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## De-policing queer possibilities

Michael Rangel  
*DePaul University*, michvrangel@gmail.com

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De-Policing Queer Possibilities

A Thesis

Presented in

Partial Fulfillment of the  
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BY

Michael V. Rangel, M.S.W.

Department of Critical Ethnic Studies  
College of Liberal Arts and Social Sciences

DePaul University

Chicago, Illinois

Thesis Committee:

Dr. Anne Mitchell, Ph.D., Thesis Chair

Dr. Heather Montes-Ireland, Ph.D., Thesis Committee

Dr. Carolina Sternberg, Ph.D., Thesis Committee

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## Abstract

In the wake of a policed dystopia that is decreed by both state and social formations, this project develops an understanding of the performance and engagements of policing on racialized queer subjects. Through case and textual analysis, this project examines Black and Brown subjectivities that do the work of imagination, survival, and resistance that contest their possibilities of living. Bringing together Queer theorist and Black Feminist perspectives to define Queer subjectivity, possibility, and the tactical performance of policing- this project creates a theoretical framework about how de-policing Queer and racialized subjectivity and performance can be a life-saving strategy that centers the possibilities of life over death. This project develops a new understanding of how de-policing occurs within the contemporary conditions of spatial, legal, material, and geographical dimensions of queerness and raciality. *De-Policing Queer Possibilities* is set to articulate a robust understanding of the police state, racialized queer and trans realities, and possibility-making in both a transnational and contemporary U.S. framework.

**Keywords:** de-policing, queer possibilities, Transgender studies, queer theory, feminist theory, Transgender people of color

## Acknowledgement

In lieu of the events that have transcribed around us, I am forever grateful for this experience of thinking, creating, crying, laughing, and loving... oh so much love.

I want to begin with acknowledgement of the land we are on. The land we call Chicago is the traditional home of the Three Fires Confederacy: Ojibwe, Odawa, and Potawatomi. It is also the homeland of the Miami, Peoria, Fox, and the many more tribes who inhabited this land. And still do. Indigenous people are still here, and they are not a mystique of the historical past. I want to acknowledge my Black and Indigenous relatives and their ancestors, as we as my ancestors. I want to acknowledge our relationship to the land, not only Turtle Land, but all land. All land which is under threat, and that has been under threat for centuries due to the over-bearing demands of capitalism, colonialism, and the government that continuously perpetuates violence and harm on Indigenous peoples. I would like us all to recognize the lives lost to these systems, and the continual work Indigenous people are doing to sustain the biodiversity of this land. I am calling attention to each and every person that reads this and shares it to the next, that we share a common thread across humanity to Earth. Our life as a people depends on our collective action and love to act now. The time has always been and will always be now.

I have tried to not write *about* the folks in my project, but *with* and *for* my siblings within the movement and fight for Black, Indigenous and Palestinian lives. To those who have lived previously, presently, and the ones *not-yet* here, I give you my utmost gratitude for the joy and motivation that you provide me.

To my colleagues, professors and mentors at DePaul University have done nothing more than short of change my life. I am so thankful to the Critical Ethnic Studies Program and Women and Gender Studies Department, to Dr. Mitchell, Dr. Montes Ireland, Dr. Sternberg and Professor Kina for your guidance and support. I take a piece of each of you with me.

And finally, I want to express my deepest love and sheer gratitude for my Mother, my Grandma, and my late and greatly missed, Grandpa. People always ask me how do I work so much, how am I still going and how do I find the motivation- and my answer has always been you. My fire, my passion and my imagination, is all a reflection of the seed you planted inside of me- to dream big. Your sacrifices are my fuel to continue onward. Thank you is not enough. And to my family and best friends who have motivated me, fed me, cried with me, laughed with me, traveled, face-timed, called, texted- and I cannot thank you enough.

This paper was written through the process of acknowledging and working within the crisis unfolding right in front of us that is the rise in violence and harm towards Queer and Trans People of Color. As a social worker, scholar and community member, it is more than my job, but my duty to put in the work towards challenging, resisting and transforming the very systems that are affecting our lives everyday.

## Dedication

*This thesis is dedicated to the Black and Brown Queer and Trans women and who have contributed to my growth as a social worker, as a scholar, and as a person. It is dedicated to Mitrice and Marielle and Layleen and Strawberry and Dee and Tyra and those whose names have yet to be said or acknowledged-- who I will tirelessly challenge, resist and fight for.*

## Why De-Policing?

The construction and development of this project was initiated long time ago, way before I even knew whom Michel Foucault was or what power meant in terms of theoretical frameworks and meanings. I came to this decision when my own world was affected by an overt police presence that undecidedly and deliberately began influencing the possibility to become something more than a statistic, stereotype, or news story. De-Policing is an ideology that must be enacted and enforced now. It comes in the form of organizing, protesting, resisting, challenging, critiquing, healing and showing up. De-Policing is rooted in the understanding and realization that within our neoliberal and colonial state the only outcome from policing as a means to protest and serve- is death, if not corporeal then social. De-Policing Queer Possibilities was created with the intention to challenge notions of security, surveillance and safety; we have come to know in the contemporary U.S. framework. De-policing is not a new phenomenon in reaction to an over policed state, but what was once a reaction by police to retract from policing due to public scrutiny, should now be an entire de-funding, re-imagining and re-construction of security and surveillance as we know it. De-policing now, is about abolishing the conditions under which the police and policing of people's possibilities has become the solutions to our problems. De-policing is framework that is intended to bring justice to those affected by policing's impact, but more so, to save the lives of those it has yet to affect.



## 1. Introduction

The carceral state, or more graciously known as the police, obligates us to follow certain rules, regulations and norms that are lawfully protected both by the government and society. This has in fact long impacted the lives of Black and Brown Queer and Trans folks across the US in disproportional and traumatic ways due to its inability to operate beyond normative standards. In obscene of the obvious- policing comes in the form of Sunday mass, at your first date, buying a coffee, going out to dinner, mowing your lawn, answering the front door, going for a jog, in your car, or even in the comfort of your own home. Specifically, certain tools of power through policing are being used to determine whose life matters and whose do not, which explicitly is how the state declares power and policing over Queer and Trans people's lives. Such tools being used extend into the mass phenomenon of bio-political power, necro-politics (or necro-political governance), cultural capital, raciality, spatiality and legality. The abstractions of social death and disavowal of life, come at the hands of our kin, our lovers, our social relationships, our neighbors, and our communities. The police are not some unforeseen or obsolete force; they are these exact people who just put on a uniform and a badge and live amongst us. So how has our humanity and possibility for life become an ontological and epistemological ground for policing and surveillance, rooted in power, control, and death? In the breath of such prominent figures such as Ida B. Wells, Assata Shakur, and Angela Davis – how are we continuously being subjected to a prison-like phenomenon across every aspect of our lives? No longer do the police just show up when you call 911, they arrive at your doorstep without search warrants or premise, they occur in community watch groups, “concerned” citizens calling the police, school officers, and every other possibility you can imagine. The fight and struggle around how to navigate through a system designed against us, reaches an apex when we have learned to breathe

underwater—alienated by white and heterosexual peers and audiences who are fatigued from our tireless spirit for air. This paper will argue that the ongoing performance of policing, police force, and police state in American societies through state and social acts has altered the contemporary connection and disconnection of Queer life and Possibility-making. Queer possibilities are what I describes as the critical and radical existence of historically marginalized folks living beyond everyday measures of normativity in fulfillment of their own joy and healing, if that be in, or out, of normative standards. Though the people discussed in this project have operated in the world as queer subjects in the racial normalizing project(s) intent on pathologizing across dimensions of race, class, gender and sexuality.<sup>1</sup> By making racialized people the subjects of queer analysis, we are in complicating, expanding and emboldening our analysis and praxis of Queer Possibilities.<sup>2</sup> In doing so, we are arbitrarily combating the previous neoliberal agenda’s focus on “integration into state-controlled generic and normative institutions such as “marriage and the military.”<sup>3</sup> This project follows and builds upon queer scholars, performers, politicians, and activist who have considered the ways Queer possibilities expand beyond present day performances of life, through mechanisms of survival, imagination and resistance.

This paper contends to tell the stories of Queer people of Color; specifically, Black Queer femme subjects that illustrate an over-policed state in public and private spaces across the US and Brazil, but who have been most affected by its impact. In discussing their stories, we can evaluate and examine the performance of both the *subject and the state*, by which Queer people of color’s possibility for the future, even in dispute with the past, is greatly impacted and

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<sup>1</sup> Cohen, Cathy. "Death and rebirth of a movement: queering critical ethnic studies." *Social Justice* 37, no. 4 (2011), 128.

<sup>2</sup> *Ibid*, 130.

<sup>3</sup> *Ibid*, 131.

<sup>4</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol.

influenced by policing. In discussion with theorist across many disciplines, I look towards women of color feminism, critical race theory, black feminist theory, afro-futurism, queer theory and queer of color critique to tell this story. The history of Queer performance and politics as a means of possibility follows us back to acts of Black, Latinx and Indigenous resistance and justice work. Most frequent, I will use the workings of José Muñoz's theorization of futurity to discuss Queer Possibilities and just how it is contested and created in these moments of policing. As gathered from Joshua Chambers-Letson, José Muñoz argued that performances offer,

More than a vision of future moment; it is also about something new emerging in the actuality of the present during the scene of performance. The stage, like the shop floor, is a venue for performance that allows the spectator access to queer life-worlds that exist, importantly and dialectically, within the future and present<sup>4</sup>

This future and present moment through the performance of possibilities greatly impacts our notion of queer theory and queer politics. As stated by Cathy Cohen, queer politics “grounds our work in the lives of folks of color who are clearly not subjectless, but instead are subjected to the post-identity veneer of white supremacy.”<sup>5</sup> Though much to Cathy Cohen's introduction of *Punks, Bulldoggers, and Welfare Queens: The Radical Potential of Queer Politics?* we are still trapped in the footing of a queer politics that lives in the dichotomies of heterosexual, and everything “queer” that has policed, erased, and displaced Queer and Trans People of Color. Though much of the canonical writings of queer theory vary, I use Cohen's conceptualization of

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<sup>4</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol. 2. U of Minnesota Press, (1999) 198.

<sup>5</sup> Cohen, Cathy. "Death and rebirth of a movement: Queering critical ethnic studies." *Social Justice* 37, no. 4 (122 (2011) 131.

queerness or “queer” as the embodied and multi-sited resistance to systems that seek to normalize our being.

Specifically, Cathy Cohen, Charlene Carruthers, Patricia Hill Collins, Kara Keeling, Angela Y. Davis, Hortense J. Spillers, Christina Sharpe, Denise Ferreira Da Silva and Michelle Alexander serve as theoretical anchors for understanding the morality of de-policing tactics as a *de-construction and transformation for state and social norms that influence the life possibilities of Queer people of color*. This paper largely focuses on the complicated and contentious relationship between queerness, raciality, and the extensions of the carceral state, arguing that the systems we live in are presumably causing the actual and pre-existing conditions of death, both corporeal and social, of Queer people of color.

By in large, policing of bodies and possibilities is largely influenced by white supremacy, cis-sexism and heteronormativity- and undeniably these projects are all nearly impossible to escape in the world we live in. Thus, I imagine de-policing Queer possibilities as an affective project-- a felt experience-- as it is an intellectual, theoretical, creative, political, social, spiritual methodology for challenging our very notion of possibility-making and life. Queer possibility-making lays the foundation for this paper in understanding what constitutes justice, liberation, space and time and just how we are able and unable to do so; more deliberately it is a construction and re-imagination of life beyond the point of survival that is free of violence and harm. As subjects to the state and the social constructions of life in the Americas, Queer possibility-making never seems to move beyond the point of survival. Joshua Chambers-Letson writes “Sometimes, minoritarian performance is about freedom. But much of the time it is simply

about survival. And we need the latter to get to the former.”<sup>6</sup> Therefore, the subjectivity we will use is the identification and constitution of the performative realities and discourses of a person or persons that exists in the external world, while simultaneously accounting for the internal subject as well.

The “system” of the Americas was never broken, nor has its perception changed- it is a clearly built structure and performance of projects intends to be painted with the blood of Black, Brown, and Indigenous people who were sacrificed for its capital and gain. Speaking to the present contemporary presence of the police—we are living through a global pandemic where cops are deliberately and strategically targeting Black and Brown people in the streets during one of the biggest and largest uprisings in history. Specifically, bio-power as used by Michel Foucault and Giorgio Agamben is determining the value and non-value of life as we know it. In the case analysis of Mitrice Richardson and Marielle Franco, this project will unpack how Blackness, indigeneity, nationality, dis/ability, and queerness between the U.S. and Brazil nation state engage the difference of subjectivity and performance of queerness and raciality. Using the work of Jaime Amparo Alves, *The Anti-Black City: Political Terror and Black Urban Life in Brazil* and João Costa Vargas, *Hyperconsciousness of Race and its Negation: The Dialectic of White Supremacy in Brazil* to examine the necro-political governance and geographies that resonate with this paper’s developing methodology of de-policing by asking the question of how can the necro-political governance of the state produce life? This project tells us how the political imagination in restructuring global white supremacy is bound to the existential impossibility of life. Specifically, this project relies on Denise Ferreira Da Silva’s, *No-Bodies: Law, Raciality and Violence* to examine the underlining similarities and differences in the intent

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<sup>6</sup> Chambers-Letson, Joshua. *After the party: A manifesto for queer of color life*. Vol. 4. NYU Press, (2018): 28.

of police tactics and strategies that ultimately share the critical impact of choosing life versus death.

In a time where we have open representations of Black and Brown Queer life on television, political offices, sports, social media, and in positions of power—nonetheless it can seem as if we have made it to the utopian promise land of uninhibited glitter and gold. This looks much appealing to the eye, as it does to the heart, where we—as Queers—can be free from violence, free from harm, and free to live. But, in conjunction with the US’s politics and constructed social variables, we are far from it, and one could argue that we are not even close. In discourse provided by academics, practitioners, and policy makers, we should be living in a “post-racial”<sup>7</sup> and “post-queer”<sup>8</sup> time because of Black and Brown Civil Rights movements and same-sex marriage is legalized and gave us some rights? To be a person of color, queer, an immigrant, Indigenous, Transgender - to be living outside of normativity, are determinants of one’s access to life sustaining materials. Useful in this analysis, I use Joshua Chamber-Letson, *After the Party: A Manifesto for Queer of Color Life* to explain, where he proclaims, “We live in the face of a historical and social conditions that produce an unjust distribution of death toward, and exploitation of, black and brown life and queer and trans bodies, actively shortening...life with alarming and mundane regularity.”<sup>9</sup> With the economic and social advancement of certain social figures and establishments such as the friendly neighborhood gays who just bought a house on the cul-de-sac or gay bars pride events using images of Marsha P. Johnson or Sylvia Rivera or Miss Major with no awareness of their significance, we can determine all Queer and

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<sup>7</sup> Alexander, Michelle. *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press, (2020): 14.

<sup>8</sup> Freeman, Elizabeth. *Time binds: Queer temporalities, queer histories*. Duke University Press, (2010): 3.

<sup>9</sup> Chambers-Letson, Joshua. *After the party: A manifesto for queer of color life*. Vol. 4. NYU Press, (2018): 4.

Transgender People of Color (more commonly shortened to QTPOC or others are now using Black Indigenous People of Color- BIPOC) are *not* living with similar economic privileges, relationships to the law and police, support systems, or mental health conditions. So how did this happen? How can we evaluate and compare the success of primarily white LGB subjects, when there is still an over abundance of adversity and anguish for Queer, Trans, and Intersex people? Our favorite Black Queer and Trans femmes who are breaking down barriers of representation in Hollywood and on TV, in directing positions, writing books, in elected positions and so forth, but cannot carry the weight of every Queer and Trans Person of Color in the US on their shoulders; nor can the one Black or Brown Queer kid in your classroom, your friend group or your job. It is simply impossible. Co-existing in these spaces are the actions and memories of prior LGBTQ+ figures that we too, cannot continuously rely on, to answer our most pressing question: what do we do now? How can an over-policed, necro-political governance of life be undone or dismantled? How critical is it to re-construct what de-policing means in the abolishment of the police state? I use de-policing in all of its original meanings and new ones as a means of understanding how policing emerges within the contemporary conditions of spatial, legal, material and geographical dimensions of queerness and raciality. Specifically, by addressing the systematic and political means of the police state (or interchangeably used as the carceral state) and its impact on the ways in which Queer bodies and identities work through the erasure, the projections, the tabulations and the misnaming of Queer life are *its* possibilities.

The power of identity has long been the birthplace of politics. The state programs such as prisons and policing are *persistent in their efforts to legally erase Queer people of color from existence, both ontologically and epistemologically.*<sup>10</sup> For who is to be killed, locked away, could

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<sup>10</sup> Keeling, Kara. *Queer times, black futures*. NYU Press, (2019): 17.

possibly be a color and gender coded process, but most drastically it is an extensions of this world's most influential mechanism of power and control- neoliberalism. In grounding my analysis of de-policing possibility-making, I use Grace Kyungwon Hong's definition of neoliberalism useful to this project and Christina Sharpe praxis of the "wake work" in making sense of death and remembering and mourning and the capabilities of life and possibility-making. Hong's movement of neoliberalism in her book, *Death Beyond Disavowal* begins with her seeing neoliberalism as "that social totality, a totality that is always paradoxically incomplete because it is vexed by its phantoms, the trace or residue of that which can never be fully erased, yet cannot speak."<sup>11</sup> Hong's depiction of narratives and cultural texts is an epistemological formation used in possibility-making because it is organized around the complexities and possibilities of life without "any guarantee of a certain or knowable future."<sup>12</sup> This is important in my production of a de-policing methodology because we are able to notice the possibilities where Indigenous, disability, Queer and racialized life can occur. Hong discusses neoliberalism as a system that "opportunistically takes up minority and cultural nationalism by eradicating the heterogeneity of social movements and reducing our memory of what they were"<sup>13</sup> but also her argument in the current context is that neoliberalism "is a structure of disavowal of the ways in which race, gender and sexuality, operating together, determine the uneven exposure to precarity and violence across people and populations."<sup>14</sup> Queerness, sexuality, gender, race, ethnicity, or anything outside of normativity, is often an over-policed death sentence for bodies that are quite unintelligible to the neoliberal state. We push boundaries, and as Sharpe writes, through the

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<sup>11</sup> Hong, Grace Kyungwon. *Death beyond disavowal: The impossible politics of difference*. U of Minnesota Press, (2015) 29.

<sup>12</sup> Ibid, 34.

<sup>13</sup> Ibid, 60.

<sup>14</sup> Ibid, 147.



wake work we cause uncertain possibilities unforeseen to normativity that ruptures and encounters our proximities to death and the compulsions of capital in the “always-possible death”.<sup>15</sup> In these narratives that Sharpe guides us through, she draws out how Black people are ejected from the state and become symbols for the “less-than-human being condemned to death; become the carriers of terror, terror’s embodiment (an internal, the internal terroristic threat) and not the primary objects of terror’s multiple enactments but the ground of terror’s possibility.”<sup>16</sup> In doing so, Sharpe challenges the very notion of “post-racial” and “post-queer” times because it makes these things more visible past theory, social practices and law and displays just how little traction or movement has been done to be in the wake of a world where Blackness and Black people are unable to have possibility or potentiality. This helps us in creating this methodology of de-policing by pushing boundaries and causing uncertain possibilities for normativity by consciously positioning both disaster and possibility.<sup>17</sup>

To De-Police Queer Possibilities, there has to be a radical consensus that our lives are neither the product, nor the exception, to normativity, nor is there a reliance on disavowal. As argued by Lena Carlos Palacios in *Killing Abstractions: Indigenous Women and Black Trans Girls Challenging Media Necropower in White Settler States*, “We should instead work to manifest a politics that dismantles the social value that dictate who does and does not matter, and who can and cannot live, let alone survive.”<sup>18</sup> The policies and practices of de-policing must be theorized in a way that does not constitute an abstraction or alteration in the fabric of our lives, but a new imagination and domain for our existence. As Palacios continues,

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<sup>15</sup> Sharpe, Christina. *In the wake: On blackness and being*. Duke University Press, (2016): 71.

<sup>16</sup> Ibid, 79.

<sup>17</sup> Ibid, 134.

<sup>18</sup> Palacios, Lena Carla. "Killing abstractions: indigenous women and black trans girls challenging media necropower in white settler states." *Critical Ethnic Studies* 2, no. 2 (2016): 38.

The violence of abstraction refers to the multiple ways that racialized and gendered Others are made vulnerable to premature death by carceral state violence and settler colonialism, and it references how they are positioned as ‘permanently criminalized people’ who are ‘ineligible for personhood’.<sup>19</sup>

Queer Possibilities is about the *extension and constant construction onto the workings of Cruising Utopia, Black Times Queer Futures, Bodies That Matter, Feminist Queer Crip, After the Party* and so forth in the realm of queer narratives that are vital and viable to act in their own possibility-making. Where our movement is not voided in abstraction and melancholia of our departed, but the joy and glory of our livelihood.

Queerness, can begin the process of possibility-making where we live in our hopes and joy. Of course, there is much work to be done by debunking the notion that all gays are white, all people of color are straight, all men have penises and that gender is some binary of truth. This speaks to the production of queer politics and American queer theory that is rampant in our methods of practice, process and performance of queerness. As Cathy Cohen contests in “Punks, Bulldaggers, and Welfare Queens” “This is not an easy path to pursue because most often this will mean building a political analysis and political strategies around the most marginal in our society, some of whom look like us, many of whom do not”<sup>20</sup>; and this can either begin our intersectional analysis of power and coalition building or not. The progress of this project is not to create, nor agree upon, a kind of utopianism or queer utopian memory or future, because again, that is merely impossible. But- as stated by Muñoz “Utopia lets us imagine a space outside

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<sup>19</sup> Palacios, Lena Carla. "Killing abstractions: indigenous women and black trans girls challenging media necropower in white settler states." *Critical Ethnic Studies* 2, no. 2 (2016): 37.

<sup>20</sup> Cohen, Cathy J., “Bulldaggers punks, and welfare queens. the radical potential of queer politics?." *GLQ: Gay and Lesbian Quarterly* no. 3 (1997): 460.

of heteronormativity”<sup>21</sup> and as he continues, “It permits us to conceptualize new worlds and realities that are not irrevocably constrained by HIV/AIDS pandemic and institutionalized state homophobia.”<sup>22</sup> In describing these identifiable factors of possibility-making, Muñoz allows us to see where in identity and in politics we may converge, and diverge, and begin to imagine our possibilities.

Presently, there is a preconceived notion that US society is evolving and adapting at a rapid pace towards issues pertaining to marginalization and difference. That the US is listening to all voices in a melting pot of identities. Kimberlé Crenshaw’s “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color” argues that “ignoring difference *within* groups contributes to tension *among* groups.”<sup>23</sup> In this article, Crenshaw further unpacks the term “intersectionality” as a concept that denotes the various ways identity factors interact and shape the multiple dimensions of experience, specifically those whose lives are affected by a multiplicity marginalization. Crenshaw’s focus was to address the intersections of race and gender “to account for multiple grounds of identity when considering how the social world is constructed.”<sup>24</sup> This project utilizes intersectionality to enhance the methodology of possibility-making and the strategy of de-policing, where we can use Crenshaw’s observations that intersectionality is key in “shaping structural, political, and representational aspects of violence against women of color”<sup>25</sup> in conjunction with discussions of Mitrice Richardson in the U.S. context and Marielle Franco in Brazil. This framework helps us explore the ways in which

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<sup>21</sup> Muñoz, José Esteban, Joshua Chambers-Letson, Tavia Nyong'o, and Ann Pellegrini. *Cruising utopia: The then and there of queer futurity*. NYU Press, (2019): 35.

<sup>22</sup> Muñoz, José Esteban, Joshua Chambers-Letson, Tavia Nyong'o, and Ann Pellegrini. *Cruising utopia: The then and there of queer futurity*. NYU Press, (2019): 35.

<sup>23</sup> Crenshaw, Kimberle. "Mapping the margins: Intersectionality, identity politics, and violence against women of color." *Stan. L. Rev.* 43 (1990): 1242.

<sup>24</sup> *Ibid*, 1245.

<sup>25</sup> *Ibid*, 1245.

power has structured multiple dimensions of possibility-making for Queer people of color and illustrates the structural and systemic limitations to possibility through an enactment of policing. Critical Race theory is a place for critique and consumption, is where we can address the ways in which, current, strategies that can support Queer and Trans people of color are often narrowly focused and suppressive. Therefore, possibility-making, is limited by the social extension of policing of Queer and Trans People of Color.

Rarely though, do we see the workings of the academy influence laws or public policy that could then affect the efforts of policing. Queer-race specific narratives are often delivered in a singular-axis framework that does not contend to the multiplicity of identity. For Crenshaw, this as a place of theoretical and practical intersectional analysis that could tell the stories in new ways and create new pathways towards justice. She writes, “thus, the struggle over incorporating these differences is not a petty or superficial conflict about who gets to sit at the head of the table. In the context of violence, it is sometimes a deadly serious matter of who will survive- and who will not.”<sup>26</sup> Similarly, Christina Sharpe questions, “How might we stay in the wake with and as those whom the state positions to die un-grievable deaths and live lives meant to be unlivable?”<sup>27</sup> This decision is one that scholars and performers and activists have long known, but those in charge or with the power to do something do not. The struggle that Crenshaw and Sharpe address is the struggle for a consciousness that will ultimately rupture the structural, political and legal silences that produce and facilitate Black social and physical death and disavowal occurring at the hands of the police and the over policing of Black Queer subjects.<sup>28</sup>

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<sup>26</sup> Crenshaw, Kimberle. "Mapping the margins: Intersectionality, identity politics, and violence against women of color." *Stan. L. Rev.* 43 (1990): 1265.

<sup>27</sup> Sharpe, Christina. *In the wake: On blackness and being*. Duke University Press, (2016): 21-22.

<sup>28</sup> *Ibid*, 22.

To create a system that is vigilantly focused on the inequities to Queer and Trans People of Color, it would require a complete reconstitution and eventual abolishment of our policing practices, as we know them to be. Laws and policies were not created to enhance the comfort of Queer and Trans People of Color. Laws and policies were made so that they are justifiably intelligible to the system and to reality. People who are outside of the racist heteronormativity are deemed criminal from the start—thus why prisons have always been a place for invisibility. I use José Muñoz’s framework of disidentification, or the “ways in which dominant signs and symbols, often ones that are toxic to minoritarian subjects, can be reimagined through an engaged and animated mode of performance or spectatorship”<sup>29</sup> as a place of possibility-making that is a position to envision and enact de-policing. In the chapters that follow, I will attempt to use de-policing as a means for expanding and re-structuring current queer theorist understanding of queerness, the raciality, and de-policing.

De-Policing is more than an act against the state, policy change, or debunking social norms-- it is the re-examination and complete overhaul of what it means to be queer in a normative world. It is a complete *coming-out story for the ages*, but one that does not end when the young gay discovers their love for their straight best-friend or the moment where the lesbian teenager cuts her bangs and wears distressed denim, de-policing is the moment in time, thought *not-yet* here, but imagined, that our expectations as Black and Brown Queer and Trans people to become more than an ontological and psychological epitome of affect. I am proposing an epistemological reconfiguration of life as we know it. What can, and perhaps, will be the biggest question of our world-making potentiality and possibility-making as Black and Brown queers, living in *queer time*, is how this methodology of de-policing will change everything.

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<sup>29</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol. 2. U of Minnesota Press, (1999): 169.

The term “queer”, some would say is offensive, they do not identify with it, or that it is a generational difference of contemporary times, but in encompassing our history- queer holds much to its context. Either ontologically, or epistemologically, one thing is clear in the construction of this project is that queer lives, temporalities and futures are increasingly limited to their exposure and the possibility of livelihood past basic survival, is in trouble. Historically, Queer and Trans possibilities through resistance in the streets in the form of uprisings, protests and sit-ins- the precedence for life has continuously held limits and barriers to what we can and cannot do, and to who stays alive versus who dies. As of October 8th, 2019, the plea for state and federal protections for queers happening in the 21<sup>st</sup> century, the US Supreme Court decides whether LGBTQ+ people are a protected class covered by sex discrimination protections or if we will need a whole new category to become legible to the law.<sup>30</sup> Will these issue rules and policies reflect our possibility-making strategy? How will this narrative impact and influence our ability to work within a methodology of de-policing?

If we begin with the general understanding that power lies in the hands of the beholder, that it is something unattainable and absolute, then we have already lost our ability to contest it. Power, truth, and knowledge have become inescapable in our understanding and production of the law. In this process, we have three domains that act separately, and in concert to influence and challenge each other. Indisputably, US law, as a system, has maintained order by consciously, and recklessly, deciding who lives and who dies for this country. We have seen it time, and time again, necro-politics and bio-power operate with and through our society’s measures of justice and peace. Death gave life to folks whose survival was overshadowed by

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<sup>30</sup> Simmons-Duffin, Selena. “How The Supreme Court's Ruling May Affect The Trump Administration's Actions.” NPR, NPR, 15 June 2020, [www.npr.org/2020/06/15/877585259/how-the-supreme-courts-ruling-may-affect-the-trump-administrations-actions](http://www.npr.org/2020/06/15/877585259/how-the-supreme-courts-ruling-may-affect-the-trump-administrations-actions).

their likelihood to die. The lives of those deemed to be *others* are often given premature deaths, through social and political restrictions and barriers that limit their ability to gain opportunity and seek possibilities provided to some and not *others*. Conceived notions of power, knowledge, and truth indicate how deeply woven the need for de-policing is for us. Here I engage Hortense Spiller's, *Mama's Baby, Papa's Maybe: An American Grammar Book*, when discussing the encounter between African peoples and captors. She says "the captivating party does not only 'earn' the right to dispose of the captive body as it sees fit, but again, consequently, the right to name and 'name' it"<sup>31</sup> which in this instance, the constant naming and renaming is that of the police state and the residual legacies of slavery, colonialism, and capitalism that define for us what is power, knowledge and truth.

This project is not to be palatable or digestible in one's first encounter with Queers/Trans Color issues. It is meant to be uncomfortable and to allow an imagination for life beyond what is available now. This paper critically examines the ways in which our very notions of intent, and interest in the existence of queer issues will become a proclamation of possibility and opportunity, and not a pattern of temporality.<sup>32</sup> The intent, the impact, arrives when we are able to have these conversations and tell these stories in a way that moves us from survival and caution, to engagement and action.

Building across lines of thought, from Stephen Rushin and Griffin Edwards to Kimberlé Crenshaw to Angela Davis and José Muñoz- the process to building possibility-making proposes a social construction of integrity, accountability, action and justice. That in the production of this ideology to dis-identify with the current of treatment towards Queer and Trans People of Color,

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<sup>31</sup> Spillers, Hortense J. "Mama's baby, papa's maybe: An American grammar book." *diacritics* 17, no. 2 (1987): 69.

<sup>32</sup> Muñoz, José Esteban, Joshua Chambers-Letson, Tavia Nyong'o, and Ann Pellegrini. *Cruising utopia: The then and there of queer futurity*. NYU Press, (2019): 20.

we will be, “one that neither opts to assimilate within such a structure nor strictly opposes it... disidentification is a strategy that works on and against dominant ideology.”<sup>33</sup> This statement along the framework of queer possibility-making can transform the cultural logic from within, which will, in time, emphasize the social and political possibilities for Queer and Trans People of Color.

As Muñoz argues that “we may never touch queerness... but we can feel it as the warm illumination of a horizon imbued with potentiality.”<sup>34</sup> In Joshua Chambers-Letson’s *After the Party*, he argues “performance is a vital means through which the minoritarian subject demands and produces freedom and More Life at the point of the body.”<sup>35</sup> He contends that performance produces freedom for people, even in abodes of adversity. Through this they “survive the present, improvise new worlds, and sustain new ways of being in the world together”<sup>36</sup> as Chambers-Letson describes this party as being a place of possibility, where prior, during, and considerably after, the party is where life happens. I incorporate this into the framework of queer possibility-making for de-policing methodology because it implies that we must engage in action, both individually and collectively, to work towards a possibility of freedom. Applying de-policing to this life-making framework aids us in contesting the very spaces, ideologies, memories, and how each fragment of this strategy creates opportunities for queer possibility-making.

This paper thus unfolds in four parts. First, I will offer an intellectual history of queerness, futurity, and the construction of the racialized queer. Second, I turn to a critical

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<sup>33</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol. 2. U of Minnesota Press, (1999): 11.

<sup>34</sup> *Ibid*, 22.

<sup>35</sup> Chambers-Letson, Joshua. *After the party: A manifesto for queer of color life*. Vol. 4. NYU Press, (2018): 4.

<sup>36</sup> *Ibid*, 5.



analysis of the police state and the construction of de-policing through previous work by criminology theory and abolitionist frameworks, both constructively and theoretically. Next, I explore the life and deaths of Mitrice Richardson and Marielle Franco, and how the overt presence of the policing, both by the state and society, caused their deaths. And lastly, I will discuss the usability and forward procession of possibility-making and de-policing in the lives of Queer People of Color and how this work may begin.

This project presents de-policing and possibility-making as a way of framing the various methods race and queerness in the context of violence and death against Queer and Trans People of Color happens. De-policing might be more broadly useful as a way of contesting our relationship to neoliberalism, capitalism, and policing. My hope is that we can use the strategy of de-policing to examine of responsibility of the state for the lives and deaths of Queer and Trans People of Color. In doing so we can critically engage with Queerness as an epistemological production of joy, hope, and imagination. Moving beyond survival, de-policing will allow us to experience the possibilities of life.

## 2. News From Now/here

*“Some will say that all we have are the pleasures of this moment, but we must never settle for that minimal transport; we must dream and enact new and better pleasures, other ways of being in the world, and ultimately new worlds”*

*José Muñoz, Cruising Utopia, P.1*

*“Every age has had its hopes, hopes that look to something beyond the life of the age itself, hopes that try to pierce into the future.”*

*William Morris, Signs of Change, The Hopes of Civilization, Chapter 4*

In 1890, William Morris an abolitionist, utopian and Marxist wrote a series of utopian romance publications to publicly reflect visions of a future that valued difference (or as used in the writings “queer”) and condemned the very notions of prisons and policing happening at the time. Morris’s depiction of a utopian future is useful in examining queer theory and raciality of subjectivity because it displays the genealogy of how the two have always been connected. Ideas of utopianism and most importantly, futurity used in foundational queer theory texts such as with Muñoz, lays out a new understanding of queer theory that is inherently racialized and meant for Black and Brown liberation and the abolishment of prisons and police that situate de-policing at its core. In my analysis of queer theory from its origins to present day, I use the title from Morris *not* to situate the ideologies of queer theory as coming from “nowhere” but to engage in the continuous crafting and building of a queer theory meant for Black and Brown Queer and Trans People of Color that is from the “now” and “here”.

In fashioning this section to best present a queer theory where we can not only speculate Marielle and Mitrice in our work but situate their lives and deaths. Much to the credit of Morris,

the politics and work needed in abolitionist practices begin with an imagination, that is possible through queer theory, Black feminist theory, critical race theory, and queer of color critique. The theory of de-policing in my context is grounded in an abolitionist and justice-centered framework that is inherently queer.

Queer theory focused on white lesbian women and white gay men<sup>37</sup> in the mid to late 1980's onward. Theoretically, the work of Teresa De Lauretis, Gayle Rubin, Eve K. Sedgwick, Judith Butler, and Michel Foucault has shaped the discipline, and it has given us an array of possibilities to build upon and critique. But who is to say that we cannot describe ourselves as, among many other possibilities, pushy femmes, radical faeries, fantasists<sup>38</sup> as Sedgwick argues or as the constructed, the minoritarian subject as Muñoz and Chambers-Letson displays in their work. For this project of de-policing, I analyze texts and discourses that exemplify how the present has coexisted with the past through an examination of queer genealogies and queer people's life-narratives.

With this we must acknowledge how previous discourses and some still being produced today have no mention of Transgender people's lives and the impact of such erasure and dis/appearance from queer theorizing. Using the workings of Susan Stryker, Eli Claire, Paisley Currah, Eric A. Stanley, C. Riley Snorton, and Dean Spade, are crucial in our engagement with trans peoples in queer theorizing and queer politics that goes beyond this project of de-policing and addresses the overwhelming transphobic rhetoric and social practices enacted in society and in school institutions. My inclusion of Trans when depicting the practices of policing on Queer and Trans people is intentional in acknowledging the history of exclusion "queer" has subjected

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<sup>37</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol. 2. U of Minnesota Press, (1999): 10

<sup>38</sup> Sedgwick, Eve Kosofsky. "Queer and now." *Tendencies*, pp. 13-34. Routledge, (1994): 8

Transgendered people too and the continual work needed to be done before queer can even be approached as an all-encompassing word for LGBTQ+ peoples. Transgender studies emergence over the last two decades has provided critical pieces, techniques, and practices to the field of queer theory that greatly influence this theory of de-policing.

In this project, the past directly coexists with the present through a queering of time that understands how we live with and constantly remember the past in the present. There is much to explore in the workings of subjectivity, migration and movement/s, disability, nationality, and race and ethnicity. Afrofuturists such as W.E.B DuBois, Kara Keeling, Sheree Thomas, who explain that for life, a politics of transfiguration or visions of the future and revisions of the past tell us the greatest story of critical race theory or queer theory. Queer and Trans people of color do not always need to focus on the *other* in discussing normative structures, and their relationship to normative identifications, but instead focus on how we can queer the discourse and historical precedents it contests. Our possibilities as Queer and Trans People of Color are rooted in our ability to survive and thrive in environments, with people and in circumstances that conditionally perpetrate harm or violence onto us. In queering the color line that W.E.B. DuBois states, we are acknowledging a genealogical history that transcends time, where the future is not our aspiration, but the process in getting us there is.<sup>39</sup>

### Possibilities

In examining the possibilities of queer subjectivity, we must evaluate the production of a “queer subject” by which sexuality, gender and identity have been developed through as Butler

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<sup>39</sup> Du Bois, William Edward Burghardt. *The souls of black folk*. Oxford University Press, (2008): 2.

articulates, performativity<sup>40</sup>, and by way of Muñoz, the performance<sup>41</sup>. Sedgwick states in “Queer and Now,” that

What’s striking is the number and difference of the dimensions that ‘sexual identity’ is supposed to organize into a seamless and univocal whole<sup>42</sup> [though] one of the things that ‘queer’ can refer to: the open mesh possibilities, gaps, overlaps, dissonances and resonances, lapses and excesses of meaning when the constituent elements of anyone’s gender, of anyone’s sexuality aren’t made (or can’t be made) to signify monolithically.<sup>43</sup>

As Butler argues, “Performativity is thus not a singular ‘act’, for it is always a reiteration of a norm or set of norms, and to the extent that it acquires an act-like status in the present, it conceals or dissimulates the conventions of which it is a repetition.”<sup>44</sup> This repetition is the very is what this project contends is being policed, but in many ways it is performed through the survival strategies of the subject. As Muñoz writes “to perform queerness is to constantly disidentify, to constantly find oneself thriving on sites where meaning does not properly ‘line-up’. This is equally true of hybridity, another modality where meaning or identifications do not properly line up.”<sup>45</sup> This helps us understand how queer lives are fragmented into various identity bias where some of them adjacent, some of them complementary, some of them are

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<sup>40</sup> Butler, Judith. *Bodies that matter: On the discursive limits of sex*. Taylor & Francis, (2011): 36.

<sup>41</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol. 2. U of Minnesota Press, (1999): 22.

<sup>42</sup> Sedgwick, Eve Kosofsky. "Queer and now." In *Tendencies*, pp. 13-34. Routledge, (1994): 8.

<sup>43</sup> *Ibid*, 8.

<sup>44</sup> *Ibid*, xxi.

<sup>45</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol. 2. U of Minnesota Press, (1999): 78.

antagonistic to the very notion of normativity<sup>46</sup> that does not account for their complexities and impossibilities. Useful to this approach, Muñoz's disidentification resists an ideology that fixes a subject within the state power apparatus that reforms the "self within the social"<sup>47</sup> because this subject is both constructed and contradictory.<sup>48</sup> To this point, it is important to understand then the use of queer temporalities within Muñoz's work and that of other queer theorist propose possibilities in relation to the past, present, and future. This draws from a Marxist analysis of futurity and the reimagining of what it means to be queer. Drawing from *Bodies That Matter* is instructive here because Butler navigates the notion of queerness and queer time explaining that "the constitutive failure of the performative, this slippage between discursive command and its appropriated effect, which provides the linguistic occasion and index for a consequential disobedience"<sup>49</sup> and where "performativity as a specific modality of power as discourse."<sup>50</sup> I use Butler's distinction between the failures, and performativity as a strategy for resistance, within the subject, while becoming the very subjected thing the normative process outlines them it to be. In contesting the rigidity of the hierarchical binaries, we can see the inconsistencies in societal norms in throughout time.

In the current configuration of US neoliberal society, normativity is often closely associated with the productivity. In relation to the points made prior, Elizabeth Freeman's, *Queer Times*, tracks the "unconsciousness, haunting, reverie and the afterlife as they fold subjects into

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<sup>46</sup> Muñoz, José Esteban. *Disidentifications: Queers of color and the performance of politics*. Vol. 2. U of Minnesota Press, (1999): 79.

<sup>47</sup> Ibid, 97.

<sup>48</sup> Ibid, 115.

<sup>49</sup> Butler, Judith. *Bodies that matter: On the discursive limits of sex*. Taylor & Francis, (2011): 115.

<sup>50</sup> Ibid, 139.

structures of belonging and duration that may be invisible to the human eye.”<sup>51</sup> Freeman’s critique on temporality and meaning-making of the past is important in the construction of this project. In conversation with Sedgwick, Freeman states her shifted notion and version of queer being a mode that is “always ahead of actually existing social possibilities”<sup>52</sup> to “trail behind actually existing social possibilities”<sup>53</sup> speaks volumes to the ways in which, queerness is a site of improbability and violence. This is important because in tracing a genealogical presence in the quest for the futurity that has not yet come, there is a need to re-organize our conceptualizations of queerness, time, and identity. Freeman’s analysis of temporality leads us through her interpretation of Sedgwick’s meaning of reparative criticism, as a way to “gather and combine eclectically, dragging a bunch of social debris around us and stacking it in idiosyncratic piles.”<sup>54</sup> These piles are thus important for us in mapping out both the geography of our identities, and our bodies, as a channel for, and a means to, understanding the past to navigate the future; a future that is not on a subjected quest towards capitalist heteropatriarchal and monolithic accomplishments or capital, but towards a plurality of existences outside of normativity.

### Movement/s

In the discussion and construction of the queer and racialized subject is the actual identification of subjectivity and the performative realities, discourses and movements that exist in the external world. Karma R. Chavez’s *Queer Migration Politics* is useful in understanding and discovering the value of interpretation to queerness as “a kind of critique and to non- or-

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<sup>51</sup> Freeman, Elizabeth. *Time binds: Queer temporalities, queer histories*. Duke University Press, (2010): 3

<sup>52</sup> Ibid, 4.

<sup>53</sup> Ibid, 4.

<sup>54</sup> Ibid, 11.

anti-normative genders and sexualities, but it also implies what is possible for making lives livable”<sup>55</sup> in the context of coalition building, which is critical to the procession of de-policing, but is currently not a part of the heteropatriarchal neoliberal itinerary. Chavez continues, “By understanding queer as orienting us not towards the ‘not yet’ but rather towards coalition, we find a vital alternative to both inclusionary and utopian politics.”<sup>56</sup> I find this analysis critical to a queer possibility-making because where our identities intersect and where we diverge from one-another is precisely the grounds for movement building and moving forward. Similarly, in Bernice Johnson Reagon’s, “Coalition Politics: Turning the Century,” this piece shares similar insights but asks more critical questions on the longevity and dis/comfort of the work. As Reagon states, “Coalition work is not work done in your home, coalition work has to be done in the streets. And it is some of the most dangerous work you can do. And you shouldn’t look for comfort.”<sup>57</sup> Reagon argues that those in positions of power of privilege are usually the same ones who displace and erase others who do not share similarities. In queer theories inception and historical perception, the use of queer as a means for coalition building has been exclusively white, cis-gendered, able bodied and most frequently gay and lesbian. There is little to no mention of the “queer” as a larger captive audience of community members who may find coalition in queerness outside of sexuality or appearance. I continue to use Cohen’s conceptualization of queerness as the embodied and multi-sited resistance to systems that seek to normalize, but understandably “queer” has historically and ideologically been rooted in class,

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<sup>55</sup> Chávez, Karma R. *Queer migration politics: Activist rhetoric and coalitional possibilities*. University of Illinois Press, (2013): 247.

<sup>56</sup> Ibid, 268.

<sup>57</sup> Reagon, Bernice Johnson. "Coalition politics: Turning the century." *Feminism and politics* (1998): 245.



race, gender<sup>58</sup> and dis/ability power and privilege that are often the things impeding a movement or movement/s. Though both pieces were published over twenty years ago, they share a message still prevalent to this day about limitations and draws from creating possibilities through movement/s. Bernice Reagon's "Coalition Politics" is useful here because as she writes, "don't be inviting everybody in because everybody aint your company"<sup>59</sup> urging us to think through we would like to assume a shared causality and liberation, are people, ready for everyone to win? (A point I will expand on towards the end of this project). Will the movements for queer theory and queer politics be based in the non-normative and marginal positions such as Cohen prescribes as punks, bulldaggers, and welfare queens? As Cohen suggests, the potentiality for a radical movement "seems to be located in its ability to create a space in opposition to dominant norms, a space where transformational political work can begin."<sup>60</sup> This beginning will not be comfortable for anyone involved and will require a critical examination of the horrors, violence and wrongs that come with it, more specifically for Black and Brown Queer and Trans subjects involved in this work. Important to these workings, performance scholar and poet Fred Moten writes in "Blackness and Nothingness (Mysticism in the Flesh),"

Our aim, even in the face of the brutally imposed difficulties of black life, is cause for celebration. This is not because celebration is supposed to make us feel good or make us feel better, though there would be nothing wrong with that. It is, rather, because the cause for celebration turns out to be the condition of possibility of black thought, which animates the black operations that will

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<sup>58</sup> Cohen, Cathy J., "Bulldaggers punks, and welfare queens. the radical potential of queer politics?." *GLQ: Gay and Lesbian Quarterly* no. 3 (1997): 451.

<sup>59</sup> *Ibid*, 247.

<sup>60</sup> *Ibid*, 438.

produce the absolute overturning, the absolute turning of this  
motherfucker out.<sup>61</sup>

I use this in the context of Moten's workings through Afro-pessimism as a means to describe the ongoing effects of the Trans-Atlantic slave trade both structural and in motion or movements. Like coalitions, which build as movements towards a potentiality, Afro-pessimism in accordance to the work of Frank B. Wilderson III, Jared Sexton, Franz Fanon and Saidiya Hartman espouse an orientation and imagination toward the future. This framework gives us a lens that accounts for the dependence on anti-blackness, violence and discipline of subjectivity on Black people by the police state. Afro-pessimism in terms of movement/s conditions the possibility, or possibility-making, of de-policing the malevolent influence of policing.

### Accessibilities

Expanding on the notion of *movement/s* through migration and coalitional work- I argue that accessibility and able-bodied assumptions that futurity and temporality embody when referencing time, place and spaces. Queer of color critique sometimes misses how disability affects one's orientation to time, perceptibility, and contestation. These temporal frameworks are critical components to understanding the de-policing and possibility-making that includes but the core principles of coalitional work. Queer possibility-making is a place to articulate the connectedness of disability, race, and queerness. Alison Kafer's, *Feminist Queer Crip* is instructive here because she contextualizes why it is critical for queer political movements to engage and center disability and disabled perspectives. Later in this project, I will explain how important disability is to a de-policing methodology of possibilities. Disability studies scholars

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<sup>61</sup> Moten, Fred. "Blackness and nothingness (mysticism in the flesh)." *South Atlantic Quarterly* 112, no. 4 (2013): 247.

have made the meaningful point that disabled people's lives should be valued, and that normativity's production of self, and knowledge, into a Queer conceptualization of identity, time place, and space should make room for more life possibilities, not just enhance able-bodied folks. *Feminist Queer Crip* does the work to imagine the possibilities of a future, *crip futurity*, that acknowledges disability and the political, integral and valuable of its workings. This text dispels the disavowal of disability from our future through the engagements of disability activists and theorists. I think through Muñoz's defines queerness and our work as "*not yet*" being there, with "Crip-time" and the flexible standard for regularity. Crip Time as Kafer argues operates through ableist barriers where there is little to no control. I connect this to the heteronormative nature of time in comparison to queerness as a manifestation of the social policing of our bodies and matter. Like Crip Time, "rather than bend disabled bodies and minds to meet the clock, Crip Time bends the clock to meet disabled bodies and minds"<sup>62</sup> while simultaneously attempting to, "wrestle with the ways in which 'the future' has been deployed in the service of compulsory able-bodiedness and able-mindedness"<sup>63</sup> The future and liberation we theorize about, the after party, the horizon of glitter and gold- is really hard to theorize about when half the people around you won't survive to witness it.

A critique that this project takes up is futurity's engagement with disability, indigeneity and blackness because it creates a sensitized and purgatory-like permanent forward-looking gaze that shutter the possibility-making for some. The future is cloaked in an "ethics of endless deferral"<sup>64</sup> by "focusing always on the better future, we divert our attention from the here and

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<sup>62</sup> Kafer, Alison. *Feminist, queer, crip*. Indiana University Press, (2013): 27.

<sup>63</sup> Ibid, 27.

<sup>64</sup> Ibid, 29.

now... 'through our unwitting obedience to the future'."<sup>65</sup> In Judith Halberstam's *In A Queer Time and Place*, she argue that "we create longevity as the most desirable future, applaud the pursuit of long liege (under any circumstances), and pathologize modes of living that show little or no concern for longevity."<sup>66</sup> Thus, Kafer argues that "such easy paralleling fails to tease out the specificities of the queer/disability relationship. Facile parallels or quick substitutions make it more difficult to recognize how queerness continues to be read through the lens of disability, with both queers and Crips rendered unnatural, sick, degenerate, and deviant."<sup>67</sup> Kafer's desire for a Crip future is "a hope inseparable from despair"<sup>68</sup> and one that can align with Muñoz and Chambers-Letson emphasis of both melancholia and ambivalence. To imagine disability differently "moving" forward, as a central to de-policing, we must also be reading, imagining, and theorizing queerness differently.

### Geographies

Our engagement with possibilities, movements and accessibilities in reconstructing and re-constituting a queer theories and queer politics that is radical in its transgressions for the non-normative and marginalized peoples brings us to- geographies. Geographies, as I layout, is the foundation of our understanding of queer theory that is situated in power, privilege and positionality. The geographies of queer theory and queer politics are needed, like a map, to distinguish where we have been, where we are now, and what may be ahead. But, these geographies have the potentiality to build, re-construct, and transform.

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<sup>65</sup> Kafer, Alison. *Feminist, queer, crip*. Indiana University Press, (2013): 29.

<sup>66</sup> Halberstam, J. Jack. *In a queer time and place: Transgender bodies, subcultural lives*. Vol. 3. NYU Press, (2005): 4.

<sup>67</sup> Ibid, 45.

<sup>68</sup> Ibid, 46.

I return to Reagon's *Coalition Politics* as a means to build this geography for queer theory in our construction of de-policing and possibility-making because she provides us with a critical perspective in our analysis. For Reagon, "The only reason you would consider trying to team up with somebody who could possibly kill you, is because that's the only way you can figure you can stay alive"<sup>69</sup> and for a majority of Queer and Trans People of Color left to their own devices in violent and deadly scenarios and situations, this is true. In connection to Muñoz's theorization of disidentification and Hill Collins' matrix of domination, this presents a transformative and radical idea that places those deemed to be "others" as the core subjects. For Saidiya Hartman in *Scenes of Subjection*, she begins the project by examining the role of the *other* (or the enslaved persons) in its subjection to coercion, content and domination that "in these instances, the exercise of power was inseparable from its display because domination depended upon demonstration."<sup>70</sup> Power as Foucault explores, is a force, a process, a network, and a relationship amongst people; a relationship that, through our working of geographies extends centuries and renames itself for power, privilege and positionality. This examination is crucial to the development of de-policing when we examine how people experience and exercise power.<sup>71</sup> De-policing is a combination of survival, resistance and transformation, (thank you Foucault, you sly dog). Similar to Patricia Hill Collins four dimensions of Black feminist epistemology- "lived experience as a criterion of meaning, the use of dialogue, the ethic of personal accountability, and the ethic of caring"<sup>72</sup> as a means for validation and centering queer

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<sup>69</sup> Reagon, Bernice Johnson. "Coalition politics: Turning the century." *Feminism and politics* (1998): 242.

<sup>70</sup> Hartman, Saidiya V. *Scenes of subjection: Terror, slavery, and self-making in nineteenth-century America*. Oxford University Press, (1997): 7.

<sup>71</sup> Foucault, Michel. *The history of sexuality: An introduction*. Vintage, (1990): 97.

<sup>72</sup> Collins, Patricia Hill. *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Routledge, (2002): 286.

people of color to our understanding and enacting of de-policing. Again, for Hill Collins, this matrix is not divorced from the economic and political reality<sup>73</sup> because it should be used to challenge everything deemed to be truth and knowledgeable or the geographies for as we know them to be.

Therefore, there is a necessity to explore performativity and the theorization of queer existence in queer theory and queer politics. It has to explain its limitations and positionality in power and privilege. Judith Butler's work must be used to transcend beyond subjections and into a political and performative action when examining how queer theory in its inception could not account for queerness in a way that exercised power outside of normativity as opposed to dichotomizing it to heterosexuality. Her continuous on limits of abjected and gendered lives, governance of the body and the intelligibility of certain people are beautiful and give us a lens to understand our behaviors and sociality, but to take the next step would mean to actually engage the people that are often limited to being examples in theoretical usage and texts. As Hortense Spillers examines in, *Mama's Baby, Papa's Maybe: An American Grammar Book*,

Even though the captive flesh/body has been  
'liberated' ... dominant symbolic activity, the ruling epitome that  
releases the dynamics of naming and valuation, remains grounded  
in the originating metaphors of captivity and mutilation so that it is  
as if neither time nor history, nor historiography and its topics, shows  
movement, as the human subject is "murdered" over and over

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<sup>73</sup>Collins, Patricia Hill. *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Routledge, (2002): 288.

again by the passions of a bloodless and anonymous archaism,  
showing itself in endless disguise.<sup>74</sup>

The subject that Spillers accounts for is the Black body, the queered Black body, the queered Black disabled body. The geographies of queer theory genealogically have not recognized this disposition. As I have mentioned previously by Spillers, the power and privilege of one's positionality in queer theorizing in some capacity had given them the right to name and continue to "'name' it."<sup>75</sup>

In the workings of Spillers naming of certain geographies, bell hooks, "Eating The Other" gives us a textual analysis as to who is allowed and who is policed from entering the discourse of possibility-making. Will this then become a game where we have *others* fighting for their place on at the queer theory table, to consume something or someone. Will this theoretical meal in which they only have a desire to eat, but not taste such as their power, privilege and positionality be enough? In the text hooks states that "...where the suffering imposed by structures of domination on those designated Other is deflected by an emphasis on seduction and longing where the desire is not to make the Other over in one's image but to become the Other."<sup>76</sup> And as hooks ends her piece, there "...begin to conceptualize and identify ways that desire informs our political choices and affiliations."<sup>77</sup> Does hooks work challenge every notion of power, truth and knowledge or is it just a re-production of past attempts and failures? As Patricia Hill Collins has written, "Being a permanent outsider within can never lead to power

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<sup>74</sup> Spillers, Hortense J. "Mama's baby, papa's maybe: An American grammar book." In *diacritics* 17, no. 2 (1987): 68.

<sup>75</sup> Ibid, 69.

<sup>76</sup> hooks, bell. "25 Eating the Other: Desire and Resistance." *Media and cultural studies: Keywords* (2012): 369.

<sup>77</sup> Ibid, 380.

because the category, by definition, requires marginality.”<sup>78</sup> As a means of survival, would a strategy, an investment and critical transformation in the possibility of Queer and Trans People of Color be valuable in our future or will it just be another shift in power? As stated by Butler, “It will be a matter of tracing the ways in which identification is implicated in what it excludes, and to follow the lines of that implication for the map of future community that it might yield.”<sup>79</sup> This future Butler describes connects to Chambers-Letson’s analysis of freedom as he states “When we have nothing else, the longing for the feeling of freedom might be the only thing we’ve got to keep us alive.”<sup>80</sup> But, will this, the longing for freedom mean that queer politics and theory will weather the terrain and the geographies of power for the sake of the non-normative, minoritarian, other?

### Imagining

De-policing may be considered a failure of the state because it rejects normative ideas of value- because it is. De-policing values the freedom to imagine one’s possibilities. The imagination, process and construction of this strategy of de-policing is bound to our desires and precautionous designs towards our own created and constructed possibilities. Hortense Spillers in *Interstices*, “The fact of domination is alterable only to the extent that the dominated subject recognizes the potential power of its own ‘double consciousness’. The subject is certainly seen, but she also sees. It is the return of the gaze that negotiates at every point a space for living, and

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<sup>78</sup> Collins, Patricia Hill. "Controlling images and Black women's oppression." *Seeing ourselves: Classic, contemporary, and cross-cultural readings in sociology* 4 (1991): 308.

<sup>79</sup> Butler, Judith. *Gender Trouble Feminism and the Subversion of Identity* 10th anniversary ed. New York: *Routledge*, (1999): 119.

<sup>80</sup> Chambers-Letson, Joshua. *After the party: A manifesto for queer of color life*. Vol. 4. NYU Press, (2018): 41.



it is the latter that we must willingly name the counter-power, the counter-methodology.”<sup>81</sup> In naming these counter-power and counter-methodology that Spillers discusses, Grace Kyungwon Hong, in *Death and Disavowal*, analyzes Audre Lorde and Third World feminism’s coalitional practice and work based on, and through, difference. Though through her work, Hong describes difference:

[T]o reference a cultural and epistemological practice that holds in suspension (without requiring resolution) contradictory, mutually exclusive, and negating impulses. ‘Difference’ names a epistemological position, ontological condition, and political strategy that recon with the shift in the technologies of power that we might as well call ‘neoliberal’.<sup>82</sup>

Hong continues by stating her positionality on neoliberalism “as an epistemological structure of disavowal”<sup>83</sup> that will “hold out the promise of protection from premature death in exchange for complicity.” This deployment of difference as Hong contests “is particularly necessary in the contemporary moment in which the protection of racialized and gendered life ironically produces exacerbated death”.<sup>84</sup> This death, as discussed by Christina Sharpe in terms of Black life, is in proximity to death, one that surely impacts the continuous state and social policing of possibility. Sharpe asks, “How might we stay in the wake with and as those whom the state positions to die

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<sup>81</sup> Spillers, Hortense. "Interstices: A small drama of words." *Pleasure and danger: Exploring female sexuality* (1984): 163.

<sup>82</sup> Hong, Grace Kyungwon. *Death beyond disavowal: The impossible politics of difference*. U of Minnesota Press, (2015): 7.

<sup>83</sup> *Ibid*, 7.

<sup>84</sup> *Ibid*, 8.

ungrievable deaths and live lives meant to be unlivable?”<sup>85</sup> These are, as Sharpe points out questions of temporality, embodiment, consciousness, silence, and possibility.

Audre Lorde, as Hong writes “launches the impossible but necessary politics of ‘difference’ by posing a question that can never be answered, but that must be continually addressed, enacting a temporality of suspension rather than a resolution.”<sup>86</sup> No longer conscious of queer world-making with the not-yet-here of critical utopianism, as Muñoz argues, “one cannot simply turn away from the present, though heterosexual history is ALL about the future and depends on the notions of futurity”<sup>87</sup> because “the state understands the need to keep us from knowing ourselves, and knowing our masses.”<sup>88</sup> Queer theory and queer politics does not come with a full narrative or guide that tells you what to know, who to know, and how to read it as queer because even to be queer is something. But, this does not mean queer theory can erase and displace even the non-normative and marginalized subjects from queer theory. So how can we change our theoretical interpretations of queer performance to be accessible for queers over-policed and living in poverty? This is not about *if we able to translate queer histories to everyday people, but are we willing?*

Thus, I come back to the crux of *Cruising Utopia*, which Muñoz contends, “...is the idea of hope, which is both a critical affect and methodology.”<sup>89</sup> My *hope* is that through this examination of queer theory, queer politics and critical analysis of queer life, we are able to manifest more nuances of possibilities that contest normativity and the dichotomies commonly present in earlier queer theory texts and discourses. Living in an over-policed world of

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<sup>85</sup> Sharpe, Christina. *In the wake: On blackness and being*. Duke University Press, (2016): 21-2

<sup>86</sup> Ibid, 15.

<sup>87</sup> Muñoz, José Esteban, Joshua Chambers-Letson, Tavia Nyong'o, and Ann Pellegrini. *Cruising utopia: The then and there of queer futurity*. NYU Press, (2019): 49.

<sup>88</sup> Ibid, 64.

<sup>89</sup> Ibid, 4.

impossibility, what capacity do we have to even begin to move towards a collective action of transformation and resistance? Where does queer theory go from here and how can it be reimagined in centering Queer and Trans life- more than death? And how can we simultaneously de-constructing the carceral states pathologization of racialized criminality? Queer theory has told us that this world is not enough and that something is missing. In the process of de-policing queer possibilities, this will allow for access to a world that should be, could be and that will be theorized, transformed and imagined for the queer and racialized subject.

In the construction of de-policing, it is important to understand that we can live, survive and thrive as a society without the condensed presence of police. In our historical conditioning, the narrative has always been written, spoken and shared through apparatus that are created to maintain the socio-political power of neoliberalism, capitalism and colonialism. A transformation of our possibilities may be delivered in many ways, but most importantly, the use of radical imagination for Queer and Trans People of Color through critical queer theory and political organizing is presently absent but can raise the possibility of the impossible.

Distinctively in Kara Keeling's, *Queer Times, Black Futures*, she writes about the cosmic possibility through Afro-futurism that questions alternative worlds where we consider imagination, technology, futurity and liberation for queer and Black freedoms. In the text Keeling writes, "most discourses posit one singular future as the temporal horizon of possibility toward which our actions today tend."<sup>90</sup> This singularity Keeling discusses theoretically and literally polices our ability to imagine the *not-yet*. These unimagined futures, that must be developed through a divergence of possibilities, movement/s, accessibilities, geographies and

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<sup>90</sup> Keeling, Kara. *Queer times, black futures*. NYU Press, (2019): 85.

imagination in queer theory and queer politics is very much where de-policing possibility-making begins.

### 3. The (Im) Possibility of De-Policing

*“Slavery, lynching, and segregation are certainly compelling examples of social institutions that, like the prison, were once considered to be as everlasting as the sun”*

*Angela Y. Davis, Are Prisons Obsolete?*

*“I [patroller’s name], do swear, that I will as searcher for guns, swords, and other weapons among the slaves in my district, faithfully, and as privately as I can, discharge the trust reposed in me as the law directs, to the best of my power. So help me, God.”*

*-Slave Patroller’s Oath, North Carolina, 1828.*

*“To be delimited in the world, from the onset of birth, means always to be running vigorously behind the hands of the clock, and when the colonial clock stops ticking, either for repair, disciplinary reform, or capitalist gain, the unwanted continue laboring: above water or below ground, stumbling, falling, even in the event of no mechanical time at all”*

*Sandra Ruiz, Riccaness*

Police have killed 598 people in 2020<sup>91</sup> and that’s just the ones that have been reported. The possibilities of an existence without police seem less possible every time someone is killed in police custody, murdered by police officers for simple traffic stops, killed for a no-knock warrant break-in at home, or for simply existing. With the extraction of the police state from our daily activities, future endeavors and communities across the world—what would our existence become? What would life look like? This police state is both physical and metaphysical,

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<sup>91</sup> Mapping the Violence. “Police Violence Map”. Mapping the Violence, 20 May 2020. <https://mappingpoliceviolence.org>

affecting our ideals of justice everywhere. But what is safety? And what is justice? How is crime pathologized onto certain subjects? So much so that they move into neighborhoods for communal surveillance in the name of protecting communities that they do not know, but have racist ideologies influencing their actions. The police cannot be tools against homophobia and transphobia, because they are major agents of homophobia and transphobia. In my working of the origins of de-policing I use Stephen Rushin, Griffin Edwards, Frank Rudy Cooper, and William Oliver to describe how this tool has been used as a means of police regulations and response to public scrutiny in the U.S. By doing so, we can evaluate the history of policing and the practical use of police and how the use of policing plays out for Queer and Trans People of Color lives.

With the passing of US Hate Crime legislation, such as, the Americans with Disabilities Act, Matthew Sheppard and James Byrd Jr. Hate Crime Prevention Act, the Civil Rights of Institutionalized Persons Act, the Customer Non-Discrimination Act<sup>92</sup>, End Racial and Religious Profiling Act, Equality Act, anti-discrimination and anti-bullying laws, and most notably, Title IX<sup>93</sup> just to name a few- one would assume these federal mandates would mean an exertion in protections? Possibly less police because there is no need to reinforce the rules if the rules are already in our favor? Well yes and no. These federal and state regulations are considerably case-by-case endeavors that are reliant on the police. More effective though are laws and regulations that exercise violence and injustice on Queer and Trans People of Color. Such laws are anti-LGBTQ+ and anti-Trans bills, pre-empt local protections, and laws that allow the use of

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<sup>92</sup> Department of Justice, The United States. “The Matthew Shepard And James Byrd, Jr., Hate Crimes Prevention Act Of 2009.” The United States Department of Justice, 18 May. 2020, [www.justice.gov/crt/matthew-shepard-and-james-byrd-jr-hate-crimes-prevention-act-2009-0](http://www.justice.gov/crt/matthew-shepard-and-james-byrd-jr-hate-crimes-prevention-act-2009-0).

<sup>93</sup> HRC. “Federal Legislation.” HRC, 12 May 2020, [www.hrc.org/resources/federal-legislation](http://www.hrc.org/resources/federal-legislation).

religious discrimination.<sup>94</sup> In what ways do these laws actually support and affirm Queer and Trans People of Colors existence and overall survival? Do these laws, built within the foundation of a country that once deemed Black people three-fifths of a person, the same laws that prohibited Black and Brown people from voting, actually give a shit?

### Regulations and Scrutiny

In William M. Oliver article, *Depolicing: Rhetoric or Reality?*, he provides empirical data to analyze the phenomenon of de-policing and its widespread effects across police entities' in the U.S. De-policing, as he describes is a "a decline in support of the efforts of law enforcement from municipal authorities, usually as a reflection of worsening popular perception of a local police departments."<sup>95</sup> Specifically, Oliver writes,

The retreating from active police work in reaction to the negative publicity that has been placed on police agencies across the country...de-policing arguments that offices are withdrawing from proactive styles of law enforcement as a way to avoid getting caught up in a controversial use-of-force incident.<sup>96</sup>

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<sup>94</sup> HRC. "Federal Legislation." HRC, 12 May 2020, [www.hrc.org/resources/federal-legislation](http://www.hrc.org/resources/federal-legislation).

<sup>95</sup> Oliver, Willard M. "Depolicing: Rhetoric or reality?" *Criminal Justice Policy Review* 28, no. 5 (2017): 438.

<sup>96</sup> Shjarback, John A., David C. Pyrooz, Scott E. Wolfe, and Scott H. Decker. "De-policing and crime in the wake of Ferguson: Racialized changes in the quantity and quality of policing among Missouri police departments." *Journal of Criminal Justice* 50 (2017): 42.

Though contested as a means for increased crime rates if police presence goes down or police disengages due to de-policing— the potential impact that de-policing may have on racially segregated and targeted communities could be profound.<sup>97</sup>

These criminologists point to grave instances in history, from the death of Rodney King to Trayvon Martin to Michael Brown that sparked national outcry for de-policing measures to be enacted in their cities and nationally. For Stephen Rushin and Griffin Edwards, *De-Policing*, they present two hypotheses of de-policing as being public scrutiny or external regulations as the means for the police reform. They rely on a database of police departments that have been subjected to reform. They move to discussing the distinguishing versions of these hypotheses and most importantly, the “Ferguson Effect” as discussed in hypothesis one is used to decipher the effects of police actions on crime; public scrutiny of a police officers’ ‘aggressiveness’ then leads to a reduction in police aggression and presence, thus connections to increases in crime. Which from media sources or past influences, they discuss de-policing as both a site of public scrutiny and external regulation.<sup>98</sup> This origin of de-policing and the discussion of increased crime with the retraction and reform of polices involvement is the product of the ‘Broken Windows Theory’ and ‘Stop and Frisk’ policing practices. The conflation of racial profiling, poverty, and other socio-economic formations affecting and effecting marginalized community were the ground for this implementation of ‘Broken Windows’ polices.<sup>99</sup> Similarly, de-policing

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<sup>97</sup> Oliver, Willard M. "Depolicing: Rhetoric or reality?." *Criminal Justice Policy Review* 28, no. 5 (2017): 438.

<sup>98</sup> Rushin, Stephen, and Griffin Edwards. "De-policing." *Cornell L. Rev.* 102 (2016): 730.

<sup>99</sup> Fagan, Jeffrey, and Garth Davies. "Street stops and broken windows: Terry, race, and disorder in New York City." *Fordham Urb. LJ* 28 (2000): 462.



considers raciality in the production of criminality in its every-day decision making to defend and detect “criminals”.<sup>100</sup>

### Watchmen

The history of policing and of police is long and continuous, but for people of color, specifically Black people in the US—they were, are, and will continue to be, *agents of violence*. First formed in 1636, Watchmen were volunteer that were used, though unsuccessfully, to control crime and suspicion. More in-line with current trends in policing, in 1704 in South Carolina, Slave Patrols were a vigilante-style organization whose interest were “social control and crime control,” they served three main purposes: served three main functions: “(1.) to chase down, apprehend, and return to their owners, runaway slaves; (2.) to provide a form of organized terror to deter slave revolts; and, (3.) to maintain a form of discipline for slave-workers who were subject to summary justice, outside the law.”<sup>101</sup> Though often seen as a reconfiguration of surveillance techniques used in England, policing’s earliest form was exclusively to control social order imposed on enslaved African Americans across the country, primarily in the South to preserve the enslavement system ran accordingly (Hansen, 2019). As “American police departments shared two primary characteristics: they were notoriously corrupt and flagrantly brutal” (Potter, 2013). From the beginning of this sovereign nation, the history of policing has created a platform for the tolerance and presence of police violence.<sup>102</sup>

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<sup>100</sup> Fagan, Jeffrey, and Garth Davies. "Street stops and broken windows: Terry, race, and disorder in New York City." *Fordham Urb. LJ* 28 (2000): 459.

<sup>101</sup> Potter, Gary. "The history of policing in the United States." 12 May 2020: <https://plsonline.eku.edu/insidelook/history-policing-united-states-part-1>

<sup>102</sup> Martin, Nicole & Kposowa, Augustine. “Race and Consequences: An Examination of Police Abuse in America.” *Journal of Social Sciences*. (2019): 1.

## From Slave Patrol to Police

Though the histories of policing are vast and contaminated, I point to these critical points because they tell us just how bias, stereotypes, and racism, are changing the rhetoric in the discourse on policing. First, by naming this hypothesis of de-policing “The Ferguson Effect,” the media, and those engaged in this hypothesis, are deliberately erasing the centuries long battle between police presence and communities of color, specifically Black people. Second, “The Ferguson Effect” hypothesis suggests that crime will increase due to a lack thereof surveillance and control. This is extremely violent, and negligent because it deters European Americans from extending empathy and complexity to communities of color and reinscribes the notion that people of color are inherently criminal. And it relies on the stereotype that the areas considered “high on crime without police presence” are urban cities with a high density of people of color when police killings have actually decreased in major urban cities across the U.S., but have increased in suburban and rural areas.<sup>103</sup> In such areas, we know that there are higher rates of poverty, a de-investment in property and community development, underfunded schools, and food deserts; it’s not about crime. These social and cultural factors created by racist and anti-poverty rhetoric’s, policies and practices are what cause “crime”, not less policing. And let us not forget the mere fact that U.S. police forces escalate conflict instead of deescalate them.<sup>104</sup> For people to survive in a system that deems them less worthy of support and intelligible, they must work, behave, and hustle in certain ways to survive in areas that have been heavily divested from by US society. Most notably, Black people have been 28% of those killed by police since 2013

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<sup>103</sup> Mapping the Violence. “Police Violence Map”. Mapping the Violence, 20 May 2020.  
<https://mappingpoliceviolence.org>

<sup>104</sup> Martin, Nicole & Kposowa, Augustine. “Race and Consequences: An Examination of Police Abuse in America.” *Journal of Social Sciences*. (2019): 9.

despite being only 13% of the population.<sup>105</sup> In 2019, there were only 27 days where police did not kill someone.<sup>106</sup> And third, the call for de-policing that this hypothesis does not realize is a response to generational and systemic oppression and marginalization of Black folks in the U.S. The shooting of Michael Brown in Ferguson, Missouri was just the physical manifestation of the treatment Black people have endured for centuries. This is not a new phenomenon or a declared war against the police. This call for de-policing enables people to combat multiple systems and locations of oppression simultaneously, such as racism, xenophobia, sexism, ableism, homophobia and transphobia. It speaks to the work of Angela Davis, Kimberlé Crenshaw, Dorothy Roberts, and Cynthia Lee when we discuss intersectionality and identity politics. And lastly, this hypothesis falls right into the play and performance the police consider essential to the construction of society within contemporary times. In making sense of the death caused by police presence and the strategy of de-policing, it can be used as a place of possibility-making for specifically Black communities to imagine life without police. Over-policing and death-by-police has become imbedded in their connection to the bodily world. So therefore, “The Ferguson Effect” is an invalid and quite frankly, immoral argument to make when theorizing de-policing.

### Guilty Until Proven... Guilty?

The New Jersey Four, though there were 7, were a group of Black lesbians walking down Sixth Avenue in New York City’s West Village, when a man called out to Patreese Johnson then out of rage from rejection, due to Patreese disclosing that she was a lesbian, the man attacked all

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<sup>105</sup> Mapping the Violence. “Police Violence Map”. Mapping the Violence, 20 May 2020. <https://mappingpoliceviolence.org>

<sup>106</sup> Mapping the Violence. “Police Violence Map”. Mapping the Violence, 20 May 2020. <https://mappingpoliceviolence.org>

seven women and in defense of their lives, then he was stabbed with a butter knife. In the year that followed, all were charged with felonies, three pleaded guilty and the other four went to trial and served times ranging from 3.5 years to 11 years at Riker’s Island Correctional Facility. The media portrayed the group as “killer lesbians” and intently used the more masculine presenting person, Terrain Dandridge, to incite the stereotypes of Black criminality. Though all four are now out of prison, they face the extreme conditions of being convicted felons and the isolation, anxiety, discomfort, and anger that comes from their experiences. The battle the New Jersey Four had to endure could have been prevented.

Similarly, CeCe McDonald a Black trans woman who was sentenced to second-degree manslaughter for similarly defending herself from being attacked by a group of white men and one white woman outside of a bar in Minnesota.<sup>107</sup> CeCe accepted a plea deal of 41 months and was placed in two men’s prisons, spending five months of her sentence in solitary confinement. Confined for 23 hours of the day, CeCe would have to ration her time to choose between family time or a shower. CeCe’s story sparked a national campaign and influenced a television character, but CeCe knows that even this is imaginative and does not depict the entirety of what prison and solitary confinement do to people. From her trial, conviction and work thereafter, CeCe has been active in the change to breaking a vicious cycle of prisons, police and probations. CeCe’s imprisonment and ongoing struggles could have been prevented.

Layleen Xtraveganza Cubilette-Polanco, an Afro-latinx trans woman who was held at Riker’s Island Corrections Facility, the same facility that held the New Jersey Four, and subsequently, died of an epileptic seizure after being held in solitary confinement. According to

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<sup>107</sup> Pasulka, Nicole. “The Case of CeCe McDonald: Murder-or Self-Defense Against a Hate Crime?” *Mother Jones*, 22 May 2020, [www.motherjones.com/politics/2012/05/cece-mcdonald-transgender-hate-crime-murder/](http://www.motherjones.com/politics/2012/05/cece-mcdonald-transgender-hate-crime-murder/).

news reports by the New York City's Board of Corrections, Cubielette-Polanco was neglected while awaiting trial for misdemeanor charges. She was held because Cubeilette-Polanco could not afford her \$500.00 bail. Layleen was transferred to Elmhurst hospital psychiatric prison ward after experiencing “radical changes in behavior’ that included shouting, crying, hallucinations, expressing suicidal ideations, and panic.”<sup>108</sup> Cubielette-Polanco lived with epilepsy, which prison officials knew, and legally should not have been placed in solitary confinement. Returning to Riker’s, Layleen was placed in solitary confinement for 20 days, and on the ninth day, she died. New York State Corrections says that she died after having a seizure. The closed caption video shows guards standing around her lifeless body, not getting her the medical attention she needed. Riker’s claimed to have had difficulty housing trans women and even with advice from a psychiatrist not to place her in solitary, they did anyways. Layleen Cubielette-Polanco’s family filed a wrongful-death lawsuit against the city and Riker’s staff. Layleen’s death could have been prevented.

All examples provided prove one thing: no matter the situation and no matter the outcome, the pathologization of crime incriminates Black Queer and Trans people disproportionately. In my theoretical analysis so far, I was consistently using Black and Brown or People of Color to acknowledge the varied races that inhabit the Americas regardless of ethnicity or nationality because policing largely impacts these two groups the most. But, I cannot speak about the impact of police and practices of policing without acknowledging that Black people, Black Queers people, Black Trans people are impacted more than anyone else in a contemporary American framework. Crime or crime rates are not a viable or credible reasoning

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<sup>108</sup> Gold, Hannah. “What Really Happened to Layleen Polanco?” The Cut, The Cut, 28 June 2020, [www.thecut.com/2020/06/what-really-happened-to-layleen-polanco.html](http://www.thecut.com/2020/06/what-really-happened-to-layleen-polanco.html).

for the disproportionate imprisonment and deaths of Black people. In moving forward with understanding de-policing and its origins, let us remember this.

### The Legacy of Violence

The systems of carceral policing that poor people, queer people, trans people, disabled people, and people of color are concentrated in, such as jails, prisons, detention centers and all places of extreme violence and exclusion from support systems, are just extensions to the legacy of slavery. These places operate as a neoliberal machine of binary systems that are inherently keen to harming anyone living outside of it and thus create really intense conditions of violence around it.

I focus on examples of people who have been pushed into criminalized economies that then lead to prison, where as we can witness, which in the U.S. are concentrated with Queer and Tran People of Color. Over half (58%) of Transgender people who interacted with police (who knew they were trans) in the last year reported experiences of harassment, abuse or other mistreatment by the police.<sup>109</sup> Specifically, Trans people are presumed and pushed into these criminalized economies of sex work and informal work, which leads into high levels of criminalization.<sup>110</sup> Even trans people who do not participate in these economies are more often than not profiled and policed through these stereotypes (whether or not engaged). This then leads to high levels of alienation, vilification and criminalization.<sup>111</sup> It begs the question, what types of subjects do police look at as usual suspects? Why and where do they patrol on a frequent basis?

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<sup>109</sup> Spade, Dean. *Normal life: Administrative violence, critical trans politics, and the limits of law*. Duke University Press, (2015): 24

<sup>110</sup> Carpenter, Leonore F., and R. Barrett Marshall. "Walking while trans: Profiling of transgender women by law enforcement, and the problem of proof." *Wm. & Mary J. Women & L.* 24 (2017): 6.

<sup>111</sup> *Ibid*, 6.

And who gets arrested? Who is surveilled? How can they argue that it is not a deliberate targeting when the commonalities of those arrested are the same? And most importantly, what actually happens once people enter jails, detention centers, and prison? It seems that there is an increasing racial, sexual and gender violence that involves the degradation of more people, than we have ever imprisoned, jailed, and deported in history. Specifically, trans women in prisons experience abuse from other incarcerated peoples and prison guards through segregation, violence, sexual assault, and medical neglect.<sup>112</sup> In Leonore F. Carpenter and R. Barrett Marshall's, *Walking While Trans: Profiling of Transgender Women by Law Enforcement, and the Problem of Proof*, they discuss the violence, profiling and subjection trans women face when interacting with police, prisons, and society. Specifically, they discuss the lack of data that incites speculation and diminishes the actual impact police and prisons have on trans women, but it also shows how in the U.S., we value data composition and quantitative analysis over lived experiences and discussion of violence that occur. The lack of data is presumed to prohibit the efforts of criminology to advocate for marginalized people's experiences with policing. But how will data and quantitative analysis impact criminality of Queer and Trans People of Color if they are immediately viewed as a criminal by police? Also, what if the lack of data is due to the under and non-reporting of police officer that interact with Queer and Trans People of Color? In the article they state,

Transgender women are multiply marginalized and extraordinarily vulnerable to violence. An epidemic of police profiling will only exacerbate this problem by exposing this population to exactly the

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<sup>112</sup> Carpenter, Leonore F., and R. Barrett Marshall. "Walking while trans: Profiling of transgender women by law enforcement, and the problem of proof." *Wm. & Mary J. Women & L.* 24 (2017): 10.

wrong end of the law enforcement spear, treating transgender women as criminals and outlaws instead of vulnerable populations for whom relationships of trust with law enforcement are critical to their survival.<sup>113</sup>

As previously stated, the enactment of certain laws for *protection* and “having our discrimination and violence named in law”<sup>114</sup> as Dean Spade argues “is a harmful opportunity for a system to claim “fairness and equality while continuing to kill us”<sup>115</sup> when survival is limited. Thus, there is no strategy for violence prevention, but instead enhances the punishing power of the systems that is the main perpetrated of violence against of Queer and Trans People of Color. The strengthening of hate crimes legislation and legitimizing the criminal punishment system, winds up then targeting the very people it was supposed protect.<sup>116</sup> Not surprisingly, the US imprisons more than 25 percent of the world’s prisoners, although it only holds 5 percent of the world’s population and has the highest reported imprisonment rate per capita of any country.<sup>117</sup> So how does adding more power to a powerful system result in our ability and possibility to live? It adds profit, it grows, and it strategizes proponents of visibility and vulnerability intertwined with anti-poverty, anti-blackness, anti-disability, and anti-indigeneity rhetoric. As Ruth Wilson Gilmore states in, *Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism*, “... if economics lies at the base of the prison system, its growth is a

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<sup>113</sup> Carpenter, Leonore F., and R. Barrett Marshall. "Walking while trans: Profiling of transgender women by law enforcement, and the problem of proof." *Wm. & Mary J. Women & L.* 24 (2017): 7.

<sup>114</sup> Spade, Dean. *Normal life: Administrative violence, critical trans politics, and the limits of law*. Duke University Press, (2015): 46.

<sup>115</sup> *Ibid*, 46.

<sup>116</sup> *Ibid*, 44.

<sup>117</sup> *Ibid*, 45.



function of politics not mechanics.”<sup>118</sup> With Gilmore’s work both in this article and her greater project of *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, she continuously brings us back to the political economy of the prison industry that produces surplus and profit to build prison after prison; which was inevitable. In the state of California, Gilmore discusses the “capital movement” that produced and absorbed surpluses for financial capital, land, labor, and state capacity.<sup>119</sup> With so many obstacles and barriers put in place, a world without policing feels intangible and impossible to escape.

Such impossibility comes at the expense of those most marginalized and ostracized by the interlocking systems of oppression. Trans folks are ten times more likely, than cisgender people to experience sexual and physical violence and abuse in prison, and they are three times more likely to be placed in solitary confinement.<sup>120</sup> Prison, as Gilmore states, “is not a building ‘over there’ but a set of relationships that undermine rather than stabilize everyday lives everywhere.”<sup>121</sup> So, the conditions of solitary confinement and gender segregation of queer and trans inmates not only affect their mental and psychological health, but a myriad of symptoms to come once released.

### Ulterior Motives of the State

Though the possibility to neglect, perform violence and harm occurs inside the prison walls, there are also many routes to criminalization that specifically affect queer and trans people

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<sup>118</sup> Gilmore, Ruth Wilson. "Globalisation and US prison growth: From military Keynesianism to post-Keynesian militarism." *Race & Class* 40, no. 2-3 (1999): 174.

<sup>119</sup> Ibid, 88.

<sup>120</sup> Spade, Dean. *Normal life: Administrative violence, critical trans politics, and the limits of law*. Duke University Press, (2015): 27.

<sup>121</sup> Gilmore, Ruth Wilson. *Golden gulag: Prisons, surplus, crisis, and opposition in globalizing California*. Vol. 21. Univ of California Press, (2007): 242.

of color on the outside as well. As Dean Spade proclaims, the biggest crime in America, is the crime of being poor person.<sup>122</sup> So simultaneously, this immediately impacts the lives of Queer and Trans People of Color. Particularly in the carceral state, discourses of racialized criminality construct Queer and Trans People of Color as inherently criminal, deviant, and non-heteronormative.<sup>123</sup>

Prison conditions play a major part in whether, or not, Queer and Tran peoples get their basic needs met. So how has crime been positioned within the theories of queerness and race when referencing to de-policing? More often than not, we are met with reluctance to challenge what we believe and know to be policing. I find that the narrative revolves around accountability, surveillance of the police (ironic?) such as body-cams and street cameras, and stricter and more preventative laws around police officer's rights. How do we expect to defeat a system that we continue to feed and nurture? Why discuss strategies of prevention, harm reduction, and trauma informed care, when the first reaction is more often than not to shoot and kill somebody a Black or Brown body?

Our work begins with three steps: 1.) Critical work to de-pathologize Black and Brown bodies, 2.) Removing disciplined violence from law and order and 3.) Challenging the very notions of normativity to societies standards in terms of criminality and legality. I prepare us with these three tenets of de-policing because they get at the root of our issues in contemporary U.S. politics and performances of policing.

Even in the best models designed, defined and decided by criminologist and theorist, will reform work? In considering systematic and systemic changes, must we not start from the ground

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<sup>122</sup> Gilmore, Ruth Wilson. *Golden gulag: Prisons, surplus, crisis, and opposition in globalizing California*. Vol. 21. Univ of California Press, (2007): 77.

<sup>123</sup> Vitulli, Elias. "Racialized criminality and the imprisoned trans body: adjudicating access to gender-related medical treatment in prisons." *Social Justice* 37, no. 1 (119 (2010): 53.

up as opposed to cutting off a branch? By getting at the root, we are working to change the entirety of the system. But cutting off a branch, or picking a leaf off this metaphorical tree, there remains the possibility the injustices, from a shallow contestation may grow back. Therefore, what is the root cause of policing and what does this emergence look like in society today? Who would still be alive if we were able to do such a thing?

I look towards Critical Race Theorists Cynthia Lee, Kimberlé Crenshaw, Richard Delgado, Derrick Bell and Patricia Williams to think through these issues as this field emphasizes the telling different stories that challenge marginalized people's relationship to US law and injustices. The impact of Jim Crow lingers today while we consequently live in an era of colorblindness.<sup>124</sup> Colorblindness- or to not see racial difference- can in part "exacerbate the effects of implicit racial bias"<sup>125</sup> that lead to profiling, arrest and violence. This only leads me to believe that similar profiling occurs for Queer People of Color. Similar to racial profiling, there is strong evidence that Queer and Trans specific profiling occurring in communities across the nation. What I define as *queer-profiling*, as mentioned previously, occurs around suspicion of sex work, loitering, disorderly conduct, and solicitation. This type of profiling and policing of queer people of color is enacted much more than in the presence of police, but by *citizen appointed-vigilantes* walking the streets, as we have seen it play out time and time again. But how and why are these everyday people, these citizen appointed-vigilantes, joining the forces of the state, voluntarily? As stated by Angela Y. Davis in *Are Prisons Obsolete?*

On the whole, people tend to take prisons for granted. It is difficult to imagine life without them. At the same time, there is

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<sup>124</sup> Alexander, Michelle. *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press, (2020): 14.

<sup>125</sup> Lee, Cynthia. "(E) Racing Trayvon Martin." *Ohio St. J. Crim. L.* 12 (2014): 93.

reluctance to face the realities hidden within them, a fear of thinking about what happens inside them. Thus, the prison is present in our lives and, at the same time, it is absent from our lives.<sup>126</sup>

This explains how European American citizen appointed-vigilantes pathologize the effects and the use of policing into their everyday lives. Expanding the notions of prisons, we have cognitively detached ourselves from our own normative standards as a society that we do not see the complexities in our abundant plan to police people both inside and outside of prisons. As Davis continues, as a society, “we take prisons for granted but are often afraid to face the realities they produce.... because it would be too agonizing to cope with the possibility that anyone, including ourselves, could become a prisoner, we tend to think of the prison as disconnected from our own lives.”<sup>127</sup> This thesis takes this argument further to consider that even though some people may think prisons are disconnected from their lives, they are directly connected others, Queer People of Color livelihoods are intimately connected to the prison industrial system. Returning to the legacy of slavery and slave patrols, I began with that brief example because it connects directly to the over and overt policing of Queer and Trans People of Color.

As Davis explains, “the prison had become a black hole into which the detritus of contemporary capitalism is deposited.”<sup>128</sup> and we as a society are by in large complicit in the generation and regeneration of what prisons produce: a phenomenon of who gets to play guard and who gets to be the prisoner. As Davis continues, “It is through this process through which

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<sup>126</sup> Davis, Angela Y. *Are prisons obsolete?* Seven Stories Press, (2011): 15.

<sup>127</sup> *Ibid*, 15.

<sup>128</sup> *Ibid*, 16.

imprisonment developed that state and social inflicted punishment as become a mode that is directly connected to the rise of capitalism and of a new set of ideological conditions.”<sup>129</sup> These conditions are interchangeably impacting the state and the social sectors of policing and imprisonment. As Davis proclaims, they share technologies and variable that mutually support and promote one another. Therefore, these systematic technologies of the state and social sectors, “generate huge profits from processes of social destruction”<sup>130</sup> that ultimately rely on the lives of Queer and Trans People of Color as sites to do so.

As I write this, there are militias of white folks surrounding federal and private properties, demanding a re-opening of the economy all because they want their hair cut. While simultaneously, Black and Brown folks are imprisoned across the nation for non-violent offenses and are at high risks of contracting a virus that may ultimately kill them. From all of this theory, to practical implications, to my own creation of a de-policing methodology, I question my capability to engage in conversations that revolve around the need for forceful and policing tactics towards people with Black bodies with bigger builds, or Queer folks with butter knives, or people who show the slightest bit of frustration or aggression over a questionable traffic stop. We have seen time and time again that white, cisgender men and women, are engaged with more support, safety, and fragility by police forces regardless of the race or gender or the officer. But on the other hand, Queer and Trans Black and Brown people are met with deadly force and fear. Lets be clear, there is no synergy between cops and community. None, because the we do not need to see a police officer in uniform shoot a basketball, pull an unexpected Black driver over to deliver an ice cream cone, or see a cop do the electric slide. We need justice. We need the possibility to live beyond our own capabilities and fears.

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<sup>129</sup> Davis, Angela Y. *Are prisons obsolete?* Seven Stories Press, (2011): 43.

<sup>130</sup> *Ibid*, 88.

## Strawberry and Dee

Now- I would like to engage with two examples of how a system of impossibility has fully and deliberately stop and policed any possibility for Strawberry Hampton and Dee Farmer to live with police within their lives thus far. I hold these two women close in my methodology for de-policing because their experiences amply tell how the contemporary strategy policing has negatively affected Trans women of Color in the U.S. These two examples of the ominous disregard for Trans women of Color livelihood enables us to witness the sheer oppression plaguing prisons, jails, and detention centers across the country.

In 1989, Dee Deirdre Farmer, a Black Transgender woman, sued prison officials for the "mental anguish, psychological damage, humiliation, swollen face, cuts and bruises to her mouth and lips and a cut on her back, as well as some bleeding" that she endured after getting raped at a Terre Haute maximum penitentiary<sup>131</sup> which violated the Eighth Amendments that "forbids cruel and unusual punishment". It took almost 5 years for Dee's case to make it to the Supreme Court where she was represented by Elizabeth Alexander of the ACLU and unanimously won damages from the attack, contracting HIV from the inmate that raped her, and negligence of prison officials. *Farmer v. Brennan* made national headlines in 1994 for a story about "prison horrors", but it represented so much more than that. It set precedence for constitutional violations behind bars and inmate negligence.<sup>132</sup> Black and Brown trans women are suffering a fate predicated by our society's deliberate inability to value their existence. Dee's fight did not begin or end with this one act of violence. She had also fought the Federal Bureau of Prisons for appropriate

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<sup>131</sup> Strangio, Chase. "Dee's Triumph: One of the Most Important Trans Victories You Never Heard Of." American Civil Liberties Union, American Civil Liberties Union, 21 Oct. 2019, [www.aclu.org/dees-triumph-one-most-important-trans-victories-you-never](http://www.aclu.org/dees-triumph-one-most-important-trans-victories-you-never).

<sup>132</sup> Flowers, Allison. Dee Farmer Won a Landmark Supreme Court Case on Inmate Rights. But that's Not the Half of It. 20 April 2020, <https://www.villagevoice.com/2014/01/29/dee-farmer-won-a-landmark-supreme-court-case-on-inmate-rights-but-thats-not-the-half-of-it/>

medical care, such as hormone therapy, but lost because the treatment would have exacerbated her AIDS diagnosis, which resulted from her assault. Dee also fought the systems for not providing African-American hair and skin products, not having blind-accessible materials available in the library, and for not being able to work in the kitchen due to her HIV diagnosis. A member of Dee's later legal team, Luis Fasulo said,

No matter what sentence Dee receives, she has already received a life sentence in a way. Even though the price Dee paid has mentally and physically scarred her in a way she might never escape, her perseverance and bravery has improved conditions for thousands. In a way, the anniversary of this case is more of a day of mourning and remembrance than celebration.<sup>133</sup>

This concept of mourning for Dee while alive, calls to a certain social, accelerated premature death that is a common narrative for Trans women who remain unassimilable and unintelligible in society and represent abstracted state of Trans lives outside and inside of the carceral state.

Similar to Dee's story, Strawberry Hampton's story may seem familiar because the police state overwhelmed her ability to experience life. Strawberry's history of "crime" was a long list of misdemeanors and non-violent offenses that often escalated due to the arresting officers' prejudice towards her being Trans. Using her name assigned at birth and unable to change her name legally to Strawberry, she often endured high volumes of violence and retaliation for name discrimination (MacArthur Justice Center, 2019). Unlike Dee, Strawberry's claims for adequate

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<sup>133</sup> Flowers, Allison. Dee Farmer Won a Landmark Supreme Court Case on Inmate Rights. But that's Not the Half of It. 20 April 2020, <https://www.villagevoice.com/2014/01/29/dee-farmer-won-a-landmark-supreme-court-case-on-inmate-rights-but-thats-not-the-half-of-it/>.

and basic care did not fall solely on her shoulders, but she was able to report these incidents to the Illinois Department of Correction's Transgender Care Review Committee. Though the representation was figuratively there, all of Strawberry's claims for removal from men prisons and for mental health support were denied according to witnesses at the MacArthur Justice Center.

Strawberry was released Monday, July 8, 2019 from Logan Correctional Center—a place she fought so hard to get into—but a place that nonetheless she did not want to be incarcerated in the first place. In the court case, *Hampton v. Illinois Department of Corrections* (IDOC), Strawberry is a survivor of multiple attacks by both prison guards and inmates at four different male security prisons, most recently at Dixon Correctional Center (MacArthur Justice Center, 2017). From Menard Correctional Center to Pickneyville Correctional Center, and lastly to Lawrence, Strawberry did not even reach the facilities grounds before being assaulted, she was attacked on the bus ride to the facility. This led to a growing number of assaults by guards that resulted in solitary confinement, group assaults, and retaliatory discipline. Strawberry spent two and a half years placed in men prisons.<sup>134</sup> Even up to her placement at a women's correctional center, there continued to be a lack of basic human rights, from hygiene products to mental health services after her long enduring trauma.

Queer and Trans People of Color are directly impacted by our government's necropolitical agenda that gives a grotesque power to biomedical practices on Trans bodies in prisons and similar facilities. Achille Mbembe foundational piece, *Necropolitics*, describes necropolitics as the concept of making sense of the centrality of death in contemporary social life and C. Riley

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<sup>134</sup> Preston, Charles. Hampton tells of life as Transgender in Illinois prison system. 2 April 2020, from <https://www.injusticewatch.org/commentary/2019/hampton-tells-of-life-as-transgender-in-illinois-prison-system/>



Snorton and Jin Haritaworn expand on his original concept in, *Trans Necropolitics: A Transnational Reflection on Violence, Death, and the Trans of Color Afterlife*. In this article they position a transnational perspective to examine the deadly violence experience by Trans People of Color, such as Tyra Hunter. In this discussion they offer a vantage point that explores the theoretical and political possibilities of centering Trans People of Color in their analysis of Trans of Color death. This practice then disguises within policy making, deem certain subjects as unintelligible to the state and to society, and puts into question the very work being done for Trans folks in prisons and in society overall.

In navigating the above texts, I have provided a historical, representational and cultural approach to the process and identifications of de-policing for the racialized Queer and Trans subject. In understanding the social and state contractions of policing, I hope that we are able to maneuver the system in our benefit and create actual, systemic and systematic change. In doing so, we can better support and care for the Queer and Trans People of Color from being engulfed by a system of such velocity and vigor. I decidedly wanted to give name to the process of an overt policing in the examples of Dee and Strawberry because I want us to recognize the here and now that the impacts policing has on people's lives. Though I previously navigate the *not-yet* of possibility-making, this is exactly where I choose to contest its very significance and lack thereof, because it does not offer us a possibility of the now. Though I do find comfort and hope in the not-yet, the urgency of de-policing could very much be life-saving. My hopes for the here and now of de-policing queer possibilities is that it will allow for us to bridge the gaps between theory to practice to law in considering the possibilities of whose life may very well depends on it.

## **We Won't Give Up, Mitrice**

*In the weather of the wake, one cannot trust, support, or condone the state's application of something they call justice, but one can only hold one's breath for so long.*

*Christina Sharpe, In The Wake: On Blackness and Being.*

Dreaming of possibilities beyond her wildest imagination, Mitrice Richardson, a Black lesbian woman and beauty pageant winner, was capable of anything. A recent graduate from California State University at Fullerton and psychology intern with Dr. Ronda Hampton, Mitrice was building a life that reflected her own interest in education and helping others. On the night of September 16, 2009, Mitrice left home the home she shared with her great-grandmother, and drove 40 miles to Malibu to dine at Geoffrey's Restaurant. While giving her keys to the valet, the attendant noticed Mitrice's behavior to be odd and she was mumbling strange statements, such as things about "its subliminal" and avenging Michael Jackson's death.<sup>135</sup> In walking into the restaurant, Mitrice sat alone at a table and quickly joined a table nearby with a group of people. At this table, the group was warm and welcoming to Mitrice, but as well noticed her odd behavior and random statements.<sup>136</sup> From shifting back and forth from her table to another the table with people, Mitrice ate dinner, had a drink, and decided to leave. The wait staff then attempted to stop her because she did not pay for her bill of 89 dollars. With no money and acting in a strange way by making odd remarks, the manager (though it is not clear how) contacted Mitrice's great-grandmother to assist Mitrice in settling this dispute. Mitrice's great-grandmother offered to pay the bill over the phone, but the manager refused due to an inability to

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<sup>135</sup> Kessler, Mike. "What Happened To Mitrice Richardson?" Accessed on March 2, 2020: <https://www.lamag.com/longform/what-happened-to-mitrice-richardson/>

<sup>136</sup> Ibid.

sign the check.<sup>137</sup> Other guests and waitstaff offered to pay the bill, but the manager again refused. As a last resort, the manager called 911 in hopes that the police would resolve the issue.

Upon arrival, police officers noticed, and noted, some non-normative behaviors, administered a sobriety test that came back negative, and decidedly chose to detain Mitrice. While searching her car, the officers noted the details of Mitrice's car as being filled clutter. Impounding her car, which had her cellphone, wallet (with money that could have paid for her meal) and personal belongings, officers brought Mitrice to the remote Malibu/Lost Hills Sheriff's Station.<sup>138</sup> Latice Sutton, Mitrice's mother, called the station, asking about her daughter's status and possible release. The sheriff's office confirmed that they would keep her overnight and "the deputy on the phone assured Latice that Mitrice would be safe at the station" (Kessler, 2011).

Upon calling at 5:35 am the next morning, Latice was informed that Mitrice was no longer in custody. Mitrice had been released just after midnight on September 17, 2009.<sup>139</sup> Video footage shows Mitrice walking out of the station into the night, in a place that was unknown to her. Latice called multiple times, even requesting a missing person's report, but was advised against it. Deputy Kenneth Bomgardner is quoted as saying, "Then why don't you give us a call back in a couple hours, and if she hasn't shown up or made contact with you, then maybe we can do something for you."<sup>140</sup> Maybe, is the key word here.

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<sup>137</sup> Kessler, Mike. "What Happened To Mitrice Richardson?" Accessed on March 2, 2020: <https://www.lamag.com/longform/what-happened-to-mitrice-richardson/>

<sup>138</sup> Abram, Susan. "5 Years After Mitrice Richardson's Remains Were Found in Malibu Her Death Still Raises Questions" Accessed on April 15, 2020: <https://www.dailynews.com/2015/11/28/5-years-after-mitrice-richardsons-remains-were-found-in-malibu-her-death-still-raises-questions/>

<sup>139</sup> Ibid.

<sup>140</sup> Kessler, Mike. "What Happened To Mitrice Richardson?" Accessed on March 2, 2020: <https://www.lamag.com/longform/what-happened-to-mitrice-richardson/>

At 6:30 am, a resident six miles west of the police station called reporting that there was a “slim black woman” with “afro hair” in their backyard. After asking if she was okay, the person alleged to be Mitrice responded, “I’m just resting” then disappearing into the dusk, moments later.<sup>141</sup> Though deputies acknowledged the call, they did not show up until hours later. Deputies of Lost Hills did not even send out a “be on the lookout” until seven hours later. And the Lost Hills Sheriff’s office waited two whole days after Mitrice’s disappearance to call for a search. Mitrice’s family waited three months for video footage from inside the station, that appeared to have been edited. Five months later, in January 2010, a massive search was undertaken across the landscape that is the hills surrounding Malibu. And 11 months after going missing on that September night, Dark Canyon Rangers found Mitrice’s remains less than eight miles from the Lost Hills sheriff station and within two miles of where she was last seen alive.<sup>142</sup>

Without permission or the right, LASD removed Mitrice’s remains, claiming improbable stories for their decisions. Her remains were found 500 to 600 feet away from her clothing, meaning that something or someone would have had to carefully take off her clothes and moved them. Though speculation continued, mainly from authorities that Mitrice had been there since, the conditions of her remains do not line up with how the environment, creatures of the area, and time would have weathered her remains. Mitrice’s body was mummified, not decomposed, even though the claim is that her body must have been there over the course of the past 11 months. Testing of the evidence collected was never fully examined, nor were the possibilities of what caused Mitrice’s death.

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<sup>141</sup> Kessler, Mike. “What Happened To Mitrice Richardson?” Accessed on March 2, 2020: <https://www.lamag.com/longform/what-happened-to-mitrice-richardson/>.

<sup>142</sup> Ibid.

On a trip to the site where Mitrice's remains were found and extracted, a journey that seemed near impossible with the layout of terrain. Geographically, no one could make it to this point alone without the guidance of trained professionals.<sup>143</sup> Upon arriving, Latice, her sister Lauren, Dr. Ronda Hampton, and forensic anthropologist Cleo Koff, cleared a spot to place a memorial for Mitrice. In their clearing of dirt, overgrowth and sticks, they found one of Mitrice's *finger bones* in the dirt. A material piece of her was left in a place that was unknown to her, but that will be connected to her legacy forever. A piece of her, which I would argue exemplifies the neglect and perpetrated violence enacted by law enforcement. Mitrice's life, death, and afterlife, were treated inappropriately and unjustly. If proper care was provided to her, she might still be here today.

I see Mitrice's story both in, and beyond, life as a place for theoretical development of our reliance and trust of police as agents of protection and law and order. As such, I want to explore the ways in which "investigation" builds a profile for the state in determining the extent by and to which they recognize life. By this, we can attest to the neoliberal standards of social value or as Hong discusses, the economies of morality,<sup>144</sup> but as I contest with, and in lieu of, the possibilities of morbidity influences. These morbid influences of social values I proclaim are identities that make Mitrice invisible, and simultaneously, a threat to the state; such as being Black, educated, supported, mourned, and queer.

In describing Mitrice's life and or "lifestyle", articles from 2009 to 2019 discuss almost immediately her sexuality as a lesbian and her close relationship with two women prior to her disappearance and murder. By doing so, the writers and journalists detailing these accounts force

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<sup>143</sup> Kessler, Mike. "What Happened To Mitrice Richardson?" Accessed on March 2, 2020: <https://www.lamag.com/longform/what-happened-to-mitrice-richardson/>

<sup>144</sup> Hong, Grace Kyungwon. *Death beyond disavowal: The impossible politics of difference*. U of Minnesota Press, (2015): 43.

the reader to create an immediate bias for Mitrice's identity and livelihood as if these were justifications for her death. By unintentionally instigating that her sexuality was related to her death in anyway, the media is controlling the imaging and portrayal of Mitrice's life as a means for her death. Extending Collins argument of *Controlling Images and Black Women's Oppression*, I use her descriptions of these four prevailing interpretations as a placeholder for how both the state and society may have read Mitrice's death. In providing a basis for building an ideological justification for Mitrice's case, we can use this logic of controlled imaging in understanding how Mitrice's life or as they call it "lifestyle" was unjustifiably used to presume the extent of her death, treatment by police, and the media. Collins argues that the controlling of images "are designed to make racism, sexism, and poverty appear to be natural, normal, and an inevitable part of everyday life"<sup>145</sup>, which for Mitrice, even if these systems were not contending characteristics of her life, they very so may have influenced the public's perception of her image. And as Crenshaw argues, "Perhaps the devaluation of women of color implicit here is linked to how women of color are represented in cultural imagery."<sup>146</sup>

I recount Mitrice's story in detail and to an extent, the complexities of what the Richardson family experienced in this tragedy is telling and deserves more discussion because it is our first step in understanding the complexities and complicated relationship policing has over one person's experience. As a Black Queer woman, Mitrice's story of state sanctioned negligence and total disregard for her well-being mirrors that of other Queer People of Color who have been deliberately mistreated and killed within the system.

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<sup>145</sup> Collins, Patricia Hill. "Controlling images and Black women's oppression." *Seeing ourselves: Classic, contemporary, and cross-cultural readings in sociology* 4 (1991): 267.

<sup>146</sup> Crenshaw, Kimberle. "Mapping the margins: Intersectionality, identity politics, and violence against women of color." *Stan. L. Rev.* 43 (1990): 1282.

Though, with the othering of Mitrice's case as something that surely cannot be located in the hills of Malibu, I look towards how her life beyond death is creating a discourse and action within policing systems. Bell hooks analysis of *the other* in "Eating the Other" tells us that "Whether or not desire for contact with the Other, for connection rooted in the longing for pleasure, can act as a critical intervention challenging and subverting racist domination, inviting and enabling critical resistance, is an unrealized political possibility."<sup>147</sup> This possibility I find is one that positions those involved and invested in the workings of de-policing must confront in their engagement with the boundaries and limitations of policing that are overtly affecting so many people's lives. I wonder though, just how critical is our evaluation of the system that seems inevitable. I look towards Collin's *Black Feminist Thought*, as a foundational text when decidedly creating a strategy about de-policing. In this work, there is the recognition of power dynamics, but also the creation and maintenance in order of who is centered and who is pushed to the margins. As Collins states in reference to Black women, "As the 'Others' of society who can never really belong, strangers threaten the moral and social order. But they are simultaneously essential for its survival because those individuals who stand at the margins of society clarify its boundaries. African-American women, by not belonging, emphasize the significance of belonging."<sup>148</sup>

As I contested in the introduction, de-policing queer possibility-making relies heavily on our ability to understand the genealogical lineage of Black and Brown Queer folks and their relationship to the legacy of policing. To reiterate just who is considered Queer, I look towards Cathy Cohen's interpretation of queer within her article "Queering Critical Ethnic Studies" and

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<sup>147</sup> hooks, bell. "25 Eating the Other: Desire and Resistance." *Media and cultural studies: Keywords* (2012): 367.

<sup>148</sup> Collins, Patricia Hill. *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Routledge, (2002): 77.

in “Punks, Bulldaggers and Welfare Queens,” that “by making racialized people the subjects of queer analysis, we are complicating, expanding and emboldening our analysis and praxis”<sup>149</sup> and “create a space in opposition to dominant norms, a space where transformational political work can begin.”<sup>150</sup> This allows us the opportunity engage in Mitrice’s story as a means for constructing a de-policing strategy that seeks to engage it in all possibilities of life, without a proximity to death.

Though, the potential dangers of such a politics of critiquing and challenging the forces and power of the police may very well complicate our understanding of justice. In the case of Mitrice, the law enforcement were the literal bridge between if Mitrice lived or died in the hours or days surrounding her disappearance. I caution this because in reviewing her mother’s efforts to find Mitrice, did (the police’s neglect) this cause a delayed search and rescue? Or more so lead to the deception that plagued this case from the very beginning? I use Mitrice’s case within my efforts to building a de-policing strategy because if the police were not called that day, if the solutions that were used revolved around care and support, would Mitrice be alive today? How and in what ways did the police mishandle the case and overall the care of Mitrice? I cannot stop thinking about the detail at the beginning when they called Mitrice’s great-grandmother, if the police officers were to have been trained in harm-reduction or trauma informed care, their initial impulse would have been to speak with her great-grandmother, and possibly diagnose the problem differently. Could they have gotten the great-grandmother to offer an address, possibly even Latice’s phone number, what would have transpired then? The events leading up to Mitrice’s disappearance keep on coming up within articles and documentaries as some sort of

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<sup>149</sup> Cohen, Cathy. "Death and rebirth of a movement: Queering critical ethnic studies." *Social Justice* 37, no. 4 (122 (2011): 130.

<sup>150</sup> Cohen, Cathy J., “Bulldaggers punks, and welfare queens. the radical potential of queer politics?." *GLQ: Gay and Lesbian Quarterly* no. 3 (1997): 438.



vital clue to the puzzle, but I am reluctant to think that even those noticeable behavioral changes would have changed the course of history. For Mitrice, as a Black, queer woman, how differently would the police have handled her in the restaurant that day if she had been going through an episode or not. In comparison to today's context, 11 years later, what would have been done differently? Would Mitrice have been guided through proper treatments for someone experiencing mental health issues? Would Mitrice have been taken home to her mother Laticé or to her grandmothers? Do we continue to believe for as long as the police are involved, the pathologization and racial bias towards that of Black bodies overrides any training to prepare police officers with the care and support of someone's well-being? For Laticé Sutton, her work now is to keep the courts, police officers and police stations accountable, challenging the very systems that inadvertently played a part in the abstraction of Mitrice's death. In conceptualizing Mitrice's life and death through her experience with the police state, we can begin to unravel our relationship to and within these powers as more than just an omniscient force of impossibility, but our ability to critically engage in understanding the many possibilities for justice both in life and death. We will not give up, Mitrice.

## Marielle, Sermos Tu Voz En Todas Partes

*I am not wrong: Wrong is not my name*

*My name is my own my own my own*

*and I can't tell you who the hell set things up like this*

*but I can tell you that from now on my resistance*

*my simple and daily and nightly self-determination*

*may very well cost you your life*

*June Jordan, poem about my rights, 2005*

A representative of favela residents, a black queer mother vying to make a change in politics, Marielle Franco was on her ascension to becoming a champion for de-policing tactics in Rio de Janeiro, Brazil. Marielle was an educated, passionate and some would say “outspoken” advocate for her community. Marielle’s tactic and politics were not “relying on the state to play ‘detective’ and investigate crimes”, but she understood that “we must understand how the state determines the nature of crime and those it criminalizes.”<sup>151</sup> On March 14, 2018, Marielle was assassinated along with her driver Pedro Gomes, after delivering a public speech about police brutality.<sup>152</sup> In hours and days that followed, "it was clear from the beginning that this was a political crime...the first political murder in Rio in decades. And this murder was of a black woman from the favelas, who stood up for those who are poor, black and live in the favelas. It

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<sup>151</sup> Dunham, Xavier, “Marielle Franco and the Brazilian Necropolis: Assassination and After Lives” 21 March 2020: <https://law.utexas.edu/humanrights/projects/marielle-franco-and-the-brazilian-necropolis-assassination-and-after-lives/>

<sup>152</sup> Alberti, Mia. “A Year After Marielle Franco’s Murder, Violence Still Haunts Rio” 23 April 2020”<https://www.aljazeera.com/programmes/peopleandpower/2019/06/murder-marielle-franco-190605100430174.html>

was impossible for this not to make a huge impact in the news.”<sup>153</sup> As Xavier Dunham writes, “Alongside this sobering reality, Marielle Franco’s assassination illuminates how the Brazilian state maintains control through a violent politics of death, and how state-centered justice is virtually unattainable, especially in the face of dissent.”<sup>154</sup> Most notably through the media channels that publicized her life and death “is forcing Brazilians to ask searching questions about their country’s inherent racism, violence and culture of impunity.”<sup>155</sup>

A strong opponent against the use of militarization of the city, Franco had publicly denounced former President Michel Temer’s orders for this increased force.<sup>156</sup> This, for some investigators, may have resulted in her assassination against the political power of the city. Franco, a product of the favela (or more frequently referred to as the “slums” in an American context) worked diligently to make her community safer and more visible to the government. Instead of opposing them entirely, Franco inevitably became a part of the systems, specifically the government, she so willingly challenged and opposed. Raul Santiago, a community leader explained the importance of Franco because she was “a black, lesbian 'favelada' woman occupying a space of power that was always taken by men” and who dared to speak up.”<sup>157</sup> He also explained how extreme this occurrence was, but yet how common it is as well, “historically they always tried to control the black, poor communities. Today the war on drugs is their excuse

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<sup>153</sup> Garcia, Raphael Tsavkko. “Marielle Franco may Be Gone, But She Is Not Silenced” Accessed on March 19 2020: <https://www.aljazeera.com/indepth/opinion/marielle-franco-silenced-180321114024253.html>

<sup>154</sup> Ibid.

<sup>155</sup> Phillips, Dom. “Marielle Franco: Brazil’s Favelas Mourn the Death of a Champion” Accessed on April 2020: <https://www.theguardian.com/world/2018/mar/18/marielle-franco-brazil-favelas-mourn-death-champion>

<sup>156</sup> Ibid.

<sup>157</sup> Alberti, Mia. “A Year After Marielle Franco’s Murder, Violence Still Haunts Rio” 23 April 2020”<https://www.aljazeera.com/programmes/peopleandpower/2019/06/murder-marielle-franco-190605100430174.html>

for the violent control of our bodies”<sup>158</sup> and affirms that blackness in Brazil, is defined by its proximity to state and social violence perpetrated by not just the police, but by their country.

As Durham states, “Franco’s assassination reflects the violent, banal reality of police anti-blackness in Brazil. But it is also part of the quotidian nature of white supremacy and the attendant everyday experiences of anti-blackness that the spectacle of police violence obscures... Black execution is nothing short of genocide.”<sup>159</sup> I use this quote in examining the onset of ejection and abjection of Marielle from the police state of Brazil. In doing so, we can understand the compulsions of capital gained by Brazil’s racial democracy in Marielle’s death. So what does it take to make Black death, but Black life legible to the police state?

The shooting of unarmed black people, queer black people, and queer black women transcends borders. Franco’s ability to disidentify with the frameworks that be, were her own method to working “on and against” the political and social possibilities in and outside of the favelas. Franco was able to transform an already invested powerful energy for the good of her people living in the shadows of the favelas. As discussed by Dom Phillips, the geographical placement and conditions of the favelas are “symptomatic of how Brazilian authorities see the favelas that house almost a quarter of Rio’s population: as places to be hidden, abandoned to gangs, and occasionally invaded by police in armored cars who don’t care who gets killed in the crossfire.”<sup>160</sup>

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<sup>158</sup> Alberti, Mia. “A Year After Marielle Franco’s Murder, Violence Still Haunts Rio” 23 April 2020”<https://www.aljazeera.com/programmes/peopleandpower/2019/06/murder-marielle-franco-190605100430174.html>

<sup>159</sup> Dunham, Xavier, “Marielle Franco and the Brazilian Necropolis: Assassination and After Lives” 21 March 2020: <https://law.utexas.edu/humanrights/projects/marielle-franco-and-the-brazilian-necropolis-assassination-and-after-lives/>

<sup>160</sup> Ibid.

The legacy of Franco rests on her control and ability to use the power of the state in the service of transforming people's lives. Elected to City Counsel in 2016, Marielle collected more than 46,000 votes, more than any other councilor to have run for this position in any race.<sup>161</sup> Marielle was a force. In 2018, Marielle's work led up to her critiquing the police's military-style operations and the perpetual corruption which is deeply connected to the neoliberal agenda of Brazil.<sup>162</sup> The history of Brazil is vastly complicated and parallels to the U.S. in relations to the enslavement and invisibility of a people.<sup>163</sup> But, Brazil's public forces were beginning to become more vocal and aware of their political and social conditions, largely due to the resistance of political figures such as Marielle. In Juliana Ruhfus's brief documentary and complimenting article, she writes that

Commentators said that 2018 was the most political carnival since the end of the country's dictatorship in 1985. One parade had a puppet of the conservative President Michel Temer as a vampire wearing the presidential sash under several false dollar bills, and another showed the former President Lula de Silva dressed in prison clothes.<sup>164</sup>

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<sup>161</sup> Garcia, Raphael Tsavkko. "Marielle Franco may Be Gone, But She Is Not Silenced" Accessed 19 March 2020: <https://www.aljazeera.com/indepth/opinion/marielle-franco-silenced-180321114024253.html>

<sup>162</sup> Rufhus, Juliana. "The Murder of Marielle Franco" Accessed on 20 March 2020: <https://www.aljazeera.com/programmes/peopleandpower/2019/06/murder-marielle-franco-190605100430174.html>

<sup>163</sup> Rocha, Lia De Mattos. "The Life and Battles of Marielle Franco" Accessed March 2020: <https://www.opendemocracy.net/en/democraciaabierta/life-and-battles-marielle-franco/>

<sup>164</sup> Ibid.

Which spoke directly to the countries white elite histories in opposition to the countries hidden black and indigenous people.<sup>165</sup>

Marielle's death displays "the spectacle of violence does not stop with the state as death squads; indeed, private security also takes center stage."<sup>166</sup> And the silver lining in such is that "many feel that Marielle is wielding as much power in death as she did in life."<sup>167</sup> Marielle's death struck a chord of outrage and grief by the people in response to the state and federal authorities unjustifiably lax behavior. As Denise Ferreira da Silva poses in, *No-bodies: Law, Raciality and Violence*, "...how certain human beings' civil and human rights so immediately disappear in the state's decision to deploy its self-preserving forces in the territories it is supposed to protect."<sup>168</sup> In this global society, or racial democracy that Da Silva argues, there is an assemblage of neoliberal-economic programs that disposes of Black and Brown populations through justifiable means of self-preserving forces such as security and police. This contestation of biopower is the tool used by the arsenal of raciality to disvalue life.<sup>169</sup>

On June 20, 2018, in the favela where Marielle grew up, a young "favelado" was shot from a helicopter of police officers.<sup>170</sup> From the shots fired from the sky, Marcus, a 16-year-old student was killed. Marcus was just one of the over 1400 civilians killed by security forces in 2018. As stated by Marcus's mother, Bruna, "When the police come here, they do what they

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<sup>165</sup> Rocha, Lia De Mattos. "The Life and Battles of Marielle Franco" Accessed March 2020: <https://www.opendemocracy.net/en/democraciaabierta/life-and-battles-marielle-franco/>.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Da Silva, Denise Ferreira. "No-bodies: law, raciality and violence." *Meritum, Revista de Direito da Universidade FUMEC* 9, no. 1 (2014): 134.

<sup>169</sup> Rufhus, Juliana. "The Murder of Marielle Franco" Accessed on 20 March 2020: <https://www.aljazeera.com/programmes/peopleandpower/2019/06/murder-marielle-franco-190605100430174.html>.

<sup>170</sup> Ibid.

want with us and even try to portray the victims as criminals.”<sup>171</sup> Bruna, says this while on the street in an area overcome by trash, underneath a highway bypass, aluminum and plastic toppling over in every frame. Upon Da Silva’s work in *Facts of Blackness: Brazil is not (Quite) the United States ... And, Racial Politics in Brazil?*, she points to the insignificant political importance of race in Brazil (when compared with the US) and how is Brazil terrorized by racial exclusion and execution when there is no overt racial discrimination or explicit segregation occurring. Da Silva backs this up by saying that, “The prevailing racial discourse in Brazil celebrates the fact that, unlike the United States, our society lacks a clear-cut criterion for racial classification, and celebrates the absence of racial separation and conflict.”<sup>172</sup> So how can this contextualization of blackness coincide with the racial politics of Marielle’s life and death?

Marielle’s assistant Flavia Candido said that Marielle was killed not only because she was black, a lesbian or a favelado, but because she was a woman who gave voice to those who are like her and she showed up to the ‘slave owner mansion’ that is the Parliament where people like her who would normally not be invited or have been represented. This place was a place where Marielle demanded civil liberties and the rights of her community.

In the process of catching Marielle’s alleged killer(s), the main prosecutor declares this attack- with all its evidence, ties to the President and other elected officials, the unraveling of fraud and corruption- to be a “hate crime”. As denounced by newly elected official Renatta Souza, “That’s why we cannot accept the easy argument of this having been a hate crime. It was

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<sup>171</sup> Rufhus, Juliana. “The Murder of Marielle Franco” Accessed on 20 March 2020: <https://www.aljazeera.com/programmes/peopleandpower/2019/06/murder-marielle-franco-190605100430174.html>.

<sup>172</sup> Da Silva, Denise Ferreira. "Facts of Blackness: Brazil is not Quite the United States... and Racial Politics in Brazil? 1." *Social Identities* 4, no. 2 (1998): 203.

not!”<sup>173</sup> The very sight of the crowd swelling with loud chants, rhythms and applause; one thing is clear- the crowd’s obvious homogeneity of black and brown faces, primarily Brazilian Black women. This display of remembrance for Marielle evokes the emotions Marielle wished for in every crowd and room she entered. That the people she worked so tirelessly for, would be more than a reference to the favelas, but be present in the moments that mattered. To witness Marielle for her entirety as a politician, mother, and former favelado resident- the thread that ties them all together is that in every description of Marielle Franco, are the words “black” and “gay” presented first.

Marielle’s fight against the forces of the government powers was certainly more radical than anything that has contested the neoliberal powers within Brazil before. The images of her beaming face constitute a world of possibilities for the movement’s traction forward. Marielle’s reluctance to back down and fearlessness contributes to the critical and revolutionary work that needs to occur in order for the state of policing to crumble. Identities’ aside from politics such as her race, class, ethnicity, gender, sexuality and citizenship were useful in her abilities to examine the needs and strengths of her communities. In its greatest use, the performance of being a subject both inside and outside the state exemplifies Marielle’s ability to code survival and approval. In her numerous addresses on the Parliament floor, Marielle spoke openly and widely to the endangerments that people living in the favelas faced each day.<sup>174</sup> Marielle was attentive to the stigmatization and high rates of violence’s towards the people who resided in the favelas and to the treatment and Black Brazilian as an underclass that was never fully, yet deliberately,

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<sup>173</sup> Rufhus, Juliana. “The Murder of Marielle Franco” 20 March 2020: <https://www.aljazeera.com/programmes/peopleandpower/2019/06/murder-marielle-franco-190605100430174.html>

<sup>174</sup> Rocha, Lia De Mattos. “The Life and Battles of Marielle Franco” Accessed March 2020: <https://www.opendemocracy.net/en/democraciaabierta/life-and-battles-marielle-franco/>



integrated into the political landscape and policies of the country. At an early age, Marielle's possibilities of leaving the favelas was not an option after a close friend was assassinated between a clash of the police and militia (Rocha, 2019). Therefore, Marielle had a different approach to ending the war on her people and to becoming a voice that was heard and not ignored. Significantly, her slogan "I am because we are" vivaciously lived onward amongst the time of Marielle's death, did not stop her campaigns and influence with silence and fear, but was given momentum because of people's hope in her ideas and power.

In my examination of Marielle, I use two of João H. Costa Vargas and Jaime Amparo Alves' "Hyperconsciousness of Race and its Negation: The Dialectic of White Supremacy in Brazil and Geographies of Death: An Intersectional Analysis of Police Lethality and the Racialized Regimes of Citizenship in São Paulo," to discuss the workings of Brazil's racial democracy and the myths of equality, racelessness and nationality. The tool provided from the first article is their ideology of a "hyperconsciousness." This hyperconsciousness, supports Marielle's efforts in gaining momentum, support and affection. The presence of Marielle's black body in the state apparatus complicated, rather than contradicts, the racialized aspects of policing strategies.<sup>175</sup> Costa Vargas and Alves state,

...the hyperconsciousness/ negation of race dynamic confronts the myth of racial democracy inasmuch as it reveals how Brazilians are acutely aware of racial differences and utilize those to (often

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<sup>175</sup> Vargas, João Costa, and Jaime Amparo Alves. "Geographies of death: an intersectional analysis of police lethality and the racialized regimes of citizenship in São Paulo." *Ethnic and Racial Studies* 33, no. 4 (2010): 613-4.

tacitly) justify, think about, and enforce behavior and social inequalities.<sup>176</sup>

This consideration of the favelas and of the Black gendered and sexualized body challenges and ruptures the myth of racial democracy and forceful mentality of the police, which is a symptom of a larger social phenomenon occurring in Brazil.<sup>177</sup>

Marielle's death can be read as a performance of resistance towards the state. Yet, at the same time, similar to Mitrice, Marielle's effort in living a life of actuality and within her own identity may be the very thing that cost her, her life. From its inception, Marielle's involvement within the Socialist Party of Brazil marks an important role in the death both in and out of life for Marielle. It positioned her livelihood as a threat and improbable statistic to the continued corruption occurring in the state. This politically charged party radically responds to the state's danger toward Black and Indigenous Brazilians.

Under such a regime, there are two takeaways from learning and engaging with Marielle's story in our work. First, it challenges our national ideology around and of political resistance and activism through identifying within and outside of the state. And secondly, it creates an opportunity, or possibility, for a challenging and fostered epistemological production that delivers sensibility towards identity. Similarly, Marielle's slogan "I am because we are"<sup>178</sup> not only describes the power of resistance and community within the favelas of Rio, but it marks a turning point and opportunity for contesting the nation states precedence of power and the

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<sup>176</sup> Costa Vargas, Joao H. "Hyperconsciousness of race and its negation: The dialectic of white supremacy in Brazil." *Identities: global studies in culture and power* 11, no. 4 (2004): 446.

<sup>177</sup> Ibid. 614

<sup>178</sup> Rocha, Lia De Mattos. "The Life and Battles of Marielle Franco" Accessed March 2020: <https://www.opendemocracy.net/en/democraciaabierta/life-and-battles-marielle-franco/>

possibilities of inhabiting a space deliberately indifferent to your own while simultaneously observes the omnipresence of death.

Marielle's inability to be a proper subject of nationalist regimes and militia influence is certainly not represented as any fault of Brazilian nationalism or their self-preserving racial democracy- but exemplifies the power imagined and transformed around of her death. Here I turn to Jaime Amparo Alves, *The Anti-Black City: Police Terror and Black Urban Life in Brazil*, to recognize the gendered and racialized politics of security and police terror that produces Black bodies and Black geographies imagine and enact a new Brazilian state. In this text, Alves provides us with the workings of the anti-black rhetoric and realities of the state's response to Black lives, which seems to always be more prisons and more police.<sup>179</sup> In recognition to this, Alves argues,

Within the supposedly racially ambiguous Brazilian society, police killings and their attendant technologies of social management make racial identities acquire consistency in and through death.... if we accept that policing does more than "merely" produce dead bodies, then black dead bodies can be read as political symbols of the making of the city and the Brazilian polity.<sup>180</sup>

Further, Marielle's power of existence has delivered for us a site of possibility that we can forcefully use as a tool for transformation and justice of both our ideologies of Blackness both in the U.S. and Brazil, but also in examining the problems of urban governance, governmentality, sovereign powers, and social technologies of security.

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<sup>179</sup> Alves, Jaime Amparo. *The anti-black city: Police terror and black urban life in Brazil*. U of Minnesota Press, (2018): 125

<sup>180</sup> Alves, Jaime Amparo. *The anti-black city: Police terror and black urban life in Brazil*. U of Minnesota Press, (2018): 11.

As discussed by Lia De Mattos Rocha, Marielle’s “work presents popular resistance and alternatives to produce a different public security which considers the livelihoods of this huge cohort of Brazilian citizens, of which Marielle was part of and for whom she stood as a representative.”<sup>181</sup> This work is what fuels the construction of a de-policing strategy that if prompted accurately would be celebrating the living and not exemplifying the dead. Though for myself, and many others, whose work shall incorporate the principles of her livelihood, “Marielle’s death also provoked sadness, indignation and the desire to continue her struggle. We are now transforming our pain, our mourning, into struggle.”<sup>182</sup> Marielle Franco’s life more than death, delivers a possibility-making approach that responds to the necropolitical governance of Brazil. Marielle’s demonstration of life over death as a strategy resistance provides us with the tools and tactics to imagine a world of possibilities that were never possible before.

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<sup>181</sup> Rocha, Lia De Mattos. “The Life and Battles of Marielle Franco” Accessed March 2020: <https://www.opendemocracy.net/en/democraciaabierta/life-and-battles-marielle-franco/>

<sup>182</sup> Ibid.

## Normativity is Obsolete

*At some point, on our way to a new consciousness, we will have to leave the opposite bank, the split between the two mortal combatants somehow healed so that we are on both shores at once and, at once, see through serpent and eagle eyes. Or perhaps we will decide to disengage from the dominant culture, write it off altogether as a lost cause, and cross the border into a wholly new and separate territory. Or we might go another route. The possibilities are numerous once we decide to act and not react.*

*Gloria Anzaldua, This Bridge Called My Back*

*Our collective imagination must burst open in order to believe that liberation is possible. People have to feel the possibility of liberation.*

*Charlene Carruthers, Unapologetic, 139*

The investment needed to forward in Queer issues within the carceral state, cannot begin to change without diving into the complexities and similarities both Mitrice, Marielle, Dee and Strawberry, and countless others share in our fight for justice for them. All were entangled in the impossible world that oppresses and capture black and queer and trans bodies. By simply living outside of normativity, all became unintelligible by not performing normativity in a way that meets certain cultural expectations of what it means to be a woman, what it means to be a queer, and what it means to be Black. In doing so, they all were perceived as deviant, criminal subjects to the state that shapes their futures and life chances. Through simply living day-to-day, they could not plan for the future, nor did they possibly think they had one. I return to this notion of futurity in an attempt to build and transform the tool of possibility-making. Policing practices

and Black Queer and Trans people, the abstraction of time is often dependent on more than our own understanding, but of the realities and practical settings playing out right in front of us.

Is the goal of de-policing even a normative life that follows hetero-patriarchy's dichotomies? Probably not. But it is important to know the levels of accessibility, disability, and ability each person had in understanding that a single answer that would provide all of them a resolution. Strawberry reported to not even knowing or caring to use a computer because she had been locked up for so long. And Dee's old habits of soliciting were only a mechanism to survive. Mitrice's psychological conditions were never fully understood, but assumed. And Marielle's revolutionary resistance was the very thing both activating and diminishing her power in politics. As people entangled through the various forms of policing, the possibility of surviving relied on others' commitment to their overall ability to survive.

An issue with the concept of policing is the overall interest and disinvestment in marginalized communities. From the many flaws of our legal system, communal support, or lack thereof, is a factor that could have changed the narrative of each story. We can fight the system to get people out, fight to stop people from going in, and even fight for answers to questions unsolved even by law enforcement, but in no way do we fight the entire system that is consequently endangering lives, for some there is an impossibility of even staying alive. For Mitrice, Marielle, Dee and Strawberry, their lives were already marked by their identity and locations in life. In the making and production of our medical model- queer racialized bodies are not compensated for the wear and tear they must endure every day. We can have laws that allow for harm-reduction of inmates, and we can have laws that call out hate crimes, but where are we pushing for changing laws that require constant surveillance and police presence, which causes

the most harm and violence. The carceral presence in each story presented here, and across the country, usually ends in death for the marginalized.

The inequities of our system, of our nation and of our politics allows for repeated assault on Queer and Trans People of Color, using identity as a premise and site for violence, neglect, and erasure. The state will continue to read Mitrice and Marielle and Dee and Strawberry as racialized, queered, and non-normative bodies that are sexually deviant and criminal and will allow a certain level of pain and violence acceptable.<sup>183</sup> Even while we fight for their lives, for their stories to be told, and try combat the root of such oppression, how will this then end? Depolicing is a life-saving measure that everyone can engage. In fighting an unjust system through multivalent techniques, there are ways in which we can shift the discourse of deviancy and criminality to not encompass a community of people who have no other means for survival. Depolicing again is a process that occurs simultaneously with decolonization, anti-racism, and abolitionist work because they are interconnected. Simply put, there is no way Queer and Trans People of Color can ever be safe while police, jails, and prisons exist. Therefore, the framework for moving forward in our fight for equity across practice, theory, and law is to create, community, educate, and understand the impact of policing.

As Angela Davis, proclaims as “easy as it is to produce massive system of incarceration with the implicit consent of the public”<sup>184</sup> is it as easy to tear them down? Our first step as Davis suggests, “then, would be to let go of the desire to discover one single alternative system of punishment that would occupy that same footprint as the prison system.”<sup>185</sup> But how can we imagine a society in which race and class and gender and sexuality and citizenship are not

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<sup>183</sup> Hong, Grace Kyungwon. *Death beyond disavowal: The impossible politics of difference*. U of Minnesota Press, (2015): 30.

<sup>184</sup> Davis, Angela Y. *Are prisons obsolete?*. Seven Stories Press, (2011): 11.

<sup>185</sup> *Ibid*, 106.

primary determinants of punishment? Possibly and most relatively by decidedly agreeing that discipline and punishment are obsolete solutions. What if this strategy was not aimed at surviving the current police state, but imagining a world where queer lives and possibilities, are representable in all of their complexities.<sup>186</sup>

I return to Cathy Cohen's work in "Punk, Bulldaggers and Welfare Queens" when she states,

[A] politics where the non-normative and marginal position of punks, bulldaggers, and welfare queens, for example, is the basis for progressive transformative coalition work. Thus, if there is any truly radical potential to be found in the idea of queerness and the practice of queer politics, it would seem to be located in its ability to create a space in opposition to dominant norms, a space where transformational political work can begin<sup>187</sup>

In moving towards the possibility of a de-policed state, I combine Cohen's argument for a radical potentiality with the work of Charlene Carruthers whose work in, *Unapologetic: A Black, Queer, and Feminist Mandate for Radical Movements*, that provides us with an understanding of how we are intentionally normalizing these carceral conditions and systems of oppression on the bodies of Queer and Trans People of Color and ways to transform them.<sup>188</sup> In Carruthers' idea, or

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<sup>186</sup> Muñoz, José Esteban, Joshua Chambers-Letson, Tavia Nyong'o, and Ann Pellegrini. *Cruising utopia: The then and there of queer futurity*. NYU Press, (2019): 1.

<sup>187</sup> Cohen, Cathy J., "Bulldaggers punks, and welfare queens. the radical potential of queer politics?." *GLQ: Gay and Lesbian Quarterly* no. 3 (1997): 438.

<sup>188</sup> Carruthers, Charlene. *Unapologetic: A Black, queer, and feminist mandate for radical movements*. Beacon Press, (2018): 6.



imagination of treating each other better, it is critical we learn to expand our conceptualizations of identity as necessary for coalitional work.

Identity politics, as Carruthers states can “expand our path to collective liberation”<sup>189</sup> though the “pursuit of freedom and collective liberation is never linear because humanity is too complex for that.”<sup>190</sup> Such anti blackness rhetoric is inextricably tied to the mass criminalization of Black people. This criminalization is special though, because it incriminates actions that would not be deemed criminal if done by a white, wealthy, or otherwise privileged people as we have noticed in each story.

So then how does one think about and express queer possibility that is reiteratively, transitively, and transversally related to death? Queer for many scholars, activists, and community members it means exploring the context for discomfort, inhibition, and assumptions of their identities. The queer community has been shaped by race, class, and gendered privileges. But, queer in similarity to Cohen’s analysis in this context as Carruthers writes, “Represents a continuum of possibilities outside of what are considered to be normal sexual or gender identities and behaviors. Affirmation of queerness creates possibility outside the norm.”<sup>191</sup> But, justice can feel impossible because no matter what we achieve through legislation, community building, and activism, Mitrice Richardson, Marielle Franco, Layleen Polanco, Sakia Gunn, Tyra Hunter, and countless others have already lost their lives. De-policing queer possibilities is both an insider and outsider job from the production of knowledge, the performance of identity and the politics that govern our embodiment of both.

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<sup>189</sup> Muñoz, José Esteban, Joshua Chambers-Letson, Tavia Nyong'o, and Ann Pellegrini. *Cruising utopia: The then and there of queer futurity*. NYU Press, (2019): 7.

<sup>190</sup> Ibid, 24.

<sup>191</sup> Ibid, 10-11.

Alongside Cohen's arguments positioned throughout this project, the core tenets of queer possibilities must deeply consider how queerness has been lived inside of heteronormativity and other oppressive systems of power. This requires a new interpretation of the term "queer." This distinction can seek to understand how normativity, the historical queer, are policing can be transformed in this project. It is through this scholarship of de-policing that the work of liberation can begin. In revealing this, we can better engage our notions of the impossibility of liberation that polices our imaginations and dreams. Through this, we may then make sense of the world full of possibilities.

As Cohen argues "the radical and onward motion of Queer politics and performance rests in the nuanced understanding of Queer power and possibilities"<sup>192</sup> thus we must admire and have grounding in the sheer power that the personal is political while simultaneously understanding that the performance and politics of possibility are constituted by and on the horizon of the future. Our politics, our performance requires us to own our action and inaction towards de-policing. Through all of this, we must then create a movement and a politics that centers Queer and Trans People of Color. Affirmation of queerness creates possibility outside of normativity-one that involves people engaging life through a multitude of paths. This project has presented de-policing and possibility-making as a way of framing the various ways that race and queerness in the context of violence and death against Queer People of Color continues. De-policing and possibility-making might be more broadly useful as a way of contesting our relationship to social and state powers. The attempt then is to engage in the performance and practice of de-policing queer futures. In the construction of a de-policed state, it is important to understand that we can

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<sup>192</sup> Cohen, Cathy J., "Bulldaggers punks, and welfare queens. the radical potential of queer politics?." *GLQ: Gay and Lesbian Quarterly* no. 3 (1997): 458.

live, survive and thrive as a society without the presence of police. Death is inevitable, that we know; but life is possible, and that is why we resist and fight.

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