, Duchesne Drew, who informed me that the paper did not have an official style guide during the time of McDonald's pre-trial hearings but had adopted an official transgender style guideline in June, 2014. Drew further confirmed that the style guide was developed directly in response to the paper's initial treatment of McDonald: "The McDonald case led to discussions here and those discussions led us to come up with a style guide entry."⁵³ Some excerpts from the guidelines follow:

Transgender (adjective) is a term for people whose gender identity differs from that typically associated with their sex at birth. Cite a person's transgender status only when it is pertinent and its pertinence is made clear to readers. Use the name and pronouns preferred by the transgender person, regardless of whether they have changed their biological characteristics ... In court cases, where it is necessary to use a transgender person's legal name, use his or her preferred name on first reference, and preferred pronoun in all cases. Include the person's legal name at some point in the story, along with an explanation of his or her gender status: 'McDonald's legal name is Chrishaun R. McDonald. The transgender woman was born male but now identifies herself as female.'⁵⁴

Although it may appear admirable that the *Star Tribune* recognized the flaws and demeaning language it used in covering CeCe McDonald by consciously misgendering and repeatedly fetishizing her gender non-conformity, it is important to consider the actual effects of institutionalizing transgender identities through the use of an official

⁵³ Duchesne Drew, personal correspondence with the author, October 20, 2014 and November 3, 2014.

⁵⁴ Duchesne Drew, attachment of style guidelines to personal correspondence, October 20, 2014.

transgender style guide. I do not want to dismiss the importance of a media organization minimizing sensationalism around trans people and raising awareness about using an individual's preferred pronouns and/or gender-neutral language; however, to simply be content with using the right pronouns to address someone appropriately makes it all too easy to overlook how media institutions continue to reinforce the state's Othering of trans people, particularly trans women of color. McDonald's case shows how local media participated in dehumanizing her and actively sanctioned the state's violence enacted against her.

The use of style guidelines does not solve the problem that visibility for trans people still carries mostly negative implications; despite proper acknowledgement of a trans person's gender identity, such visibility does not necessarily lead to justice. On the contrary, this superficial inclusion and acceptance of trans identities through visibility politics only further works to hide a variety of injustices. As Lex Horan carefully observes:

The prosecution used the right pronouns for CeCe all the time and they never made a mistake on that. They called her 'Ms. McDonald' and that's insidious because it is a very multicultural framework because 'if we call you the right thing and don't use insulting language than this immense violence that we are doing against you by trying to lock you up in prison for the rest of your life becomes totally invisible' and I think that was ... happening in the media in general.⁵⁵

Today, rhetorics of colorblindness and multiculturalism promoted by media and state actors allege that race and gender disparities in the United States no longer exist. After all, the election of Barack Obama as the first black president, Eric Holder's nomination as

⁵⁵ Horan, interviewed by author, September 27, 2014

the first African American Attorney General, Sonia Sotomayor's appointment as the first Supreme Court Justice of Latino descent, Oprah Winfrey's ever expanding media empire, Indra Nooyi's successful tenure as CEO of Pepsi, or LeBron James' rule over the NBA allegedly "prove" that race or racial difference no longer matter. This deeply flawed belief in colorblindness and racial indifference as a socio-political governing principle not only presents a conservative investment in individualism and self-responsibility that privatizes race (back to the promise of the American Dream that "everyone can make it, you just have to pull yourself up by your bootstraps"); this prevailing multicultural consensus in public discourse masks the importance of the continued enactment of racialized violence for U.S. capitalist expansionism. As Jodi Melamed cogently notes, "Multicultural reference masks the centrality of race and racism to neo-liberalism."⁵⁶ More specifically as Alexander argues, turning a blind eye toward the realities of race in U.S. society has facilitated the emergence of a "new caste system for social control" – racialized mass incarceration:

In the era of colorblindness, it is no longer socially permissible to use race, explicitly, as a justification for discrimination, exclusion, and social contempt. So we don't. Rather than rely on race, we use our criminal justice system to label people of color "criminals" and then engage in all the practices we supposedly left behind.⁵⁷

Just as the prevailing discourse of a multicultural, diverse, post-racial America belies persistent systemic inequalities and racial injustices, so too does the increased visibility of transgender people and their current "hipness" in popular culture not necessarily result

⁵⁶ Jodi Melamed, "The Spirit of Neoliberalism. From Racial Liberalism to Neoliberal Multiculturalism," *Social Text* 24, no. 4 (Winter 2006): 1.

⁵⁷ Michelle Alexander, *The New Jim Crow. Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2011), 2.

in improved material realities for those communities or in greater care for and protection of trans lives. On the contrary, similar to the flawed notions about transgender visibility, the multiculturalism invoked by both media and state actors mainly functions to conceal the disposability of and state violence committed against gender non-conforming and non-white communities.

The local media coverage initially denied McDonald's transgender subjectivity, labeling her as male, only to subsequently sensationalize her for being trans, and without providing any context for the lived experiences of trans people. The press systematically refused to question the prosecution's pursuit of the case and to alert its audience and readers to the intersectionalities of race, class, gender, and sexuality, all pertinent factors in the assault. The portrayal of McDonald as a racialized, gender non-conforming threat directed blame for the attack away from Schmitz, elevated his white innocent victim status as a loving father, and erased the historical context of racialized and gendered violence committed against LGBT and people of color communities. The media's elevation of Schmitz' victim status thus rendered his death grievable and relied on McDonald's criminalization to strategically foreclose any empathy from the public. Local news organizations framed the case as an isolated incident, thereby colluding with the state in criminalizing McDonald. Furthermore, news media created a color- and genderblind public narrative about McDonald, which bolstered multicultural legal discourses about the justice system's blindness and impartiality. These mechanisms not only allow for the disposal of stigmatized and criminalized populations as unworthy of

legal protections, but they justify state-sanctioned violence enacted against marginalized populations – an assumption I unpack in the following section.

Transgender Subjectivity and the Law

In September 2011, CeCe McDonald was offered a plea bargain, which she rejected. In response and what her supporters and defense viewed as a “retaliatory move,”⁵⁸ the prosecution added a charge of second-degree murder *with intent* to the previous charge of second-degree murder *without intent*. Despite a County Attorney spokesperson insisting that there was “nothing unusual about”⁵⁹ adding a second charge after the failed settlement negotiations, the prosecution’s amendment of the original charge without including any new evidence pertaining to the case seemed to be a reprisal against McDonald for exercising her constitutional right to go to trial and putting the burden of proof upon the state. Legal scholar Michelle Alexander has aptly chronicled the wide-spread practice of overcharging, in which prosecutors are “free to file more charges against a defendant than can realistically be proven ... as long as some probable cause arguably exists.”⁶⁰ According to Alexander, this tactic of over-charging is often employed to coerce people into taking deals, whether they are actually guilty or not, rather than to give them the benefits of a “fair and speedy trial” under the Sixth Amendment. Because McDonald rejected the original plea deal, the prosecution’s swift

⁵⁸ Support CeCe!, “Prosecutors Retaliate for Plea Refusal, Raise Charge against McDonald,” *Support CeCe!*, October 8, 2011, <http://supportcece.wordpress.com/2011/10/08/prosecutors-retaliate-for-plea-refusal-raise-charge-against-mcdonald/> (accessed January 20, 2016).

⁵⁹ Abby Simons, “Attorney for Mpls. transgender murder suspect says new charge is ‘retaliation,’” *Star Tribune*, October 7, 2011, <http://www.startribune.com/local/minneapolis/131325654.html> (accessed January 20, 2016).

⁶⁰ Alexander, *The New Jim Crow*, 87.

response to add a second charge of murder *with intent* presented another punitive measure that sought to intimidate McDonald and to brand her as a murderer who had intended to cause the death of Dean Schmitz.

In the following months, McDonald’s defense team⁶¹ was repeatedly unsuccessful in filing motions to admit additional evidence that would have helped to contextualize the racism and transphobia surrounding the case, and which were relevant to McDonald’s self-defense claim. For example, a motion to admit testimony from a representative of Outfront Minnesota, a local non-profit organization working toward LGBT equality, and Dean Spade, a law professor and co-founder of the Sylvia Rivera Law Project, to dispel common myths about transgender people and to provide background on the violence trans people disproportionately face was rejected. McDonald’s lawyer, Hersch Izek, also sought to admit the expert testimony of toxicologist Leo Sioris who had conducted a toxicology screening that revealed significant levels of alcohol, cocaine, and methamphetamine in Schmitz’s blood at the time of the stabbing. Known to be “powerful stimulants” these drugs have been linked to aggressive behavior with a “high risk potential for unpredictable and sudden violence.”⁶² Yet the Court denied the relevance of the toxicologist’s testimony as pertinent to Schmitz’s state of mind during the incident.⁶³ Furthermore, Schmitz had an extensive criminal record including charges of burglary,

⁶¹ McDonald was represented by the Legal Rights Center in Minneapolis, which specializes in pro-bono representation of low-income and poor-people of color. I am especially indebted to Abigail Cerra, Hersch Izek, and Norma Gaona for granting me access to McDonald’s files and for clarifying numerous legal questions.

⁶² Leo J. Sioris in a letter to Hersch Izek “Re: State of Minnesota v. Chrishaun Reed McDonald,” March 13, 2012.

⁶³ *State of Minnesota v. McDonald*, Notice of Motion and Motion to Exclude Expert Testimony. April 16, 2012.

drug possession, and prior convictions for domestic assault, including hitting and injuring his then girlfriend's 14-year-old daughter.⁶⁴ McDonald's defense, however, argued in vain that Schmitz's "assaultive nature" was significant for his intent at the time of the stabbing.⁶⁵ Not bringing in a victim's background or sexual history originated in rape shield statutes in the 1970s (culminating in a federal rape shield law with the Violence Against Women Act in 1994), which were intended to prevent offenders from using a victim's past sexual conduct against them during a rape trial. In McDonald's case such thinking, however, was applied in reverse and actively undermined her ability to claim self-defense.⁶⁶

The defense was also unsuccessful in arguing that McDonald was "incapable of making a knowing, intelligent, and voluntary waiver of her constitutional rights against self-incrimination" during an initial police interrogation at the night of the stabbing due to the injuries that she had received during the altercation and her prolonged, isolated detention that night.⁶⁷ After McDonald was brought to the Hennepin County Medical Center around 1:00 AM to stitch the laceration on her cheek, she was discharged and returned to the Minneapolis Police Department around 4:50 AM where she was kept in isolation before she was interviewed three hours later around 8:00 AM. During the interrogation, McDonald initially denied stabbing the victim but subsequently altered her account. She stated that she did not intend to stab Schmitz but that he ran into a pair of

⁶⁴ *State of Minnesota v. McDonald*, Offer or Proof in Support of Motion to Admit Evidence under MINN.R.EVID.Rule 404(b). April 19, 2012.

⁶⁵ *Ibid.*, 8.

⁶⁶ I would like to thank K. Mohrman for pointing me towards the significance of rape shield laws in this context.

⁶⁷ *State of Minnesota v. McDonald*, Notice of Motion and Motion to Suppress Defendant's Statements. November 11, 2011.

fabric scissors that she was holding.⁶⁸ McDonald mentioned during the interview that she was trying to listen despite her wound bleeding.⁶⁹ The two sergeants, Christopher Gaiters and John Holthusen, continuously questioned McDonald's motive and alleged that they did not believe that she was a reckless and "hard core" person, but someone who had "made a mistake" and now needed to own up to that mistake:

Sgt. Holthusen: ... we deal a lot of times with cold-blooded murderers of people that don't give a shit about anyone. They hurt people. They sexually assault people. They hit people, they do whatever, they don't care about people. I don't think you are that type of person. I don't buy it. ... But I get the feeling that you got incredibly angry tonight and you made a mistake, and things got way out of hand. And I'm guessing that if you could, I'd bet you anything, you wish you could take some stuff back.⁷⁰

McDonald repeatedly insisted during the interview that she did not intentionally stab Schmitz and acted out of self-defense:

McDonald: I didn't have no motive to stab nobody. And that's what it seems like y'all trying to get me to say. ... My motive was to ... protect myself. When it's a ... over six foot person weighing 220 pounds chasing after me, ... my only defense is to defend myself.⁷¹

Ultimately, the Court determined that the "temperate and courteous"⁷² behavior of the investigators as well as the length of the interview were within legal bounds and that McDonald's injuries did not render her statements involuntary; all were thus admissible as evidence:

Sgt. Gaiters did not use any overly aggressive tone, make any promises to the Defendant or mislead her in a coercive way. ... [The] Defendant was aware, responsive and cognizant of her *Miranda* rights. ... The Court concludes that

⁶⁸ *State of Minnesota v. McDonald*, Scales Transcript. June 5, 2011, 24.

⁶⁹ *Ibid.*, 13.

⁷⁰ *State of Minnesota v. McDonald*, Scales Transcript, 19.

⁷¹ *Ibid.*, 34.

⁷² See *State of Minnesota v. McDonald*, State's Memorandum in Opposition to Defendant's Motion to Suppress Evidence. November 29, 2011, n.p.

Defendant's statements were voluntary and the totality of the circumstances do not suggest her will was overborne by investigators.⁷³

However, the investigators' skillful yet deceptive techniques of "extracting" a confession from McDonald are highly problematic. Although the transcript of the interview is, indeed, devoid of any directly coercive language, the investigators repeatedly insinuated that they did not consider McDonald a criminal but were rather sympathetic to her as a person "who had made a mistake" and that she could trust them. They provided her with a false sense of security and access to legal protections as long as she was truthful and cooperative. They unremittingly pushed McDonald to recount the events over and over, seemingly discontent with her initial accounts, which silently functioned to undermine her willpower, intimidate her, and to provoke differing statements that would later be used against her to render her testimony not credible and deny her a right to self-defense. As these confessional practices reappear endlessly in every television crime drama, from *CSI* to *Law and Order*, we have become conditioned to accept them as normal and unproblematic. Yet such acceptance only further reflects and feeds into the "state of exception" – wherein the state's extra-legal violence and interrogation techniques are sanctioned as I have outlined with Manning's case in Chapter 1.

Who has the Right to Claim Self-Defense?

While McDonald supporters focused much of their efforts on getting the Hennepin County lead prosecutor Michael Freeman to drop the charges arguing that

⁷³ *State of Minnesota v. McDonald*, Order and Memorandum of Law Denying Defendant's Motion to Suppress Evidence. April 23, 2012.

McDonald was the victim of a hate-crime fueled by racism and transphobia, Freeman was unrelenting. In an interview, Freeman stated that it was “a tragedy that somebody [had] died”⁷⁴ but argued that McDonald did not fulfill her duty to retreat as outlined by Minnesota State law⁷⁵ in order to claim self-defense:

Self-defense cases are when the person is defending her own person against the person who is causing the present harm. And there is no indication, fact that we have today that the victim was a threat to Ms. McDonald other than the fact that he was in the middle of the group of people that occurred when these two groups met. If you are outside of your home and you are out on the street, you have a duty to flee if you can; but if the threat is so profound that you cannot do that then you have the right to use the force necessary to protect yourself including deadly force. Evidence here does not reflect self-defense. She didn't, she stepped forward to thrust the weapon into a person who had not assaulted her. That to me just doesn't fit.⁷⁶

Despite conflicting eyewitness accounts and McDonald's own statement, the prosecution did not acknowledge that Schmitz's aggressive and violent behavior towards McDonald constituted an imminent danger to her life. For the state, the precarity of McDonald's life was not worthy of recognition or protection. Both the news media and the county prosecutor asserted that the death of Dean Schmitz was a tragedy and a punishable crime; they thus granted Schmitz the status of the victim, validating his death grievable as they

⁷⁴ Freeman interviewed by Andy Mannix, “Michael Freeman talks Prosecution of CeCe McDonald [VIDEO],” *City Pages*, May 11, 2012, http://blogs.citypages.com/blotter/2012/05/michael_freeman_prosecution_cece_mcdonald.php (accessed November 5, 2014).

⁷⁵ The Minnesota Practice Series outlines the general rules for self-defense cases as follows: (1) An absence of aggression or provocation by the defendant; (2) Good faith; that is, an actual and honest belief; (3) Belief of imminent or immediate danger; (4) The danger must be of death, great bodily harm, or a felony crime; (5) The action taken must appear to be “necessary” or unavoidable; (6) That is, the defendant must have been unable to retreat or otherwise reasonably avoid the danger (except when the incident occurs in the defendant's own dwelling); and (7) The belief must be based upon “reasonable grounds.” See Westlaw, §47.19 “Self Defense: Defense of Dwelling; Defense of Others; Imperfect Self-Defense,” Minnesota Practice Series, November, 2011, p.1.

⁷⁶ Cited in Mannix, “Michael Freeman talks Prosecution of CeCe McDonald.”

undermined any right McDonald had to protect her own life.⁷⁷ The fact that McDonald survived the attack meant she was incapable of claiming self-defense from a hate crime. Denying McDonald a right to self-defense should induce us to ask how the state treats violence committed against people of color and what this says about both the justice system's alleged impartiality and the apparent disposability of people of color and transgender lives. Whose lives count as livable and whose lives are worthy of legal protection? Because both the local media and the state failed to recognize and acknowledge McDonald as an intersectional subject, the assertion of a colorblind rhetoric enabled the violence enacted against her after her arrest.

The Blindfolds of Justice

The prosecution in McDonald's case repeatedly emphasized its commitment to color blindness and neutrality. Freeman was eager to deny that race, gender, or socio-economic status played any role in the prosecution's pursuit of the case:

We see all kinds of crime by all sorts of people and to the best way humanly possible we try to review it as racially blind, as sexual-orientation blind, as economic-blind as we could be. The scales of justice have got a blindfold on them for a reason, and we try to follow that. ... It doesn't matter what her record was [indicating that McDonald had been convicted for writing a bad check once], and it doesn't matter what her sex is, and it doesn't matter what her race is, none of that matters.⁷⁸

⁷⁷ I am drawing her from Judith Butler's, *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004) in which she explores how certain forms of grief become nationally recognized and amplified, whereas other losses become unthinkable and ungrievable, particularly through the construction of the Arab as the "terrorist Other" post-9/11.

⁷⁸ Cited in Mannix, "Michael Freeman talks Prosecution of CeCe McDonald."

However, these identity categories clearly did matter, especially their intersectionality. When crimes are committed because of and in direct relation to these intersecting identity categories how can the criminal justice system ignore them? The prosecution and the state drew on the blindfold metaphor to obfuscate the workings of white supremacy and to hide the violence committed against the life of a black, transgender woman through the systemic inequalities of the justice system. As with so many others, what we witness with McDonald's case is that race, gender, sexuality and class are incriminating identity categories that are still permeating the rule of law as critical race and legal scholars have repeatedly pointed out.⁷⁹

The abolition of Jim Crow segregation laws with the enactment of the Civil Rights Act in 1964 rejected white privilege accorded as a legal right and created a “race-neutrality in law,” which is supposed to guarantee “objectivity” over “subjectivity” and the “impersonal” over the “personal” in the justice system. However, the legal system's neutrality remains deeply flawed as “Blacks and women are the objects of a constitutional omission that has been incorporated into a theory of neutrality,”⁸⁰ as Patricia Williams asserts. Even when the law recognizes one identity category, legal discourses still do not acknowledge systemic structures and the intersecting oppressions of multiple identity categories. Kimberlé Crenshaw, for example, has demonstrated how dominant conceptions of anti-discrimination legislation are based on an understanding of

⁷⁹ See, for example, Michelle Alexander, *The New Jim Crow*; Patricia J. Williams, *The Alchemy of Race and Rights* (Cambridge, MA: Harvard University Press, 1991); Dean Spade, *Normal Life. Administrative violence, Critical Trans Politics, and the Limits of Law* (Brooklyn, NY: South End Press, 2011)

⁸⁰ Williams, *The Alchemy of Race and Rights*, 121.

subordination as occurring along a single categorical axis only.⁸¹ Analyzing several Title VII cases,⁸² Crenshaw notes that the paradigm of sex discrimination is typically based on the experiences of white women, while the model of race discrimination tends to be based on the experiences of the most privileged Blacks: “Notions of what constitutes race and sex discrimination are, as a result, narrowly tailored to embrace only a small set of circumstances, none of which include discrimination against Black women.”⁸³

Furthermore, legal scholar Cheryl Harris notes in her important essay “Whiteness as Property” that *de facto* white privilege continues to function as a property interest worthy of protection:

In ways that it is rarely apparent, the set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset that whites sought to protect ... Whites have come to expect and rely on these benefits, and over time these expectations have been affirmed, legitimated, and protected by the law. Even though the law is neither uniform nor explicit in all instances, in protecting settled expectations based on white privilege, American law has recognized a property interest in whiteness that, although unacknowledged, now forms the background against which legal disputes are framed, argued, and adjudicated.⁸⁴

⁸¹ Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” in *Feminist Legal Theory: Readings in Law and Gender*, eds. Katherine Bartlett and Rosanne Kennedy (Boulder, CO: Westview, 1991), 57-80.

⁸² Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex and national origin. The Civil Rights Act of 1991 and the Lily Ledbetter Fair Pay Act of 2009 have amended several sections of Title VII (see <http://www.eeoc.gov/laws/statutes/titlevii.cfm> [accessed April 10, 2015])

⁸³ Crenshaw, “Demarginalizing the Intersection of Race and Sex,” 65. Similarly, Crenshaw points out that the singular focus of rape statutes on white male power over white female sexuality conceals the use of rape as a weapon of racial terror and does not account for the multidimensionality of women of color lives: “When Black women were raped by white males, they were being raped not as women generally, but as Black women specifically: Their femaleness made them sexually vulnerable to racist domination, while their Blackness effectively denied them any protection. This white male power was reinforced by a judicial system in which the successful conviction of a white man for raping a Black woman was virtually unthinkable” (ibid., 68-69).

⁸⁴ Cheryl L. Harris “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (1993): 1713-1714.

Despite the end of *de jure* segregation, the material inequities produced by institutionalized white supremacy and economic exploitation, “the status quo of substantive disadvantage,” were ratified as an accepted and acceptable “neutral base line” that continues to bestow legal and societal privilege upon whiteness.⁸⁵ Thus, prosecutor Freeman’s reference to the blindfolds of justice illustrates how whiteness initially constructed as a racial identity has evolved over the centuries from a privileged identity to a vested interest as a form of external property protected in both explicit and implicit ways by U.S. law and society through a theory of neutrality.

Justice’s purported blindness also explains why the Court refused to acknowledge Schmitz’s swastika tattoo as representative of the violent histories of white supremacy. Under the mantle of colorblindness, these histories of violence are perpetuated and allow white perpetrators to violate and terrorize without fear of any (legal) consequences or repercussions. Photographs from Schmitz’s autopsy depicting a four-inch swastika tattoo placed prominently on his chest were not deemed “relevant and probative in nature,”⁸⁶ and, thus, not admissible in court. A memorandum issued by Judge Moreno stated:

... the Court cannot be sure ... what the symbol represented to D.S. [Dean Schmitz], whether it represented a belief in the elimination of non-White races or a belief in the separation of Whites from other races, or whether the symbol reflects a hatred of all non-White races or a hatred of specific non-White races. And, while we might assume that an individual with a swastika tattoo subscribes to certain beliefs, the tattoo itself is not evidence that D.S. subscribed to any belief. Specifically, evidence of the tattoo does not establish that D.S. intended to threaten, fight or kill anyone.⁸⁷

⁸⁵ Harris “Whiteness as Property”: 1753.

⁸⁶ *State of Minnesota v. McDonald*, Offer of Proof to Limit the Publication of Photographs of the Deceased. No date, 2.

⁸⁷ *State of Minnesota v. McDonald*, Order and Memorandum of Law Granting the State’s Motion to Exclude Tattoo Evidence. April 30, 2012, 6-7.

Because the Court ruled that Schmitz's swastika tattoo was too ambiguous in meaning and, therefore, did not in itself constitute proof of the deceased's behavior and actions that night, it once again turned a blind eye toward the violent racial slurs and transphobic hatred that initiated the altercation. The judge's ruling that the tattoo itself did not suffice as evidence of Schmitz's intent that night also demonstrates the arbitrariness and difficulty of indicting someone of a hate crime. The inherently ephemeral nature of motive and the onerous burden of proof beyond a reasonable doubt about the perpetrator's motivations makes hate crimes notoriously difficult to prosecute. The judge's memorandum demonstrates that an investment in whiteness cloaked by a rhetoric of colorblindness continues to function as the premise upon which the U.S. legal system is built, operates, and enfranchises certain (i.e. white) U.S. subjects with rights and privileges.

Current legal definitions interpret race as a factor disconnected from social identity and compel abandonment of race-consciousness. Thus, at the very historical moment that race is infused with a perspective that reshapes it, through race-conscious remediation, into a potential weapon *against* subordination, official rules articulated in law deny that race matters.⁸⁸

By asserting their gender and color blindness, both the state and the media sanctioned white supremacy – demonstrating that “Whiteness has value, whiteness is valued, and whiteness is expected to be valued in law”⁸⁹ – and worked hand-in-hand both to deny McDonald a right to self-defense and to demonize her as a murderer.

As stated earlier, local news coverage also did not deem Schmitz's extensive criminal history newsworthy. The *Star Tribune* noted Schmitz's swastika tattoo only once

⁸⁸ Harris, “Whiteness as Property,” 1768.

⁸⁹ *Ibid.*, 1777.

in its entire series of articles covering the case and quoted Schmitz's friend Thomas Nelson, who claimed that that the swastika tattoo was "a key to survival in prison, but ... didn't represent who either of them were later."⁹⁰ In conjunction with the local media's refusal to provide important context surrounding the events of the stabbing, the Court also denied that Schmitz's violent behavior and known criminal history were relevant. Following a similar logic of color blindness, the court later prohibited McDonald supporters from wearing buttons in the courtroom that displayed a red "X" crossing out a swastika symbol as these were deemed "inflammatory" and "inherently prejudicial posing an unacceptable threat to the right to a fair trial."⁹¹ Under the mantle of the justice system's blindfolds, the Court's self-professed blind eye for all kinds of differences – especially those of the racial motivations behind the assault – again mirrors the widespread incorporation of a multicultural, post-racial legal framework, one that effectively obscures the tremendous violence and systemic injustice the state continues to commit against black and brown bodies long after the official end of Jim Crow.

The Disposability of Black Lives

In her letters from prison, McDonald frequently referenced the killing of African American teenager Trayvon Martin to highlight and reflect upon the legal system's treatment of people of color:

We all ... know that this whole situation, from the incident itself to the trial, is all

⁹⁰ Cited in Abby Simons, "Transgender Defendant gets 3 Years in Fatal Bar Fight," *Star Tribune Metro Edition*, page 1B, June 5, 2012, www.lexisnexis.com/hottopics/lnacademic (accessed: September 17, 2014).

⁹¹ *State of Minnesota v. McDonald*, State's Memorandum in Support of Motion to Restrict Spectator's Case-Related Buttons, Clothing, and Signs. March 30, 2012, 3.

based on race – racial profiling and racism spewing from it all.... I know that people have been comparing my case to Zimmerman’s, and yes it’s obvious that laws are biased. But even I can say I came out blessed knowing that (a) the system was against me to begin with, and that (b) looking at other cases similar to mines [sic], I didn’t have to spend extensive time – even decades –in prison. People don’t understand that I actually feel a guilt [sic] for that. I know that nothing beyond the incident and getting arrested was in my control, as it is for anyone who is a victim of the system.⁹²

In February 2012, Trayvon Martin was shot by self-declared neighborhood watchdog George Zimmerman in a gated community in Sanford, Florida. When Zimmerman spotted Martin walking away from a convenience store, he called 911 and reported a “suspicious guy” in a “dark hoodie” who “look[ed] like he [was] up to no good or he [was] on drugs or something.”⁹³ Despite being explicitly told by the dispatcher not to follow Martin, Zimmerman continued to do so and ended up shooting the unarmed 17-year-old.⁹⁴ The local police initially did not arrest Zimmerman arguing that they had no evidence to dispute his claim that he had acted in self-defense. Florida is one of 22 states that has adopted a “stand your ground” law, which exempts those with reason to believe their lives are endangered from any legal obligation to attempt to retreat outside their homes before resorting to deadly force. While McDonald’s claim to self-defense was invalidated by the prosecution’s assertion that she did not attempt to retreat, this was not the case for Zimmerman, whom a jury acquitted of all charges. In 2015, the Justice Department also failed to indict Zimmerman of hate crime charges because it could not

⁹² CeCe McDonald, “Injury and Insult: Trayon Martin, Racism in the System, and a Revolution Amongst Us,” *CeCe’s Blog*, August 4, 2013, <http://supportcece.wordpress.com/2013/08/04/injury-and-insult-trayon-martin-racism-in-the-system-and-a-revolution-amongst-us/> (accessed November 6, 2014)

⁹³ Yamiche Alcindor, “Trayvon Martin shooting. A Timeline,” *USA Today*, April 12, 2012, *Opposing Viewpoints in Context* database (accessed November 6, 2014).

⁹⁴ For a good summary of the case read Lizette Alvarez and Cara Buckley, “Zimmerman Is Acquitted in Trayvon Martin Killing,” *New York Times*, July 13, 2013, <http://www.nytimes.com/2013/07/14/us/george-zimmerman-verdict-trayvon-martin.html?pagewanted=all& r=0> (accessed December 14, 2014).

prove that Zimmerman had willfully deprived Martin of his civil rights or killed the teenager because of his race: "... a comprehensive investigation found that the high standard for a federal hate crime prosecution cannot be met under the circumstances here."⁹⁵ This further points to the difficulty of successfully prosecuting hate crimes. Zimmerman's acquittal and his ability to successfully claim self-defense speaks directly to McDonald's case in that it illustrates how little value our society and legal system give to black lives since the killing and the disposal of black lives is sanctioned by "stand your ground laws," which protect white perpetrators from facing legal prosecution and render white violence permissible.

In sharp contrast to the Zimmerman case, Marissa Alexander's conviction of aggravated assault for firing a warning shot into the ceiling to stop her abusive husband from attacking her in 2010 also speaks to the intersections of race and gender affecting who is granted access to legal protection and who is not. Alexander, a woman of color, was assaulted, strangled, and held against her will by her estranged husband in her home. As she fled to the garage and realized that she was unable to escape without the keys to her truck, she reached for her registered weapon and entered back into her house to either find another exit or get her cell phone.⁹⁶ Alexander, who had a concealed weapon permit, also attempted to invoke Florida's "stand your ground" law, but a pre-trial judge ruled that she could have escaped from her home. Similar to the prosecutor in McDonald's

⁹⁵ Attorney General Eric Holder cited in Curt Anderson, "Without Hate Crime, US Limited in Prosecuting Zimmerman," ABC News February 25, 2015, <http://news.yahoo.com/without-hate-crime-us-limited-prosecuting-zimmerman-094657012.html> (accessed January 20, 2016).

⁹⁶ Marissa Alexander cited in Victoria Law, "Trapped in the dark": Marissa Alexander and how our twisted legal system re-victimizes domestic violence survivors," *Salon*, May 16, 2014, http://www.salon.com/2014/05/16/trapped_in_the_dark_marissa_alexander_and_how_our_twisted_legal_system_re_victimizes_domestic_violence_survivors/ (accessed November 6, 2014).

case, Alexander's right to self-defense remained unacknowledged because she allegedly failed to retreat properly. Alexander, who had no previous convictions and whose estranged husband had a well-documented history of domestic abuse, received a mandatory minimum sentence of 20 years in prison for discharging her firearm into the ceiling.⁹⁷

Another case, that of the so-called New Jersey Four, also reveals salient parallels to McDonald and Alexander's cases. In 2006, a group of young, African-American, lesbian-identified friends were walking in New York's West Village as they were harassed with sexually explicit and homophobic slurs by an African-American street vendor who threatened them with corrective rape: "I'll fuck you straight, sweetheart!" An argument erupted that escalated into physical violence that would leave the vendor with a lacerated liver.⁹⁸ Paralleling a "reverse racism" rhetoric, New York's tabloid papers framed the incident as a "hate crime against a straight-man" and used the women's non-conforming gender expressions and working-class backgrounds from Newark to dehumanize, bestialize, and demonize the New Jersey Four. A *New York Post* article opened with the headline "Attack of the Killer Lesbians" to claim that the victim was

⁹⁷ An appeals court later reversed her conviction and in November 2014, Alexander accepted a plea-deal to a three-year prison sentence. Alexander's case reflects the increased pressures to accept plea-bargains in exchange for more leniency, which have grown exponentially since the beginning of the War on Drugs and the implementation of mandatory-sentencing regimes (see Alexander, *The New Jim Crow*, 87-88 for a detailed account of plea-deal bargains).

⁹⁸ The New Jersey Four consisted of Venice Brown, Terrain Dandridge, Patreese Johnson and Renata Hill. A surveillance camera showed that Dwayne Buckle instigated the attack and was choking one of the women. Patreese Johnson pulled a small steak knife out of her purse aiming for Buckle's arm to prevent him from killing her friend. The camera then captured two men running over to help the women and beating Buckle. See Imani Keith Henry, "Lesbians Sentenced for Self-Defense: All-White Jury Convicts Black Women," in *Prisons Will Not Protect You*, ed. Ryan Conrad (Lewiston, ME: Against Equality Publishing Collective, 2012), 49-55 for a detailed account of the events.

encircled by “seven bloodthirsty young lesbians” and beaten by “a seething sapphic septet.”⁹⁹ The *Daily News* ran the headline “‘I’m a Man!’ Lesbian Growled during Fight”¹⁰⁰ and reported on the sentencing: “Lesbian Wolf Pack Guilty. Jersey Girl Gang Gets Lockup in Beatdown.”¹⁰¹ An all-white jury later found all four women guilty of second-degree gang assault and the women received sentences ranging from three-and-a-half to eleven years despite contradictory statements and unsubstantiated evidence.¹⁰² All of the women also knew and went to school with Sakia Gunn, a fifteen-year-old African American lesbian who was sexually harassed and stabbed to death at a bus stop in Newark in 2003.¹⁰³ Gunn’s case is yet another one paralleling that of the New Jersey Four and McDonald.

While George Zimmerman took the life of an unarmed teenager who allegedly presented a danger to him was found not guilty by a Florida jury, Alexander and the New Jersey Four, who were fighting for their lives in a fashion strikingly similar to McDonald, received long-term sentences for defending themselves from violent attackers. These

⁹⁹ Laura Italiano, “Attack of the Killer Lesbians,” *New York Post*, April 12, 2007, <http://nypost.com/2007/04/12/attack-of-the-killer-lesbians/> (accessed December 17, 2014).

¹⁰⁰ Jose Martinez, “‘I’m a Man!’ Lesbian Growled during Fight,” *Daily News*, April 13, 2007, <http://www.nydailynews.com/news/crime/man-lesbian-growled-fight-article-1.212761> (accessed December 17, 2014).

¹⁰¹ Jose Martinez, “Lesbian Wolf Pack Guilty. Jersey Girl Gang gets Lockup in Beatdown,” *Daily News*, April 19, 2007, <http://www.nydailynews.com/news/crime/lesbian-wolf-pack-guilty-article-1.209128> (accessed December 17, 2014)

¹⁰² Buckle, for example, had initially responded to investigators that two men, who came to help the women, had attacked him (who were never found or charged). Furthermore, the knife which belonged to Patreese Johnson, one of the New Jersey Four, never underwent forensic testing and no evidence was found that her knife was the weapon that penetrated Buckle’s abdomen (see Henry, “Lesbians Sentenced for Self-Defense.”)

¹⁰³ Gunn was waiting at a bus stop with three friends when she was sexually harassed by two men. After Gunn identified herself as a lesbian and told the men that she was not interested in their advances, she was attacked and stabbed to death (see No Author, “The Murder of Sakia Gunn and LGBT Anti-Violence Mobilization” *OutHistory.org*, 2013, <http://www.outhistory.org/exhibits/show/queer-newark/murder-of-sakia-gunn> [accessed April 11, 2015]).

cases illustrate that the application of “stand your ground” laws and the right to self-defense is arbitrary as well as race- and gender-biased. The dominance of colorblind and demeaning discourses in the media and the state’s insistence that the race and gender of these defendants had nothing to do with how the scales of justice were operating is hypocritical. George Zimmerman’s ability to claim and embody white, heterosexual masculinity enabled him to successfully craft a narrative of self-defense and access to citizenship rights when facing an unarmed black teenager. Zimmerman’s passing as white, partially enabled by the physical invisibility and unmarkedness of his Latinness as well as his investment in the security state by protecting his neighborhood’s “borders” as a citizen watchdog, demonstrates that in the era of colorblindness, the stigmatizing of racial groups no longer has to perfectly concur with a phenotype or color line.¹⁰⁴ As Melamed observes: “The new racism deploys economic, ideological, cultural, and religious distinctions to produce lesser personhoods, laying these new categories of privilege and stigma across conventional racial categories, fracturing them into differential status groups.”¹⁰⁵ Certain formerly stigmatized and devalued racial groups can now attain legal privileges and protections in exchange for their investment in and promotion of the U.S. security state. This privileged status, however, is always one that is contingent and fleeting.

¹⁰⁴ The media’s attempt to mitigate charges of racism by explicitly emphasizing Zimmerman’s Latino heritage strategically functioned to mask the ongoing investment of an allegedly colorblind society in whiteness. This also points to the ways in which debates about racism are no longer simply about white versus black, or white versus brown. By emphasizing Zimmerman’s Latino heritage, the media implied that a brown man cannot possibly be driven by racist motives toward a black teenager. What the Zimmerman case attests to is the fact that the assigning of privilege and value to one group, while devaluing, racializing, and criminalizing another, has become much more complex and flexible in an age of multicultural neoliberalism and that racism today occurs beyond and in-between different color lines.

¹⁰⁵ Melamed, “The Spirit of Neoliberalism,” 14.

By retelling the stories above, I do not mean to exceptionalize any of these cases; instead, I want to demonstrate that the parallels between the cases of the New Jersey Four, Marissa Alexander and CeCe McDonald point to the gendered and racialized logics permeating “stand your ground” self-defense laws, and even hate crime laws. As both the media and the state frequently invoked the long-ingrained stereotype of the “angry black woman” ostracizing, criminalizing, and demonizing Alexander, the New Jersey Four, and McDonald as impulsive threats to society, their cases demonstrate how judicial and mediated discourses repeatedly overlap in (re)victimizing and traumatizing survivors of domestic abuse and hate crimes. As mediated and legal discourses collude in positioning black female survivors as the perpetrators, they generate a public discourse that condones the (white) victim status of the attackers, and thus grants them legal protections while the lives and right to survival of these (gender non-conforming) women of color do not matter at all. The cases referenced above also warrant a closer scrutiny of the passage of the Hate Crimes Prevention Act in 2009, which explicitly takes into account certain identity categories to examine who can invoke hate crime statutes and whom those hate crime laws are designed to protect.

*“Their Laws Will Never Make Us Safer”*¹⁰⁶

The passing of the Mathew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (H.R. 1592)¹⁰⁷ Act was widely celebrated as a milestone by national LGBT

¹⁰⁶ Dean Spade, “Their Laws Will Never Make Us Safer,” in *Prisons Will Not Protect You*, ed. Ryan Conrad (Lewiston, ME: Against Equality Publishing Collective, 2012), 1-12.

¹⁰⁷ The bill was titled in reference to two brutal deaths in 1998: Mathew Shepard was tortured, tied to a fence and left to die in Laramie, Wyoming because he was perceived to be gay. James Byrd Jr., an African

organizations and purported to increase public consciousness about the violence committed against members of the LGBT community by providing specific legal protections for marginalized communities. In what Chandan Reddy calls “an act of genius,” the bill was passed in large part because it was attached to a military appropriations bill – the \$680 billion National Defense Authorization Act to cover the expense of President Obama’s 100,000-troop surge in Afghanistan – that made it impossible for social conservatives to oppose it and simultaneously prevented leftists from combining it with antiwar legislation.¹⁰⁸ The Act expanded the 1968 U.S. federal hate-crime law that applies to people attacked because of their race, religion, or national origin to include crimes motivated by a victim’s actual or perceived gender, sexual orientation, gender identity or disability. It also mandates the FBI to track statistics on hate crimes against transgender people. However, this newfound queer investment in the expansion of punitive systems and the neoliberal carceral state is highly problematic.¹⁰⁹ There is very little if anything about the Hate Crimes Prevention Act that is actually prevention-oriented.¹¹⁰ Since hate crime legislation only seems to be effectively invoked

American disabled man was tied to a truck and dragged along county roads by white supremacists until he was decapitated in Jasper, Texas.

¹⁰⁸ See Chandan Reddy, *Freedom with Violence. Race, Sexuality, and the US State* (Durham, NC: Duke University Press, 2011), 1-3. For Reddy, the passage of the Act thereby presents a significant moment in a contemporary political culture defined by its “freedom with violence” – a unique structure of state violence and social emancipation, a moment where the nation-state’s claim to provide freedom from violence, contingent upon on its systematic deployment of violence against peoples perceived as nonnormative and irrational, is laid bare, normalized, and rationalized (ibid., 9ff).

¹⁰⁹ See Sarah Lamble, “Queer Necropolitics and the Expanding Carceral State: Interrogating Sexual Investments in Punishment,” *Law Critique* 24 (2013): 229-253.

¹¹⁰ The Act has expanded the authority of the U.S. Department of Justice to prosecute hate-motivated crimes instead of, or in collaboration with, local authorities and provided \$10 million dollars in funding to prosecute these crimes – specifically the prosecution of youth for hate crimes. The Hate Crimes Act allocates more funding for the militarization of police forces and the administrative surveillance and harassment of people of color, especially youth of color who are already profiled as being more homophobic than their white counterparts. It, therefore, deflects resources for preventive programs that

for victims of violence who die, but not for survivors like McDonald who sought to protect herself from a hate crime by acting in self-defense, those cases require us to ask what the expansion of hate crime legislation is really meant to do and whom it is actually designed to protect.

While hate crime legislation explicitly attempts to account for color, gender, and sexuality among other categories, its legislative logic is equally flawed and problematic because, as Crenshaw observed about anti-discrimination legislation,¹¹¹ it depends on the mobilization of discrete identity categories and is unable to address a larger context of structural, institutionalized violence against people interpellated by multiple, intersecting identity categories. Hate crime legislation, therefore, only further increases the targeted surveillance and harassment of those it allegedly claims to protect.

The rhetoric of hate crimes activism strategically isolates specific instances of violence against LGBT people and categorizes them as acts of individual prejudice, thus concealing the systemic discrimination and biases permeating and upholding the justice system.¹¹² The media's sensationalizing coverage of McDonald and the Jersey Four and its neglect in carefully scrutinizing the legal system's treatment of people of color illustrates how the Hate Crimes Prevention Act (re)constructs the raced homonormativity of a white, middle-class, male gay identity that is deserving of legal protection and valued, while racialized, gender non-conforming bodies are left for disposal or to wither

could actually help to build stronger and healthier communities. Additionally, if convicted of a hate crime an alleged perpetrator is automatically subject to a higher mandatory minimum sentence. At one point during the process, a Republican amendment even proposed to add the death penalty as one of the available sanctions.

¹¹¹ See Crenshaw, "Demarginalizing the Intersection of Race and Sex."

¹¹² See, e.g., Dean Spade and Craig Willse, "Confronting the Limits of Gay Hate Crimes Activism: A Radical Critique," *Chicano-Latino Law Review* 28, no. 38 (1999-2000): 38-52.

away. Because hate crime legislation relies on the mobilization of a discrete identity category, it remains unable to adequately address intersecting oppressions produced by multiple identity categories.

In stark contrast to the media and the state's treatment of these gender non-conforming black women, the murder of Matthew Shepard in 1998 and the suicide of Tyler Clementi in 2010, both young, middle-class, white gay college students, generated a tremendous amount of sympathetic media coverage calling on the legal system to bring justice in these "hate crimes." The deaths of Shepard and Clementi managed to generate unprecedented national debates about anti-LGBT bullying, harassment, and violence that led to legislative action with the expansion of the Hate Crimes Prevention Act and the proposed Tyler Clementi Higher Education Anti-Harassment Act¹¹³ precisely because the media gravitated toward these subjects, deeming them valuable and deserving victims. Without mounting pressure from media institutions the state would have been much less likely to directly address racism and homophobia through legislative measures in efforts to quell the public outcry.

¹¹³ The Tyler Clementi Higher Education Anti-Harassment Act of 2013 (H.R.482) requires each institution of higher education to include in its annual security report a statement of policy regarding harassment that includes: (1) a prohibition of harassment of students by other students, faculty, and staff; (2) a description of its programs to prevent harassment; (3) a description of the procedures that students should follow if harassment occurs; and (4) a description of the procedures it will follow once an incident of harassment has been reported. The bill also creates a competitive grant program administered by the Department of Education to create programs that prevent the harassment of students; provide counseling or redress services to students who have been harassed or accused of subjecting other students to harassment; and train students, faculty, or staff about ways to prevent or address harassment. The bill was originally introduced in 2013 and re-introduced to the 113th Congress in the House of Representatives on March 27, 2014 but has not yet passed. See H.R.482 - Tyler Clementi Higher Education Anti-Harassment Act of 2013, <https://www.congress.gov/bill/113th-congress/house-bill/482> (accessed February 22, 2015).

Who is capable of claiming the status of a victim in a hate crime thus depends on racialized and gendered conceptions of who counts as a deserving or undeserving victim. Black and brown people as always already racialized and criminalized bodies – Trayvon Martin’s hoodie in conjunction with his skin color, for example, rendered him a “thug” in Zimmerman’s eyes, McDonald’s racialized gender non-conformity rendered her threatening in Schmitz’s eyes – remain rightless, not deserving of victim status but of death. Similarly, the execution-style shooting of three Muslim students who were gunned down in their apartment in Chapel Hill, North Carolina in February 2015 were initially dismissed by local prosecutor’s as an incident that had erupted over a parking-lot dispute, not because of pervasive Islamophobia in the U.S.: “Yesterday’s events are not part of a targeted campaign against Muslims in North Carolina.”¹¹⁴ Contrary to this claim, witness accounts asserted that the alleged white shooter Craig Steven Hicks had previously threatened the students with a gun and had made Islamophobic remarks about the women’s hijabs.¹¹⁵ Interpellated by intersecting oppressions, these marginalized subjects are unable to evoke media attention or sympathy and are left unprotected by the state. As

¹¹⁴ U.S. attorney Ripley Rand cited in NBC *Nightly News*, February 12, 2015, <http://www.nbcnews.com/nightly-news/video/three-muslim-students-killed-in-shooting-near-unc-chapel-hill-397596227531> (accessed February 22, 2015). Later, in a statement to the press Hick’s wife also asserted that her husband was not a bigot: “I can say with absolute belief that the incident had nothing to do with religion or the victims’ faith, but it was related to a longstanding parking dispute that my husband had with the neighbors” (cited in Jonathan M Katz, “In Chapel Hill Shooting of 3 Muslims, a Question of Motive,” *New York Times*, February 11, 2015, http://www.nytimes.com/2015/02/12/us/muslim-student-shootings-north-carolina.html?_r=0 [accessed February 22, 2015]). The FBI has launched an official investigation into whether the alleged shooter has violated federal hate crime statutes.

¹¹⁵ Amy Goodman, “#MuslimLivesMatter: Loved Ones Honor NC Shooting Victims & Reject Police Dismissal of a Hate Crime,” *Democracy Now*, February 12, 2015, http://www.democracynow.org/2015/2/12/muslimlivesmatter_loved_ones_honor_nc_shooting (accessed February 22, 2015).

ethnic studies scholar Lisa Cacho notes, these undeserving populations are left to decay; they are marked for “social death”:

As targets of regulation and containment, they are deemed deserving of discipline and punishment but not worthy of protection. They are not merely excluded from legal protection but criminalized as always already the object and target of law, never its authors or addresses.¹¹⁶

Many LGBT proponents of hate crime legislation have argued that hate crime laws can intervene in the de-valuing of trans people’s lives by law enforcement and state prosecutors, evident for example, through the lack of investigation of transgender murders or the extremely low punishment rates for perpetrators in crimes against trans people. Yet McDonald’s case and those of others show that attempts to reform the justice system only deflect attention from the raced and gendered violence perpetrated and sanctioned by the state against subordinated communities. Instead of conceptualizing alternatives to crime- and punishment-models and mending a broken and deeply biased justice system, these hate crime laws further legitimate and enhance what the criminal justice system in the United States is designed to do: target and incarcerate the very people these laws are meant to protect, mainly poor people and people of color. Despite Hate Crime legislation claiming to protect minorities and subjugated groups, the continued racialization and criminalization of these populations presents a *de facto* exclusion from state and legal protections. And worse, hate crime laws further expose these populations to the state’s increased surveillance, discipline, and punishment practices. Hate crime legislation aides in solidifying the prison-industrial-complex by

¹¹⁶ Lisa Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 5.

targeting primarily minorities, poor people, and people with disabilities whose disproportionate incarceration in the United States has been extensively documented.¹¹⁷ Hate crime statutes, therefore, have become another political and legal mechanism by which the multicultural state and its politics of colorblindness masks an ongoing investment in race and racism.

Conclusion

Because numerous motions filed by McDonald's defense team were dismissed and because the prosecution added a second manslaughter charge, it was not surprising that McDonald ultimately agreed to a plea-deal. In May 2012 McDonald was sentenced to 41 months in prison for a reduced charge of second-degree manslaughter due to negligence and received credit for 275 days already served. She was additionally ordered to pay \$6410 in restitution for Schmitz' funeral expenses.

In the ordeal around the attack at the Schooner Tavern in 2011, McDonald experienced violence and was violated in multi-dimensional ways: from the all too common racial profiling and police surveillance practices witnessed by McDonald and her friends shortly before the incident at the Schooner as a squad car followed them; to the verbal and physical assault erupting outside the bar because McDonald and her friends were perceived as "different;" to the purportedly benign intentions of correctional

¹¹⁷ See, for example, Andrea Smith, "Unmasking the State: Racial/Gender Terror and Hate Crimes," *The Australian Feminist Law Journal* 26 (2007): 47-57; Katherine Whitlock, *In A Time of Broken Bones: A Call to Dialogue on Hate Violence and the Limitations of Hate Crime Legislation*. Philadelphia: American Friend Service Committee, 2001; or Dean Spade, "Under the Cover of Gay Rights," *N.Y.U. Review of Law & Social Change* 37, no. 79 (2013): 79-100.

facilities to keep her in solitary confinement; to the deceptive behavior of police investigators extracting a confession from McDonald; to the media's inability to recognize McDonald's intersectional transgender subjectivity; and finally, to the prosecution's denial of self-defense. What my analysis of the mediated and legal discourses surrounding McDonald shows is that *both* the media coverage and the legal system's treatment of McDonald's case were limited and corrupted by the lack of attention paid to the intersectional nature of the violence and discrimination at play. Because *both* the media and the state failed to recognize and acknowledge McDonald as an intersectional subject, it was especially the assertion of a colorblind rhetoric that enabled the multidimensional violence enacted against her.

As I wrote this chapter in early 2015, a grand jury in Ferguson, MO failed to indict police officer Darren Wilson in the shooting of Michael Brown. A few days later, a grand jury in New York cleared an officer in the chokehold death of Eric Garner, which was caught live on camera. Both events have reignited national protests that originally began with the hashtag #BlackLivesMatter after Trayvon Martin's death in 2013 seeking to affirm the lives of people of color. These recent events have also renewed debates about racial profiling, police brutality, mass incarceration, and systemic inequalities perpetuated by the legal system. But while the deaths of black male lives have been increasingly documented there is still much silence around violence against (trans) women of color.

The violence against transgender people has escalated over the past three years and communities are mourning the lives of Tiffany Edwards, Zoraida Reyes, Mia

Henderson, Kandy Hall, Yaz'Min, Shancez, Terrell Anderson, and Miriam Carey to name a few. The mother of Islan Nettles, 21-year-old African American trans woman who was attacked in Harlem and beaten to death in 2013, is still awaiting her daughter's murderer to face charges. Whether we look at the CeCe McDonalds, the Trayvon Martins, or the Islan Nettles in this country, we see that the justice system deliberately fails transgender and people of color and is rife with racial, gender, and class biases.

What I have sought to point out more precisely with this chapter is how the interplay and collusion between mediated and legal discourses – between repressive and ideological state apparatuses – powerfully fortifies and sanctions the targeting, disciplining, and incarceration – in short, the state's multifaceted violence – enacted against racialized and a priori criminalized populations, especially trans and gender non-conforming women of color. A prevailing public discourse thereby gets (re)produced in which these populations are only recognizable as already marked for disposability. The media's complicity in condoning the state's treatment of McDonald and that of so many other (transgender) people of color illustrates the complex, multifaceted operations of state power and how violence is dispensed at different sites and discursive spheres, even when the state is not always necessarily its primary or direct agent. It no longer suffices to simply be critical of explicit state violence; what is necessary is to highlight the complex interrelations between legal and mediated discourses in order to account for the propagation and amplification of these complex processes of biopolitical and necropolitical violence and disposability in an age of neoliberal colorblindness.

As media-generated and legal discourses feed off each other to systematically devalue the lives of certain populations, it requires media studies scholars to engage more critically with questions of visibility: what does visibility actually afford and what does it not afford? While visibility is often actively sought by subjugated communities in their efforts to gain access to civil rights, the visibility politics surrounding CeCe McDonald point to the ways in which visibility might actually result in the opposite of what is expected by further violating and marginalizing oppressed communities, especially those experiencing intersecting oppressions. Analyzing the local media coverage of McDonald, which reinforced problematic stereotypes about trans people and did not generate any progressive elements of trans visibility – just as hate crime laws purporting to protect marginalized communities may further aid in the vilification and surveillance of those communities – illustrates that the utilizing of mass-mediated discourses and legal avenues for social justice and social change is limited.

While McDonald's trial and treatment in local media outlets speaks volumes about the discriminatory practices of the social justice system and the media's corroboration in Othering and demonizing transgender people, McDonald's story also presents hopeful insights into grassroots organizing and social justice activism that relies particularly on social media as a means to challenge the state's treatment of subjugated communities and the one-sided, derogatory coverage by traditional media outlets. In the next chapter, I highlight the formation of the CeCe Support Committee and its use of social media as a means of garnering support for McDonald and catapulting her story to national attention. I also contextualize her story with ongoing social justice hashtag

activism to explore the practices, possibilities, and limitations of social media activism more broadly.

Chapter 4

#FreeCeCe! The Material Convergence of Social Media

!!ALERT!! CeCe was just informed she has a court appearance tomorrow, 12/20/11 at 2pm. We need as many folks to come out to show support as possible. We need to show this ‘justice’ system that she has community support even at the last minute. Let’s meet at the inside fountain at the Hennepin County Courthouse, 1.30pm tomorrow. See you there community! ~ FreeCeCe McDonald Facebook post from December 19, 2011.

We believe that to achieve safety, community, leadership and liberation for trans youth of color, we need to work against racism, adultism, misogyny and violence. In many of our hearts and bodies, this is common sense. In the world we live in, it’s a revolutionary message. Please continue to carry this message in your hearts, we always will. ~ Jahleel, Jakob, La’Niya and Tayvon, TYSN co-directors in their final newsletter January, 2015.

After CeCe McDonald’s arrest in June 2011 queer and anarchist communities in Minneapolis and St. Paul were quick to organize an astounding level of support around her case. In particular, the Trans Youth Support Network (TYSN), a local non-profit organization working for transgender youth, and several of its members became crucial figures in organizing support for McDonald.¹ According to Lex Horan, a TYSN board member and one of the co-founders of the CeCe Support Committee, TYSN was frequently “a catching point for crises that are coming and going within that

¹ TYSN was the only completely youth-led organization in the Midwest until its abrupt closing at the end of January 2015 due to a lack of resources and funding. TYSN was founded as a community response to a series of incidents of violence targeting young trans women of color in the Minneapolis/St. Paul area in the fall of 2004. TYSN was dedicated to working for racial, social, and economic justice and the freedom to determine gender identity and expression for trans youth. The organization specifically sought to improve the accessibility of social service providers for trans youth.

community.”² It was, thus, not surprising that McDonald’s story was brought to the attention of Katie Burgess, TYSN’s executive director at the time.

As the events surrounding McDonald’s arrest were rapidly unfolding, community meetings generated large turnouts and stirred fertile conversations and exchanges about formulating a community response. Resulting from these initial meetings was the ad-hoc formation of a CeCe Support Committee. Horan, a seasoned community organizer with experience in prison abolition and student organizing, acknowledged the difficulty of turning this “big mobilization ... into a body that can do organizing together” to arrange and voice a unified community response to McDonald’s case.³ Although the organizational structure of the Support Committee would remain rather loose and change over time, and despite significant political differences between members, a core group of people⁴ soon crystallized and began to rally support for McDonald:

[W]e knew that ... CeCe’s fighting that she was doing on her own needed reinforcement from a broader community and so the way that ended up coalescing was through a formalized support committee but then also just tons of strands of connections to broader community.⁵

As the Committee coalesced, the group sought to achieve two key goals: first, to get McDonald the best outcome possible in her own case, and second to build broader activism around the prison-industrial-complex, particularly its violence against trans

² I am indebted to Lex Horan for providing me with an in-depth account of the workings of the Support Committee and sharing his experiences. Most of the information on the Committee’s work is drawn from an hour-long interview conducted on September 27, 2014.

³ Ibid.

⁴ The Support Committee comprised Jude Ortiz, Katie Burgess, Kris Gebhard, Luce Guillen-Givens, Billy Navarro Jr., David Tomlinson, Jess Annabelle, Garrett Fitzgerald, Lex Horan, tj o’connor, Fen Jeffries, Josina Manu, and Abby Beasley; this group did most of the organizing work surrounding McDonald’s case between the fall of 2011 and the summer of 2012.

⁵ Lex Horan, interviewed by the author, September 27, 2014.

women of color.⁶ In order to achieve these goals, the Committee's use of social media, in addition to more traditional media work, became increasingly important as the campaign progressed.

In this chapter, I illustrate how the formation of the CeCe Support Committee and its use of social media present important lessons for effective grassroots organizing that is fueled by and increasingly reliant upon the use of social media for advancing social justice. Social media tools enabled the Committee to challenge the state's violence enacted against McDonald and local media's framing of her black gender non-conformity as deceptive and threatening. I argue that although social media allowed for a broader reach and raised public consciousness about the devaluation of trans women of color, they do not miraculously provide transformative civic and political engagement because intersecting oppressions, particularly the centrality of whiteness, continue to permeate online activism. Employing an ethnographic, micro-level approach to the #FreeCeCe campaign complicates current understandings of social media activism (which are driven largely by quantitative, big-data network analyses) by highlighting the complex and arduous communicative "on-the-ground" processes of meaning-making and collective organizing that traverse online and offline spaces.

Convergence Culture

Since the early 2000s, the rise of new media technologies and increased "media convergence" have prompted both dystopic and utopic responses about the potential of

⁶ Horan describing the Committee's goals, interview with the author, September 27, 2014.

new technologies to enhance the agency of media consumers and improve participatory democracy. These responses have ranged from claims about social media's capability to enhance freedom and democracy (the "Twitter Revolution") to accusations about feel-good, weak-tie, and low risk "slacktivism" resulting in little political impact.⁷ Henry Jenkins' optimistic formulation of the term "convergence culture" has been especially influential in media studies. Convergence describes the multi-platform flow of media synergies between media industries as well as increased participatory opportunities. According to Jenkins media are thrown into flux, "expanding opportunities for grassroots communities to speak back to the mass media."⁸ For Manuel Castells the surge of digital social networks has resulted in the "networked social movements" such as the Arab Spring and Occupy movements, which have drastically expanded the capacity of social actors to challenge state power:

Historically, social movements have been dependent on the existence of specific communication mechanisms: rumors, sermons, pamphlets and manifestos, spread from person to person, from the pulpit, from the press ... In our time, multimodal, digital networks of horizontal communication are the fastest and most autonomous, interactive, reprogrammable and self-expanding means of

⁷ For utopic responses about social media's alleged capabilities to enhance freedom and democracy resulting in popular slogans such as "Facebook and Twitter Revolution" see e.g., Yochai Benkler, *The Wealth of Networks* (New Haven, CT: Yale University Press, 2007); Manuel Castells, *Communication Power* (New York, NY: Oxford University Press, 2009); Clay Shirky, *Cognitive Surplus: Creativity and Generosity in a Connected Age* (New York, NY: Penguin, 2010). For dystopic positions claiming that social media are characterized mostly by a feel-good "slacktivism" involving weak ties and low risks that limit their actual political impact see Andrew Keen, *The Cult of the Amateur: How Blogs, MySpace, YouTube, and the Rest of Today's User-Generated Media are Destroying our Economy, our Culture, and our Values* (New York, NY: Doubleday Publishing, 2008); Evgeny Morozov, *The Net Delusion: The Dark Side of Internet Freedom*. Reprint Edition (New York, NY: Public Affairs, 2012); Jodi Dean, *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics* (Durham, NC: Duke University Press, 2009).

⁸ Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York, NY: New York University Press: 2006), 259.

communication in history. ... This is why the networked social movements of the digital age represent a new species of social movement.⁹

Although mass media are largely controlled by governments and corporations, Castells believes that autonomous “mass self-communication” processes, enabled by social media “offer the possibility for largely unfettered deliberation and coordination of action.”¹⁰ The prominence of network approaches to the study of digital social movements, as exemplified by Castells, has also been accompanied by a prevalence of quantitative, macro-level big data analyses of recent protest movements.

Particularly W. Lance Bennett and Alexandra Segerberg’s conceptualization of “connective action”, which asserts the neoliberal logic of individual agency over collective solidarity, has been well received among scholars.¹¹ Analyzing the Occupy and Spanish Indignados movements, the authors argue that traditional logics of collective identity formation and action are replaced by connective action, which is characterized by personalized logics of participation and sharing across media platforms. This transition from “collective” to “connective” is possible since social media become “organizing agents” themselves. But despite advancing our understandings of the internal workings of digital social movements, these empirical, quantitative analyses tend to result in “static overviews of protest activity (action as fact) while neglecting the micro-dynamics of collective action (action as process).”¹² Approaching and evaluating the #FreeCeCe

⁹ Manuel Castells, *Networks of Outrage and Hope: Social Movements in the Internet Age* (Malden, MA: Polity Press, 2012), 15.

¹⁰ Castells, *Networks of Outrage and Hope*, 10.

¹¹ Lance W. Bennett and Alexandra Segerberg, “The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics,” *Information, Communication & Society* 15, no.5 (2012): 739-768.

¹² Paolo Gerbaudo and Emiliano Treré, “In Search of the ‘We’ of Social Media Activism: Introduction to the Special Issue on Social Media and Protest Identities,” *Information, Communication & Society* 18, no. 8 (2015): 867.

campaign through an ethnographic approach illustrates what these large-scale, empirical data analyses often omit and are unable to capture – namely the material constraints on social media activism.

Although some scholars emphasize the merits and potentials for democratic participation through converged media, they rarely consider the political economy of the media or the power struggles historically reinforced by the digital divide. Other scholars have illustrated how the assumed equation of interactive technologies and participatory usage with do-it-yourself citizenship is ignorant of how these technologies not only potentially silo and seclude local communities, but also allow for a consolidation of state power, increased state violence, and surveillance and self-regulation practices.¹³

Undoubtedly, new interactive media technologies allow for increased participation in media, yet convergence culture cannot be understood to function separately from the socio-political, cultural, and economic processes in which they are embedded. For Nick Couldry it is more plausible to see “convergence” as “a medium of longer-term stratification” once we acknowledge how race, gender, class and other stratification factors hierarchize the spaces in which “convergence” is practiced.¹⁴

Feminist media scholars have specifically pointed out that the sexual division of labor and gender inequalities continue to permeate converged media and undercut their

¹³ See, for example, Jack Bratich, “User-Generated Discontent,” *Cultural Studies*, 25, nos. 4-5 (2011): 621-640; Mark Andrejevic, “The Work that Affective Economics Does,” *Cultural Studies*, 25, nos. 4-5 (2011): 604-620.

¹⁴ Nick Couldry, “More Sociology, More Culture, More Politics, or, a Modest Proposal for ‘Convergence’ Studies,” *Cultural Studies* 25, no. 4-5 (2011): 494-495.

participatory potential.¹⁵ More recently, special sections in *Feminist Media Studies* (14:4; 14:6; 15:1) have paid close attention to the surge in feminist hashtags that attempt to mobilize feminist communities across different spaces. For example, in her analysis of the framing of SlutWalk London Keren Darmon illustrates that feminist messages circulating online do not necessarily travel intact into the larger public sphere; instead they are often (re)articulated by mass media through a “post-feminist tinted lens.”¹⁶ Other scholars have critiqued the continued hegemony of Western feminist discourses that produce (self)orientalizing accounts and white rescue narratives within hashtag activism.¹⁷ But while racism and sexism continue to flourish and are reinforced online – presenting a serious obstacle to equal participation, especially for women, people of color, and sexual minorities¹⁸ – social media are also known to cultivate a politics of resilience in the face of sexual assault and rape-culture.¹⁹

Because “new media are increasingly sites of struggle over control, surveillance, and monetization, as well as sites of struggle over meaning, representation, and

¹⁵ See, for example, Catherine Driscoll and Melissa Gregg, “Convergence Culture and the Legacy of Feminist Cultural Studies,” *Cultural Studies*, 25, nos. 4-5 (2011): 566-584; Laurie Ouellette and Julie Wilson, “Women’s Work,” *Cultural Studies*, 25, nos. 4-5 (2011): 548-565.

¹⁶ Keren Darmon, “Framing SlutWalk London: How Does the Privilege of Feminist Activism in Social Media Travel into the Mass Media?” *Feminist Media Studies* 14, no. 4 (2014): 701.

¹⁷ Eleanor Tiplady Higgs, “#JusticeforLiz: Power and Privilege in Digital Transnational Women’s Rights Activism,” *Feminist Media Studies* 15 no. 2 (2015): 344-347.

¹⁸ See Lisa Nakamura, “Blaming, Shaming, and the Feminization of Social Media,” in *Feminist Surveillance Studies*, eds. Rachel E. Dubrofsky and Shoshana Amielle Magnet (Durham, NC: Duke University Press, 2015), 221-228; or Kristi K. Cole, “‘It’s Like She’s Eager to be Verbally Abused’: Twitter, Trolls, and (En)Gendering Disciplinary Rhetoric,” *Feminist Media Studies* 15, no. 2 (2015): 356-358.

¹⁹ See Carrie Rentschler, “#Safetytipsforladies: Feminist Twitter Takedowns of Victim Blaming,” *Feminist Media Studies* 15 no. 2 (2015): 353-356; Sherri Williams, “Digital Defense: Black Feminists Resist Violence With Hashtag Activism.” *Feminist Media Studies* 15, no. 2 (2015): 341-344.

participation,”²⁰ I take to heart Larisa Kingston Mann’s call for interventionist feminist analyses in the visibility and participatory politics of these new social media platforms. I situate the #FreeCeCe campaign within this strand of feminist critique to offer insight into the simultaneously promising, yet precarious capabilities of social media to produce social change. My analysis contributes a more refined understanding of the different modes, material practices, and political impacts of the “participatory turn” engendered by social media. Social and political realities of the modern world do not simply disappear with the uptake of social media. My examination of McDonald’s case highlights that intersecting oppressions are maintained and can even be exacerbated in the move to social media and are therefore not a catchall solution for social movements. While identifying the shortcomings of overtly enthusiastic interpretations of social media, I also recognize its unique capabilities for mobilizing a broader constituency by actively shaping public conversations about the value and disposability of trans women of colors’ lives.

This chapter begins by describing the do-it-yourself (DIY) mentality informing the CeCe Support Committee’s media work. I then turn to the Committee’s specific use of social media to create counter-narratives to change both the dominant framing of McDonald’s story and to pressure the state to treat her humanely. I revisit some of the conclusions drawn in the previous chapter about the disposability of black transgender lives by contextualizing the centrality of whiteness and ageism in the organizing around

²⁰ Larisa Kingston Mann, “What Can Feminism Learn from New Media?” *Communication and Critical/Cultural Studies*, 11, no. 3 (2014): 293.

McDonald's case and the influence of socio-economic factors on grassroots activism and participatory media more broadly.

Do-It-Yourself Grassroots Organizing

Unlike Castells and Jenkins views that networked social movements consist predominantly of (white) tech-savvy, highly educated, young middle class professionals²¹ – the CeCe Support Committee comprised a multi-racial group from working- and middle-class backgrounds with varying educational levels (some held college degrees, others did not). The Committee members' levels of experience working with traditional media differed and the development of media strategies was strongly informed by a DIY-mentality and ties to face-to-face networks already existing within left, anarchist, and queer communities. The media and organizing experience of some of the members of the notorious RNC Welcoming Committee in 2008 proved particularly invaluable.²² Although the National Center for Transgender Equality (NCTE) later provided media training for the Support Committee, it was mainly reaching out to local community members that enabled the Committee to gain the necessary skills, knowledge, and resources to organize on- and offline support.

Lex Horan, a community organizer with experience in prison abolition and student organizing and one of the Committee's co-founders, remembered writing the

²¹ See Jenkins, *Convergence Culture*; Castells, *Networks of Outrage and Hope*.

²² The RNC Welcoming Committee was a local, anarchist, anti-authoritarian group, which coordinated and organized protests against the 2008 Republican National Convention held in St. Paul. The so called "RNC 8" were members of the RNC Welcoming Committee who were the first to be charged under the Minnesota statute of "furtherance of terrorism." Among them were of Jude Ortiz, Luce Guillen-Givens, and Garrett Fitzgerald. The terrorism charges against the group were ultimately dropped.

group's first press release "before any of us knew how to write a press release."

Similarly, Billy Navarro Jr., a local trans activist working for the Minnesota Transgender Health Coalition who was instrumental in building and coordinating the Committee's social media presence, had no prior professional media experience and developed the necessary technological skills and expertise as the case progressed. Navarro Jr.'s "soft leadership" skills as a social media administrator became crucial for guiding and coordinating the Committee's social media work. Katie Burgess, then TYSN's executive director, became the Committee's most recognizable face as she participated in interviews with media organizations and led many rallies and fundraising efforts.

Because most Committee members held regular day jobs, the majority of organizing work for McDonald was done during their spare time, consisted of unpaid labor, and had very limited financial resources. The Committee's strategies were never solely spontaneous and unplanned; instead, their mobilization efforts were achieved through carefully orchestrated and persistent strategies, what Paolo Gerbaudo calls "choreographies of assembly," which often did not lead to immediate results.²³ Every tactic underwent thoughtful deliberation from McDonald and the Committee's core members, enacting a certain level of leadership. Without these pre-existing face-to-face networks and soft-leadership directives, the Committee would have been unable to create the effective "backstage" communicative dynamics²⁴ that were central for generating collective momentum and achieve the Committee's goals.

²³ Paolo Gerbaudo, *Tweets and the Streets: Social Media and Contemporary Activism* (London: Pluto Press, 2012), 5.

²⁴ See Gerbaudo and Treré, "In Search of the 'We'."

The grassroots activism around McDonald illustrates that movements cannot be sustained solely within and by social media, but instead must be combined with traditional media in order to be effective. From the beginning, the group was conscious of media framing and made sure to provide standard pieces of traditional media work, including press releases and official statements. The Committee recognized the need to build relationships with reporters from local news outlets, such as Abby Simons from the *Star Tribune*, Minnesota's largest newspaper, and Andy Mannix from *City Pages*, an alternative weekly paper covering news media, arts, and entertainment in the Twin Cities. In response to the condescending *Star Tribune* coverage described in the preceding chapter, the Committee organized a letter-to-the-editor campaign, but none of the letters were ever published. Horan also recalled the Committee's disappointment after working on the cover story for the *City Pages*: "... we spent a *ton* of time and energy working with Andy [Mannix] in the lead up to the trial and during trial, and the story they ended up putting out was shitty. ... we felt like we got really burned after putting in so much time on the story" (emphasis in original).²⁵ As media and state institutions both criminalized McDonald's gender non-conformity to produce her as a threatening subject whose actions did not rise to the level of self-defense, the Support Committee started using social media channels to create counter narratives.

²⁵ Horan, personal correspondence with author, October 11, 2014.

“The Slow Spread of the Low-Hanging Fruit”

The Support Committee was fully aware that the only way to exert pressure on the state and the prosecution to drop the charges against CeCe was to provoke a public debate about the disposability of a transgender woman of color trapped in the justice system. According to Horan, the Committee knew that their power within the courtroom was always going to be immensely less than their power outside the courtroom and the media:

What was going to happen to CeCe was really going to rest on how much of the context we could get incorporated into the story and get into the court room if possible, but if not – just get present in a public narrative. Because we knew that, we were never calling for a fair trial for CeCe. We knew that there was no such thing [as] a fair trial for anybody in the U.S., let alone a black trans woman in the U.S.²⁶

The Committee deliberately reached beyond Minneapolis’ local media outlets to actively seek footholds wherever possible in national, independent media and with sympathetic bloggers. The Committee deliberately reached beyond Minneapolis’ local media outlets to actively seek footholds wherever possible in national, independent media and with sympathetic bloggers. After continuously sending press releases and making phone calls – this tireless and tedious work cumulated in the “very slow build of the low-hanging fruit” as Horan described it:

We had been sending releases to all those folks forever. And we were trying forever to get into the *Huffington Post*, and we were trying forever to get in touch with *Democracy Now*. And finally, I think as CeCe’s trial approached, and again I think as the critical mass of the smaller media outlets started to rise and started to cross the desks of those slightly larger outlets a little bit more – that was when we started to finally get calls but it didn’t, this sort of sense of getting a flurry of coverage, wasn’t until April, maybe even May after CeCe’s trial.

²⁶ Horan, interview with the author, September 27, 2014.

Specifically, the re-tweeting of McDonald's story through the hashtag #FreeCeCe on Twitter became crucial for building this slow but steady momentum. The creation of the #FreeCeCe hashtag allowed for an effective indexing and inter-discursive hyperlinking of various information pertaining to McDonald's case.²⁷ As her case went to trial in May 2012, the Support Committee urged supporters to "retweet, post, repost, tumble, forward, [and] spread far & wide" her story.²⁸ The support of writer and trans rights activist Janet Mock (as well as the followers of her #GirlsLikeUs hashtag²⁹) along with activists from the Sylvia Rivera Law Project, and transgender actress Laverne Cox further helped to propel McDonald's story onto the radar of national LGBT and media organizations.

²⁷ Hashtags (once more commonly referred to as the pound sign) are metadata tags that were first used in Internet Relay Chats in the late 1990s to categorize content. Since 2007, hashtags have become popular for micro-blogging and social media platforms to easily group and find conversations with similar themes and content.

²⁸ Free CeCe Twitter post, May 7, 2012.

²⁹ Mock created the hashtag #GirlsLikeUs in March 2012 as a means to empower and "to connect all willing trans women across colors, generations, sexual identities and class." The hashtag has since gained a significant following and popularity enabling trans women to tell their stories and highlighting the injustices many trans women are facing. See Janet Mock, "My Journey (so far) with #GirlsLikeUs: Hoping for Sisterhood, Solidarity, & Empowerment," May 28, 2012. <http://janetmock.com/2012/05/28/twitter-girlslikeus-campaign-for-trans-women/> (accessed April 3, 2015).



Figure 4.1 Tweets urging national media outlets to cover McDonald's case (April/May 2012)

By April 2012, McDonald's story frequently made national headlines in a variety of alternative and special interest outlets, with mentions on Melissa Harris-Perry's show on

MSNBC,³⁰ *Democracy Now*,³¹ articles on *ColorLines*,³² the *Advocate*,³³ the *Huffington Post*,³⁴ *Mother Jones*,³⁵ as well as Mark Lamont Hill's essay "Why Aren't We Fighting for CeCe McDonald?" on *ebony.com*.³⁶

³⁰ Melissa Harris-Perry's weekly show on MSNBC has become an important alternative Sunday news program. Since first airing in 2012, the show has been championed for its detailed coverage of transgender stories and other social justice issues. See, for example, Melissa Harris-Perry, "Being Transgender in America," *Melissa Harris-Perry Show*, MSNBC, April 15, 2012, http://www.youtube.com/watch?v=KJOD_SYWktI (accessed June 26, 2015). Harris-Perry, a woman of color and professor at Wake Forest, has not been afraid to tap into a wider network of intellectuals of color to appear on her show. According to a Media Matters report, it is the only Sunday news program, which features more guests of color than white ones. See Rob Savillo, "Report: State Of The Sunday Morning Political Talk Shows In 2014," Media Matters, February 11, 2015, <http://mediamatters.org/research/2015/02/11/report-state-of-the-sunday-morning-political-ta/202437> (accessed June 24, 2015).

³¹ *Democracy Now!* is an independent, non-profit, daily news program hosted by Amy Goodman and Juan Gonzalez since 1996. Clearly differentiating itself from corporate-sponsored media in the U.S., *Democracy Now!* is known for its progressive bent, providing its audience with alternative perspectives from independent and international journalists, grass roots leaders, social justice activists, artists, academics and independent analysts. See Democracy Now, "'CeCe' McDonald: Black, Transgender Woman Faces Murder Trial for What Supporters Call Self-Defense," *Democracy Now*, April 27, 2012, http://www.democracynow.org/2012/4/27/cece_mcdonald_black_transgender_woman_faces (accessed June 26, 2015).

³² *Colorlines*, an award-winning, daily news site, was founded by Rinku Sen, president and executive director of Race Forward: The Center for Racial Justice Innovation. Focusing on topics of social justice, *Colorlines* addresses complex race issues and seeks to highlight systemic, intersectional oppressions in order to change the ways race is typically talked about and covered in the U.S. and to move toward racial equity. See e.g., Kenyon Farrow, "CeCe McDonald Deserves Our Support, 'Innocent' or Not," *ColorLines*, May 4, 2012, <http://www.colorlines.com/articles/cece-mcdonald-deserves-our-support-innocent-or-not> (accessed March 16, 2016).

³³ The *Advocate*, a bi-monthly magazine including a website, was established in 1967 and is the oldest and largest LGBT publication in the United States. Focusing on news, politics, opinion editorials, as well as arts and entertainment for LGBT people, the *Advocate* is the only remaining national gay-interest publication. Its political coverage tends to fall in line with mainstream, homonormative assimilationism.

³⁴ Since its founding by Arianna Huffington in 2005, the *Huffington Post*, has developed from a niche liberal blogging and news aggregation site to a major news hub, far surpassing the traffic of other established news organizations. Although critiqued for its lack of "serious journalism" and promotion of infotainment, the site has mastered search-engine optimization and has successfully seized on the rise of social media. AOL acquired the *HuffPo* for \$315 million in 2011. Since then the site has expanded from its network of unpaid bloggers to international editions, video operations, and has increased its focus on original reporting. The *HuffPo* won a Pulitzer Prize for national reporting in 2012 and currently records more than 200 million unique visitors a month. In May 2015, Verizon acquired AOL over for \$4.4 billion, becoming the *Huffington Post*'s new owner. See Ravi Somaiya, "Huffington Post in Limbo at Verizon," *New York Times*, June 2, 2015, <http://www.nytimes.com/2015/06/03/business/media/huffington-post-in-limbo-at-verizon.html> (accessed June 24, 2015).

³⁵ *Mother Jones*, tagging itself as "smart, fearless journalism," is a non-profit, reader-supported news outlet that delivers daily online reporting and publishes a bimonthly print magazine. It has produced award-winning reports and investigative journalism. See Nicole Pasulka, "The Case of CeCe McDonald: Murder—or Self-Defense Against a Hate Crime?" *Mother Jones*, May 22, 2012,

The Committee’s continuous efforts to reach out to larger national news organizations until McDonald’s story was finally deemed nationally newsworthy complicates uncritical social media scholarship alleging that new media technologies easily enable media messages to go viral and spread. For example, Jenkins and his colleagues assert in *Spreadable Media: Creating Value and Meaning in a Networked Culture* that the concept of “spreadability” – describing how the elements of the media environment, texts, audiences, and business models work together to facilitate easy and widespread circulation of mutually meaningful content within a networked culture – offers potential “for renegotiating the social contract between media producers and consumers in a way which may be seen as legitimate and mutually rewarding to all involved.”³⁷ However, McDonald’s case shows that content that explicitly addresses the intersections of racial injustice and homo-/transphobia is harder to digest and, therefore, less spreadable. It took the Committee months of building slow momentum through repeated press releases and social media messages; yet the delayed spread of McDonald’s story did not mean that it was dead. The fact that McDonald’s story did manage to capture the attention of prominent outlets such as *Democracy Now!* and the *Huffington*

<http://www.motherjones.com/politics/2012/05/cece-mcdonald-transgender-hate-crime-murder?page=2> (accessed June 26, 2015).

³⁶ *Ebony*, a monthly, African American interest magazine, has been continuously published since 1945 by the Johnson Publishing Company, the largest African American-owned publisher in the United States. *Ebony* reaches nearly 11-million readers and describes itself as the “No. 1 source for an authoritative perspective on the Black-American community” (See <http://www.ebony.com/about-ebony#axzz3e0D7rcpT>). Its website, [ebony.com](http://www.ebony.com), presents daily commentaries and reports seeking to reflect diverse perspectives within the African-American community. See Mark Lamont Hill, “Why Aren’t We Fighting for CeCe McDonald?” *Ebony*, June 11, 2012, <http://www.ebony.com/news-views/why-arent-we-fighting-for-cece-mcdonald#axzz3I8Q3p8DW> (all accessed November 17, 2014).

³⁷ See Henry Jenkins, Xiaochang Li, Ana Domb Krauskopf, and Joshua Green, *If it Doesn’t Spread, It’s Dead. Creating Value in a Spreadable Marketplace* (Convergence Culture Consortium, Cambridge, MA: MIT, 2013), 45.

Post through slow grassroots activism indicates that Jenkins' work ignores the political and economic power structures undergirding corporate media outlets and their influence on what is considered "mutually meaningful and rewarding content."

The initially slow uptake of the story by national news media is indicative of Williams and Delli Carpini's apt description of the operations of the "media regime" as a "historically specific, relatively stable set of institutions, norms, processes and actors that ... determine ... the gates through which information about culture, politics and economics passes, thus shaping the discursive environment in which such topics are discussed, understood, and acted on."³⁸ The slow spread of McDonald's story is, therefore, illustrative of the socio-economic and cultural stratification processes that not only impact access to communication technologies in general, but determine who gets to participate in the process of deciding and shaping what is considered spreadable, valuable, and newsworthy.

The media landscape of Minnesota is a microcosm of these processes. The ownership structures of Minneapolis' and St. Paul's corporate media organizations and the increased concentration of the area's metropolitan media market are reflective of larger national trends concerning the political economy of news media. The *Star Tribune* and *Pioneer Press* (which, as I mentioned in the previous chapter, did not publish a single article on McDonald) functioned as major gatekeepers and bottlenecks for the local media market, often setting the agenda for major news stories. Both papers have changed ownership several times over the past ten years (ranging from private equity firms and

³⁸ Bruce Williams and Michael Delli Carpini, *After Broadcast News: Media Regimes, Democracy, and the New Information Environment* (New York, NY: Cambridge University Press, 2011), 16.

shareholding companies to the *Star Tribune*'s current ownership by a former Minnesota state legislator and wealthy businessman, also owner of the Minnesota Timberwolves) and are known to be fairly conservative in their reporting. In times when newspapers especially are facing continued pressure to increase profits with steadily declining readerships and downsized newsrooms, the old slogan "if it bleeds it leads" (at least if the bleeding person is white) seems more relevant than ever.

Despite the fact that socially disadvantaged communities are most likely the ones utilizing social media for activist purposes, gate-keeping practices in mainstream media continue to influence what gets to spread and what types of stories are highlighted. Although poorer communities have increased access to smart phones (and thus social media),³⁹ corporate media outlets still reinforce racist, transphobic, and other problematic standards in their reporting. For example, because the national #BlackLivesMatter movement is a product of those socially disadvantaged communities (of color, lower class, etc.), mainstream media often portray that movement not as activist, but as criminal, its members engaged in rioting and looting.⁴⁰ Thus, while the "hashtag

³⁹ People of color are far more likely to access the Internet from a mobile device, effectively creating "two Internets" – one for privileged high-speed broadband users and another for mobile users who have to deal with the limitations of small key boards and screens, impoverished interfaces, and less interactivity. See Jesse Washington, "For Minorities, new 'Digital Divide' Seen," *USA Today*, Retrieved from http://usatoday30.usatoday.com/tech/news/2011-01-10-minorities-online_N.htm (accessed June 18, 2015)

⁴⁰ The #BlackLivesMatter hashtag, which first emerged after George Zimmerman's acquittal in the Trayvon Martin killing in July 2013, experienced a renewed uptake in public discourse after the deaths of Michael Brown and Eric Garner in 2014. The hashtag not only seeks to forcefully affirm the value of black lives and to challenge the historic and systematic dispossession of and the state-sanctioned violence enacted against people of color, but it allows "for contesting and reimagining the materiality of racialized bodies" (see Yarimar Bonilla and Jonathan Rosa, "#Ferguson: Digital protest, Hashtag Ethnography, and the Racial Politics of Social Media in the United States," *American Ethnologist*, Online First (2015): 4, doi: 10.1111/amet.12112). Recently, hashtags such as #IfTheyGunnedMeDown, #NoAngel, or #ICantBreathe, have specifically been used to document and challenge the media's perpetuation and stereotyping of racialized bodies as inherently threatening.

activism” of social media over the past decade has allowed marginalized and oppressed communities to document incidents of state-sanctioned violence and to contest racialized media representations, it is also important to keep in mind that social media platforms are themselves corporate entities that police and surveil their users.

Female and other users from disenfranchised groups are differentially targeted as objects of surveillance in social media. Citing the story of a Canadian woman who lost her disability insurance because her insurer argued she looked “too happy” (to be depressed) in her Facebook pictures, Nakamura, demonstrates the constant need for women to self-regulate online to avoid violating hetero-patriarchal norms: “Our identities are inextricably attached to the cultural contingencies of our gendered bodies.”⁴¹ Similarly, while Facebook was lauded for introducing more inclusive gender options for its users in February 2014, the company has repeatedly shut down profiles of Native American, drag queen, and transgender users for allegedly violating their “authentic name policy.”⁴² Moreover, despite the 56 “custom” gender options now available for users, Facebook’s software also remains coded to misgender users and re-assert the gender binary when it translates those identities into data to be stored in the database. Rena Bivens argues that offering advertisers, marketers, and other third party clients profitable data about gender only comes in one format: binary. Under a seemingly “progressive surface” Facebook thus intentionally continues to misgender users driven by

⁴¹ See Lisa Nakamura, “Blaming, Shaming, and the Feminization of Social Media,” 223.

⁴² See Abby Phillip, “Online ‘authenticity’ and how Facebook’s ‘real name’ policy hurts Native Americans,” *Washington Post*, February 10, 2015, <http://www.washingtonpost.com/news/morning-mix/wp/2015/02/10/online-authenticity-and-how-facebooks-real-name-policy-hurts-native-americans/> (accessed April 6, 2015).

corporate, monetizing logics.⁴³ In December 2014, participants in a nonviolent Black Lives Matter protest at the Mall of America in Minneapolis were not only aggressively confronted by law enforcement in riot gear, but the organizers and local #BlackLivesMatter social media platforms were also, as it turns out, preemptively spied on and surveilled by local police and the FBI Joint Terrorism Task Force.⁴⁴

In McDonald's case, the judge partially granted the prosecution the use of several statements from the *Support CeCe!* blog and McDonald's personal Facebook account relating to the stabbing. The court admitted, for example, the following Facebook exchange: asked by a Facebook friend "wat [sic] you kill?," McDonald responded "A PERSON ... BUT IT'S HARD TO EXPLAIN ... AND I DNT [sic] THINK I SHOULD TALK ABOUT IT OVER FB" and later added "WHY AM I THE ONLY PERSON BEING CHARGED FOR DEFENDING MYSELF???"⁴⁵ Unbeknownst to McDonald at the time, the court later declared these electronic materials relevant "because they tend to prove or disprove Defendant's self-defense theory."⁴⁶ Monitoring McDonald's private Facebook account and the Support Committee's blog are examples of how law enforcement agencies commonly access personal conversations online (often with the complicity of social media site operators). These tactics not only demonstrate the

⁴³ Rena Bivens, "The Gender Binary will not be Deprogrammed: Ten Years of Coding Gender on Facebook," *New Media & Society* (December 2015), 1-19. Online First. doi: 10.1177/1461444815621527.

⁴⁴ Lee Fang, "Why Was an FBI Joint Terrorism Task Force Tracking a Black Lives Matter Protest?" *The Intercept*, March 12, 2015, <https://firstlook.org/theintercept/2015/03/12/fbi-appeared-use-informant-track-black-lives-matter-protest/> (accessed April 6, 2015).

⁴⁵ Cited in Fang, "Why Was an FBI Joint Terrorism Task Force Tracking a Black Lives Matter Protest?"

⁴⁶ *State of Minnesota v. Chrishaun Reed McDonald*, Order and Memorandum of Law Granting in Part and Denying in Part Defendant's Motion to Exclude Electronic Materials Allegedly Attributed to Defendant, Court File No.: 27-CR-11-16485. November 30, 2012, p. 7.

widespread surveillance on social media, but how easily data and information gathered on these sites can be used against unwary users.

After identifying the pitfalls of social media as activist tools, I also argue that social media *did* provide platforms for mobilizing broad support for McDonald. Below I examine social media as tools for social movements, both small and large, as a complex interaction between dominant formations and the agency of individual groups or coalitions.

Grassroots Power-Building through Social Media

In addition to Twitter and the #FreeCeCe hashtag, the Committee's creation of the blog *Support CeCe!* as well as Facebook and Tumblr pages under the edifice of Billy Navarro Jr. proved crucial in generating national and even international support beyond the Twin Cities. Building a social media presence was not just a way to connect supporters and activists on- and offline, but in conjunction with more traditional media work they became powerful tools for achieving the Committee's goals. The Committee's use of social media demonstrates many of the possibilities for subversive, bottom-up tactics that can be harnessed and implemented strategically by marginalized and oppressed communities to circumvent traditional media gatekeepers and to apply pressure on state institutions.

Spurred by frustrating interactions with local journalists the Committee deliberately deployed Twitter's 140-character limit to call out derogatory local media coverage and voice calls to action. For example, the Committee called out *City Pages* for

its sensationalistic storytelling by alerting readers to the potential “triggers” of white supremacy, racism, descriptions of physical and verbal violence, trashy tabloid writing, and lack of tact.⁴⁷ Moreover, the Committee used Twitter to successfully urge supporters to directly comment on the online version of *City’s Pages* cover story.



Figure 4.2 Support Committee’s tweet commenting on the *City Pages*’ cover story (May 10, 2012)

As a result the paper changed the article’s original headline – “The Edge of Doubt: When a Transgender Woman Stabs a Man tattooed with a Swastika, how will Justice be Served?” – to “CeCe McDonald Murder Trial: Behind the Scenes of the Transgender Woman’s Case.”⁴⁸ However, the paper’s editors did not make any changes to the article’s original content or apologize for its problematic coverage and tone.

The *Support CeCe!* blog, a simple Wordpress website, became a platform for supporters to provide updates on the trial proceedings and post press releases, flyers and

⁴⁷ @Free_CeCe, Twitter post, May 10, 2012, https://twitter.com/Free_CeCe (accessed April 6, 2015).

⁴⁸ Andy Mannix, “CeCe McDonald Murder Trial. Behind the Scenes of the Transgender Woman’s Case,” *City Pages*, May 9, 2012, <http://www.citypages.com/2012-05-09/news/cece-mcdonald-murder-trial/> (accessed September 30, 2014).

videos. A petition, which demanded Hennepin County prosecutor Michael Freeman to drop all charges, generated almost 19,000 signatures.⁴⁹ The website encouraged active involvement and applied direct pressure tactics announcing “pack the courtroom” rallies and call-in campaigns to the prosecutor’s office.

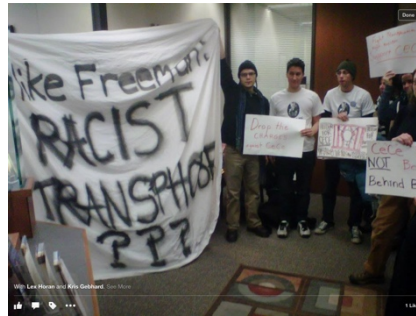


Figure 4.3. Facebook photo of CeCe Supporters “occupying” prosecutor Freeman’s office (November 23, 2011)

The Committee also organized several community events and asked supporters to fill out posters titled “I stand with CeCe because ____.” These posters were then faxed to Freeman’s office with the intention to clog his fax and phone lines.

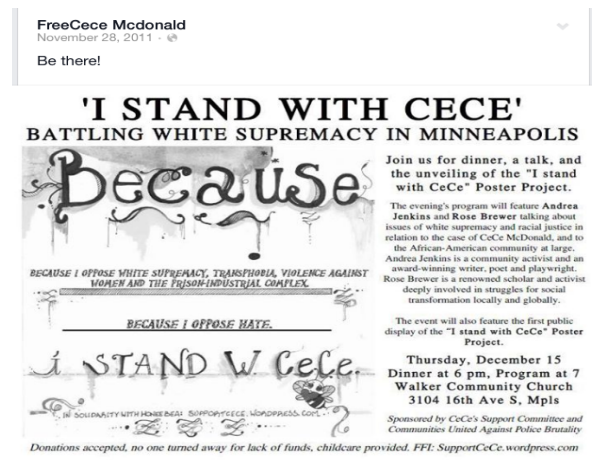


Figure 4.4 Facebook post “I stand with CeCe” poster project and fundraiser (November 28, 2011)

⁴⁹ “Drop the Charges Against CeCe McDonald,” *Change.org*, <https://www.change.org/p/free-cece-we-re-looking-at-you-michael-freeman-drop-the-charges-against-cece-mcdonald> (accessed April 5, 2015).

Similarly, the Committee organized a successful call-in campaign to the St. Cloud correctional facility to which McDonald was transferred after her sentencing. The St. Cloud facility initially administered only six milligrams of hormones to McDonald, instead of the twenty milligrams she was prescribed.⁵⁰ Through widespread social media alerts on different platforms, supporters rallied behind McDonald and successfully bombarded the prison’s directors with phone calls requesting the appropriate dosage.



Figure 4.5 Tweets demanding hormones for McDonald (July 9 and 12, 2012)

Under the tab, “CeCe’s Blog,” the Committee also published correspondence it received from McDonald during her incarceration. In her letters, McDonald addressed numerous topics (for example, about the Zimmerman trial mentioned in the preceding chapter) and wrote thoughtfully about her experiences as a trans woman of color facing daily street harassment and the violence of the prison-industrial complex.

⁵⁰ “Demand that Chrishaun CeCe McDonald be administered the 20 milligrams of hormones that she is prescribed and allowed by court order!” *Free CeCe McDonald Tumblr*, <http://freececemcdonald.tumblr.com/post/26836053684/demand-that-chrishaun-cece-mcdonald-be> (accessed April 3, 2015).

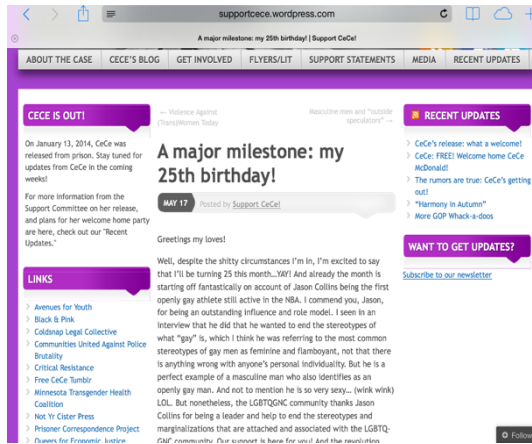


Figure 4.6 McDonald’s blog on the Support CeCe website (www.supportcece.wordpress.com)

The Support Committee saw the blog as a means of truly enabling McDonald to fight for her own life and have her voice heard, piercing the silencing walls of the prison-industrial-complex. She also acted as an advocate for other trans women of color who were subject to similar experiences. As Horan noted,

[CeCe] was ready to take all the risks that she needed to take to speak out and to really call on people to step-up for her and that level of leadership that she took enabled everything else that happened. And she couldn’t have done that on her own. There were a lot of people, a core group of people in the support committee and then thousands and thousands of supporters around the world who stepped-up behind her. And I think those two things were both totally necessary.⁵¹

Social media were one piece of a larger puzzle that allowed McDonald to raise her own voice and to narrate her life and its conditions, what Judith Butler describes as “giving an account of oneself”⁵² whereby the “I,” is always addressing an Other while simultaneously being interpellated by normative structures and other subjects. For Butler, the self is inherently relational and certain norms will always determine the limits of who is recognized as a subject and who is not. Social media gave the Committee the ability to

⁵¹ Horan, interview with the author, September 27, 2014.

⁵² Judith Butler, *Giving an Account of Oneself* (New York: Fordham University Press, 2005).

bypass corporate media gatekeepers – they presented what Benkler terms “feasibility spaces”⁵³ for social practice and action that produce effective counter-narratives through social peer production rather than hierarchical knowledge production steeped in corporate, market forces. Social media specifically challenged colorblind discourses that denied McDonald’s transgender subjectivity and the violence committed against trans and people of color communities.

The Committee’s organizing work is, therefore, exemplary of Nick Couldry’s call to *value* voice appropriately as the rationalities of neoliberalism deny, exclude and undermine voice and forms of its expression. These hegemonic rationalities have led to a crisis of voice, not just in economic but also in political and cultural realms as the view of politics as (free) market trumps all other concerns. For Couldry expanding on Butler, “voice” is, therefore, not just the process of giving an account of oneself, but also the value given to that process: “The fundamental deficit in neoliberal democracies is, then, not one of voice but ways of valuing voice, of putting voice to work within processes of social cooperation.”⁵⁴ The Committee’s social media activism gave McDonald the necessary social and material support to make her voice matter – to not just give an account of herself, but to give value and recognition to her voice, to validate her lived experience as a trans woman of color and to influence the knowledge production around transgender lives. However, it is important to note that while the Committee’s social media activism was crucial for generating broader awareness about McDonald, such

⁵³ Benkler, *The Wealth of Networks*, 31.

⁵⁴ Nick Couldry, *Why Voice Matters: Culture and Politics after Neoliberalism* (London: Sage, 2010), 144.

activism does not consistently translate into material change without a basis in traditional activist strategies – especially physical protests.

Embodied Protest

Once the slow build-up of counter-narratives started growing, and as more national media outlets picked up McDonald’s story, representatives from national queer and trans organizations also started to voice their support. For example, Mara Keisling from the National Center for Transgender Equality and the late trans rights activist Leslie Feinberg⁵⁵ both travelled to Minneapolis to attend McDonald’s trial and rallies in May 2012, lending their voices and faces to the protest. Feinberg was even temporarily arrested for spraying “Free CeCe!” on the walls of the Hennepin County Government Center after McDonald’s sentencing. In this sense, Feinberg took the hashtag #FreeCeCe from the disembodied space of the Internet and sprayed it into materiality, creating a material hashtag.⁵⁶ The materialization of the hashtag through graffiti speaks to the blurring of immaterial and physical spaces, the converging of online and offline worlds.

⁵⁵ Leslie Feinberg, author and activist, was well known for the underground classic coming-off age novel *Stone Butch Blues* (1993) as well as non-fiction works about transgender history and rights, including *Transgender Warriors: Making History from Joan of Arc to Dennis Rodman* (1996) and *Trans Liberation: Beyond Pink or Blue* (1998). Feinberg self-identified as an “anti-racist white, working-class, secular Jewish, transgender, lesbian, female revolutionary communist” whose activism around LGBT, civil, and workers’ rights reflected a deep commitment to intersectional social justice. Feinberg died of complications related to Lyme disease in November 2014. Her obituary, co-written with her partner Minnie Bruce-Pratt can be accessed here: “Transgender Pioneer and Stone Butch Blues Author Leslie Feinberg Has Died” *The Advocate*, November 17, 2014, <http://www.advocate.com/arts-entertainment/books/2014/11/17/transgender-pioneer-leslie-feinberg-stone-butch-blues-has-died> (accessed March 16, 2016).

⁵⁶ I would like to thank my colleague and writing group member Elizabeth Williams for bringing the material embodiment of the hashtag to my attention during a GIGS (Graduate Interdisciplinary Group in Sexuality Studies) meeting at the University of Minnesota.

Feinberg's defiant act further illustrates how social media and on-the-ground activism do not and cannot function separately from one another.

The Support Committee's social media work allowed supporters to create alternatives to existing communication infrastructures and to direct people towards specific sites of protest – a “*material precipitation* from symbolic assemblages to bodily assembly in public space”⁵⁷ (emphasis in original) – for example, with rallies in front of the Hennepin County Government Center and the “occupation” of the courtroom itself. While Castells argues that networked social movements are “born on the Internet, diffused by the Internet, and maintain [their] presence on the Internet,”⁵⁸ the importance of occupying the symbolic space of state-sanctioned violence for the Support Committee's protests and demonstrations cannot be understated. The amorphous and ephemeral interactions of the Committee online coalesced with the materiality of bodies on the ground occupying spaces of protest. In other words, disembodied social media activism around transgender rights and social justice converged with material and embodied activism offline: bodies protesting, bodies being surveilled, contained, and incarcerated, marked by the intersecting oppressions of identity categories.

As the history of the Committee shows, activism around McDonald could not have taken place solely on the Internet and was not completely “leaderless” or “decentralized,”⁵⁹ as convergence scholarship suggests. On the contrary, it is important to recognize that mobilization efforts are always inscribed by hierarchies among those who

⁵⁷ Gerbaudo, *Tweets and the Streets*, 42.

⁵⁸ See Castells, *Networks of Outrage and Hope*, 168.

⁵⁹ *Ibid.*, 221-228.

mobilize and those who are mobilized, between those who have the technological know-how to lead and those who follow. Much more accurately, the Committee's DIY grassroots activism is indicative of complex choreographing processes that are primarily dependent on the "mediated 'scene setting' and 'scripting' of people's physical assembling in public space."⁶⁰ Undoubtedly, social media have drastically changed the way activism takes place; however, social movement theory should not simply laud the Internet as providing transformative civic and political engagement, but must acknowledge the role of material, physical practices in contemporary activism. For example, Bennett and Segerberg claim that connective action "does not require strong organizational control or the symbolic construction of a united 'we'" as it thrives mainly on highly flexible and personalized experiences enabled by social media.⁶¹ However, the fusion of online and offline protests in McDonald's case shows that the formation of collective action and identity processes is still highly relevant. The fact that a nucleus of core organizers tirelessly rallied supporters and led marches attests to the importance of individual key actors; moreover, achieving the Committee's goals depended on the construction of a collective voice. The materiality of social media activism manifesting in large, on-the-ground protests and call-in-campaigns created a sense of belonging, common cause and "shared ideological frame."⁶² Fostered by both digital *and* physical collaborations, this sense of collective action was critical for exerting pressure on state institutions. What the CeCe Support Committee demonstrates is that social movements

⁶⁰ Gerbaudo, *Tweets and the Streets*, 40.

⁶¹ Bennett and Segerberg, "The Logic of Connective Action": 748.

⁶² *Ibid.*: 753.

are neither spontaneous nor self-maintaining; instead, they are the product of intensive, unpaid labor and careful planning.

According to Horan, the Committee was mindful at all times of not creating backlash through pressure tactics that could have negatively impacted McDonald's case and consulted with her whenever possible. As it became clear, for example, that McDonald would be housed in an all-male facility based on her birth-assigned sex (as are most incarcerated trans people), several petitions began circulating that asked Governor Mark Dayton for a pardon. These petitions were not authorized by McDonald or the Committee. Through these gubernatorial pardon requests it was easy to infer that the injustice in McDonald's case centered solely around her being placed in a male correctional facility and not from the fact that McDonald should never have been convicted in the first place.

For McDonald and her supporters, discussions about where McDonald would be housed were distracting mechanisms that cloaked more direct challenges to the actual injustice and violence enacted against her by the state; they failed to ask one essential question: Why are there so many trans people in prison in the first place?⁶³ These petitions failed to account for the fact that prisons are fundamentally racist, sexist, homo- and trans-phobic institutions, rife with sexual violence, and unsafe for *everyone*. In short, as McDonald phrased it: "A prison is a prison. A prison isn't safe for anybody."⁶⁴

⁶³ See, for example, Eric A. Stanley and Nat Smith, eds., *Captive Genders. Trans Embodiment and the Prison Industrial Complex* (Oakland, CA: AK Press, 2011); Eric A. Stanley and Dean Spade, "Queer (In)Justice: Queering Prison Abolition, Now?" *American Quarterly* 64, no.1 (2012): 115-127; Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Brooklyn, NY: South End Press, 2011); Joey L. Mogul, Andrea J Ritchie, and Kay Whitlock, *Queer injustice. The Criminalization of LGBT people in the United States* (Boston, MA: Beacon Press, 2011).

⁶⁴ As recalled by Lex Horan, interview the author, September 27, 2014.

In conjunction with the *City Pages*' cover story calling her a "transgender Matthew Shepard,"⁶⁵ these repeated calls for pardoning only worked to exceptionalize McDonald. Turning to the multiple feedback loops and input channels created by social media, the Committee reached out to these groups and individuals and requested that they stop advocating for these well-intended, yet ill-conceived, pardon requests. Explaining the Committee's reasoning Horan noted,

We really believed that CeCe shouldn't go to prison and we didn't believe that because she was special ... even though she is incredibly special, but it's because that system is unjust for anybody like CeCe who interacts with it ... So that calling for pardon for many of us was just really crossing the line into exceptionalizing her in a particular way.

In contrast to what some of the local media outlets had alleged, the Committee was very sensitive about not exceptionalizing McDonald's case. With these uncritical pardon requests, the Support Committee directly encountered one of the potentially negative side effects and drawbacks of the "mass self-communication"⁶⁶ or "many-to-many" communication engendered by social media, where the roles of information recipient/consumer and producer are constantly in flux and increasingly blurred. As some of McDonald's supporters decided independently to produce and spread messages about pardoning requests, they undermined the Committee's larger goal of raising awareness about (and McDonald's own approach to) the prison-industrial-complex's perpetuation of systemic injustices. The popularity of these unauthorized pardoning petitions (which were advocated for by people who did not experience marginalization and oppression), therefore, illustrates the difficulty of maintaining control and authorship over a particular

⁶⁵ Mannix, "CeCe McDonald Murder Trial."

⁶⁶ See Castells, *Networks of Outrage and Hope*, 6-7.

narrative in the age of convergence media. As cross-media pollination allows for the fast and unlimited dissemination and multiplication of messages, the originally intended meaning of a narrative may get easily modified or go astray. Lastly, these pardoning struggles also point to the ongoing tensions and difficulty around doing activist work for an individual prisoner that does not simply exceptionalize and/or tokenize that particular subject but, instead, highlights larger systemic inequalities and injustices.

In sum, the Committee’s social media work effectively allowed for “the construction of an emotional narration”⁶⁷ that was able to preserve and orchestrate the (physical) coming together and organization of supporters over a prolonged period of time. Through status updates on Twitter, Tumblr, and Facebook, supporters from the Bay Area to Berlin could feel an emotional connection to McDonald’s case. In addition to traditional activist tools – protests, singing, chanting, creating posters, and fundraising – social media mobilization successfully established a tight-knit community support network for McDonald that far exceeded the local boundaries of the Twin Cities. Unlike the bottleneck structure of local legacy media, social media actively enabled the Committee to shape and change the epistemologies surrounding the value of trans lives. These grassroots knowledges slowly but persistently spread, and were then taken up by a variety of larger national, alternative media outlets. This increased uptake successfully disrupted the devaluing ideologies perpetuated by local media outlets. And while the Committee was fully aware that public outcry and protest would not necessarily topple the white supremacist structures upholding the justice system, they were determined to at

⁶⁷ Gerbaudo, *Tweets and the Streets*, 12.

least expose these structures and create fissures in a profoundly biased criminal justice system.

The Centrality of Whiteness

As my interview with Lex Horan came to a close, I asked him about any shortfalls or failures he had observed in the Committee's organizing. Horan, himself transmasculine and white, was self-reflexive and identified a major shortcoming of the campaign in the lack of outreach to civil rights and black organizations that did not necessarily have a LGBT focus in their work. Horan acknowledged that this was mainly due to "white supremacy playing out in organizing." While the Committee was a multiracial group, it was still a "majority white-multiracial group" lacking any leadership from black communities. In praxis, the group was much more familiar and comfortable with doing organizing around homo- and transphobia than around racism, which led them to cast their outreach efforts narrowly.

I think that a lot of us ... weren't sure how to best build relationships with black-led organizations that were doing work around the criminal legal system, around imprisonment, around police brutality; or by women-of-color-led organizations that were not trans focused. ... Those weren't the first organizations that we thought about on top of our heads, those weren't the ones that would first ring in our networks...⁶⁸

Horan clearly identified this major dialectic between the Committee's media framing, which always emphasized *both* racism and transphobia affecting McDonald's case, and the lack of devotion to the same emphasis in the Committee's actual organizing and outreach work:

⁶⁸ Horan, interview with the author, September 27, 2014.

We should have done what we did with media, to open the door and keep inviting. And not to say that it would have or wouldn't have become a top priority of local black-led organizations, or national black-led organizations, or national civil rights organizations, but that we didn't do enough asking, we didn't do enough reaching out. ... I think that we played out a mistake that happens a lot with young organizers and young white organizers in particular, ... we came on with like a lot of rage and passion about what was happening and I think we didn't always have enough of the humility around folks that have been doing this for a long time, how do we connect with them and ask questions, and listen if they have push-back for us.⁶⁹

Although the majority white Support Committee was able to build strong support in left, anarchist, and queer circles, it was not able to build the same bridges with communities of color, which ultimately reinforced a harmful centering of whiteness in the campaign. This centering of whiteness was further reinforced by ageism and the unwillingness of the Support Committee, mainly composed of young activists in their mid twenties to mid thirties, to engage in a cross-generational approach to organizing. The community organizing around McDonald, therefore, illustrates several of the problems and stratification processes that have affected other U.S. social movements, including the Civil Rights movement, the Women's Liberation movement, the Occupy Movement with its white, middle-class focus,⁷⁰ or concerns of inclusivity in the #BlackLivesMatter organizing.

⁶⁹ Horan, interview with the author, September 27, 2014.

⁷⁰ Many activists critiqued the Occupy Movement during its early stages of the Zuccotti Park occupation in New York City in 2011 for failing to reach out to communities of color and to articulate a transformative racial-justice agenda. Instead, Occupy initially seemed to promote an agenda that was crafted by white, left, middle-class male organizers who were oblivious to acknowledge that the 2008 recession and economic crisis had disproportionately affected communities of color and that those communities have been enduring economic and political disenfranchisement for centuries. Studies show that Occupy participants were mainly white, young professionals and college students in their 20s-40s (see Castells, *Networks of Outrage and Hope*, 166-167). Later on, the development of other local Occupy movements in Oakland and Los Angeles, for example, was much more conscious about creating an inclusive movement for indigenious, queer, undocumented, poor, and people of color (for articles about diversity within Occupy see e.g., Kenyon Farrow, "Occupy Wall Street's Race Problem," *The American Prospect*, October 24, 2011, <http://www.prospect.org/article/occupy-wall-streets-race-problem> or Rinku Sen, "Race and Occupy Wall

Since 2013 hashtag activism has also increasingly become a space for debating and contesting mainstream U.S. feminism and its continued prevalence of universalizing white women's experiences. In her excellent essay "Hashtag Feminism, #SolidarityIsForWhiteWomen, and the Other #FemFuture," Susana Loza carefully dissects the social media discourses generated by key participants in the #SolidarityIsForWhiteWomen debate,⁷¹ revealing how contemporary discussions about feminism's inclusivity – who *is* and who is *not* included in white and women of color feminisms – typically replicate the failures of previous feminist movements. As Loza points out, these "digital feminists" rely on a symbolic multiculturalism that is seemingly welcoming of women of color, yet unwilling to change or reform their organizing models, which have been and continue to be developed with and for white, middle-class people.⁷²

The Committee's difficulty in organizing support for McDonald across racial boundaries reflects how the media and state's collusion in the vilification of trans women

Street," *The Nation*, October 26, 2011, <http://www.thenation.com/article/164212/race-and-occupy-wall-street> [accessed April 4, 2015]

⁷¹ Coined by Mikki Kendall (@Karynthia) during a Twitter debate about the downfall of prominent white male feminist Hugo Schwyzer (see e.g., Mona Gable, "The Hugo Problem," *Los Angeles Magazine*, March 26, 2014, <http://www.lamag.com/longform/the-hugo-problem/> [accessed April 5, 2015]), the hashtag #SolidarityIsForWhiteWomen trended worldwide in August 2013. The hashtag called out white "digital feminists" such as *Feministe's* Jill Filipovic, *Jezebel's* Jessica Coen, *Slate's* Amanda Marcotte, and the *Guardian's* Jessica Valenti for giving Schwyzer exposure on their platforms, which he admitted "was based partly on putting down women of color and defending white feminism." According to Kendall, the hashtag was also meant to debunk mainstream feminism's elitist "brand of solidarity" that has historically been dismissive of women of color and "centers on the safety and comfort of white women": "[W]hite feminism has argued that gender should trump race since its inception. That rhetoric not only erases the experiences of women of color, but also alienates many from a movement that claims to want equality for all." (see Mikki Kendall, "#SolidarityIsForWhiteWomen: women of color's issue with digital feminism," *The Guardian*, August 14, 2013, <http://www.theguardian.com/commentisfree/2013/aug/14/solidarityisforwhitewomen-hashtag-feminism> [accessed April 5, 2015]).

⁷² Susana Loza, "Hashtag Feminism, #SolidarityIsForWhiteWomen, and the Other #FemFuture," *Ada: A Journal of Gender, New Media and Technology*, no. 5 (2014). <http://adanewmedia.org/2014/07/issue5-loza/>. doi:10.7264/N337770V

and the repeated assertion of the justice system's alleged impartiality also affects the ways in which social movements are able to challenge these realities. The material convergence of the Committee's activism not only mirrors Minneapolis' geographic make-up as a deeply gentrified city, but it also complicates its image as a Midwestern bastion of progressive, *white* liberalism. Despite their ability to recognize their white privilege, activists are not immunized against discourses of colorblindness, making it extremely difficult to create sustainable coalitions. Similarly, I recognize how my own positionality as a privileged, white, cis-gender, queer scholar influenced my limited outreach to interview other trans Committee members of color and/or their unwillingness to speak to me as an "outsider" to the community.⁷³

Jenkins believes in the possibility of convergence media to create "meaningful social change under the conditions of Neoliberal capitalism"⁷⁴ and predicts a "new ethic of knowledge sharing that will allow us to deliberate together."⁷⁵ In Castells and Jenkins' narrow vision, the success of new, networked social movements may be measured by their ability to reform capitalism and representative democracy – but not to question, replace, or topple these systems through more radical socio-economic reforms: "They aim to transform the state but not to seize the state."⁷⁶ Castells, even more explicitly than Jenkins, makes it quite clear that he considers anti-capitalist and socialist reform efforts "ideologies of the past."⁷⁷ But as Chandan Reddy and others have demonstrated, current

⁷³ I reflect on the problematics of my own subject positionality more thoroughly in Chapter 5.

⁷⁴ Henry Jenkins, "Rethinking 'Rethinking Convergence/Culture,'" *Cultural Studies* 28, no. 2 (2014): 290, doi: 10.1080/09502386.2013.801579.

⁷⁵ Jenkins, *Convergence Culture*, 259.

⁷⁶ Castells, *Networks of Outrage and Hope*, 227.

⁷⁷ *Ibid.*, 197.

forms of neoliberal capitalism are dependent upon and perpetuate virulent forms of white supremacy.⁷⁸ As white supremacy is inextricably linked to modern forms of (racial) capitalism, my analysis of the grassroots organizing work surrounding McDonald shows that Jenkins and Castells' viewpoint is, at the very least, misguided: white supremacy is not reformable, it needs to be abolished. More specifically, McDonald's case demonstrates that whiteness continues to permeate online activism just as much as it influences our material realities offline. More recently Jenkins has become more cognizant of the systemic and structural challenges impacting grassroots organizing and has expressed a more cautionary tone about the democratic potential engendered by changes in technology.⁷⁹ He has acknowledged that "participatory culture" oftentimes functions as an empty signifier that is used superficially by different groups to induce participation without actually giving up control.⁸⁰

Undoubtedly, the plethora of new communication technologies has allowed for the multiplication of voices from a vastly different set of people, has increased mutual awareness, illuminated alternative epistemologies, and enabled new scales of political organizing across spatial boundaries. However, the proliferation of previously unheard and suppressed voices online alone will not result in meaningful and lasting social change that acknowledges or actually changes the lived experiences of trans people. Social media activism alone cannot and will not change the perception and devaluation of trans women

⁷⁸ See Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the U.S. State* (Durham, NC: Duke University Press, 2011).

⁷⁹ See Jenkins' afterword of the paperback release of *Convergence Culture* (Paperback Reissue, New York, NY: New York University Press, 2008).

⁸⁰ Henry Jenkins and Nico Carpentier, "Theorizing Participatory Intensities: A Conversation about Participation and Politics," *Convergence: The International Journal of Research into New Media Technologies* 19, no. 3 (2013): 266, doi: 10.1177/ 1354856513482090.

of color lives within larger society and specifically the legal system – changing such perceptions needs broader reinforcement and a recognition of voices such as McDonald’s in mainstream media. As Couldry rightfully observes, “Making voice *matter* is hard; it is even harder, amid a proliferation of new voices, to challenge the hidden forces and dislocations that prevent them mattering when it counts” (emphasis in original).⁸¹ My ethnographic analysis of the CeCe Support Committee’s grassroots activism calls for a more cautionary approach to social media scholarship and demonstrates that the potential for participation through engagement with social media does not automatically lead to greater diversity or to the empowerment of oppressed communities. The mixed results of the social media activism around McDonald echo the limitations other social movements have faced in achieving actual political change, for example, in the varying levels of success (and failure) that have characterized the Iranian Green Revolution and the Arab Spring. Despite social media’s ability to mobilize significant crowds from the streets of Teheran to Cairo’s Tahrir Square, like the #FreeCeCe campaign, these movements largely failed to replace oppressive, authoritarian rule because of lacking material infrastructures.

Conclusion

The politics of convergence media are intricate and contradictory, and most importantly, they are deeply embedded in hierarchies of difference that characterize the material spaces in which convergence takes place. Despite the Committee’s access to

⁸¹ Couldry, *Why Voice Matters*, 150.

these new media technologies, their own socio-demographic backgrounds functioned as stratification factors that resulted in limited outreach efforts to build support for McDonald. Notwithstanding these shortcomings and the prosecution's unwillingness to drop the charges against McDonald, the Committee's grassroots campaign presented significant challenges to local news outlets' derogatory coverage resulting, for example, in the *Star Tribune's* adoption of an official transgender style guide in 2014. The Committee's activism also helped to unveil the justice system's institutionalized racism and raised critical consciousness in the larger public about the rampant violence and discrimination against transgender people, particularly those of color. Most importantly, the Committee's work resulted in a plea deal carrying a reduced charge of second-degree manslaughter due to negligence and a 41-months-prison sentence for McDonald, who originally faced up to 40 years.

Since her release from prison in January 2014, the media attention surrounding McDonald has grown exponentially and she has become a celebrity figure in LGBT circles and beyond. McDonald has become a tireless advocate for transgender rights, appearing on national TV, speaking on college campuses across the nation, and participating in LGBT galas. She is also the subject of a forthcoming crowd-funded documentary, "FREE CeCe" (produced by Laverne Cox), which addresses trans-misogyny and the epidemic of violence against trans women of color that brought further attention to her case.



Figure 4.7 Tweet of Support Committee welcoming McDonald after her release (January 14, 2014)

Despite the increased media visibility of McDonald and her work for social justice and prison abolition, the material reality, however, is that she is still stigmatized as a trans woman of color with a felony on her record and remained on probation until February 2015. Since her release McDonald has been struggling to find employment and pay for her basic living expenses. She has been practically homeless, sleeping on a supporter's couch. In November 2014 she started a fundraiser campaign called "Help Revolutionary CeCe McDonald!" via the Go Fund Me website with the goal to raise \$10,000 to help with her precarious financial situation and support her activism by allowing her to buy a computer.⁸² As Alexander so powerfully chronicles in *The New Jim Crow*, after release from prison, felony records present another means of racialized social control that reinforce a racial caste system and relegate people to the margins of society.⁸³ With a felony record, people like McDonald are legally denied the ability to secure housing, employment, or public benefits, let alone the right to vote or to serve on juries.

⁸² See <http://www.gofundme.com/SupportCeCe> (accessed March 31, 2015).

⁸³ See Michelle Alexander, *The New Jim Crow. Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2011).

In Minnesota, convicted felons cannot vote while in prison or on probation, and in some states a felony conviction carries a denial of voting rights for the rest of their lives. Whenever McDonald applies for a job, chances are good that she has to list prior convictions on her applications or they may turn up during a background check conducted by a landlord upon applying for housing. If McDonald were to consider continuing her studies toward a degree in fashion design, she is likely to be denied financial aid as a result of her record. In short, felony records marginalize and severely impact the ability of individuals to reintegrate into society long after they have served their sentence. Felony records present such an impediment to economic survival and well being that they set individuals up for failure and often feed them right back into the vicious cycle of the prison-industrial-complex.

Similarly, despite TYSN gaining some national prominence through its connection to McDonald's case, for the small youth-led trans grassroots organization, which survived mainly through grant support, the increased visibility around the struggles of trans people did not translate into the support necessary to keep the organization viable and healthy for the long run.⁸⁴ TYSN closed its doors on January 31, 2015 after the organization had been entirely youth-led by trans people of color (all under the age of 30) who had come up through the organization since its founding in 2004. In their final newsletter, TYSN's current co-directors specifically cited the lack of funding and the lack of training and shared communication between former adult members and future leaders as the main reasons for shutting down the organization as the work, "personally

⁸⁴ See Lex Horan, interview with the author, September 27, 2014.

and collectively,” had become unsustainable; the co-directors thus decided “to put an end to a harmful cycle – leaders working their hardest, and then burning out and failing to train future leaders, running an organization unsustainably – instead of allowing it to continue.”⁸⁵

Transgender visibility and the politics of convergence, thus, do not automatically equate to improvement in the material realities and living conditions of marginalized and oppressed transgender communities. As I have explicated in Chapter 2 with the emergence of transpatriotism, we are in a moment wherein certain able-bodied, transnormative people are able to access national belonging and certain citizenship rights through raced, classed, and gendered privileges. At the very same time, the surveillance, policing, and violence against transgender communities are reaching unprecedented heights. What then really are the material benefits of this increase in transgender visibility? For the future success of trans rights activism and organizing it is imperative to engage in building alliances across boundaries that are shaped predominantly by racial categories. The members of the CeCe Support Committee were fully cognizant that overcoming the interrelations of oppressive systems as well as building and cultivating stronger and long-lasting relationships between multiracial, queer and trans communities is essential for the transgender movement’s future.

⁸⁵ “TYSN will be closing,” TYSN Newsletter, January 20, 2015, <http://www.transyouthsupportnetwork.org/> (accessed April 6, 2015). See Myrl Beam’s dissertation, *Compassion, Community, Capital, and Crisis: Neoliberalism and the Non-Profiteering of Queer Social Movements* for a detailed account of TYSN’s place within the non-profit industrial complex. Beam explores how the non-profit system functions as a technology of governance, operating through four distinct but overlapping discursive orientations: community, compassion, capital, and crisis. He argues that for LGBT non-profits, the techniques of hailing and mobilizing queer community rely on the policing of racialized others, especially poor queer and gender non-conforming people of color.

Since the activism around McDonald's case in 2012, we have witnessed the recent proliferation of Twitter hashtags in the United States that demand the recognition of differences across intersecting identity categories. Black Twitter's powerful momentum has successfully brought attention to police brutality and violence committed against communities of color.⁸⁶ Hashtags such as #BlackLivesMatter, #GirlsLikeUs, and #SayHerName have generated nationwide debates about social justice and challenged incidents of racial tone deafness among legacy media. Particularly the hashtag #TransLivesMatter, which was coined in the wake of a transgender teen's suicide in 2014, has become a rallying cry to combat the epidemic of violence that transgender people face. These hashtags not only confront the persistent harmful centering of whiteness in activist and feminist organizing, but they also dissect how the seemingly all-inclusive term "women of color" still renders invisible women who are not cis-gender or who fall outside the black-white binary.⁸⁷ The bold commentary of Mia McKenzie's

⁸⁶ In recent years, the term Black Twitter has emerged to describe a large network of black Twitter users and their loosely coordinated interactions. On Twitter, minorities are disproportionately represented. Around 25% of its users are black, which is roughly double the percentage of blacks in the U.S. population. See Jesse Washington, "For Minorities, New 'Digital Divide' Seen." As a result, many of Twitter's trending topics are fueled by black tweets, providing cultural commentary and criticism from black perspectives. Scholars researching the Black Twitter phenomenon have pointed out that participation in its conversations, replete with inside jokes, slang and rules, requires a certain level of black cultural competency about African-American vernacular English and African American history. See Meredith Clark interviewed in Donovan X. Ramsey, "The Truth About Black Twitter," *The Atlantic*, Apr 10, 2015, <http://www.theatlantic.com/technology/archive/2015/04/the-truth-about-black-twitter/390120/> (accessed June 24, 2015).

⁸⁷ Lindsey Yoo from the Filthy Freedom Project, a collaborative online community promoting dialogue on issues of sex, sexuality, and body image, for example, asserts that: "We must also rethink the ways we use the term 'women of color.' Our community needs conversations that explicitly demonstrate how the struggles of Asian, Latina and other women who fall outside the black-white binary are inextricably linked with the oppression of others. While I thoroughly appreciate the discussions that came from #solidarityisforwhitewomen, we must work even harder to ensure solidarity with all women who experience life at the intersections of race and gender" (Lindsey Yoo, "Feminism And Race: Just Who Counts As A 'Woman Of Color'?" *NPR*, September 12, 2013, <http://www.npr.org/blogs/codeswitch/2013/09/12/221469077/feminism-and-race-just-who-counts-as-a-woman-of-color> [accessed April 5, 2015]).

Black Girl Dangerous blog, Mikki Kendall's (@Karnythia) or Sydette Harry's tweets (@Blackamazon), Lauren Chief Elks' Save Wiyabi Project⁸⁸ (@SaveWiyabi), Suey Park's #CancelColbert, #NotYourAsianSidekick, and #BlackPowerYellowPeril, Ana Yelsi's #SecretLivesoffeministas, or Janet Mock's #GirlsLikeUs hashtags tirelessly analyze how intersecting oppressions impact the everyday lives of indigenous, Asian, Latina, trans, and women of color. These previously silenced and marginalized women have successfully utilized social media platforms for sharp cultural criticism, which has not only caught the attention of mainstream media, but has also allowed some of these women to publish their works in *The Guardian* and *Salon*, among other mainstream media outlets.⁸⁹ These women's successful appropriation of social media tools demonstrates that social media can function as, what Nakamura calls, "feminist countersurveillance media,"⁹⁰ which produce epistemologies that challenge traditional ideologies perpetuated by mainstream media and subsequently penetrate these institutions to reframe the privileging of certain lives and narratives over others. Despite neoliberal attempts to co-opt social justice efforts and the persistent risk of social media's replication, if not exacerbation, of intersecting oppressions, we are now at a critical

⁸⁸ The Save Wiyabi Project is an advocacy group that uses an online database and mapping project to track the disappearances and murders of indigenous women in Canada and the United States.

⁸⁹ See, for example, Mia McKenzie, "America only gets outraged about gun violence in white neighbourhoods," *The Guardian*, April 29, 2013, <http://www.theguardian.com/commentisfree/2013/apr/29/us-gun-crime-race-disparity>; Sydette Harry, "Loving 'Beyoncé' as a Black Woman: The Power of Identification in an Age of Appropriation," *Salon.com*, December 16, 2013, http://www.salon.com/2013/12/16/loving_beyonce_as_a_black_woman_the_power_of_identification_in_a_n_age_of_appropriation/; Lauren Wolfe and Lauren Chief Elk, "Sexual violence is tearing Native American communities apart," *The Guardian*, September 8, 2012, <http://www.theguardian.com/commentisfree/2012/sep/08/sexual-violence-native-american-communities>; Jay Caspian Kang, "The Campaign to 'Cancel' Colbert," *New Yorker*, March 30, 2014, <http://www.newyorker.com/news/news-desk/the-campaign-to-cancel-colbert> (all accessed April 5, 2015).

⁹⁰ Nakamura, "Blaming, Shaming, and the Feminization of Social Media," 225.

juncture where historically excluded and marginalized voices may generate unprecedented movement building by demanding truly intersectional social justice approaches and engagements with the visibility politics produced by social media.

Chapter 5

The Promise and Perils of Transgender Visibility

My goal isn't for trans people to be visible, my goal is for trans people to be safe, to be free, and to be healthy, and to be loved. ~ Lex Horan, community organizer and core member of the CeCe Support Committee¹

We are not existing in a fairytale where the very recent successes of a few individuals — whether that's Laverne [Cox] or Carmen [Carrera] or me — could quickly and radically transform the lives of our sisters who are resisting in already struggling communities, who are navigating poverty, homelessness, and joblessness while also facing high medical and educational costs, police profiling and incarceration as well as HIV/AIDS, the risks of underground economies as well as the looming threat and reminders of violence. ~ Janet Mock, writer and trans rights activist²

In May 2013, Monica Jones, a trans woman of color, sex work activist, and student in Arizona State University's (ASU) social work program was arrested in Phoenix on a "manifesting prostitution" charge for accepting a ride to a bar with an undercover cop.³ Jones is part of Phoenix's Sex Workers Outreach Project (SWOP), which advocates for the rights of workers who choose to work within the sex industry. The day prior to her arrest, Jones had protested against the city's Project ROSE, an anti-prostitution collaboration between ASU's School of Social Work, the Phoenix Police Department, and Catholic Charities. Project ROSE deliberately targeted sex workers, offering a "prostitution diversion" program – including emergency housing, detox, counseling and DIGNITY Diversion, a 36-hour "re-educational" classroom program – for

¹ Lex Horan, interviewed by author, September 27, 2014.

² Janet Mock, "A Note on Visibility in the Wake of 6 Trans Women's Murders in 2015," *Janet Mock's Blog*, February 15, 2015, <http://janetmock.com/2015/02/16/six-trans-women-killed-this-year/> (accessed May 8, 2015).

³ This statute encompasses everything from repeatedly stopping on a sidewalk, waving at cars, to engaging in a conversation with a passerby as proof of prostitution.

qualifying sex workers in exchange for not filing criminal charges.⁴ Those who did not qualify for the program (for example, those with outstanding warrants, those who had completed a prior diversion program, or were in possession of drugs at the time of arrest), declined to participate, or “failed” out of program (which could last up to six months) were sent court summons in the mail and faced criminal charges. Through massive street sweeps and online sting operations over 350 arrests had been carried out since Project ROSE’s inception in 2011.⁵

On the day Jones was arrested she had posted a warning of an upcoming sting operation on Backpage.com, an advertising service used by sex workers. Many supporters believe that Jones was arrested precisely because she is a trans woman of color and because of her activism for sex workers’ rights and outspokenness against Project ROSE. Sadly, “walking while trans” – very similar to racial profiling practices summoned under “driving while black” – describes the known and all-too common experience in trans communities of routine harassment, violent threats, and/or arrests as a result of being read as transgender and concurrently profiled as sex workers. Jones’ case

⁴ Despite the police and Project ROSE founders stating that individuals apprehended were not technically arrested, arrestees were handcuffed and brought to Project ROSE’s command post at a church, confined to a room to speak with a project volunteer and a city prosecutor without given the option to speak to an attorney or leave. For a detailed background on Project ROSE and Jones’ case, see Chase Strangio, “Arrested for Walking While Trans: An Interview with Monica Jones,” *ACLU*, April 2, 2014, <https://www.aclu.org/blog/speakeasy/arrested-walking-while-trans-interview-monica-jones?redirect=blog/lgbt-rights-criminal-law-reform-hiv-aids-reproductive-freedom-womens-rights/arrested-walking> (accessed April 21, 2015).

⁵ SWOP’s activism and that of other sex workers’ rights groups rightfully critique the “savior” mentality of diversion programs such as Project ROSE. Without carefully distinguishing between individuals who are subject to human trafficking and forced into prostitution from those who engage in the sex trade by their own consent for financial support, these projects do not make sex workers safer. Instead, they further stigmatize, surveil, criminalize, and funnel marginalized communities, especially those of people of color, poor people, and LGBTQ-identified people, into the criminal justice system. See, for example, SWOP’s statement “Support Monica Jones and De-fund Project ROSE,” *Sex Workers Outreach Project – Phoenix AZ Chapter*, no date, <http://www.swopphoenix.org/monica/> (accessed April 22, 2015).

further speaks to the frequent criminalization and harassment trans people of color face by both civilians and the police.

In 2014, a judge found Jones guilty of prostitution charges and she received a mandatory 30-day jail sentence for repeat offenders under Arizona's prostitution law. During her trial, the prosecutor repeatedly brought-up Jones' previous convictions for sex work to further criminalize and discredit her. After growing public outcry over Jones' treatment, mainly fueled by social media activism, Project ROSE was disbanded in November 2014 but Phoenix's "manifesting prostitution" statute still stands. In January 2015, an appeals court declared a mistrial, vacated Jones' conviction, and ordered a new trial, in part because the trial court had used evidence of Jones' prior prostitution convictions.⁶ Prosecutors have since decided to drop all charges against Jones.⁷ However, the criminalization and surveillance of Jones neither ended with nor was confined to the events in Phoenix. Her story became even more notable when she was voluntarily deported from Australia in December 2014.

As part of her social work studies, Jones had visited Australia several times to conduct HIV/AIDS research and to volunteer with the Scarlet Alliance Sex Workers Association to learn about Australia's sex worker laws. When she tried to re-enter the country in December, she was detained at the Sydney airport because she had allegedly breached her student visa status on an earlier trip. While Jones initially lied about not working in Australia, the Department of Immigration and Border Protection (DIBP)

⁶ Zack Ford, "Court Tosses Out Prostitution Conviction For Woman Who Was Just Walking Down The Street," *Thinkprogress.org*, January 26, 2015, <http://thinkprogress.org/lgbt/2015/01/26/3615711/arizona-monica-jones-transgender-justice/> (accessed April 21, 2015).

⁷ See Mitch Kellaway, "Phoenix Drops 'Walking While Trans' Charges Against Monica Jones," *The Advocate*, February 27, 2015, <http://www.advocate.com/politics/transgender/2015/02/27/phoenix-drops-walking-while-trans-charges-against-monica-jones> (accessed April 22, 2015).

presented proof that Jones had advertised sexual services online. While sex work is not illegal in Australia, engaging in this work was a violation of Jones' visa status. Customs officials informed her that these were grounds to cancel her student visa because she was not entitled to "engage in any activity that included the sale of goods and services to the general public."⁸

While Jones was interviewed by DIBP, a television crew from Channel 7's reality TV program *Border Security: Australia's Front Line* approached her, wanting to film the interview. *Border Security*, which debuted in 2004, is a popular, internationally syndicated reality TV show that has consistently earned high ratings and is currently in its fifteenth season. The show follows the work of border protection officials as they enforce customs, immigration and finance laws and "sort-out" potential rule-breakers and criminals at ports of entry around Australia. In what would constitute a gross breach of her confidentiality, Jones later claimed that it seemed like DIBP had deliberately shared information with the show's producers about details of her case: "I felt pressured to consent to the filming by both DIBP staff and the producers of the show... Every aspect of the process gave me the impression that the television program was connected to the DIBP and its decision making." Jones said she had come to believe that agreeing to appear on the program would help solve her visa issues: "My impression was that everything relied on that interview."⁹ After initially agreeing to the interview she developed second thoughts and told them to stop rolling. "That's when immigration got

⁸ Jason Om, "Deported US transgender woman Monica Jones allegedly advertised sexual services, court documents show," *ABC Lateline News*, December 9, 2014, <http://www.abc.net.au/news/2014-12-09/deported-us-transgender-woman-advertised-sexual-services/5955806> (accessed April 22, 2015).

⁹ Cited in *ibid*.

really strict with me.”¹⁰ Despite repeatedly telling them that she did not want to be filmed, the television crew kept pressuring her. Even after the crew finally left the interrogation room, the immigration officer asserted,

Are you OK if they continue to film or do you want this to stop? This is what it goes like ... they come in, they film, they clear out whenever you like. It is up to you completely, it’s your will. Whatever you want.¹¹

After being detained and having her student visa revoked, Jones agreed to leave Australia. Despite initially alleging that Jones had been denied re-entry for breaching her status on an earlier trip by engaging in (sex) work, the DIBP later confirmed that her deportation was due to her classification as a “possible threat” to Australia under the “movement alert list.”¹² This database, similar to the Terrorist Screening Database in the U.S., monitors border entries and currently has approximately 700,000 people registered as possible threats.¹³ Although it is unclear exactly how Jones went from a visa breach due to alleged work violations to being classified as a national security threat, it is likely that the DIBP targeted Jones because of her existing criminal record in the U.S. It is also possible that immigration officials at the airport intentionally flagged Jones because of her high-story-value for Channel 7’s *Border Security* reality TV show. Would *Border Security* have been interested in Jones’ case if it was not for the fact that she is a trans woman of color and because of her involvement in a legal challenge over sex work in the U.S.?

¹⁰ Cited in Michael Safi, “U.S. transgender activist ‘pressured to appear on airport reality TV show,’” *The Guardian*, December 2, 2014, <http://www.theguardian.com/world/2014/dec/02/us-transgender-activist-monica-jones-pressured-to-appear-on-airport-reality-tv-show> (accessed April 22, 2015).

¹¹ Cited in Om, “Deported US transgender woman Monica Jones.”

¹² See Eloise Brook, “Monica Jones: from transgender social worker to national threat,” *The Guardian*, December 2, 2014, <http://www.theguardian.com/commentisfree/2014/dec/03/monica-jones-from-transgender-social-worker-to-visa-breach-to-national-threat> (accessed April 22, 2015).

¹³ See “Fact Sheet 77 – The Movement Alert List (MAL),” The Australian Department of Immigration and Border Protection, <https://www.immi.gov.au/media/fact-sheets/77mal.htm> (accessed April 22, 2015).

As a trans woman of color whose activism had garnered national attention, Monica Jones knew that she was likely to stand out:

They knew details of what immigration was going to do to me. I think they knew it was great TV, that [they] could sensationalize my story. ... When you say you've got a very interesting story to a trans woman, I know you're going to sensationalize my story.¹⁴

Indeed, after detailing the dehumanizing media coverage of Chelsea Manning and CeCe McDonald in the preceding chapters, it is quite likely that the producers of the show would have been solely interested in depicting stereotypical and fetishizing portrayals of trans women of color as sex workers, instead of highlighting Jones's social justice activism.

I decided to open this concluding chapter of *Terrorizing Gender: Transgender Visibility and the Surveillance Practices of the U.S. Security State* with Monica Jones' story because her experiences encompass so many aspects of transgender visibility and its material consequences, principally in terms of trans peoples' access to national belonging and U.S. citizenship, that I have discussed throughout this project. Both media and state institutions deem gender non-conformity deviant and, thus, threatening. In this mutually reinforcing process intersecting logics of race, gender, sexuality and class inform state surveillance practices that disproportionately subject transgender communities to frequent policing, discrimination, and incarceration.

Securitainment and the "Securitization of Identity"

Media scholar Mark Andrejevic has aptly observed that shows such as *Border Security* belong to a constellation of popular culture formats, especially reality TV shows,

¹⁴ Cited in Safi, "US transgender activist 'pressured.'"

that have emerged in the wake of 9/11 and function as “securitainment” – a hybrid genre that combines entertainment values with a pedagogical function by providing instructions in strategies for risk management and security training.¹⁵ Andrejevic points out that these shows present the perfect symbioses of the neoliberal logics of public/private partnerships and synergies between entertainment, information, and public relations that subtly and effectively promote individualization and personal responsibility for securing and protecting the nation – to educate and activate the citizen-soldier at home. The state thereby grants access and resources (free “cast members,” locations, and dramatic situations) to producers in exchange not for state “propaganda” *per se* but positive PR and popular entertainment in the form of an easily consumable commercial nationalism. In my own analysis of the U.S. spin-off to *Border Security*, ABC’s *Homeland Security USA* I argued that the show not only elided larger questions of immigration policy and reform as well as the socio-political and economic reasons of forced migration, but that it deliberately stirred xenophobic and jingoistic sentiments. The majority of people exhibiting “suspicious behavior” and “deviant acts” on the show were non-white and not U.S. citizens, predominantly “brown faces” from the Global South or the Middle East.¹⁶

Undoubtedly, Monica Jones would have made a juicy story for the Australian producers to perpetuate fears and stereotypes about trans people as deceptive and dangerous. Australia has been one of the United States’ closest allies in the fight against

¹⁵ Andrejevic outlines three common themes of “securitainment”: the combination of entertainment and risk “tutorial;” the mobilization of risk as an incitement to responsabilization; and the de-differentiation of categories of potential threat. See Mark Andrejevic, “‘Securitainment’ in the post-9/11 Era,” *Continuum: Journal of Media & Cultural Studies* 25, no. 2 (2011): 165-175; or Mark Andrejevic, “Managing the Borders: Classed Mobility on Security-Themed Reality TV,” in *Reality TV and Class*, eds. Beverley Skeggs and Helen Wood (New York, NY: Palgrave Macmillan), 60-72.

¹⁶ ABC’s *Homeland Security USA* was canceled after its first season in 2009. For a detailed analysis of the show see Mia Fischer, “*Homeland Security USA* – Securitainment and the War on Terror,” Paper presented at the Society for Cinema & Media Studies’ 54th Annual Convention in Seattle, WA, March 2014.

terrorism and has witnessed surging anti-Muslim and anti-immigrant sentiments under the conservative government of Prime Minister Tony Abbott. With the events of 9/11 firmly entrenched in public memory, the criminalization of Jones initially based on an alleged breach of her student visa is inextricably tied to an amorphous terrorist corporeality – produced by her racialized gender non-conformity and assumed deviancy as a sex worker – that threatens to silently seep into the Australian homeland. Unfortunately, Jones’ encounter with officials at the Australian border and her framing as a threat to national security (both in Australia and in the U.S.) are not isolated incidents, but show how precarious transgender people – especially those visibly marked as gender non-conforming – are in such border-crossing situations and how their monitoring is connected to larger questions about the state’s surveillance of certain minority groups post-9/11 as I outlined with Chelsea Manning’s treatment as an alien enemy in Chapter 1.

Since the attacks of 9/11 we have witnessed the rise of new identification technologies that re-inscribe existing social norms and inequalities, aiming for the “securitization of identity” as sociologist Nikolas Rose asserts.¹⁷ Rachel Hall has persuasively argued that the domestic-security cultures emerging after 9/11 invest incredible amounts of resources “into producing docile global citizen-suspects who willingly become ‘transparent’ or turn themselves inside out, such that they are readily and visibly distinct from the ‘opaque’ enemies of the United States in the theatres of the war on terror.”¹⁸ Policy changes that have been enacted as part of the global War on Terror to administer identity verification systems not only target immigrants and

¹⁷ Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (New York, NY: Cambridge University Press, 1999), 240.

¹⁸ Rachel Hall, “Terror and the Female Grotesque,” in *Feminist Surveillance Studies*, eds. Rachel E. Dubrofsky and Shoshana Amielle Magnet (Durham, NC: Duke University Press, 2015), 128.

“terrorist Others,” but also function as exclusionary mechanisms limiting the movement of and presenting challenges to trans bodies, particularly through the use of advanced imaging technologies as well as ambiguous gender (re)classification policies that outline when and/how the gender marker on identity documents can be changed.

In the United States, full body scanners used by the Transportation Security Administration (TSA) at airports, for example, point to the intersections between racial profiling, the War on Terror, and the (trans)gender surveillance enabled by these technologies. Conducting a “virtual strip search” by singling out bodily anomalies that contradict security expectations, these gendered and racialized surveillance practices function as “disciplining technologies,” which essentialize conventional gendered attributes as they target and police those who deviate from normative understandings of biological sex.¹⁹ What the state considers normative is, of course, always dependent on the intersectionalities of race, class, and gender and dominated by hierarchies that typically privilege white, middle-class, heterosexuality and abled bodies.²⁰

¹⁹ See Shoshana Magnet and Tara Rodgers, “Stripping for the State: Whole Body Imaging Technologies and the Surveillance of Othered Bodies,” *Feminist Media Studies* 12, no. 1 (2012): 111.

²⁰ Despite the TSA’s assertion that a program called ‘Automated Target Recognition’ is used on all advanced imaging scanners to eliminate the image of an actual traveler and replace it with a generic outline of a person “to enhance passenger privacy,” these body imaging technologies single out those bodily anomalies that contradict security expectations, for example, genitalia, breasts, or prosthetics not matching the physical appearance of a traveler. See “Privacy Impact Assessment Update for TSA Advanced Imaging Technology,” *TSA*, December 18, 2015, <https://www.dhs.gov/sites/default/files/publications/privacy-tsa-pia-32-d-ait.pdf> (accessed March 4, 2016). Sex, once again, functions as a regulatory ideal that works in a performative fashion to constitute the materiality of bodies – “and more specifically to materialize the body’s sex, to materialize sexual difference in the service of the consolidation of the heterosexual imperative” as Judith Butler notes in *Bodies that Matter: On the Discursive Limits of “Sex”* (New York, NY: Routledge, 1993), xii. Additionally, these technologies of surveillance are based on a flawed belief in a technological determinism, which assumes that through gender markers ‘visible’ on identification documents or images, verifiable identities can be tracked. It falsely presumes a fixity and secured link between sex, gender, identity, and identification. For more details about the increased surveillance of transgender bodies through administrative legal systems, see my chapter “Under the Ban-Optic Gaze: Chelsea Manning and the State’s Surveillance of Transgender Bodies” in *Expanding the Gaze: Gender and the Politics of Surveillance*, eds. Emily van der Meulen and Rob Heynen (Toronto: University of Toronto Press, 2016), 185-209.

Similarly, the implementation of the U.S. REAL ID Act of 2005, which sought to standardize the reliability and accuracy of state-issued identification documents, has expanded the regulation and surveillance of legal gender. Some state agencies still require sexual reassignment surgery before they will change the gender classification on identification documents while others do not.²¹ In 2010, the State Department changed its policy for identification requirements for “gender reassignment applicants” on U.S. passports and eliminated the requirement for genital surgery. The Social Security Administration followed suit and eliminated the surgical requirement for changing the sex category on social security records in 2013. Because the legal measures to document trans people’s gender status are frequently in disagreement with one another, trans and gender non-conforming are bodies particularly susceptible to the policies and practices enacted as a result of the global War on Terror.

Andrejevic suggests that securitainment formats such as *Border Security* not only serve as a descriptive category for considering the convergence of popular culture entertainment and neoliberal forms of responsabilization and individualization in the post-9/11 era, but also as an interpretive category for exploring the ways in which popular culture reproduces the framing of risk and threat by government authorities.²² One of the main contributions of *Terrorizing Gender* has been to make explicit precisely how the media’s framing of transgender people as inauthentic, deceiving, deviant, and threatening not only reproduces and sanctions but reinforces and colludes with state interests and

²¹ Several states first require amended birth certificates in order to change the gender marker on a driver’s license. Some states will amend these only with documentation of surgery, while others, such as Idaho, Ohio, and Tennessee, outright deny the change of gender classification on birth certificates in any case. See Lambda Legal, “Changing Birth Certificate Sex Designations: State-By-State Guidelines,” Lambda Legal, February 3, 2015, <http://www.lambdalegal.org/know-your-rights/transgender/changing-birth-certificate-sex-designations> (accessed April 20, 2015).

²² Andrejevic, “‘Securitainment’ in the post-9/11 Era”: 173.

state surveillance practices in violating, discriminating, and criminalizing transgender communities. In short, *Terrorizing Gender* exposes how mediated and legal discourses of transgender visibilities materially impact the lived realities of those communities.

Below I discuss in more detail some of the main interventions of this project both within and beyond academia by reflecting on my methodological approach and my own positionality. I will also address *Terrorizing Gender's* limitations and point toward future research before concluding with some final thoughts on the promise and perils of transgender visibility for the transgender rights movement.

Implications of Research

From the beginning, this project was conceived as inherently interdisciplinary. My analyses draw from critical media studies, cultural, queer, transgender, critical race, critical legal, and ethnic studies, as well as surveillance studies. While this interdisciplinarity is one of the project's strong suits, it also constitutes one of its most vulnerable elements. At numerous points during the writing process, I was ready to drop its comparative elements and resort to looking solely at fictional and non-fictional media discourses to satisfy (real and imaginary) demands to give this project more disciplinary grounding and legibility. Despite the obstacles this caused, I resisted being "disciplined" and instead chose to actively participate in queering critical media studies. I am aware that this project may never be satisfactory for media studies scholars or not trans-focused enough for transgender studies, yet this project is making unique and important contributions to several fields.

As gender, race, sexuality and class have largely been invisible in surveillance studies' scholarship, my analyses of Chelsea Manning, CeCe McDonald, and Monica Jones' treatment by government and state agencies illustrate how non-normative LGBT people – whose identities, sexual desires and practices fall outside of the perceived heterosexual and gender-binary norms – are not invisible to contemporary systems of surveillance. By blending surveillance studies with feminist, queer, trans and critical legal scholarship, this dissertation provides important insights into the legal and state-sanctioned infrastructures mediating transgender identity practices and the social and material consequences of those practices. The case studies presented here, for example, dismantle the logic of putting transgender inmates in solitary confinement units as an ostensibly benign means to keep them safe when in fact these measures simply present another means in the state's array of detention practices to further surveil, silence, discipline, and break prisoners. Similarly, correctional facilities' refusal to provide medically necessary care for trans inmates in the form of hormone therapy, for example, or the housing of trans inmates based on their birth-assigned sex speaks to the administrative violence enacted against transgender subjectivities and reveals the state's ongoing investment in and enforcement of the traditional gender binary. The chapters on Manning and McDonald vividly chronicle how the surveillance practices enacted against trans people function to normalize and reinforce white supremacy, heterosexuality, the gender binary, able-bodiedness, and capitalism. Such “white supremacist capitalist heteropatriarchal surveillance” – to borrow Dubrofsky and Magnet's term – are integral practices for the foundation of the modern liberal state and for the perpetuation of U.S.

hegemony and empire.²³ *Terrorizing Gender*, therefore, explicitly contributes to a critical feminist and queer surveillance studies that foregrounds the impacts of surveillance on disenfranchised bodies and its connection to power.²⁴

Throughout this project, I have sought to demonstrate the need for critical media scholars to more carefully distinguish between the mediated visibilities of transgender people and those of gay and lesbian-identified individuals. Too often media scholars fail to recognize important nuances and differences between representations of gender identity and sexual orientation. As I have demonstrated in Chapter 1, Chelsea Manning's initial emasculation and feminization as a gay man in mainstream media reporting that portrayed her as mentally unstable, along with the media's subsequent psychopathologizing her diagnosis as gender dysphoria, not only perpetuated the military's traditional role as a heteropatriarchal institution, but provided a rationale for the state's violent treatment of Manning by tying her sexual orientation and gender non-conformity to mental instabilities that threatened state interests.

Terrorizing Gender has drawn on black and women of color feminisms to highlight the importance of intersectional frameworks and analyses for critical media and legal studies to address the means by which oppressive systems interlock. The case studies presented in this dissertation illustrate that media and state discourses construct

²³ See Rachel E. Dubrofsky and Shoshana Amielle Magnet, "Introduction: Feminist Surveillance Studies. Critical Interventions," in *Feminist Surveillance Studies*, eds. Rachel E. Dubrofsky and Shoshana Amielle Magnet (Durham, NC: Duke University Press, 2015), 7.

²⁴ While the fusing of feminist and queer theory with surveillance studies is still in its infancy, the recent publication of the anthology, *Feminist Surveillance Studies* (Durham, NC: Duke University Press, 2015), edited by Rachel Dubrofsky and Shoshana Magnet presents a series of essays that draw on feminist theory, critical race theory, critical cultural studies, communication theory, media studies, critical criminology, and critical legal studies to expose the ways in which surveillance practices and technologies are tied to systemic forms of discrimination that function to normalize and reinforce whiteness, able-bodiedness, heterosexuality, and capitalism.

transgender people as deceptive, deviant, and threatening precisely because they fail to account for these lives at the intersections of multiple identity categories. In Chapter 1, I detailed how Manning's leaking of classified information and her inability to properly embody and perform hetero- and homonormativity rendered her as the alien enemy who both betrayed and failed to properly enact whiteness. The sexualized Othering of Manning as a threat to national security was, therefore, inextricably tied to a racialization process. Similarly, as I outlined in Chapter 3, initial coverage of CeCe McDonald in local Minneapolis news media not only willfully misgendered her but also fetishized McDonald's trans identity; none of the coverage explored how her trans identity worked in relation to her identity as a poor woman of color to affect the circumstances of the case. In both cases news media were not acting independent of state institutions; rather, they were (re)producing a problematic and insular understanding of gender and race provided by law. Dissecting particularly the use of hate crime legislation and self-defense statutes in relation to McDonald's case, this chapter also adds significant insights to critical race, legal, and ethnic scholarship by showing how the disposal and devaluation of black lives is further sanctioned by "stand your ground laws" that protect white perpetrators from facing legal prosecution. In this chapter I also reveal how the legislative logic of hate crime statutes, which explicitly attempts to account for color, gender, and sexuality among other categories, is unable to address structural and institutionalized violence because it is solely premised on the mobilization of discrete, homogenizing identity categories, much like the media's inability to move beyond a binary understanding of gender. *Terrorizing Gender*, thus, demonstrates that transgender experiences can only be accounted for through intersectional analyses that acknowledge

the interpellation of subjects by multiple identity categories. A focus on single-identity categories will not suffice to adequately understand and intervene in the persistent demeaning and devaluation of transgender lives by media and state institutions.

Most importantly, through comparative analyses and a fusing of cultural studies' conceptions of articulation with frameworks of intersectionality, this dissertation traced the interplay and collusion between mediated and legal discourses – between the ideological and repressive state apparatuses in Althusser's terminology – sanctioning and fortifying the targeting, disciplining, and incarceration of trans people. In Manning's case, the media's focus on her gender identity as a motivation for her leaking classified documents paralleled the state's own conceptualization of Manning as a traitor to the state. Media coverage of Manning thereby uncritically condoned and provided a rationale for the state's surveillance practices enacted against her, for example, through the illegitimate treatment in detention and the leveling of the aiding the enemy charge. Similarly, the surveilling gaze of local news organizations framing McDonald's racialized gender non-conformity as violent and threatening colluded with the state's refusal to grant McDonald a right to self-defense. In this mutual process, the media act together as an ideological state apparatus and work hand-in-hand with repressive state institutions to reinforce discourses of the justice system's professed color and gender blindness, which strategically masks the state's ongoing investment in and protection of whiteness. The guise of multiculturalism thereby enabled the multidimensional violence enacted against McDonald. *Terrorizing Gender* shows how the *a priori* criminalization of trans people, particularly those of color, renders these marginalized populations incapable of claiming victimhood. A prevailing public discourse asserts that they are only

recognizable as threats to the security of the state – and, therefore, as already marked for disposability, unable to claim legal protections to be abandoned as *homo sacer*.

In sum, by comparing and analyzing the articulation of transgender identities, embodiments, and practices across different discursive spheres, *Terrorizing Gender* reveals that it does not suffice to focus on representations alone if we are to account for the multifaceted operations of state power and its dispersal of violence in an age of neoliberal colorblindness. This project demonstrates that the emergence and popularity of “transgender” as an identity category in public discourse and the increased media visibility of trans people must be understood as a *contingent* belonging within the historic context of the state’s racialized and gendered violence enacted against these communities.

My analysis of the CeCe Support Committee in Chapter 4 also intervenes in celebratory scholarship on convergence culture that uncritically praises the participatory and democratic potentials of new media technologies and presents important insights into social media’s unique mobilization capabilities for social movement and social justice studies. The chapter detailed how the CeCe Support Committee’s use of social media functioned as an effective power-building tool to coordinate growing online and offline support for McDonald and to circumvent and challenge traditional corporate media gatekeepers and state institutions by actively producing alternative epistemologies about the value of trans women of colors’ lives; however, in McDonald’s case, I also argued that social media’s ability for transformative and coalitional civic engagement across identity politics is limited because intersecting oppressions – particularly the centrality of whiteness and ageism – continued to permeate the Committee’s online activism.

Moreover, this chapter highlighted the unique benefits of applying an ethnographic approach to explore how new media platforms are deployed for political means by activists and marginalized communities to promote social justice.

As a critical media scholar I have been mostly trained in textual and critical discourse analysis; however, the mixed-methods approach informing the queer methodology undergirding this project, which I detailed in the introductory chapter, has tremendously enhanced and enriched this project. Studying the field sites of McDonald's neighborhood, visiting the Schooner Tavern, conducting interviews and speaking with members of the Support Committee and McDonald's legal team, as well as news reporters covering her case, combined with close textual and visual analyses of social media and news media content allowed me to gather data and insights that would have otherwise been foreclosed to me. *Terrorizing Gender* contributes to queer ethnographic methodologies that challenge the prevalence of heteronormative structures within anthropology and the knowledge production around gender and sexuality.²⁵ Employing a combination of methods also forced me to reflect more critically on my own research/subject positionality throughout conducting this project.

Positionalities and Community Accountability

I freely admit that writing this dissertation has been a struggle. None of it was easy or particularly enjoyable. It actually made me question more than ever whether I still believe that academia is the right place for me. Yet I am proud of how the project

²⁵ I would like to thank David Valentine for thoughtful conversations about the place of queer studies in anthropology. His influence on my engagement with ethnographic methodologies is especially evident in Chapter 4.

developed and I sincerely hope that it contributes to a better understanding of trans experiences and why trans people are so vulnerable in encounters with state agencies. Looking back, the lack of confidence in my own project mostly stemmed from an acute awareness of my own positionality as a privileged, white, cis-gender, queer scholar researching and talking about disenfranchised trans-communities (of color), of which I am not a part. While I was always cognizant of that fact and while immersing myself in feminist and critical sexuality studies has significantly altered the way I approach research and writing, questions of positionality and the insecurities related to them are the ones that have haunted me throughout this project and I continue to grapple with them. After all, I knew that “sourcing” my interviewees for knowledge and writing about these communities would help me to present my work at conferences, publish journal articles, and ultimately receive my PhD.²⁶ Should I be writing this project? What really “qualifies” me to do so?

Although critiques of hegemonic knowledge production have become commonplace in feminist writing, especially in reflections on ethnographic methodologies, within communication and media studies such critiques remain scarce and are often dismissed as unsophisticated, not theoretical enough, or too “blinded” by political activism. Throughout my research, however, Lugones and Spelman’s foundational questions about the ethics of knowledge production have functioned as a powerful reminder when considering my own subject positionality:

What are the things we need to know about others, and about ourselves, in order to speak intelligently, intelligibly, sensitively, and helpfully about their lives? ... When we speak, write, and publish our theories, to whom do we think we are

²⁶ I am very grateful for ongoing conversations with Jigna Desai, which have proved invaluable for navigating my own positionality and for critically reflecting on the ethics and problematics of knowledge production that all of us academics engage in.

accountable? Are the concerns we have in being accountable to ‘the profession’ at odds with the concerns we have in being accountable to those about whom we theorize? Do commitments to ‘the profession’, method, getting something published, getting tenure, lead us to talk and act in ways at odds with what we ourselves (let alone others) would regard as ordinary, decent behavior?²⁷

Academia is steeped in a hierarchy of knowledge production and is fundamentally premised upon a persistent hierarchy that privileges those doing the theorizing over those that are theorized about, i.e. the researcher over his/her subject or informant. Throughout this project, I was conscious about being accountable to the communities that are the subjects of *Terrorizing Gender*. However, despite good intentions and the ability to be self-reflective about our own research practices, we do not always do justice to the communities we study and/or are in allyship with, whether intentional or not.

I recall a particular call-out, or as others prefer call-in, moment via social media in which I had shared one of Janet Mock’s recent blog entries. In her blog post, Mock powerfully addresses the epidemic of violence against trans women and juxtaposes it with the meteoric rise of transgender celebrity and visibility. I had prefaced my post with, “Maybe Janet Mock should just finish writing my dissertation” to allude to the incredible poignancy of her words. One of my grad student peers, himself trans, commented how wrong my comment appeared and how alienated it made him feel because it seemed like I was just using Mock’s prose to serve “my end goal of finishing my dissertation.” My initial reaction to this public call-out on Facebook was one of defensiveness and anger. Another cis-gendered feminist colleague of mine was quick to come to my aid and assured me that she did not interpret the post in the same way. I spent the rest of that

²⁷ Maria C. Lugones and Elizabeth V. Spelman, “Have We got a Theory for You! Feminist Theory, Cultural Imperialism, and the Demand for ‘the Woman’s Voice,’” *Women’s Studies International* 6, no.6 (1983): 579-580.

evening frustrated on my couch pondering over how to craft an apologetic reply, feeling personally attacked and the sincerity of my allyship questioned.

In hindsight, this encounter turned into a very “teachable moment” for me in completing this project. I realized how off-putting and selfish my post could appear to trans folks living and breathing these experiences everyday. No one is immune from avoiding mistakes like these. However, it is also not the job of those directly affected by marginalization, injustice, and state violence to educate and “enlighten” those protected by (white) privilege. If one really cares about allyship and has a sincere investment in it, especially as a white ally in relation to marginalized queer communities of color, a key realization is to accept and acknowledge that allyship has its limits – it is easily adulterated. This is particularly so when allyship gets exploited as another means to selfishly claim credit: the reminder of speaking *with* and not *for* or *at* the communities we are claiming to be in allyship with should be ever present. Sometimes it is better (and necessary) to shut-up and listen. I am very glad that someone did call-in with me. This incident made me even more aware of the persistent need for introspection and to question our own complicity and investments in exploitative knowledge production practices.

My engagement in local ethnographic fieldwork around CeCe McDonald’s case sharpened my sensibilities toward these complex politics of allyship as I wanted to make sure that I did not misrepresent any aspects of the Support Committee’s work. Numerous email exchanges and follow-ups with Abigail Cerra, Norma Gaona, Hersch Izek, and Michael Friedman helped me to clarify complicated legal questions. If there are any mistakes or misrepresentations about legal language and procedures they are my own.

Lugones and Spelman suggest that only through a genuine and reciprocal dialogue between “outsiders” and “insiders” can an outsider’s account become trustworthy. A sincere dialogue will not disappear the distinction outsider/insider, rather it enables both parties “to give a better account of each other’s and our own experience.”²⁸ I am incredibly thankful for Lex Horan’s willingness to engage in such a challenging dialogue and all the time he took to correspond with me and his patience for answering my questions. I sent Horan follow-up emails, the transcribed interview, and drafts of the two chapters on McDonald, encouraging him to suggest changes and correct any glaring mistakes. Lex took great care to read through the chapters and made several suggested edits and corrections. His assurance, “I really appreciate that you treat the organizing work with such respect in your writing; definitely not something all academics do, as you know,” means more to me than any academic validation of this project ever will.²⁹

Given McDonald’s financial hardships after her release from prison, Lex Horan rightfully encouraged me to compensate McDonald for her time if possible. I had also reached out to other (transgender) CeCe Support Committee members including Katie Burgess and Billy Navarro Jr. several times. Unfortunately, some of them never responded to my emails, others had scheduling conflicts that prevented in-person or Skype/phone interviews. To some extent I read my failed outreach efforts as a sign of understandable mistrust and apprehension toward a white privileged non-community member seeking research access to a marginalized community. Nonetheless, I hope that this dissertation does not “merely reflect the situation and values of the theorizer,”³⁰ but

²⁸ Lugones and Spelman, “Have We got a Theory for You!”: 577.

²⁹ Lex Horan, personal correspondence with the author, February 10, 2015.

³⁰ Lugones and Spelman, “Have We got a Theory for You!”: 579.

that the knowledge produced in this project contributes to a feminist praxis and methodology that disrupts the hegemonic and colonizing knowledge production prevalent in so many disciplines – including communication and media studies. As I was unable to conduct more interviews, I decided to make monetary donations to several organizations as one way of giving back to the communities I was not directly a part of, yet stand in allyship with. A generous fellowship from the Schochet Foundation, which supports LGBT projects at the University of Minnesota, allowed me to donate to the Private Manning Support Network, CeCe McDonald’s Go Fund Me campaign, the Minnesota Transgender Health Coalition, and the LGBT Books to Prisoners Project among other organizations.

When I heard about TYSN’s unexpected closing in January 2015, I contacted Lex to tell him about the Jean-Nickolaus Tretter Collection in LGBT Studies at the University of Minnesota, which houses a variety of LGBT related materials, including organizational records, personal manuscripts, films, music, textiles, and other artifacts. The Tretter Collection was also recently awarded a multi-year grant by Jennifer Pritzker’s Tawani foundation to conduct a large-scale transgender oral history project throughout the Midwest. I knew that the collection’s curator, Lisa Vecoli, was very much interested in archiving TYSN’s materials. While I made it clear that I personally had some reservations about the Tawani foundation, I offered Lex to put him in touch with the curator. Lex later confirmed that TYSN had sent materials to be housed at the Tretter Collection.

Following Nagar’s call to mobilize the privileges and resources afforded by the academy “to advance knowledges from sites that are systematically excluded,

illegitimized, or rendered invisible in the dominant ‘class system of the intellect,’”³¹ I have actively sought opportunities to share my work beyond academic conferences and the closed circuits of academic experts to engage directly with communities beyond the “ivory tower.” Over the past three years, I have tried to raise awareness about the intersecting oppressions trans communities are facing, for example, by participating in Minneapolis second annual Trans* Equity Summit in October, 2015 or by volunteering for the non-profit organization OutFront Minnesota. In efforts to share my research and Lex’s interview with a larger public, I wrote entries about my research on my blog *Zeitgeist*.³² There are also talks of adding Lex’s interview to the Tretter Collection’s Oral History Project. In many ways, I recognize that this dissertation may only present a small stepping stone and that any potential academic laurels are meaningless if we cannot work to end the epidemic of violence enacted against trans people and improve the lived realities of those communities.

Limitations and Future Research

As I pointed out in the introduction to this project, despite a significant increase in scholarly research on transgender subjectivities and issues, there is currently still a dearth of research in communication studies, specifically in critical and feminist media studies, that attends to the mediated representations and everyday lives of transgender people.³³

³¹ Richa Nagar, “Storytelling and Co-authorship in Feminist Alliance Work: Reflections from a Journey.” *Gender, Place & Culture: A Journal of Feminist Geography* 20, no.1 (2013): 10.

³² See <https://miafischer.wordpress.com/>

³³ A survey of prominent Communication Studies journals (including all journals affiliated with the National Communication Association, the International Communication Association, as well as relevant niche journals such as *Feminist Media Studies*, *Women’s Studies in Communication and Rhetoric & Public Affairs*), by Spencer and Capuzza yielded only 40 articles about transgender people, perspectives, and issues between 2004 and 2014. See Leland Spencer and Jamie Capuzza (eds), *Transgender Communication Studies: Histories, Trends, and Trajectories* (New York: Lexington Books, 2015), xii-xiii.

Given the exponential growth of media content addressing and engaging with trans people and issues over the past two years as well as the general increase in visibility and public awareness of trans communities, my project is primarily an urgent call to center and interact with transgender studies and subjects more thoroughly within critical media studies – to remove transgender perspectives, communities, and issues from the periphery and fringes of the field, where these communities and issues are still mainly treated as a superficial tag-on in projects claiming to examine LGBT representations, which in truth are talking exclusively about gay and lesbian experiences.

Likewise, transgender studies, which has been shy to engage thoroughly with media studies despite its interdisciplinary focus, could tremendously benefit from incorporating critical media studies' theories and frameworks to account for the unprecedented popularity of “all things trans.” Whether we like it or not, most people's conceptions of what it means to be transgender are still largely shaped by mediated representations. Many of us only encounter transgender worldmaking, identities, communities, and political life through fictional or non-fictional transgender accounts in the media. If we are really at a “Transgender Tipping Point” as *Time Magazine* claimed and want to work towards improving the livelihoods of marginalized trans communities, giving critical scholarly and activist attention to these mediated discourses will be one important aspect in our larger social justice efforts.

Additionally, my project directly calls on media and communication scholars to engage with ethnographic work and move beyond textual analyses, for example, through a combination with production and/or reception studies. In general, as this project highlights, critical media studies' scholars need to pay more attention to marginalized,

activist voices that are not necessarily part of the academy but are becoming increasingly heard through social media channels and appropriate these channels to produce alternative epistemologies. Instead of just treating these online platforms as a “resource gold mine” and contributing to the marginalization of oppressed people, we must fully value these voices and their positionalities. Conducting more ethnographic work that is not based in privileged positions and communities, and engages with activists “on the ground” beyond the “ivory tower” will be necessary to strive towards such a valuing of voice.

While I frequently deploy the more generalizing terminology “transgender visibility” it is important to acknowledge that this project predominantly focused on transgender women, especially because the subjects of my case studies both explicitly identify as trans women. I had not planned on focusing exclusively on trans women, yet the media’s current fascination with transgender people and issues tends to “depict the trans revolution in lipstick and heels”³⁴ as trans rights activist Julia Serano cogently notes. We have seen the occasional appearance of fictional trans men on TV and in movies, yet the representation of trans masculine people remains scarce.³⁵ Of course, the sensationalism around the “World’s First Pregnant Man,” Thomas Beatie in 2007 presents a notable exception here and so does the attention given to Chaz Bono’s appearance on ABC’s *Dancing with the Stars* in 2011. More recently, Amazon’s show *Transparent* (2014 -) received criticism not only for casting cis-male actor Jeffrey Tambor in the role of late-life transitioner, Maura, but especially for its joking depiction

³⁴ Julia Serano, “Skirt Chasers. Why the Media Depicts the Trans Revolution in Lipstick and Heels,” in *The Transgender Studies Reader 2*, eds. Susan Stryker and Aren Z. Aizura (New York, NY: Routledge, 2013), 226-233.

³⁵ For example, Brandon Teena in *Boys Don’t Cry* (1999) and Max Sweeney in *The L Word*.

of transman Dale (played by comedian and trans actor Ian Harvie), whose interaction with one of the Pfefferman daughters solely revolved around his sexual deficiency because he lacked a proper, cisgender penis.³⁶ After months of leading in *Men's Health* magazine's annual "Ultimate Guy" contest, which encourages fans to vote for the person "who possesses all of the qualities that make up today's well rounded, active, health conscious and thoughtful guy,"³⁷ transgender model Aydian Dowling would have been the first openly trans man to grace the cover of the magazine. Despite generating significant publicity, Dowling ended up as the runner-up for the November 2015 issue after a close jury vote.

Despite these few examples listed here, why is there such a disparity in the amount of attention given to trans women versus trans men? One explanation may be that transgender men do not have to endure the same objectifying gaze that trans women do. The media's predisposition with trans women is not only indicative of the frequent sexual objectification of women on- and off-screen based on patriarchal and sexist attitudes, but specifically a widespread "transmisogyny" – describing how the intersection of cissexism and misogyny makes these women particularly vulnerable.³⁸ Serano observes that

³⁶ The critique of casting cis-actors to play transgender characters is not a new one. Fictional trans people have been predominantly played by cis-actors, whether it is Felicity Huffman in *Transamerica* (2005), Hillary Swank in *Boys Don't Cry* (1999), Jared Leto in *Dallas Buyer's Club* (2013) or most recently Eddie Redmayne in *The Danish Girl* (2015). Jill Soloway created *Transparent* partially based on her own experience with a parent's transitioning process. For queer critiques of the show see, for example, Leela Ginelle, "Transparent Producers Say They 'Welcome the Debate' on Casting Jeffrey Tambor," *Bitch Magazine*, October 6, 2014, <https://bitchmedia.org/post/transparent-producers-say-they-welcome-the-debate-on-casting-jeffrey-tambor-as-a-transgender> (accessed April 20, 2015); Cael Keegan, "Op-ed: How Transparent Tried and Failed to Represent Trans Men," *The Advocate*, October 22, 2014, <http://www.advocate.com/commentary/2014/10/22/op-ed-how-transparent-tried-and-failed-represent-trans-men> (accessed April 20, 2015).

³⁷ The Ultimate Guy Search, *Men's Health*, April 2015, <http://ultimateguy.menshealth.com/> (accessed April 27, 2015).

³⁸ Julia Serano, *Excluded: Making Feminist and Queer Movements More Inclusive* (Berkeley, CA: Seal Press, 2013), 45-46.

fetishizing media portrayals highlight trans women as hyperfeminine in order to assert the very inauthenticity of trans women's femininity.³⁹ It is, therefore, more likely that trans men tend to go largely unnoticed by media, remain invisible, and are not the targets of violence to the same extent that trans women are because scrutinizing their alleged gender-deviance would bring into question masculinity, patriarchy, and sexism itself. Given the noticeable difference in mediated visibilities of trans women (a visibility that is oftentimes fatal as *Terrorizing Gender* has repeatedly pointed out) and trans men, I would hope future scholarship will dissect more carefully visibility discourses generated specifically around trans men.

After summarizing the project's main academic contributions as well as its limitations and reflecting on community accountability, I want to close with a final outlook on the promise and perils of transgender visibility for a critical queer and trans politics, which considers the transgender rights movement as part of larger intersectional social justice efforts and organizing.

How can we talk about marriage equality if trans women cannot walk down the street safely?

After decades of erasure, trans people have been gaining mainstream (media) attention; yet trans women of color are murdered at unprecedented rates without evoking much sympathy or even concern. In the first six weeks of 2015, six trans women were murdered, all of them women of color. While scenes of Baltimore erupting in protests – more often than not depicted as “riots” by mainstream media outlets – over the death of

³⁹ Serano, “Skirt Chasers”: 226.

Freddie Gray were all over cable news channels in April 2015, popular media barely took notice of a fatal shooting that had occurred a couple of weeks earlier at a National Security Agency post outside of Baltimore and resulted in the death of another trans woman of color, Mya Hall.⁴⁰ The sparse, exploitative coverage of the incident immediately focused on Hall's prior criminal convictions and sex work, describing "Baltimore's transgender prostitution scene" as a "nightly choreography of clichés — heels too high, shorts too short, shirts too tight, wigs too big, makeup too heavy."⁴¹ Despite the FBI stating that the "men [were] ... dressed as women in the car ... but not in an attempt to disguise themselves from authorities," underlying tones of trans people as alleged terrorists and deceiving cross-dressers were evident yet again.⁴²

The media spectacle around transgender visibility reached new heights when former Olympian gold medalist and *Keeping Up with the Kardashians*' favorite reality TV dad, Bruce Jenner, announced in an interview with Diane Sawyer on prime-time television in April 2015 that he identifies as a woman: "I'm not stuck in anybody's body. It's just who I am as a human being. My brain is much more female than it is male."⁴³ In

⁴⁰ Hall and her friend Brittany Fleming, who is also trans, were in a stolen SUV and likely accidentally took a restricted exit heading toward the NSA security post when they collided with a police cruiser. Media reports repeatedly misgendered Hall and Fleming using their legal male names and described them as cross-dressers.

⁴¹ Peter Hermann, "Baltimore's transgender community mourns one of their own, slain by police," *Washington Post*, April 3, 2015, http://www.washingtonpost.com/local/crime/baltimores-transgender-community-mourns-one-of-their-own-slain-by-police/2015/04/03/2f657da4-d88f-11e4-8103-fa84725dbf9d_story.html (accessed May 8, 2015).

⁴² By Peter Hermann and Lynh Bui, "FBI identifies man who died in NSA incident as Ricky Shawatza Hall," *Washington Post*, March 31, 2015, http://www.washingtonpost.com/local/crime/fbi-identifies-man-who-died-in-nsa-incident-as-ricky-shawatza-hall/2015/03/31/d10e87d6-d7b3-11e4-8103-fa84725dbf9d_story.html (accessed May 8, 2015).

⁴³ Cited in Thessaly La Force, "Bruce Jenner and the Modern American Family," *New Yorker*, April 26, 2015, <http://www.newyorker.com/culture/culture-desk/bruce-jenner-and-the-modern-american-family> (accessed April 27, 2015).

June 2015, Jenner appeared on the July cover of *Vanity Fair*.⁴⁴ Titled, “Call me Caitlyn,” the *Vanity Fair* cover depicted Jenner after her metamorphosis into a conventionally beautiful woman: Against the luxurious setting of Jenner’s Beverly Hills’ mansion, Jenner was shot in feminine, suggestive poses flaunting various dresses and outfits. After several invasive facial-feminization surgeries, including forehead, jaw, and chin contouring, as well as breast augmentations, Jenner’s body had been perfectly molded into cis-normative female beauty standards. Jenner also starred in the eight-part show *I am Cait* on E! in the summer of 2015, which documented part of her transition.



Figure 5. 1 Caitlyn Jenner on the cover of *Vanity Fair* (July, 2015)

Although media outlets applauded Jenner’s “bravery” and labeled her a “prominent role model for the trans community”⁴⁵ it is important to recognize Jenner’s visibility as one that is inherently privileged: she is wealthy, able-bodied, and white. Jenner has unrestricted access to health care, housing, employment, and a secure income – resources that are unattainable for many trans people. For example, Jenner’s array of

⁴⁴ See Buzz Bissinger, “Caitlyn Jenner: The Full Story,” *Vanity Fair*, July 2015, <http://www.vanityfair.com/hollywood/2015/06/caitlyn-jenner-bruce-cover-annie-leibovitz> (accessed June 29, 2015).

⁴⁵ La Force, “Bruce Jenner and the Modern American Family.”

feminization surgeries is typically excluded from health coverage and thus remains unaffordable for most trans people. It is precisely this set of privileges in conjunction with the public's long-standing fascination with celebrity "make-overs" that has allowed Jenner to penetrate media unlike any other trans person before her. Janet Mock recalled that within an hour after the release of the *Vanity Fair* cover, she was inundated with media requests to comment on Jenner's transition: "That one hour resulted in more requests than I have received from the release of my book, the release of Laverne Cox's *TIME* cover, my infamous CNN debate and the consistent deaths of trans women of color — combined."⁴⁶ In response to Jenner's photo shoot many trans people took to social media and recreated their own *Vanity Fair* cover. Under the hashtag #MyVanityFairCover transgender Tumblr users created their own covers, asserting that not every trans person has the financial means to access nor desires to embody the cis-normative beauty standards promoted by Jenner's transition and be neatly reboxed into the gender binary.

Moreover, a few weeks after the media frenzy surrounding Jenner's appearance, problematic comparisons between "trans-racial" and "trans-gender" appeared in public discourse after Rachel Dolezal, then president of the NAACP in Spokane, WA and an adjunct professor for African-American studies, was "outed" by her birth parents as white. Dolezal had claimed to be of African American descent for over a decade. Some online commentary was quick to justify Dolezal's appropriation of black culture and heritage by co-opting the term "transracial," which is commonly used to describe

⁴⁶ Janet Mock, "Revealing Caitlyn Jenner: My Thoughts on Media, Privilege, Health Care Access & Glamour," *Janet Mock's Blog* June 3, 2015, <http://janetmock.com/2015/06/03/caitlyn-jenner-vanity-fair-transgender/> (accessed June 29).

adoptees who are of a different race than their adoptive parents. Further, a troubling analogy was drawn between Dolezal's racial appropriation and transgender people: if we recognize Jenner's transition into Caitlyn as legitimate and authentic, why should Dolezal not be able to transition into a black woman? Although several conservative pundits invoked post-racial ideologies to claim that Dolezal was perfectly in her own right to choose and perform a different ethnicity, it is precisely the denial of her white privilege, which enabled her to seamlessly appropriate a different racial ethnicity and culture, that is so deeply fraught. As long histories of racial passing in the U.S. demonstrate, for brown and black bodies to embody a different race in a similar fashion remains highly problematic.⁴⁷ Similarly, most trans people are not in the privileged position to simply wake up one day and "choose another gender." In light of social discrimination, violence, and daily harassment, many trans people struggle for years to find the courage and means to live according to their true gender identity.⁴⁸

How can we reconcile the "truth-seeking" of white trans reality TV stardom and the tokenizing hypervisibility of Janet Mock and Laverne Cox's celebrity, who are automatically expected to speak for, represent, and carry the responsibility of an entire group of people, with the continued devaluation and disposability of the lives of trans

⁴⁷ See for example, Allyson Hobbs, *A Chosen Exile: A History of Racial Passing in America* (Cambridge, MA: Harvard University Press, 2014).

⁴⁸ For insightful critiques about the flawed Dolezal/Jenner comparisons see, for example, Meredith Talusan, "There is no comparison between transgender people and Rachel Dolezal," *The Guardian*, June 12, 2015, <http://www.theguardian.com/commentisfree/2015/jun/12/comparison-transgender-people-rachel-dolezal>; Kai M. Green, "'Race and gender are not the same!' is not a Good Response to the 'Transracial'/Transgender Question OR We Can and Must Do Better," *The Feminist Wire*, June 14, 2015, <http://www.thefeministwire.com/2015/06/race-and-gender-are-not-the-same-is-not-a-good-response-to-the-transracial-transgender-question-or-we-can-and-must-do-better/>; or Kimberly McKee, "An Open Letter: Why Co-opting 'Transracial' in the Case of Rachel Dolezal is Problematic," *Medium.com*, June 16, 2015, https://medium.com/@Andy_Marra/an-open-letter-why-co-opting-transracial-in-the-case-of-rachel-dolezal-is-problematic-249f79f6d83c (all accessed June 29, 2015).

women of color? Despite representations in popular discourse that more accurately reflect lived experiences and realities of trans communities, such representations alone will not be able to transform the systemic nature of intersecting oppressions and the widespread institutionalized violence enacted against trans communities. The devastating words of Janet Mock in the epigraph to this conclusion serve as a powerful reminder that we cannot expect this visibility to miraculously

cure our society of its longstanding prejudice, miseducation and myths surrounding trans women. ... The names of our sisters shouldn't only make headlines when we walk a red carpet or lay in a casket. Our visibility shouldn't be subject to such extreme circumstances.⁴⁹

If we really are at a “tipping point” as *TIME* magazine recently proclaimed, it seems necessary to qualify that this tipping point around transgender visibility in the media does not equate to a tipping point around care for or value of transgender lives, trans women’s lives in particular. In this context, I vividly recall a statement made by Lex Horan during our interview, which holds important lessons for the politics of visibility: “My goal isn’t for trans people to be visible, my goal is for trans people to be safe, to be free, and to be healthy, and to be loved.”⁵⁰ Without belittling the importance and rightful celebration of increased transgender visibility over the past few years, *Terrorizing Gender* serves as a caution that the promise of visibility as a crucial element in progress narratives about securing citizenship rights for LGBT individuals may not necessarily lead to “the promised land” and outweigh its perils.

⁴⁹ Janet Mock, “A Note on Visibility in the Wake of 6 Trans Women’s Murders in 2015,” *Janet Mock’s Blog*, February 15, 2015, <http://janetmock.com/2015/02/16/six-trans-women-killed-this-year/> (accessed May 8, 2015).

⁵⁰ Horan, interviewed by author, September 27, 2014.

By highlighting the material consequences of mediated transgender visibilities, this dissertation has consciously pushed back against popular positivist and progressive narratives claiming “equality” and civil rights victories for LGB(T) people over the last decade. With the tendency of some scholars and mainstream LGBT organizers to eradicate and conceal the specificity of transgender identities and experiences, *Terrorizing Gender* has laid bare how activism around gender identity and sexual orientation do not always necessarily align to secure citizenship rights for “all queers.” In Chapter 2, I used Manning’s retraction as a San Francisco Pride marshal in 2013 to explore the contingent incorporation of queer subjects into frameworks of U.S. sexual exceptionalism and the mainstream gay rights movement’s questionable investment in such. By tracing how certain transgender subjectivities have recently been deployed for nationalist and militaristic purposes in response to Manning’s revelations and the push for trans inclusion in the military, I specifically argued that current formations and modalities of U.S. empire are legitimated through a jingoistic transpatriotism, characterized by an unwavering devotion to the state and by an adherence to the gender binary. By focusing their energy and finances on the repeal of DADT and the current push for transgender inclusion in the military, mainstream LGBT organizations demand equal treatment and the incorporation of queer bodies into U.S. citizenship and rights frameworks without recognizing how these strivings for equality render queers complicit in the imperialist workings of the military-industrial-complex and U.S. empire. The introduction of transpatriotism intervenes in queer, gender, and sexuality studies by achieving a more concise mapping of the intersections between transgender and gender non-conforming identities, nationalism, and U.S. empire. In so doing, *Terrorizing Gender* seeks to revive

and contribute to scholarship and activism that is actively conceptualizing a critical queer politics beyond the narrow confines of assimilationist, single-issue politics and explicitly dis-identifies with them. The LGBT movement's continued, exclusive, focus on "marriage equality" and "the right to serve" presents a narrow investment in predominantly white, privileged, homonormative gay and lesbian assimilation that continues to treat transgender communities and rights as an illegitimate step child of LGB(T) politics without caring to improve the lives of the most marginalized queer communities.

We have reached this so called "tipping point" through social movements and decades of transgender rights activism, spear-headed particularly by trans women of color. It is important to repeat and remember that the Stonewall *riots* in 1969 (and I emphasize "riots" here because current protests against police brutality and racial injustice are frequently criminalized as "riots") hailed as the origin of the gay rights movement in the U.S., were led by drag queens and trans women of color such as Marsha P. Johnson, Sylvia Rivera, and Miss Major Griffin-Gracy, and not by white, cis-gender, gay men as inaccurately portrayed in Roland Emmerich's recent *Stonewall* (2015) movie. Without the decades-long struggle, resistance, labor and love of these queens and women for trans people and their rights, resulting, for example in the founding of organizations such as STAR (Street Transvestite/Transgender Action Revolutionaries) and the TGI Project (Transgender GenderVariant Intersex Justice Project), the present moment of transgender visibility would be unthinkable, as would be the modern gay rights movement.

Terrorizing Gender has raised doubts about whether this “tipping point” will actually manifest in something materially meaningful for trans communities or not. The transgender rights movement is at a critical juncture where activists such as Lex Horan are seeking clarity on what and for whom they are actually fighting for and what is just “window-dressing.”⁵¹ For what ends can and should trans activists use their current clout and visibility, whether actually desired or not: to promote the acceptance and tokenization of a few privileged trans-normative and transpatriotic individuals who seamlessly “pass” within the gender binary? To add a few transgender staffers to major gay rights organizations and to reform, as Lex Horan put it, “all the fucked-up institutions” to better accommodate trans people?⁵² To make sure that trans people get to participate equally in the military-industrial-complex to follow their cis-gendered brethren in fighting the U.S.’s imperial wars? Or can this current momentum engendered in part by social media and grassroots activism be reconfigured to build broader coalitions that question the very existence of those institutions and to improve the lives and conditions of larger, historically marginalized and stigmatized communities?

Although engaging in conversations about prison reform, for example, is necessary as millions of poor people, trans people, and people of color are currently incarcerated, such a focus is ineffective if it does not address why so many of them end up there in the first place. If we care about improving the livelihoods and well-being of marginalized and subjugated communities, for prison-abolition activists like Lex Horan, the prison-industrial-complex – which not only consists of fenced-in maximum security facilities but supports political and financial interests that use surveillance, policing, and

⁵¹ Horan, interviewed by author, September 27, 2014.

⁵² Ibid.

imprisonment as solutions to socio-economic and political problems – needs to be replaced with meaningful alternatives to crime-and-punishment models.

Sexuality and communication studies scholar Isaac West believes that it is necessary to recuperate citizenship from its queer dismissal and suggests that a complete rejection of citizenship is not a viable and pragmatic option for coalitional queer politics since many queers, especially trans people do not have “the privilege necessary to *reject* citizenship” (emphasis in original).⁵³ West urges transgender advocates and allies to not just operate in opposition to norms and normativities imposed by state institutions but to treat dominant logics as opportunities – instead of impediments even if, at times, it demands complicity:

In the absence of any plausible political position free from the contamination of normativities, institutions for collective governance, and power more generally, we will have to learn how to tactically appropriate what is already available in the name of equality.⁵⁴

While I agree with West that the proposition to outright reject citizenship rights is one that is attainable only for very few, his conceptualization of an “impure politics”⁵⁵ to imagine different articulations of citizenship fails to acknowledge and problematize the law as a persistent site of state-generated and -sanctioned violence as *Terrorizing Gender* has elucidated.

Undoubtedly, there have been significant improvements in legal protections for transgender people over the last few years: under President Obama’s Affordable Care

⁵³ See Isaac West, *Transforming Citizenships: Transgender Articulations of the Law* (New York, NY: NYU Press, 2014), 98.

⁵⁴ *Ibid.*, 192-193.

⁵⁵ West is building on Lawrence Grossberg’s understanding of “impure politics,” which sought to articulate resistance to the hegemony of popular conservative thought and policies in the early 1990s. West describes them “as a tactical navigation of norms and normativities never free from power relations that authorize them but also not subservient to them.” See *Transforming Citizenships*, 35.

Act, many transgender people are able to receive transition-related health care for the first time. After a twelve-year campaign led by the Sylvia Rivera Law Project, transgender people in the state of New York are now eligible to receive transgender healthcare through Medicaid programs. The Department of Education has extended Title IX protections, which prohibit sex discrimination in federally funded education programs, to transgender students by barring discrimination on the basis of gender identity.

However, these legal battles most often end with mixed results. After the Supreme Court's ruling in *Burwell v. Hobby Lobby* in 2014, which ruled that family-owned businesses do not have to offer their employees contraceptive coverage if it conflicts with the owners' religious beliefs, several gay rights organizations have withdrawn their support for the Employment Non-Discrimination Act (ENDA), which seeks to extend federal protections to LGBT people in the workplace. Over the past few decades, ENDA's legislatively fraught history, which predominantly focused on adding federal discrimination protections for sexual orientation but not for gender identity or expression, has served as a painful reminder why trans rights activists have felt excluded from the issues advocated for by the mainstream LGB(T) movement.⁵⁶ Presently, LGBT activists

⁵⁶ ENDA functions as an exemplar of how transgender interests can diverge from the legal activism around sexual orientation and are oftentimes relegated to the margins. ENDA began its long, slow march through Congress in 1974 to address discrimination based on sexual orientation. The bill gained momentum during the latter years of the Clinton Administration but the transgender movement did not have enough political cloud at the time to have gender identity or expression provisions added to the language of the bill. While the bill then languished in congressional committees for most of George W. Bush's first term, support for a trans inclusive ENDA steadily grew. As Democrats regained the majority in both houses in 2006 the bill was reinvigorated under the lead of Barney Frank and Tammy Baldwin, both openly gay and lesbian Congress members. Despite the likelihood of Bush's veto, LGBT advocates were hopeful they would finally win congressional endorsement of ENDA. Then, however, Frank unilaterally excised gender identity from ENDA protections, arguing that their inclusion would threaten the bill. Instead, Frank decided to introduce two bills: ENDA addressing only sexual orientation and GENDA including gender identity. Frank's decision generated significant pushback and numerous national LGBT organizations, excluding the Human Rights Campaign, withdrew their support for a sexual-orientation-only ENDA. The bill still passed the House of Representatives but then failed to gain a vote in the Senate in 2004. The ENDA debacle in 2004 forced the LGB(T) movement to take a hard look at its alleged "inclusiveness," "shared interests,"

fear that broad religious exemptions included in the current bill might give private companies a blank check to cite objections similar to those that prevailed in the Hobby Lobby decision. Several states, including Florida, Texas, Kentucky, South Dakota, and Minnesota, are currently also considering so called “bathroom laws.” Advanced by Republican lawmakers these bills make it illegal for people to use a restroom that does not align with their biological sex. Similarly, numerous school districts are witnessing heated debates and panics over athletic policies allowing transgender students to play for the team consistent with their gender identity. In November 2014, the *Star Tribune* published full-page ads on the back of its sports section by the Minnesota Child Protection League, a conservative anti-LGBT organization, employing fear tactics that cast trans students as preying on their peers:

The end of girls’ sports? Her dreams of a scholarship shattered, your 14-year-old daughter just lost her position on an all-girl team to a male ... and now she may have to shower with him. Are you willing to let that happen?⁵⁷

and who really falls under the amorphous umbrella of the LGBT acronym. While many LGBT activists felt that decades of their hard work had been betrayed by Frank’s decision, other gay and lesbians used the moment to publicly express their discomfort of being linked to transgender issues for the first time. The course of ENDA demonstrates that homonormative gay and lesbian identity politics – for those who conform to conventional gender norms and act “straight” – still trump the concerns of those communities marginalized and oppressed because of their non-normative gender transgressions. As Stryker concluded, “As a result of the ENDA controversy, the LGBT movement that transgender people have worked to build since the early 1990s may well be split apart by legislative fiat” (*Transgender History* [Berkeley, CA: Seal Press, 2008], 152). In 2013, a bi-partisan vote in the Senate outlawed LGBT workplace discrimination, including protections for transgender individuals. Then, however, the House of Representatives, never took up the legislation and currently many LGBT groups have expressed concern that the bill’s exemptions for religiously affiliated institutions are too broad. In response to ENDA’s current stalemate, an executive order by the Department of Labor was issued in December 2014 to protect federal transgender employees from employment discrimination. That same month, then Attorney General Eric Holder directed the Justice Department to consider employment discrimination based on gender identity in violation of Title VII of the 1964 Civil Rights Act. For detailed discussions of ENDA’s congressional history and its contentious place within the transgender and larger LGBT movement see Susan Stryker’s *Transgender History*, 150-153; or Isaac West’s *Transforming Citizenships*, 129-162.

⁵⁷ The ad incited an outcry among local LGBT groups and advocates. Steve Yaeger, the *Star Tribune*’s vice president of marketing and public relations, however, asserted, “The ad in question met all the requirements of our ad policy.” The Minnesota State High School League board approved the trans-inclusive policy in December 2014 allowing trans athletes to play for the team consistent with their gender identity. See Joe Strupp, “Misleading Anti-Transgender Newspaper Ads Spark Outrage in Minnesota,” *Media Matters*, December 1, 2014, <http://mediamatters.org/blog/2014/12/01/misleading-anti-transgender-newspaper-ads-spark/201724> (accessed April 21, 2015).

These bills and policies have emerged as the latest contentious battleground for Christian conservatives against transgender rights, especially after the Supreme Court declared same-sex marriage a nationwide right in June 2015.

Along with Dean Spade, Lex Horan, CeCe McDonald, Monica Jones, Che and Reina Gossett, the Against Equality Collective and so many other critical trans rights activists and scholars who are articulating a critical trans politics against equality rhetorics, I argue that we must scrutinize how this alleged “transgender tipping point” may provide the opportunity to envision and articulate demands that “exceed the containment of neoliberal politics” – where law reform may be one, but not the sole, avenue for transformative politics.⁵⁸ While the current gay rights agenda prioritizes law reform as the ultimate goal, a critical trans politics understands law reform as one of several tactics to dismantle systems of state violence, but not the only one. As I have demonstrated in Chapter 4, narrow, single-axis definitions of oppression applied in anti-discrimination and hate crime statutes fail to address complex structural inequalities. The law has been willfully ignorant of – if not actively upholding – the systemic injustices permeating institutions and society. By condoning and reinforcing these inequalities, the law is part of the problem and not part of the solution. The law cannot and will not be the driver for social change. As Audre Lourde reminds us, “For the master’s tools will never dismantle the master’s house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change.”⁵⁹ *Terrorizing*

⁵⁸ Dean Spade, *Normal Life. Administrative Violence, Critical Trans Politics, and the Limits of Law* (Brooklyn, NY: South End Press, 2011), 41.

⁵⁹ Audre Lourde, “The Master’s Tools Will Never Dismantle the Master’s House,” in *Sister Outsider: Essays and Speeches* (Berkeley, CA: Crossing Press, 1984), 110-114.

Gender demonstrates that a belief in the law's reformability and in "equality for all" is naïve and does not suffice. Instead, this project is a caution that the politics of visibility are flawed: utilizing mass-mediated discourses and legal avenues to bring about social justice for trans communities is inherently limited.

But what would a politics beyond recognition, representation, and inclusion look like? Even in movements with powerful, nationwide organizing and public outcry against state-sanctioned and state-enforced violence against black and brown bodies, *Terrorizing Gender* has shown that the deaths of trans women of color do not seem viable for spurring mass mobilization. Because trans people, especially trans women of color, exist at oppressive and vulnerable intersections of race, gender, sexuality, and class, they continue to be placed at the margins of society and at the margins of racial and economic justice, feminist, and gay rights movements. The few organizations that have centered their advocacy on the lives and experiences of trans communities are often struggling to survive because they are severely underfunded and largely volunteer-run as TYSN's abrupt closing in Chapter 4 illustrated. However, grassroots organizations such as the Sylvia Rivera Law Project, Trans Women of Color Coalition, or the TransLatina Coalition work tirelessly for trans liberation. As a response to the lack of attention given to policing practices and state-sanctioned violence specifically against black cis, trans, queer, and disabled women, the hashtag #SayHerName gained prominence in May 2015 in conjunction with a report titled "Say Her Name: Resisting Police Brutality against Black Women" to bring black women's experiences with police brutality into sharper focus.⁶⁰

⁶⁰ Kimberlé Williams Crenshaw and Andrea J. Ritchie with Rachel Anspach and Rachel Gilmer, "Say Her Name: Resisting Police Brutality against Black Women," African American Policy Forum, May 20, 2015,

If we leave reformist idealism behind for a moment, imagining the transgender movement as part of a larger project of coalitional, critical political resistance demands a radical re-distribution of vulnerability, security, and life chances: including goals to end gross wealth disparities, police brutality and militarization, the prison-industrial-complex, racist and imperialist immigration policies, the unavailability and unaffordability of health care, and the disposability of black lives, especially those of trans women of color.⁶¹ We must actively formulate a trans of color critique – riffing off of Roderick Ferguson’s “queer of color critique”⁶² – to disrupt the recurrence of a vicious historical cycle: namely, that through logics of racialization predominantly white, masculine, transnormative gender-variant bodies become the only non-cis-gendered bodies recognizable as the legitimate subjects of rights and with access to national belonging.

It is my hope that this dissertation contributes to cross community-building between allied, gay, trans, and queer of color communities, that enables especially trans women of color to have their brilliant voices heard loud and clear. To form communities and allyships where we are not afraid to interrogate our own complicity with systems of domination. As I reflect on all the conversations I had with people organizing around and supporting CeCe McDonald and on the wide spectrum of differently colored, gendered,

http://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/555cced8e4b03d4fad3b7ea3/1432145624102/merged_document_2+%281%29.pdf (accessed May 21, 2015).

⁶¹ See, for example, Spade on critical trans resistance in *Normal Life*, 28; 68-69.

⁶² Ferguson defines queer of color analysis as an “interrogat[ion] of social formations as the intersections of race, gender, sexuality, and class, with particular interest in how those formations correspond with and diverge from nationalist ideals and practices. Queer of color analysis is a heterogeneous enterprise made up of women of color feminism, materialist analysis, poststructuralist theory, and queer critique.” See Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis, MN: University of Minnesota Press, 2004), 149 n1. For thoughts on trans of color critiques resisting a dominance of Anglo perspectives in transgender studies see Susan Stryker and Aren Z. Aizura, “Introduction: Transgender Studies 2.0,” in *The Transgender Studies Reader 2*, eds. Susan Stryker and Aren Z. Aizura (New York, NY: Routledge, 2013), 10.

classed, aged, and abled-bodied folk coming together for #BlackLivesMatter protests here in Minneapolis over the past three years – I have hope that growing such multidimensional coalitions into lasting and healthy movements, is possible.

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