"These are the axes": gender coloniality and police violence in trans women of color narratives

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Abstract:

This research study is an attempt to understand under what conditions trans women of color are being killed, and name structures that consent to these deaths. Rather than focus on Transgender Day of Remembrance and moments of death, this study examines autobiographical texts because they allot for a first person voice and personal narratives over corpses and news reports. Although these accounts are exceptional, they nonetheless elaborate on ordinary conversations in trans of color livings.

Using conversations and autobiographical texts from Sylvia Rivera, The Lady Chablis, Toni Newman, and Janet Mock, I argue that police violence is an indispensable form of regulation for trans women of color. To analyze these texts, I use phenomenology as a method to give focus to the implicit embodiment and experiences of these women. To give context to larger structures, whose foundation is trans aggression, I develop a concept of Gender Coloniality from concepts of coloniality, visuality, and surveillance. The central argument is that: one condition of being within the context of trans of color lives is that of a life in the dark side of gender coloniality; that existing in these death worlds lend themselves to bodily regulation and extermination as some methods in maintenance of a biological dimorphic society.

Introduction: Welcome to the Hereafter

Of the few available resources that tally violence against people at the intersections of citizenship, gender identity, HIV status, race, and sexuality, the National Coalition of Anti-Violence Programs (NCAVP) stands as the only national coalition to document and collect the intersections of the latter information.[1] Their national report for 2013 attests to multi-year trends of communities that are disproportionately affected by violence. They note that 72% of homicide victims were transgender women, and 67% of homicide victims were transgender women of color.[2] [3] The multi-year trend that the NCAVP notes stands as a statistically measurable mode of quantifying deaths and violence. However, these deaths are nothing new nor spectacular. The murder of Rita Hester in 1998, an African American transgender woman, prompted her community to create a candlelight vigil. This vigil inspired the "Remembering Our Dead" project and the now international Transgender Day of Remembrance held every year on November 20th. The NCAVP and Transgender Day of Remembrance are two active entities that recognize the deaths of transgender people. The hereafter, thus, is the place of beginning.

The context of this work begins with Transgender Day of Remembrance and retreats from the border of death into the living. My aim is not to recall the body count that is revealed one day a year, but rather, interactions in living that lead to these deaths. The information

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[1] http://www.avp.org/about-avp/coalitions-a-collaborations/82-national-coalition-of-anti-violence-programs (June 18, 2014)

[2] National Coalition of Anti-Violence Programs. Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2013. New York City Gay and Lesbian Anti-Violence Project Inc. Released 2014. http://www.avp.org/storage/documents/2013_ncavp_hvreport_final.pdf

[3] Although not explicit in the media release report, the full 2014 release edition notes that black transgender women received a disproportionate amount of violence within the category of transgender women of color. (National Coalition of Anti-Violence Programs Report 58, 84, 122-126)

gathered about the slain is often limited to police reports, news media, personal accounts, or an unidentified person found dead. Two kinds of central information gathering sites that represent this are the online projects International Transgender Day of Remembrance and the TransRespect versus Transphobia research project by Transgender Europe.[4] [5] International Transgender Day of Remembrance only notes the individual's name and the conditions that describe their death. Whereas International Day of Remembrance simply notes information of the deceased, the TransRepsect versus Transphobia research project allows for the particulars of death to be mapped on a global scale including the conditions of death. Two limits to these kinds of memory programs relate to quantifying the litany of deaths and remaking white innocence.

Eric Stanley and Sarah Lamble complicate Transgender Day of Remembrance because they note the impossibility of recalling anti-queer violence and its ability to recreate white innocence.[6] This dual erasure not only elides the pervasiveness of violence, but recreates the conditions that govern queer and trans death. In "Near Life, Queer Death: Overkill and Ontological capture", Stanley comments on the "rhetorical loss" and the "actual loss of people that *cannot be counted*" in reports of anti-queer violence (Stanley 6)[7]. The rhetorical loss refers to any information lost outside the moment of death and the actual loss is the loss of a living person. Stanley details these losses with a harrowing non-descript narrative of death:

> "[Hate Crime Statistics] cannot begin to apprehend the numbers of trans and queer bodies that are collected off cold pavement and highway underpasses, nameless flesh whose stories of brutality never find their way into official account beyond the few scant notes in a police report of a body of a 'man in a dress' discovered" (Stanley 6).

The "nameless flesh" described by Stanley thus illustrates the shortcomings of Transgender Day of Remembrance in recalling violence. That in this moment of discovering violence, there may be nothing more than naked brutality to describe physical state of the dead. This is not, however, to confuse the capacity of Transgender Day of Remembrance to account for death, but rather, illustrate how it also recreates violence. In Lamble's article "Retelling Racialized Violence, Remaking White Innocence: the Politics of Interlocking Oppressions in Transgender Day of Remembrance", she notes how transgender bodies are de-raced for a universalized innocent white audience[8]. Lamble notes that by positioning the transgender identity as the sole focus of death, it: universalizes transgender bodies "along a singular plane of victimhood", and "obscures how being brown and poor may increase one's *vulnerability* to

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[4] http://www.transgenderdor.org/memorializing-2013

[5] http://www.transrespect-transphobia.org/en_US/tvt-project/tmm-results/all-tmm-reports-since-2008.htm

[6] Although Stanley is speaking of Hate Crime Legislation in this work, his critique applies here to the limits of quantifying violence and death during Transgender Day of Remembrance.

[7] Stanley, E. "Near Life, Queer Death: Overkill and Ontological Capture." Social Text. 107 (2011): 1-20. Print.

[8] Lamble, Sarah. Retelling Racialized Violence, Remaking White Innocence: the Politics of Interlocking Oppressions in Transgender Day of Remembrance. National Sexuality Research Centre, University of California Press, 2008. Internet resource.

violence" (Lamble 31, 30). Thus, this positions race and class as non-factors of transgender violence, which recreate the innocence of whiteness in these deaths. To solely privilege gender identity is to ignore the interlocking components of race and class that facilitate death. Combining Stanley and Lamble's analysis, it becomes easier to see the limits of Transgender Day of Remembrance because of the impossibility to recuperate quantifiable stories and its contribution to white innocence. This project takes on the hope Stanley offers as an escape from this moment:

> "What I am after then is not a new set of data or a more complete set of numbers. What I hope to do here is to re-situate the ways we conceptualize the very categories of 'queer' and 'violence' as to remake both." (Stanley 7)

Rethinking catch-all terms, like queer and violence offers opportunities to grasp other banal transgender livings, such as suicide. Suicide by transgender peoples questions the conditions that led to death because it is not just homicides that lead to death, but an insidious way of being in this world. Suicide offers a different trajectory to afterlife that does not simply place the perpetrator of homicides as the focus of expression. Two examples that illustrate this are the overarching findings from the National Transgender Discrimination Survey and the precise vestiges of life left by Mark Aguhar. In the striking report "Suicide Attempts Among Transgender and Gender Non-Conforming Adults", the researchers find that 42% of trans women have attempted suicide in contrast to the 4.6% of the overall U.S. population. [9] Alongside factors like race, gender, and HIV-status, the report also examines discrimination from family, school, work, health care, housing, and law enforcement to illustrate various factors that contribute to a person striving to kill themselves.[10] Therefore, aggression towards transgender peoples is not isolated to a moment of homicide, but rather, extends to the overall way of living that transgender people have to endure. This is no more apparent than with the suicide of Mark Aguhar.

Mark Aguhar is a self proclaimed queer artist in the Masters in Fine Arts program at University of Illinois at Chicago.[11] Their artistic work ran from performance, to blogging, to painting, and so, so much more.[12] They committed suicide on March 12, 2012, a little over two years ago today. I seal Mark's presence with us today because her spirit refuses to be silent. In fact, she is the foundation from which this study is inspired. I owe my ability to trudge through all this gore and carnage because of her. I seal my relationship with them today by marking where I am at with this project. I hope that within this context, I refute any innocence or objectivity, because this study deserves more. On Tumblr, a popular blogging site, she posted

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[9] Herman, Jody L.; Haas, Ann P.; Rodgers, Philip L. Suicide Attempts Among Transgender and Gender Non-Conforming Adults. eScholarship, University of California, 2014. Internet resource.

[10] It's important to note that 76% of respondents identify as white and 88% of respondents have some college college, a college degree, or graduate degrees. This over represents white people and people with an education, which do not represent the reality of transgender women of color (Herman et al. 5).

[11] Aguhar, Mark. http://markaguhar.com/statement

[12] Gender pronouns for Mark range between genderqueer and transgender identities. I want to refute to discipline her in death by exclusively using one pronoun or another, as she was fluid in both.

about self acceptance about her fat, femme, trans, brown, body.[13] She also posted about the importance to love herself despite a world that was fundamentally antagonistic to her as she fought against committing suicide and depression. Her sudden death struck many queer bloggers heavily because of Mark's immense talent to develop an intimate canon of rage and affirmation for people/ fellow brown gurls.[14] [15] [16] [17] [18]

I remain haunted, not only by the loss of a great artist, but also by suffocating conditions that sanctioned her death. Almost instinctively, I am drawn to Avery Gordon's *Ghostly Matters* as a possible reprieve into otherworldliness that traces what her life escaped. That haunting as a methodology offers "a process that links an institution and an individual, a social structure and a subject" to think beyond the comprehensible (Gordon 19)[19]. How her shape in this world offers an opportunity to grasp the self-effacing hand of racialized and gendered antagonisms for of color, femme, trans people. That the beating affective residue on her blog offers opportunities to reveal the profound violence of everyday livings. That this method is a conjuring of the deceased in order to examine that which escapes power. However, this lone moment does not allow for me to presently ask a harder question. A question that beckons immediate response: why are trans people of color dying?

The hereafter of mourning Mark is a turn to autobiographies that trace a different violence through the livings and existence of trans people of color.

Autobiographies and Police Violence: Realms that Speak

The utility of these autobiographical texts is that they lend themselves to the first hand experiences where we can understand a person as opposed to the incident of death that describes the society. I choose autobiographies because they lend themselves to be attached to larger lives and legacies that do not simply arrive at death or depart from it. Instead, these stories describe larger conditions of being. For as much as these stories reveal about the expanded privileges of being alive, I do not want to elide that they have the potential to simultaneously hide those whose lives ended too soon. The lives of many trans women of color may never reach the news. Their family may misgender them. They may never be described outside their moment

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[13] Aguhar, Mark. "BLOGGING FOR BROWN GURLS". http://calloutqueen.tumblr.com/

[14] "Mark Aguhar – Rest in Power". Bossy Femme: Pretty Assertive. March 3, 2012. http://bossyfemme.com/2012/03/13/mark-aguhar/

[15] Craig. "Mark Aguhar 1987-2012". Cubist Literature. March 13, 2012. http://cubistliterature.wordpress.com/2012/03/13/mark-aguhar-1987-2012/

[16] Thibault, Simon. "The work and death of Mark Aguhar". Daily Xtra: Everything gay, every day. March 13, 2012. http://dailyxtra.com/ideas/blogs/halifax/the-work-and-death-mark-aguhar

[17] Pérez, Roy. "Mark Aguhar's Critical Flippancy". Bully Bloggers. August 4, 2012. http://bullybloggers.wordpress.com/2012/08/04/mark-aguhars-critical-flippancy/

[18] Pérez, Roy. "Call Out Queen (Mark Aguhar) Zine". http://www.royperez.net/calloutqueen-zine/

[19] Gordon, Avery. Ghostly Matters: Haunting and the Sociological Imagination. Minneapolis: University of Minnesota Press, 2008.

of death because there is no other soul fragments to recuperate. There may never be a vigil, remembrance, or moment to mourn. Regardless, I do not want the sole question of death to deter us from asking the harder questions of moments that lead to these deaths. Thus, the focus of this study is to examine encounters with police by transgender women of color for an ever impending analysis.

Little scholarship has honed in on interactions with police by trans people. Various trans scholars who examine interlocking conditions that produce violence, like race, class, and gender, either focus on Transgender Day of Remembrance or other flash moments of extreme violence. Often, these are the only sources available, but these sources should not narrow the scope of interrogation of said violence. Therefore, police violence of transgender people of color warrants deeper investigation, especially because of its overlooked pervasive nature.

The policing of trans women is nothing new nor isolated. Amnesty International published a national report on police abuse and misconduct against the Lesbian, Gay, Bisexual, and Transgender (LGBT) community in the United States (U.S.).[20] In this expansive 2005 report, they examine geographically diverse communities and their experiences with police misconduct, with a focus on Los Angeles, California; San Antonio, Texas; Chicago, Illinois; and New York, New York. Across the country, they sent out detailed questionnaires to law enforcement agencies, conducted over 170 interviews, and examined media sources and legislation. The report is peppered with information that states how poor, of color, transgender, and/or immigrant peoples disproportionately receive violence. However, this report notes violence according to singular identities and does not note how race, sexuality, and gender intersect. This kind of data collection, therefore, slights the targeted violence transgender women of color experience because they are either transgender or of color, never both. This is in contrast to the 2014 NCAVP report, which emphasizes intersecting identities in police violence.[21] The report notes how transgender people of color are 2.7 times more likely to experience police violence and 6 times more likely to experience physical violence from the police compared to White cisgender survivors and victims (NCAVP 9). The report names differentials in violence because it acknowledges overlapping identities. Yet, this report does not detail police interactions as thoroughly as the Amnesty International did. Reports by Make the Read New York and the Sylvia Rivera Law Project provide an excellent supplement to detail these confrontations and name police as one of the largest perpetrators of anti- trans, gender non-conforming, queer violence.[22] [23] Two more recent

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[20] Stonewalled : Police Abuse and Misconduct against Lesbian, Gay, Bisexual and Transgender People in the U.S. Washington, D.C: Amnesty International, 2005. http://www.streetwiseandsafe.org/wp-content/uploads/2011/01/StonewalledAI.pdf

[21] National Coalition of Anti-Violence Programs. Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2013. New York City Gay and Lesbian Anti-Violence Project Inc. Released 2014. http://www.avp.org/storage/documents/2013_ncavp_hvreport_final.pdf

[22] "It's war in here": A Report on the Treatment of Transgender and Intersex People in the New York State Men's Prisons. Sylvia Rivera Law Project, 2007. http://archive.srlp.org/files/warinhere.pdf

[23] Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights. Make the Road New York, 2012. http://www.maketheroad.org/pix_reports/MRNY_Transgressive_Policing_Full_Report_10.23.12B.pdf

incidents that illustrate violence against trans women are "walking while trans". If police believe these women to be trans, and therefore sex workers, they will stop, search, and potentially detain these women.[24] [25]

Considering the context of heightened police violence in the U.S. for LGBTQ communities of color, one common motif in the autobiographies was the abuse that ensued from police interactions by transgender women of color. These are the first hand experiences of Sylvia Rivera, Toni Newman, The Lady Chablis, and Janet Mock from their voices and autobiographies.[26] [27] [28] [29]

In the range of autobiographies by trans people within the U.S. context, there are only a handful of autobiographies written by transgender women of color.[30] These kind of memoirs are rare because survival trumps writing. As noted by previous reports what is more likely to happen is death from homicide, suicide, and social alienation than access to writing and publishing. Considering the conditions of living, and limited access to publishing, the memories examined in this study are exceptional. Each author has had networks of support that acted as resource-systems to overcome a lifetime of barraging hurdles. The scarcity of these texts stories should not be considered universal texts of experience, but rather, shared perspectives of police encounters.

The aim of this project is not to unearth rescue narratives that describe resistance, but rather, experiences that describe the condition of being. Being, meaning, living as trans women of color where the structure of society disproportionately targets this community. These narratives serve as case studies to examine unpredictable interactions with police: whether it be driving in a car, working on the streets, or seeking protection. The gradience of time and location between these stories speak not only to the ever present condition of being trans of color, but also the boundless nature that these antagonisms present themselves. The epistemological imperative

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[24] Crabapple, Mary. "New York Cops Will Arrest You for Carrying Condoms". Vice, March 5, 2013. http://www.vice.com/read/new-york-cops-will-arrest-you-for-carrying-condoms

[25] Strangio, Chase. "Arrested for Walking While Trans: an Interview with Monica Jones". American Civil Liberties Union, April 2, 2014…. ..https://www.aclu.org/blog/lgbt-rights-criminal-law-reform-hiv-aids-reproductive-freedom-womens-rights/arrested-walking

[26] Gan, Jessi. "'Still in the Back of the Bus': Sylvia Rivera's Struggle". The Transgender Studies Reader 2. New York, NY: Routledge, 2013. Print.

[27] Lady, Chablis, and Theodore Bouloukos. Hiding My Candy: The Autobiography of the Grand Empress of Savannah. New York: Pocket Books, 1996. Print.

[28] Newman, Toni, and Kevin Hogan. I Rise: The Transformation of Toni Newman. Hollywood, Calif: SPI Productions LLC, 2011. Print.

[29] Mock, Janet. Redefining Realness: My Path to Womanhood, Identity, Love & so Much More. New York: Atria Books, 2014. Print.

[30] Mock, Janet. "Not All Memoirs Are Created Equal: The Gatekeeping of Trans Women of Color's Stories". Writings and Reflections by Janet Mock, June 5, 2013. http://janetmock.com/2013/06/05/memoir-trans-women-of-color/

for this study is not simply to ascribe a prescription of utopic words, but rather, a look into the omnipresent condition of being trans of color.

Questions and Methods: Phenomenology

What I mean to examine is the condition of being women in a biological dimorphic society in order to answer why trans people of color are dying. Personal narratives by transgender women of color encountering police offer an opportunity to answer this question. This is due to the layered power relationship that contains historic weight of surveillance, regulation, and worth.

A glimpse into questions asked throughout this study are: Who are the women I'm describing as being seen?; What are the interactions between trans women of color and the police like?; How does the seeing done by police interact with the being of trans women of color?; What does examining police violence reveal about the conditions of being trans women of color; and, how does this relationship have an impact on the trans women of color who experience this judgment?

One starting point to begin answering these questions from a phenomenological standpoint is examining the vulnerability in being seen as trans women of color. Vulnerability to police violence begins at the look and how transgender women are seen. The policing of transgender women of color begins at the disjuncture of expectations in how to be seen in contrast to how transgender women are seen. Additional key questions are: What is the relationship between seeing and judgment?; Who can be a person?; Who is counted as human and why?; What are the immediate needs by the police (read: noun) to police (read: verb)?; and, tracing this to a longer history, why does this need even exist? What is absurd about these interactions?

Theories of phenomenology serve as a useful method because it gives importance to first hand experience. It makes space to think about consciousness of oneself and interactions with the other. As described by Henry S. Rubin, phenomenology is especially useful in Trans Studies because it prioritizes forthright statements of trans people to claim their experience as a truth.[31] Rubin succinctly describes phenomenology at length to establish a basis from which it can be used as a method:

> "Because Phenomenology is methodologically descriptive and legitimates the knowledge of the subjugated while pointing out the critical possibilities that result from the subject's negotiation with the world, I believe it is a useful tool for understanding essences and grasping experience" where "bodies are the ultimate point of view" (Rubin 268).[32]

Indeed, Rubin describes not only the importance of phenomenology, but also its function. It begins from the perspective of the subjugated in order to describe the unique condition of being

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[31] Rubin, Henry S. "Phenomenology As Method in Trans Studies." GLQ: A Journal of Lesbian & Gay Studies. 4.2 (1998). Print.

[32] One caveat to this statement, and phenomenology by extension, is the belief in understanding "essences". Present day Trans Studies stands at a turning point in defining and disciplining its subject. In turn, there is a risk in defining a true essence of a true subject in the produced cisgender and transgender binary. As described by Eric A. Stanley in his article "Gender Self-Determination", I am for a critical trans politics that makes space for multiple embodiments and expressions.

trans. That this theory not only "legitimates" knowledge from this point of view, but also offers "critical possibilities" in negotiation with the otherwise definite matrix of death production for trans people. In order to better understand the utility of phenomenology as it is mediated between the self and the other, I examine the major body of works that have developed this theory.

The foundational work of Jean-Paul Sartre speaks from phenomenology because he elaborates about the self encountering the other.[33] The thesis of Sartre's article "The Encounter with the Other" is to have his audience go beyond thinking of the self for oneself and existing as such inherently, to explore the encounter with the other and see how the self can also exist alternatively through the gaze of the other. This can be acutely summarized in the following phrase: "*I* am ashamed of *myself* before the *Other"* with the I acting as the reflective self, the myself as the objective self, and the Other that mediates this differentiation (Sartre 206). However, Sartre's theory of phenomenology does not take into account the colonial condition.

Frantz Fanon's work adds to theories of phenomenology because he elaborates on the racialized aspects of the encounter that trouble how one encounters the other.[34] This is the colonial condition of existing in a "zone of non being" where they cannot ascribe meaning to themselves but are constantly spoken for and given meaning as a black man (Fanon xii).[35] Fanon succinctly says, "the Other fixes me with his gaze, his gestures and attitude, the same way you fix a preparation with a dye" (Fanon 89). This is to say that Fanon cannot return the gaze to the Other as described by Sartre because he is epidermalized to be black. Thus, what Sartre develops fails to consider how the gaze cannot be returned by the colonized. On a different rhythm is Judith Butler and her take on the phenomenology of gender.

Judith Butler's seminal work on the phenomenology of gender illustrate how performative acts of gender sediment to materialize their existence.[36] This essay is useful for using phenomenology as method because it questions how embodiment of one's gender becomes socially legitimate or illegitimate to the other, in context of transgender women's experiences.[37] This is what is otherwise colloquially called as "passing". "Passing" meaning read as cisgender women. Butler argues that "gender identity is a performative accomplishment compelled by social sanction and taboo" in order to argue how gender is socially regulated by what is

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[33] Sartre, Jean-Paul, and Robert D. Cumming. "The Encounter with the Other". The Philosophy of Jean-Paul Sartre. New York: Random House, 1965. Print.

[34] Fanon, Frantz. Black Skin, White Masks. New York: Grove Press, 1967. Print.

[35] Although Fanon is speaking directly to the colonial condition of being black, I extend his analysis to the fixed nature of being racialized as non-white.

[36] Butler, Judith. "Performative Acts and Gender Constitution: An essay in phenomenology and feminist theory". The Feminism and Visual Culture Reader, Amelia Jones ed. London: Routledge, 2003. Print

[37] I want to be cautious with this connection because of the twofold peril in connecting theory of performative acts to the lives of transgender women. Firstly, that transgender women can serve as an static object for academic theorization. I want to fight against any impulse to use transgender women as purely a theoretical moment because it perpetuates the thoughts of non-existence and object existence of trans women. Secondly, I want to be careful because the concept of performative acts is based on a dual gender gender existence that disciplines according to what one performs to be on this gender-binary system that also functions along the cisgender and transgender binary.

permissible and what is unlawful (Butler 393). Carrying forward, gender "takes the social agent as an object rather than the subject of constitutive acts" (Butler 392). This is to say that gender is acted upon to contrive and conceal a fictional genesis. Butler's statements here serve to examine the social forces that contribute to one's experience with their gender. While Butler examines relationships with gender identity, Sara Ahmed discusses relationships between queerness and orientations.

Sara Ahmed's contribution to phenomenology is that she examines moments of disorientation between the self and the other to develop the concept of Queer Phenomenology.[38] She troubles the term orientation (read: sexuality) in order to develop an argument about disorientations (read: confused, bewildered, misaligned). The concept of disorientations in phenomenology offers an opportunity to examine "how space is dependent on bodily inhabitance" (Ahmed 6). How a bodily disorientated experience reveals the covert alignment of social relations between the self and other. Ahmed crisply captures this by stating "Orientation involves aligning body and space: we only know which way to turn *once we know which way we are facing*" [emphasis not mine] (Ahmed 7). This statement anchors how to think about orientation between police and transgender women of color.

The utility of phenomenology as method is that it positions personal experience as a legitimate source of knowledge, as elaborated by Rubin. This is an indispensable perspective because it allows insight into questions of being within trans scholarship, particularly trans women of color. The basis of phenomenology, starting with Sartre, does not consider the colonial condition, performative acts, or disorientation in relationships between the self and the other. Fanon, Butler, and Ahmed provide expanded theories that make these kinds of claims central to their analyses in order to elaborate on relationships between the self and the other. These expanded claims are useful because they provide a more holistic base to consider the experiences of trans of color lives. These are no more important than in describing interactions with police because of how trans women of color are regulated by the state through the police.

Disproportionate police violence against transgender women of color begs the question, why? What about these women elicits more violence onto them by police? How do perceptions of being by police towards trans women of color warrant a judgment that enacts violence? How does the colonial condition of being orient trans women of color to receive undue violence?

Thesis: Trans of Color Livings

One condition of being within the context of trans of color lives is that of a life in the dark side of gender coloniality; that existing in these death worlds lend themselves to bodily regulation and extermination as some methods in maintenance of a biological dimorphic society. Narratives of transgender women of color interacting with police illustrate how police violence is a method in enacting the regulation of a biological dimorphic society. Two primary texts that inform this claim are the works of María Lugones' concepts of dark side of gender and a

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[38] Ahmed, Sara. Queer Phenomenology: Orientations, Objects, Others. Durham: Duke University Press, 2006. Print.

biological dimorphic society, and Lisa Marie Cacho's violence of value in social death.[39] [40]

In conversation with each other, these texts provide the basis to consider both the colonial and contemporary moments for trans of color livings. These texts are important to couple because they examine the present conditions from which transgender women of color speak their narratives, and they do not isolate the cause of these experiences to bad police, policies, or peoples. Instead, they suggest that the fundamental condition of being trans of color is rooted in the coloniality of gender that produce conditions that are antagonistic to trans of color existences.

Colonial Moment for Trans of Color Livings

The new gender system produced by colonialism created a space-for-death for those on the dark side of gender. This is the coloniality of gender, which continues to maintain a biologically dimorphic society. This kind of maintenance means being at war with how trans people of color are visually read, specifically, trans women. It is at the point of being visually read that violence ensues.

Lugones' description of the new gender system produced from colonialism is useful for understanding the colonial moment of trans of color livings because she thinks over the racial dimensions of the light and dark side of gender. This kind of mediation is useful because it takes into consideration components of one's colonized existence to include various genders, sexes, and class statuses. If the colonized origin of trans of color livings is to be reckoned with, then it has to consider the multifaceted nature of the legacy of colonialism as coloniality of gender. This is primarily due to how the coloniality of gender contributes to the present condition of being trans of color. Therefore, Lugones' claim of a new gender system is useful along these lines because she considers how this axis of gender functions co-constitutively with coloniality. She states how,

> "Colonialism did not impose precolonial, European gender arrangements on the colonized. It imposed a new gender system that created very different arrangements for colonized males and females than for white bourgeois colonizers" (Lugones 187).

This is to say that the groundwork of the modern gender system was contrived with careful attention to the white bourgeois colonizers. Indeed, gender functions as a central component to the coloniality of power within the gender system.[41] Lugones' concept of biological dimorphism functions to describe how heterosexual and patriarchal identifications organizes gendered relationships. Biological dimorphism here means rooting a sexed body in a gender binary. Within these relationships, the light side of gender refers to white bourgeois men and women while the dark side of gender refers to the colonized's reduced gender systems (Lugones 206). An example of what was erased in these reductions for the colonized is the

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[39] Lugones, Maria. "Heterosexualism and the Colonial / Modern Gender System." Hypatia. 22.1 (2008): 186-209. Print.

[40] Cacho, Lisa M. Social Death: Racialized Rightlessness and the Criminalization of the Unprotected. New York: New York University Press, 2012. Print.

[41] Coloniality is a term borrowed from Anibal Quijano in her discussion of racialization of the colonized. It contests thinking about colonialism as a one time event to argue about the practices and structures that carry its living legacy. See Quijano's article "Coloniality of Power, Eurocentrism, and Latin America" for a more fleshed out argument.

existence of third genders. Eliminating genders outside of the biological dimorphic society is what sanctions space for death because there is no space to exist.

Nelson Maldonado-Torres concept of "*space-for-death*" is useful in conceptualizing the colonial moment of trans of color livings because it describes the state of being outside a biological dimorphic society.[42] That in not having space to exist, it makes space for death. Firstly, Maldonado-Torres describes how the project of modernity creates a "'death-world" and "'life-world'" (Maldonado-Torres 15). The death-world functions as a "*space-for death"* where "human death is made more understandable in the colonized world," particularly on all "racialized subjects" (Maldonado-Torres 16). Connecting Maldonado-Torres' *space-for-death* to Lugones' concept of the production of biological dimorphism "*space-for-death*" deliberately engages with racialized and gendered subjects, because the colonized are both raced and gendered subjects. An example of this is the genocide ensued from colonization of third genders in California.

Deborah A. Miranda's investigation into the gendered colonialism of the Joyas illustrates how extermination of third gender people, Joyas, contributed to the construction of the biological dimorphic society.[43] This relates to an early colonial moment of trans of color livings because it demonstrates the targeted violence Joyas endured under both racialized and gendered duress. The extermination of the Joyas can be understood as gendercide because the violence enacted on this community was firstly due to the "victim's primary gender identity" (Miranda 259). This is largely due to the space-for-death Joyas were placed in, where they had no room to negotiate their humanity or existence. All that was possible was exile from their communities, assimilation into the colonizers gendered system, or extermination from life. Therefore, the ruthless attacks to eliminate the Joyas contributed to the construction of a biological dimorphic society. This is where all that is allowed to exist is within the framework of a gender binary rooted in the sex binary. One mechanism that facilitated a Joya's death is visuality.

Nicholas Mirzoeff's description of visuality functions as a surveillance method to regulate the biological dimorphic society. That visually reading a Joya provides the basis to create a moral judgment that sanctions death. As Mirzoeff describes, "visuality is not war by other means: it is war" (Mirzoeff 6).[44] Although Mirzoeff speaks about the authority of visuality on slave plantations by the colonizer as one method of war, visualized surveillance also functions to regulate expectations in gender. This is best seen by the judgment of clergymen. As spoken by a Father Juan Crespi in 1769, "we have seen heathen men wearing the dress of women" (Miranda 260). The visual reading of a "man" in a "women's dress" as "heathen" is a moral judgment that declares war with colonized genders. Visuality becomes the method to

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[42] Maldonado-Torres, Nelson. "Enrique Dussel's Liberation Thought in the Decolonial Turn" TransModernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World. eScholarship. University of California, Merced, 2011. Print

[43] Miranda, Deborah A. "Extermination of the Joyas: Gendercide in Spanish California." Glq: a Journal of Lesbian & Gay Studies. 16 (2010). Print.

[44] Mirzoeff, Nicholas. "Introduction". The Right to Look: A Counterhistory of Visuality. Durham: Duke University Press, 2011. Internet resource.

declare war against third gender peoples because of the discrepancy in gender systems. Discrepancy in gender systems is not simply an innocent difference, but one mobilized by the colonizer to warrant death of people outside the biological dimorphic society. This is the ability for spanish colonizers to read Joyas and assign death. Visuality becomes the method for war with the colonized third gender people as their target.

The colonial moment for trans of color lives is one founded in the regulation of a biological dimorphic society. In the creation of a biological dimorphic society, anything outside this construction is a space-for-death unique for trans of color lives. The coloniality of gender serves to continue to regulate the biological dimorphic society by granting life within the society and declaring death outside, especially for those on the dark side of gender. Ultimately, this means that maintenance of colonized gender systems means using visuality as a method to declare war and create death. Comparing the colonial moment to the contemporary moment, it becomes easier to see how trans of color livings is one that reckons to be kept alive?

Contemporary Moment of Trans of Color Livings

While the colonial moment of trans of color livings gives a historical and theoretical account to the formation of a new gender system, the contemporary moment describes the present conditions that govern trans of color peoples' ability to live. It is from this point that historical inertia meets flesh. Maintenance of a biological dimorphic society manifests itself as policing trans of color lives. Thus, the contemporary moment of trans of color livings is governed under being policed and criminalized for simply being trans of color. Life chances are administered according to gender, race, and class.

Life chances are administered according socially acceptable genders that have administrative currency. In Dean Spade's *Normal Life*[45], Spade argues "administrative systems[…]invent and produce meaning for the categories they administer, and that those categories manage both the population and the distribution of security and vulnerability" (Spade 32). This has "particularly dangerous outcomes for trans people" where gender norms are enforced as a "technology of control" (Spade 29, 161). Consequently, he argues for a model of power that "examine[s] systems that administer life chances through purportedly 'neutral' criteria" (Spade 30). Neutral criteria as administrative categories, like a two gender system. Here, maintenance of a biologically dimorphic society means maintaining exclusive categories of gender. What this means for trans people is access to institutions that make living a viable option. These institutions complicate access to education, health, protection, and housing for trans people because they are not seen to exist or not considered worthy of access. Lisa Marie Cacho engages more with the social value of worth. Although she speaks primarily to the racial aspect of morality and worth, her function is to understand how value is given or not given to trans people of color.

Cacho's analysis of racialized value fits within the contemporary moment of trans of color livings because it provides a framework to think of human value for trans of color lives. Human worth not as an inherent aspect of morality, but as a mechanism to administer life chances. Thus, the contemporary moment of trans of color livings meets the worthiness to live.

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[45] Spade, Dean. *Normal Life : Administrative Violence, Critical Trans Politics, and the Limits of Law*. Brooklyn, NY: South End Press, 2011. Print.

In her book[46], Cacho describes how "value is made intelligible relationally", or, that if something is of value, there also exists that which is valueless (Cacho 13). Cacho specifically examines how "human value is made intelligible through racialized, sexualized, spatialized, and state-sanctioned violence [, in particular how] social value is also contested and condones through legally inflicted notions of morality" (Cacho 4). The comparative analytic Cacho deploys to understand value is useful within the contemporary moment because it provides a framework to think about to what subject do police assign value. That which is ordinary, is in fact, mayhem livings for trans of color lives. To illustrate the violence of value, Eric Stanley discusses the imprisonment of trans and queer people of color.

In the contemporary moment, Stanley illustrates how police violence and imprisonment are naturalized for queer and trans of color audiences. The colonial moment provides the framework to understand how unlivable present conditions are for trans of color lives. Stanley describes how "regimes of normative sexuality and gender are organizing structures of the prison industrial complex" (Stanley 4). What this does is that it shows how "Trans/ gender-non-conforming and queer people… are born into a web of surveillance" (Stanley 7). To name a few examples of this surveillance and its repercussions: how children are gendered at a young age, the undue violence from peers and familiars, they are turned away from shelters, are given no foster care, enter the juvenile justice system, and face employer discrimination.

While Spade examines the distribution of life chances according to admission into administrative systems of gender, Cacho examines the differentials of value with a racial lens. The work of both of these studies for this project is that they make sense of the contemporary violence experienced by trans of color people as illustrated by Stanley.

Narratives of Trans Women of Color: Police Violence

Tethered to both the colonial and the contemporary moment, narratives of trans women of color illustrate the conditions of their being. Taking into account both moments, this is where conceptual violence meets breathing skin. Here are the intimate accounts of Sylvia Rivera, Toni Newman, The Lady Chablis, and Janet Mock interacting with police. These stories illustrate how one condition of being within the context of trans of color lives in the dark side of gender coloniality is: lending itself to bodily regulation and extermination as maintenance for the biological dimorphic society. Regulation as active police presence that routinely arrests transgender women, where they are continuously surveilled. Extermination as keeping trans women of color invisible to social institutions, socially excluded from subjecthood as objects or ridicule and sexual desiring. In turn, extermination also means trans women or colors' inability to benefit from protection and become available to physical violence. This kind of examples of regulation and extermination stem directly from the embodied experiences and hushed voices of trans women of color.

Regulation of trans women of color is found in the space of a car, the streets, hotels and the courtroom. At each of these public and private spaces, the social position of being in the dark side of gender coloniality lends itself to regulation because the presence of trans women of color threaten the stability of the biological dimorphic society. Therefore, acts of survival and existing

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[46] Cacho, Lisa. Social Death: Racialized Rightlessness and the Criminalization of the Unprotected. NYU Press, 2012

embodied by trans women of color are interrogated by police. The act of being endangers the constructed coloniality of gender. As a result, access to privacy in any shape is access to reckon with because privacy is never a given. The concept of privacy takes shape in an embodied experience with the ability to self identify as a women. This is so because the difference between how trans women were assigned at birth in comparison to how they self-identify is always a perilous assertion. The best example for this can be seen in The Lady Chablis position of having to assert who she is.

The Lady Chablis, or Brenda Knox, became vulnerable to police violence because asserting herself as a black woman performs contrasts to the expectations of being by a white police officer. This is best seen in a place where self-identifying is regarded as "identity falsification". After traveling all over major cities in the South to perform in clubs, Chablis pulled into a club in Montgomery, Alabama. After parking and turning off the car's ignition, a police officer pulled up behind her car and began questioning her, without answering her questions in return. With her friend Kenny in the car, Chablis recalls the interaction:

> "'May I see your driver's license, ma'am?' Kenny gave me a slight shrug and whispered in my ear to cooperate. Surely this was all some *hoogie's* way of tormenting a black girl.
>
> 'Ma'am, your driver's license says *Benjamin Knox.* What's goin' on here?'
>
> Uh-oh.
>
> 'My name *is* Benjamin Knox, but I *use* Brenda Knox.'
>
> 'Ma'am, excuse me, but something ain't right here. Would you please step out of the car?'
>
> Instant terror. Child, I hadn't got so much as my left pump outside that Ford when the officer pulled out a set of handcuffs and arrested me for –get this one–'falsification of identification'.
>
> And then he took my purse outta my hand and poured everything out on the hood of the car. Great. Maybelline eyeliner, three stamps, my wallet, and a joint. I'm standing there with my hands cuffed behind my silken back, tears streaming down my face. I must been some sign with that Miss Gay World crown on my head.
>
> 'That's mine,' Kenny pleaded to the officer, who was inspecting the drug in my purse. 'Please don't take her. Take me,' Kenny begged, but that cop wasn't budging. This was Alabama: there's no good reason to take a white boy to jail if y'can find a black one instead, specially if the nigger's queer and wearing a dress. So they took her purse and her gowns, and they whisked The Doll off to jail. Alabama! Home of redneck, nigger-hating, sons of bitches! And y'can bet they had a heyday with me." (Chablis 93)

After a few hours, Kenny returned with the club owner, Nick Scout, to bail Chablis out of jail.

> 'But Nick Scout had to put up his club and its property to get me out. The bail was twenty thousand dollars. Big. And that's when I knew I was in trouble. The next day Nick took me to his lawyer. Her name was Melissa DeLane, and to this day, I've promised myself, when I get all my money for this damn book y'reading, I'm gonna find that woman and pay her. [….]
>
> She told me flat out: 'You're looking at six to twelve years, and they will go after you. You're gay, you're black, you dress like a woman, and you're in Alabama.'

Girlfriend was some kinda direct, now, wasn't she? (Chablis 94)

With the help of Kenny, Nick Scout, and Scout's lawyer, Melissa DeLane, Chablis was able to prove that she lived her life as Brenda Dale Knox by using documents like her light bills, estrogen pills, and letters from her gran'mama. The police violence within this incident was not one so much as initially relating to sex work or explicitly being trans, but the threat of being black women in Montgomery Alabama when she was assigned as male. Police violence within this scope is the police, without reason, stating "What's going on here?". It is from this moment that Chablis is made available to racial and gendered discrimination.

The policeman's perception of her changes by his proximity to her, which illustrate the shift in orientation and treatment of her. Chablis did not change as the object under investigation, only the policeman's discovery of her. This can be seen in the shifts in his attitude and questions: from pulling up to the car, to questioning who she was, to handcuffing her, and finally, taking all the things out of her purse. One way to interpret this interaction is standard procedure by a policeman. However, naturalizing the subsequent interactions with the policemen leaves many questions unanswered, such as: Why did the policeman not ask about Kenny?; What made Chablis dangerous enough to handcuff?; What about this interaction made it necessary to pull everything out of the purse?; and, why did Kenny carry the urgency to claim the blunt as his and not hers?

This instance makes it possible to think about racial dynamics that make it impossible for trans women to ever receive any kind of privacy where race is patrolled, searched, and investigated meanwhile gender is assigned and enforced. What makes this instance additionally nonsensical is that fact that "falsification of identification" provides the means to detain and prosecute Chablis for 6-12 years in jail with 20,000 dollars for bail. The kind of seeing enacted by police provides the medium to hold Chablis captive. The seeing by the Other that assigns Chablis to be "false". This relates to one of Fanon's central claims, which is that "the Other fixes me with his gaze, his gestures and attitude, the same way you fix a preparation with a dye" (Fanon 89). Chablis was fixed as an object of contention. Laced under the coloniality of gender, Chablis' blackness and gender provide the means to regulate her embodiment. Comparing Kenny's experience with Chablis reveals the differentials in treatment. As a black trans woman, she was interrogated, handcuffed, and physically investigated. Kenny was not fixed under the eyes of the Other as Chablis was fixed. Visuality provides the means to interrogate Chablis, and her gender the means to prosecute her.

What is even more striking is the fact that Chablis' lawyer knows the courts of Alabama well enough to state "and they will go after you", which directly mirrors how Chablis felt in that the police officer had a "heyday". Under the eyes of the law, pursuit of the suspect meets the glory of exposure. Her blackness in the South and her gender discrepancy with her identification provides the means to claim Chablis as "false". The object of persecution is therefore apparent on all four fronts: the policeman who sought to persecute Chablis, Chablis knowing she was vulnerable, the Alabama justice system that sought to pin her to a prison, and the lawyer that knew the system all too well. The site of contention is Chablis. She has her existence questioned as someone considered black and trans. However, the case under which she is being reprimanded for is a "falsification of identification", which is directly connected to her identity as a woman. Compounded by her race, Chablis's gender remains under scrutiny and provides the basis for the

policeman's court case. Chablis' embodiment allows police to interrogate her privacy because of trans people of color's expected nonexistence. Kenny's embodiment does not oppose the biological dimorphic society because he fits as a white man. Therefore, she exists as a non-human because she belongs to the dark side of gender coloniality. Meanwhile Chablis was interrogated within the space of the car, her gender, and a courtroom, Sylvia Rivera was regulated on the streets and riots of New York.

Sylvia Rivera recounts how it was like to not be considered human and corralled by police. Rivera is regarded as a LGBT revolutionary during the Stonewall Riots. As a gender-variant poor Latina, Sylvia faced homelessness, street violence, police aggression, and incarceration. At 10, Sylvia left to find community and kinship on 42nd street in Times Square. Two instances that illustrate police violence is her common every night interactions with the police, and the interaction with the police during the Stonewall Riots. Sylvia reflects on being on the streets of New York and wrestling for her survival against police:

> "'Police were the real enemy. We expected nothing better than to be treated like we were animals–and we were. We were stuck in a bullpen like a bunch of freaks. We were disrespected. A lot of us were beaten up and raped. When I ended up going to jail, to do 90 days, they tried to rape me. I very nicely beat the shit out of a man'" (Gan 294).

Thus, while facing homelessness and creating community on the streets, Rivera was surveilled and policed. The sequence of logic Rivera offers is that she makes a point to claim police "as the real enemy", an epitome of an antagonist. The logic of value follows that Rivera and her community were considered "freaks" and were "disrespected". Subsequently, they were treated like "animals": "beaten" and "rape[d]". As Rivera recalls, they were not even treated like humans. Thus, police did what they wanted. Encounters with police automatically fomented violence for trans of color people. If the point of encounter begins with seeing, then understanding how visuality through phenomenology better illustrates the incident of police violence. Rivera's experiences reveal not the essence of self, but the encounter with the other, the police.

The encounter with the police exposes differentials in treatment of poor trans people of color. The encounter between police and Rivera illustrate how: differentials of worth in labeling someone as criminal are oriented, the acts of state sanctioned violence towards people who live on the street, and additionally, shows examples of possibilities to negotiate with the world. The basis of violence by police begins with the value assigned to "freak". "Freak" not as an isolated nor innocent label of worth, but rather, as the sedimented value of gender and race from colonial gender systems. "Freak" as a label for those on the dark side of the gender system. The impact stems not only from simply being labeled a freak, but Rivera knowing how she is seen by the police, as a "freak". Borrowing from Ahmed, the police orient to label others as "freaks" and thus worthy of violence. The orientation of police as the normalized method of being, whereas poor trans of color individuals stand as "freaks". If the ability to label someone else as a freak to merit violence operates on an axiom of worth, where those on the street are worthy of violence, whereas those who sanction power are not.

One could argue that "freak" is a fleeting descriptor by Rivera, that amongst being raped and beaten, this stands as a secondary form of violence rooted in semantics. However, the label "freak" is the hinge from which physical violence can be leveraged to the severity it is

experienced. The orientation described by Ahmed is one that offers an opportunity to examine how "orientation involves aligning body and space: we only know which way to turn *once we know which way we are facing"* (Ahmed 7). Rivera is oriented to know she is a freak under the orientation of the police. Police were aligned to engage in normalizing violence, and Rivera acted to self-preserve her being. Rivera was worth labeling "freak" as opposed to the policemen who monitor the standard. Despites being fixed in the policeman's gaze, phenomenology also stands as a "critical possibility" in negotiating with the world, as explained by Rubin (Rubin 268). The possibility here is in self-preservation irregardless of the panoramic focus of police, prison, and institutional power. Self-preservation within these confines is Rivera's ability to attest to her own life and "nicely beat the shit out of man" who tried to rape her. Alongside resisting police with kin, Rivera also distinguishes gendered and racial components of the police during raids.

The Stonewall raids represent how police disproportionately targeted people based on race and gender-variance. The gender clothing law at the time provided the means to target the gender-variant community in gay bars. Even though the gay bars were largely white, "the street youth and the gender-variant people nearby-- many of them working-class and of color- who were at the front lines of the confrontation" in the Stonewall riots (Gan 295). By consolidating identities to gay, it didn't explain why the "police targeted some 'gay' people for harsher treatment" (Gan 296). During bar raids and street aggression, police partially bypassed the gay and white men to target people like Rivera. This differentiation on physical violence illustrates how police function to regulate not the white men who owned bars and entered clubs, but rather, the gender-variant and of color. Although Gan's observations seem out of place in a section where the focus is the direct experiences of trans women of color, there is a notable connection between Gan's observations to Chablis' experience. The treatment of Chablis in contrast to Kenny mirrors the treatment of Sylvia Rivera and her community in contrast to the white club owners. The direction of physical and legal violence pivots itself in the direction of a threat. The burden of regulation is targeted for those on the dark side of gender coloniality.

Belonging to the dark side of the biological dimorphic society, gender-variant poor people of color inhabit the space of violence that is the space-for-death the police actively maintain. Police inherit the direction of their aggression from gender coloniality. The harsher treatment trans women of color experienced is nothing isolated. While Sylvia Rivera gives an account of police at the front lines of a riot and on the streets, Toni Newman gives an account of feeling invisible in the legal system and taken advantage of by the police.

Toni Newman is a college educated business women. After losing her job for choosing to transition, no longer having health insurance, and spending most of her savings on her transition, Newman was forced to begin sex work as a means for living in New York. Later she was "arrested for solicitation", or sex work, taken to the precinct with "other transexual" women, and told by police officers that they were "all going to jail for a long time" (Newman 118). Often, these were strategies by police to drive by and pick up any one suspected of prostitution. Upon reflecting on this experience, Newman notes:

> "But the police took advantage of our ignorance of the law to do as they wanted and say what they wanted and bypass our rights. I realized the police considered us less than human. I heard stories from other transsexuals about their arrests. They told me that

> oftentimes, public defenders would come in and instruct them to take a plea. They would end up pleading guilty, even if they had done nothing wrong. We are invisible to the legal system. And I thought to myself, why? I am amongst pimps, crazies, and drug addicts, but I am still a child of God." (Newman 119)

The police took "advantage" of Newman and "other transexuals" during their arrests, often when they had "done nothing wrong" (Newman 119). Police violence here is self-evident: the police officers' act of bypassing their rights during arrest, having these arrests be routine occurrences, and being forced to take a plea, irregardless of whether or not they committed a crime. Incarcerating these women "for a long time" and dually being "invisible to the legal system" is a dynamic effacing of not existing within the public.

The dynamic effacing process for trans people of color makes it so that they are made to not exist institutionally. This is to say that what Newman describes as her felt invisibility under the legal system is in fact how the coloniality of gender operates. Administrative systems that operate gender as uniform categories do not acknowledge trans of color lives, as demonstrated through no access to protection from police, no access to their rights, and no access to a fair trial. Maintenance of a biological dimorphic society perpetuates the space-for-death for trans people. As described by Spade "administrative systems[…]invent and produce meaning for the categories they administer, and that those categories manage both the population and the distribution of security and vulnerability" (Spade 32). Within this context, Spade discusses how gender functions as a category within legal systems. The exclusive gender-sex system under administration makes it difficult for any being outside the system to exist securely or comfortably. Therefore, the experience Newman describes, and the analysis of power Spade offers, illustrate how uniform gender-sex system produces invisibility to trans women of color because they are not under the protection of the law.

The experiences of Chablis, Rivera, and Newman illustrate how their embodiment lends itself to vulnerability and physical violence, under police discretion. In both public spaces of the street, and private spaces of a car, they threaten the momentum of gender coloniality. Therefore, police regulation of trans women of color functions to maintain the biological dimorphic society. The condition of being trans of color, therefore, is one of constant regulation. From police-round ups, to police searches, each of the people mentioned interact with the police. Clearly, these women are visible to police but remain invisible to the justice system. This discrepancy allows for police to do as they will. Therefore, under the duress of police violence, an analysis via phenomenology provides a mode to not only reinscribe the existence of trans women, but also an opportunity to meticulously examine the absurdity of treatment done onto them. When the sense of being takes shape in feeling human, Chablis, River, and Newman each mention what it means to be human under the duress they experienced.

The question of being human connects to the inescapable condition of being trans of color. Trans women of color are placed in a hierarchical relation to power as people of the streets in comparison to police, who are people of state sanctioned power. They exert ideals of existence by walking the streets while police exert their power to raid. This is neatly summarized in Newman's description of how she and other "transexuals" are seen by police when she notes how she "realized the police considered us less than human" when the "police took advantage of our ignorance of the law to do as they wanted and say what they wanted and bypass our

rights" (Newman 119). For Neman, the pinnacle of her non humanity was revealed under how police treated her. This illustrates how police with institutional power within the legal position use their power to govern the streets and ensure that any non-human individuals are eradicated. That to be "less than human" is to warrant non-human behavior towards trans woman. Rivera touched on the point of being considered non-human by being treated as an animal. Rivera recalls how "We were stuck in a bullpen like a bunch of freaks" (Gan 294). Treated less than human, and penned in like animals, Rivera was treated as a non-human. Rivera self describes as "freak" to show explain how non-human they were treated. Chablis, on the other hand, experienced being non-human under the severity of the law for being "nigger's queer and wearing a dress" (Chablis 93). Chablis experienced the full force of the law not because she did anything inherently criminal, but because she embodied the non-human behavior under the eyes of the police officer. While Chablis, Rivera, and Newman describe simply being within various kinds of spaces, the sex acts trans women of color utilize to survive also makes them vulnerable to police violence.

Toni Newman and Janet Mock describe the kind of entanglement trans women of color experience as sex workers under the watch of the authority. Specifically, how trans women of color are entangled in performing sex work, negotiating being desired with the police, and being persecuted by the police. Balancing these dangers entwine into a condition of being a trans women of color. The result: that they continue to inhabit the dark side of the gender system and continue to experience either regulation or extermination by police. Newman recounts the unfairness in sexual desiring from police to trans women while Mock describes negotiating survival with the police in sex work.

Sex work is inherently positioned to stand in opposition to state-sanctioned work followed by its regulatory police powers. Here, I want to note that sex work within this context is not necessarily liberatory, but a means for a living. For women who choose to be and show their self-identified gender, despite society's expectation of people assigned as men, sex work may be the only means for sustenance because of strong employment discrimination, familial exclusions, and the hourly polarized regulation of gender. All of these combined delimit any other kind of existence. Already excluded by society for being trans, these women are doubly excluded as sex workers.

Newman returns to Las Vegas from Los Angeles to perform sex work with her clients in hotels. On her last day, with an undercover forceful policeman, Newman and her friend were arrested for accepting payment for sexual services and for marketing their sexual services online. After being released, Newman notes the difference between New York and Las Vegas police officers upon being arrested and detained:

> "While we waited to get booked and tested for every disease under the sun, we noticed three officers who had visited us at the Hooters Hotel. The guy who fingerprinted me had seen me just two days before our arrest.
>
> In New York City, plenty of cops had been my clients, but they always gave me the heads up when big arrests were coming. They would tell me which nights the vice squad would be out, so I could stay off the streets. But the Las Vegas cops had visited at the hotel, our dates went well, and they left without warning us. So I was baffled when they came to arrest us. They had paid me for my time, yet a few days later, they returned

> to arrest me for providing the very same services they had spent their own money on. It blew my mind to see how they operated, and I was shocked to discover the unfairness of their practices.
>
> Later, I understood these cops were caught between fulfilling their own personal needs and desires, and their sworn duties to uphold the law.
>
> There I was in jail, with three officers who had bought our services, and an arresting officer who seemed overly intrigued by me. Once he realized I had no record and would be released, he was very disappointed" (Newman 182-3)

This description notes how cops in both states practiced raids via vice squads on sex workers, but that New York police warned the sex workers before arrests while those in Las Vegas did not. The focus is not the varied acts by police, but rather, the discrepancies in warnings by police that produce safety or danger for sex workers. The degree of safety for trans women of color lies in how police will their duty and desire.

Trans women of color are entangled in a relationship between producing financial security for themselves and negotiating their personal security with policeman. This act of negotiating never guarantees safety, but rather, makes regulation and extermination the basis inhabiting the dark side of coloniality. Police violence is an indispensable aspect of regulation and extermination, regardless of temporary safety. Safety not as a deadlocked space of negotiation, but as a precarious position to be regulated and exterminated. Newman insightfully notes how her safety is dependent on a policeman's dilemma: "cops were caught between fulfilling their own personal needs and desires, and their sworn duties to uphold the law" (Newman 183). Police wrestled personal sexual desire with sworn public duty at the expense of trans women. For Newman, police violence is "unfairness of the practices" where they pay for illegal acts, and then arrest trans women for committing the crime (Newman 183). What is unfair is the position trans women are placed in relation to the law. While police were suspended from the decree of the law as police officers seeking sexual fulfillment, Newman feels "baffled" when she was arrested for the acts they engaged in. Trans women who are sex workers can be prosecuted, but police are not. Police inhabit the place of upholding the law and betraying it. If trans of color livelihood assumes negotiation with police, then the orientation of power is always given direction under policeman discretion. Under the dark side of gender coloniality, they are cast under the will of police. Therefore, Newman feels baffled because the unsaid rules of order for sex work is police negotiation, but here, Newman was arrested. While Newman describes the state of unfairness trans women are placed in, Janet Mock describes how she negotiating with police to secure safety.

After deciding that she would transition and have genital reassignment surgery, Mock enters the streets of Merchant Street to be able to earn enough money to afford her transition. Mock describes the street knowledge that was necessary to navigate sex work:

> "We spilled the tea about good dates and bad dates, about guys who were shady or sketchy or high, about the ones who took way too long for the amount of money they offered. We also knew who was a cop who liked to date and actually paid, versus the ones who liked to date but would threaten to arrest you if you made him pay.
>
> To avoid getting arrested by undercover cops (or *maka'i*) and sting operations– which usually happened at the end of the month, when the police department needed to

> meet quotas– we developed a code based on the experiences of older girls on the streets. Word was that if you said *gift* or *donation* instead of *price, money,* or *cost*, you couldn't be arrested because you hadn't attached a dollar value to sex acts. Another safeguard was asking a date to let you touch his penis. If he willingly whipped it out, that meant he wasn't a cop, because a cop wouldn't cross such a line. Some girls would go as far as telling a date to lick her breasts or genitals to be completely sure he wasn't an officer. This was all dependent on the cop's trustworthiness. This system helped me to never get caught, unlike Wendi, who was impatient and took risks. She got popped a few times on Merchant Street. Luckily, she was a minor at the time, and her arrests were expunged from her record" (Mock 205)

Mock describes the various kinds of relationships sex workers have with policemen. The police violence inherent in Mock's experiences depends on how the police choose to relate to the sex workers: policemen could be in "sting operations" and attempt to incarcerate trans women, or seek a date where they choose to pay or not pay. These policemen stand as either potential and willing clients, or deceptive undercover cops. In Newman's case, both. To combat the kind of uncertainty these trans women face on the streets, they resort to their own circle of knowledge and share strategies to avoid getting caught by police.

The "system" Mock describes place her and other trans women of color in the precarious position of navigating the dark side of gender to secure livelihood. Performing sex work was not so much a choice as an ultimatum: exist as assigned or work to become. However limiting this choice is, it still unravels an ability to enact. The system in place is was what Rubin calls "negotiation with the world" (Rubin 268). Rubin states that by utilizing phenomenology, these negotiations can take shape. The "system" Mock describes is not something procured by herself, but a "code based on the experiences of older girls on the streets" (Mock 205). The possibility to persist, therefore, is an inheritance. This is not to say that metrics of safety are entirely tied to the developed system because there is still the diametrically opposed relationships of power between trans sex workers and police.

The relation of power between sex workers who are trans and the police officers is already one based on disproportional power. These women partially rely on police officers as a source of clientele while also acting as law enforcement. The police carry stable economic, judicial, and gender powers that give them access to do as they will with sex workers who are trans women, economic because they have the means to pay to sexual services. Judicial in that they can choose to warn women of raids, seek to enforce law, and seek to persecute trans women for their sexual services. Additionally is the gender dynamics of police men who seek trans women. This unique relationship is one that posits trans women as sexual objects for policemen. As a result of occupying the dark side of the gender system, they become fetishized objects available to police officers, but not available for any form of rescue. Another instance that illustrates the entangled position of power and desire is Newman's reflection of her and other transexual women's experiences.

Towards the end of her memoir, Newman begins to study law and help transexual women who are discriminated by the legal justice system. While studying cases, and reflecting on harassment she experienced, Newman reflects on her life:

> "In the course of my life as a transsexual, I heard many stories from other

> transsexuals about their treatment by the police and the legal system. Many were treated disrespectfully during their arrests, and housed with the men while awaiting trial. But they were not men. They did not look like men, and they did not feel like men.
>
> Sadly, transsexuals who were more manly, or unattractive, were verbally humiliated and made the object of harsh jokes. But the strangest thing of all was that attractive feminine-looking transexuals were often harassed after their release by police officers asking them out on dates. First they were arrested, then later contacted by the same officers for sex! In my mind, this was totally absurd." (Newman 195)

Here, Newman is describing trans women's experiences in the legal system in detention and release. There is the tension of being wrongfully detained in incongruent gender centers. Additionally, trans women are made either objects of ridicule or objects of policeman's sexuality. They are treated differently according to if they were more "manly", or more "feminine-looking", which can translate to either passing or not passing as a woman.

As objects of ridicule, transexuals continuously have their gender invalidated. There is no space to claim their gender for themselves because their gender is already marked as something open and available to police officers. On the other hand, passing trans women are actually asked out on dates. Thus, there is the difference of being ridiculed or sexually desired, but always and only as an object. The condition of being in this dimorphic desire makes it impossible to conceive of trans women as anything else. In either sphere, in appearing either way, they are harassed. Either with sexual advances or strong words of contempt, these women can't claim themselves for themselves. They are considered as a caricature of womanhood that is scrutinized by the male gaze according to how it serves police officers. In this case, the appearance of trans women functions as being sexually available or targets of derision.

While the previous accounts illustrate how Mock and Newman are entangled in systems of authority and desire, the following example illustrate how sex work disentitles trans women to protection by the law or state. That there is a sense of being human and being worthy of protection. This compounded by racial components between police officers and prostitutes, which fundamentally make it impossible for of color individuals to seek law to mitigate their material situation. They are left for social death in a fundamentally corrupt judicial system under racial, gendered, and sex relations. This can be best seen where Mock, attacked by one of her clients, calls for the police to file a report and the police choose to do nothing.

While working, Mock serviced a man who was high and offered her a lot of money. Before dropping her off at her spot on Merchant street, the man demanded for her purse with two days worth of pay. He was tweaking and threatened her with a pocket knife if Mock didn't do as he told. After having her head banged into the center console, and narrowly escaping, she was able to escape but without her purse. She recalls:

> "'GET THAT LICENSE PLATE!' I screamed when a couple of girls ran down the street to me. I called the cops from one of their cell phones, even though some of the girls predicted that they wouldn't do anything for me." (Mock 217)

Two cop cars arrived in ten minutes and began questioning Mock.

> "'Why did you go in the van?' asked the officer writing the report.
>
> 'He was giving me a ride home,' I lied, knowing that the truth couldn't be written on the report.

> ‘Aren’t you out here every weekend?’ asked the officer who drove the cart, chewing his gum nonchalantly. I recognized him and his mustache. He never bothered us but did drive around the block every few hours, often stopping to chat with Rebecca.
>
> I nodded with embarrassment. He wanted to squash this report and put me in my place as a prostitute unworthy of justice. His indignant tone said what all three officers were thinking: *There is no purpose in writing a report for you as you pretend to be a victim. You brought this on yourself*. I wanted to cry, because of the absurdity of my claims, of the fact that I had the audacity to report someone else’s wrongdoing to the police when I was breaking the law on the regular. Still, I wanted to show them my worth, to say that I was more than some teenage prostitute. I was different, special, worthy. I was a college scholar with promise and a 3.8 GPA. My cleavage-baring tank top and frayed denim miniskirt betrayed me. To them, I was nothing more than another hooker. No one would miss me if I went missing.
>
> ‘Do you want to press charges?’ the officer with the notebook asked in an exasperated tone.
>
> I shook my head and watched as they drove away. (Mock 217-8)

Police violence within this interaction is one based on a person’s worthiness that is developed by exposure to “criminal” activity. Criminal as in sex work under the eyes of the police. For Mock, criminal activity acts as livelihood in trans of color livings. Mock’s worthiness validates police’s neglect. Interlocking systems of relating as a human make it impossible for people like Mock to claim any kind personhood. She cannot be considered a “victim” of violence as a “regular” law breakers. She does not have the same access to police protection as a sex worker. The interpretive logic that Mock follows to think through her relation to the cops and the abuse she faced was, is “you brought this on yourself”. She is to blame for her abuse. This individualizing logic not only works to blame Mock and her social position, but also distances cops from any culpability in the latter matters.

Mock predicts that the police are saying that she “brought this on herself”. “This” as the violence she experiences with a client and “brought” as an open invitation to what transpired. Within the police’s eyes, her position as a law breaking prostitute equate to one who is worthy of violence. The logic of this interaction is especially apparent in how she appears and is seen. “My cleavage-baring tank top and frayed denim miniskirt betrayed me. To them, I was nothing more than another hooker” (Mock 218). The tank top and miniskirt associate Mock to being a prostitute. These items act to “betray” her because she deems herself to be worthy. This ends with the police seeing her as “nothing more than another hooker”. Wearing feminine clothing is not what betrays her as a trans woman, but their association with illicit sexual conduct. The tank top and miniskirt connote open, willing, and available. She becomes available to the temperament of police and their hidden sexual desires, but not as a being worth saving.

The entirety of this interaction was already anticipated by the girls whom Mock was with. Equally important, it was correctly anticipated that the police would do nothing. The collective prediction by Mock’s contemporaries illustrate that they know they do not matter to the police and are not worth saving. Existing on the dark side of gender coloniality escapes protection. Police violence within this scope is not only that they neglect this audience, but that the sex workers know they will be neglected.

The interaction between police and Mock is one of banal violence because repeatedly seeing Mock on the street, and understanding her to have the presentation of a prostitute, make it impossible for her to attain status as a person. This logic is based firstly on identifying Mock as a law breaker because she is a prostitute and, therefore someone who places themselves within harm's way. Secondly, the police repeatedly see her as a common ornament of the street. Thirdly, seeing her with her skirt and top that make her appear as a prostitute and therefore not worth saving. The web of information that goes into seeing Mock sediments before she has any interaction with the police to produce her as someone not worth attending to. The point that I want to examine is the competing notions of being seen and worth within Mock's internal dialogue.

This moment relates directly to trans women of color because their employment opportunities are obstructed by perceptions of who society thinks they ought to be in contrast to the way they express themselves as. This is one of the conditions of being transgender in a dimorphic society. Economic opportunities shuttle trans women of color onto the streets. Systemic forces of employment discrimination on trans women, and socioeconomic status push trans women onto the streets. Sex work materializes as an option when everything else disintegrates. Passage into the dark side of gender extinguishes opportunity to be saved. This can be neatly summarized in the encounter with police as an understood prostitute.

There are two kinds of seeing within this experience: the visibility of trans women working the streets to police and visibility of police, who monitor the streets for solicitation acts, by trans women. The combination of these two kinds of seeing results in the judgment that trans women are not worthy of rights. The constructed void of existence that trans women inhabit make it impossible for them to return the seeing that the police enact. Both are visible to one another, but the difference lies in how each perceive the other and enact judgment accordingly. The judgment based off of the seeing by police results in the automatic notion that trans women deserve incarceration, neglect, or physical violence. Incidents like this illustrate that trans women do not deserve to exist, especially on the streets where they face a significant amount of abuse. In addition to being jailed for sex work, there is the question of being considered human for trans women.

The question of being human for trans women is also one that closely connects to how they are seen and therefore treated. The seeing is based on location, occupation, gender, and race of an individual under scrutiny, all of which are deeply informed by socio-economic status. This is about the location of the streets as a sex worker whom is a trans women of color. In the first sphere to examine within the context of being able to inherit humanness is the condition of being a sex worker. On being human, Cacho's discussion provides a framework to think about worth and value upon shadows of violence.

As a sex worker under police neglect, Mock cannot ascribe herself human worth. Human worth is the aspect of morality that allows for police to willfully neglect any of the abuse Mock experiences. This neglect is an aspect of extermination of genders on the dark side of coloniality because trans women operate under a space where protection cannot be exercised. This is not to say that police protection is the goal, but that trans of color livelihood is extinguished under banal violence of police. Cacho's analysis of value asserts that "value is made intelligible relationally" or that value can only be assigned in relation to another object of value (Cacho 13).

Mock knows that under the eyes of the police, she has no worth as a sex worker. This relational assignment of worth maintain trans women of color in a place where neglect is in part the process to exterminate. The unworthiness to life trans women of color experience also rests in the neglect of protection.

The Lady Chablis, Sylvia Rivera, Toni Newman, and Janet Mock each demonstrate in their varying experiences what it means to be on the dark side of gender. Being regulated in varying spaces, entangled in desire and authority, and existing in spaces where banal violence is permitted, the question of being human is ever present. Where trans of color livelihood in a biological dimorphic society means being regulated and exterminated. This is not to assure the rigid place of abuse trans women of color experience. After all, Rivera "kindly" beat up the people who tried to rape her, or Mock walked the streets to afford her surgery, Newman studies to be a lawyer, and Chablis continues to perform. The condition of being for trans of color lives is prefaced by being made to not exist in a biological dimorphic society.

Conclusion:

This research project utilized autobiographical texts to examine the conditions of being for trans women of color. Raped, beaten, neglected, and avoided, these women were able to write these texts and speak for themselves. By using the memoirs of Sylvia Rivera, The Lady Chablis, Toni Newman, and Janet Mock, I argue that police violence is an indispensable form of regulation and extermination for trans women of color. This is in part the way to maintain the legacy of gender coloniality where trans women of color inhabit the dark side of gender in a biological dimorphic society.

The question of being is ever present as these women negotiate space where they are made to not belong. Without being, there can be no negotiation. Each of these women chooses to traverse the threshold of assigned gender to be. What ensued was clear violence with police; sometimes physical, often persecution, and even neglect. The opportunity to be opens possibilities to arrive at existence. Mark Aguhar writes of the axes, in what can be interpreted as methods of being in her poem "These are the axes:"

> "These are the axes:
> 1
> Bodies are inherently valid
> 2
> Remember death
> 3
> Be ugly
> 4
> Know beauty
> 5
> It is complicated
> 6
> Empathy
> 7
> Choice
> 8

Reconstruct reify

9

Respect, negotiate

These are the axes to operate. Trans of color livelihood is not guaranteed under the respective conditions of being. These axes keep the ability to be ajar in a world of police where it appears shut.

~Acknowledgements & Dedication

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This project is dedicated to those on, and off, the axes.