

C A P T I V E
G E N D E R S

Trans Embodiment and the
Prison Industrial Complex

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Captive Genders: Trans Embodiment and the Prison Industrial Complex
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This edition © 2011 AK Press (Edinburgh, Oakland, Baltimore)

ISBN-13: 978-1-84935-070-9

Library of Congress Control Number: 2011920478

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Printed in Canada on 100% recycled, acid-free paper with union labor.

Cover image: Marie Ueda, photo from the White Night riots,
San Francisco, CA 1979

Courtesy of the Gay, Lesbian, Bisexual, Transgender Historical Society.

Cover by Kate Khatib | www.manifestor.org/design

Interior by Michelle Fleming with Kate Khatib

BUILDING AN ABOLITIONIST TRANS AND QUEER MOVEMENT WITH EVERYTHING WE'VE GOT

Morgan Bassichis, Alexander Lee, Dean Spade

As we write this, queer and trans people across the United States and in many parts of the world have just celebrated the fortieth anniversary of the Stonewall Rebellion. On that fateful night back in June 1969, sexual and gender outsiders rose up against ongoing brutal police violence in an inspiring act of defiance. These early freedom fighters knew all too well that the NYPD—“New York’s finest”—were the frontline threat to queer and trans survival. Stonewall was the culmination of years of domination, resentment, and upheaval in many marginalized communities coming to a new consciousness of the depth of violence committed by the government against poor people, people of color, women, and queer people both within US borders and around the world. The Stonewall Rebellion, the mass demonstrations against the war in Vietnam, and the campaign to

free imprisoned Black-liberation activist Assata Shakur were all powerful examples of a groundswell of energy demanding an end to the “business as usual” of US terror during this time.

Could these groundbreaking and often unsung activists have imagined that only forty years later the “official” gay rights agenda would be largely pro-police, pro-prisons, and pro-war—exactly the forces they worked so hard to resist? Just a few decades later, the most visible and well-funded arms of the “LGBT movement” look much more like a corporate strategizing session than a grassroots social justice movement. There are countless examples of this dramatic shift in priorities. What emerged as a fight against racist, anti-poor, and anti-queer police violence now works hand in hand with local and federal law enforcement agencies—district attorneys are asked to speak at trans rallies, cops march in Gay Pride parades. The agendas of prosecutors—those who lock up our family, friends, and lovers—and many queer and trans organizations are becoming increasingly similar, with sentence- and police-enhancing legislation at the top of the priority list. Hate crimes legislation is tacked on to multi-billion dollar “defense” bills to support US military domination in Palestine, Iraq, Afghanistan, and elsewhere. Despite the rhetoric of an “LGBT community,” transgender and gender-non-conforming people are repeatedly abandoned and marginalized in the agendas and priorities of our “lead” organizations—most recently in the 2007 gutting of the Employment Non-Discrimination Act of gender identity protections. And as the rate of people (particularly poor queer and trans people of color) without steady jobs, housing, or healthcare continues to rise, and health and social services continue to be cut, those dubbed the leaders of the “LGBT movement” insist that marriage rights are the way to redress the inequalities in our communities.

For more and more queer and trans people, regardless of marital status, there is no inheritance, no health benefits from employers, no legal immigration status, and no state protection of our relationship to our children. Four decades after queer and trans people took to the streets throwing heels, bottles, bricks, and anything else we had to ward off police, the official word is that, except for being able to get married and fight in the military,² we are pretty much free, safe, and equal. And those of us who are not must wait our turn until the “priority” battles are won by the largely white, male, upper-class lawyers and lobbyists who know better than us.³

Fortunately, radical queer and trans organizing for deep transformation has also grown alongside this “trickle-down”⁴ brand of “equality”

politics mentioned above. Although there is no neat line between official gay “equality” politics on the one hand, and radical “justice” politics on the other, it is important to draw out some of the key distinctions in how different parts of our movements today are responding to the main problems that queer and trans people face. This is less about creating false dichotomies between “good” and “bad” approaches, and more about clarifying the actual impact that various strategies have, and recognizing that alternative approaches to the “official” solutions are alive, are politically viable, and are being pursued by activists and organizations around the United States and beyond. In the first column, we identify some of these main challenges; in the second, we summarize what solutions are being offered by the well-resourced⁵ segments of our movement; and in the third, we outline some approaches being used by more radical and progressive queer and trans organizing to expand possibilities for broad-based, social-justice solutions to these same problems.

The Current Landscape

BIG PROBLEMS	“OFFICIAL” SOLUTIONS	TRANSFORMATIVE APPROACHES
Queer and trans people, poor people, people of color, and immigrants have minimal access to quality healthcare	Legalize same-sex marriage to allow people with health benefits from their jobs to share with same-sex partners	Strengthen Medicaid and Medicare; win universal healthcare; fight for transgender health benefits; end deadly medical neglect of people in state custody
Queer and trans people experience regular and often fatal violence from partners, family members, community members, employers, law enforcement, and institutional officials	Pass hate crimes legislation to increase prison sentences and strengthen local and federal law enforcement; collect statistics on rates of violence; collaborate with local and federal law enforcement to prosecute hate violence and domestic violence	Build community relationships and infrastructure to support the healing and transformation of people who have been impacted by interpersonal and intergenerational violence; join with movements addressing root causes of queer and trans premature death, including police violence, imprisonment, poverty, immigration policies, and lack of healthcare and housing

Captive Genders

BIG PROBLEMS	"OFFICIAL" SOLUTIONS	TRANSFORMATIVE APPROACHES
Queer and trans members of the military experience violence and discrimination	Eliminate bans on participation of gays and lesbians in US military	Join with war resisters, radical veterans, and young people to oppose military intervention, occupation, and war abroad and at home, and demand the reduction/elimination of "defense" budgets
Queer and trans people are targeted by an unfair and punitive immigration system	Legalize same-sex marriage to allow same-sex international couples to apply for legal residency for the non-US citizen spouse	End the use of immigration policy to criminalize people of color, exploit workers, and maintain the deadly wealth gap between the United States and the Global South; support current detainees and end ICE raids, deportations, and police collaboration
Queer and trans families are vulnerable to legal intervention and separation from the state, institutions, and/or non-queer people	Legalize same sex marriage to provide a route to "legalize" families with two parents of the same sex; pass laws banning adoption discrimination on the basis of sexual orientation	Join with struggles of queer/trans and non-queer/trans families of color, imprisoned parents and youth, native families, poor families, military families, and people with disabilities to win community and family self-determination and the right to keep kids, parents, and other family members in their families and communities
Institutions fail to recognize family connections outside of heterosexual marriage in contexts like hospital visitation and inheritance	Legalize same-sex marriage to formally recognize same-sex partners in the eyes of the law	Change policies like hospital visitation to recognize a variety of family structures, not just opposite-sex and same-sex couples; abolish inheritance and demand radical redistribution of wealth and an end to poverty

BIG PROBLEMS	"OFFICIAL" SOLUTIONS	TRANSFORMATIVE APPROACHES
<p>Queer and trans people are disproportionately policed, arrested, and imprisoned, and face high rates of violence in state custody from officials as well as other imprisoned or detained people</p>	<p>Advocate for "cultural competency" training for law enforcement and the construction of queer and trans-specific and "gender-responsive" facilities; create written policies that say that queer and trans people are equal to other people in state custody; stay largely silent on the high rates of imprisonment in queer and trans communities, communities of color, and poor communities</p>	<p>Build ongoing, accountable relationships with and advocate for queer and trans people who are locked up to support their daily well-being, healing, leadership, and survival; build community networks of care to support people coming out of prison and jail; collaborate with other movements to address root causes of queer and trans imprisonment; work to abolish prisons, establish community support for people with disabilities and eliminate medical and psychiatric institutionalization, and provide permanent housing rather than shelter beds for all people without homes</p>

I. How Did We Get Here?

The streams of conservative as well as more progressive and radical queer and trans politics developed over time and in the context of a rapidly changing political, economic, and social landscape. Although we can't offer a full history of how these different streams developed and how the more conservative one gained national dominance, we think it is important to trace the historical context in which these shifts occurred. *To chart a different course for our movements, we need to understand the road we've traveled.* In particular, we believe that there are two major features of the second half of the twentieth century that shaped the context in which the queer and trans movement developed: (1) the active resistance and challenge by radical movement to state violence, and subsequent systematic backlash,⁷ and (2) the massive turmoil and transformation of the global economy.⁸ Activists and scholars use a range of terms to describe this era in which power, wealth, and oppression were transformed to respond to these two significant "crises"—including neoliberalism, the "New World Order," empire, globalization, free market democracy, or late capitalism.

Each term describes a different aspect or “take” on the current historical moment that we are living in.

It is important to be clear that *none of the strategies of the “New World Order” are new.* They might work faster, use new technologies, and recruit the help of new groups, but they are not new. Oppressive dynamics in the United States are as old as the colonization of this land and the founding of a country based on slavery and genocide. However, they have taken intensified, tricky forms in the past few decades—particularly because our governments keep telling us those institutions and practices have been “abolished.” There were no “good old days” in the United States—just times in which our movements and our communities were stronger or weaker, and times when we used different cracks in the system as opportunities for resistance. All in all, we might characterize the past many decades as a time in which policies and ideas were promoted by powerful nations and institutions (such as the World Trade Organization and the International Monetary Fund) to destroy the minimal safety nets set up for vulnerable people, dismantle the gains made by social movements, and redistribute wealth, resources, and life changes upward—away from the poor and toward the elite.⁹

Below are some of the key tactics that the United States and others have used in this most recent chapter of our history:

• **Pull Yourself Up by Your Bootstraps, Again**

The US government and its ally nations and institutions in the Global North helped pass laws and policies that made it harder for workers to organize into unions; destroyed welfare programs and created the image of people on welfare as immoral and fraudulent; and created international economic policies and trade agreements that reduced safety nets, worker rights, and environmental protections, particularly for nations in the Global South. Together, these efforts have dismantled laws and social programs meant to protect people from poverty, violence, sickness, and other harms of capitalism.

EXAMPLE: In the early 1990s, the North American Free Trade Agreement (NAFTA) was implemented by the United States under Democratic President Clinton to make it easier for corporations to do business across borders between the United States, Mexico, and Canada. Unfortunately, by allowing corporations to outsource their labor much more cheaply, the agreement also led to the loss

of hundreds of thousands of US jobs and wage depression even in “job receiving” countries.¹⁰ Additionally, human rights advocates have documented widespread violations of workers rights since NAFTA, including “favoritism toward employer-controlled unions; firings for workers’ organizing efforts; denial of collective bargaining rights; forced pregnancy testing; mistreatment of migrant workers; life-threatening health and safety conditions”; and other violations of the right to freedom of association, freedom from discrimination, and the right to a minimum wage.¹¹ Loss of jobs in the United States reduced the bargaining power of workers, now more desperate for wages than ever, and both wages and benefits declined, with many workers now forced to work as “temps” or part-time with no benefits or job security.

EXAMPLE: In 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act, which effectively dismantled what existed of a welfare state—creating a range of restrictive and targeting measures that required work, limited aid, and increased penalties for welfare recipients. The federal government abdicated its responsibility to provide minimal safety nets for poor and working-class people, using the rhetoric of “personal responsibility” and “work” to justify the exploitation and pain caused by capitalism and racism. Sexist, racist images of poor people as immoral, fraudulent drug addicts fueled these policy changes. Since then, different cities have adopted local measures to gut economic safety nets for poor, homeless, and working-class people. In San Francisco, Mayor Newsom’s notorious 2002 “Care Not Cash” program slashed welfare benefits for homeless people, insisting that benefits given to the homeless were being spent on “drugs and alcohol.”¹²

• Scapegoating

The decrease in manufacturing jobs and the gutting of social safety nets for the poor and working class created a growing class of people who were marginally employed and housed, and forced into criminalized economies such as sex work and the drug trade. This class of people was blamed for the poverty and inequity they faced—labeled drug dealers, welfare queens, criminals, and hoodlums—and were used to justify harmful policies that expanded violence and harm. At the same time, criminal penalties for behaviors associated with poverty, like drug use, sleeping outside,

graffiti, and sex work have increased in many parts the United States, and resources for policing these kinds of “crimes” has also increased.

EXAMPLE: In the 1990s, states across the United States began to sign into law so-called “Three Strikes” measures that mandated standard, long (often life) sentences for people convicted of three felonies, many including non-violent offenses. California’s law has resulted in sentences of twenty-five years or more for people convicted of things like shoplifting. The popularity of Three Strikes laws have been fueled by a growing cultural obsession with criminality and punishment that relies on images of violent and dangerous “career criminals” while functioning to imprison enormous numbers of low-income people and people of color whose behaviors are the direct results of economic insecurity.

EXAMPLE: Under President Clinton’s 1996 welfare reforms, anyone convicted of a drug-related crime is automatically banned for life from receiving cash assistance and food stamps. Some states have since opted out of this ban, but for people living in fifteen states, this draconian measure presents nearly insurmountable barriers to becoming self-sufficient. Unable to receive cash assistance and subject to job discrimination because of their criminal histories, many people with drug-related convictions go back into the drug trade as the only way to earn enough to pay the rent and put food on the table. The lifetime welfare ban has been shown to particularly harm women and their children.¹³

• Fear-Mongering

The government and corporate media used racist, xenophobic, and misogynist fear-mongering to distract us from increasing economic disparity and a growing underclass in the United States and abroad. The War on Drugs in the 1980s and the Bush Administration’s War on Terror, both of which are ongoing, created internal and external enemies (“criminals” and “terrorists”) to blame for and distract from the ravages of racism, capitalism, patriarchy, and imperialism. In exchange, these enemies (and anyone who looked like them) could be targeted with violence and murder. During this time, the use of prisons, policing, detention, and surveillance skyrocketed as the government declared formal war against all those who it marks as “criminals” or “terrorists.”

EXAMPLE: In the 1980s, the US government declared a “War on Drugs” and drastically increased mandatory sentences for violating drug prohibition laws. It also created new prohibitions for accessing public housing, public benefits, and higher education for people convicted of drug crimes. The result was the imprisonment of over one million people a year, the permanent marginalization and disenfranchisement for people convicted, and a new set of military and foreign policy intervention justifications for the United States to take brutal action in Latin America.

EXAMPLE: Following the September 11, 2001 attacks on the World Trade Center in New York, politicians manipulated the American public’s fear and uncertainty to push through a range of new laws and policies justified by a declared “War on Terror.” New legislation like the PATRIOT Act, the Immigrant Registration Act, and the Real ID Act, as well as new administrative policies and practices, increased the surveillance state, reduced even the most basic rights and living standards of immigrants, and turned local police, schoolteachers, hospital workers, and others into immigration enforcement officers.

• **The Myth That Violence and Discrimination Are Just About “Bad” Individuals**

Discrimination laws and hate crimes laws encourage us to understand oppression as something that happens when individuals use bias to deny someone a job because of race or sex or some other characteristic, or beat up or kill someone because of such a characteristic. This way of thinking, sometimes called the “perpetrator perspective,”¹⁴ makes people think about racism, sexism, homophobia, transphobia, and ableism in terms of individual behaviors and bad intentions rather than wide-scale structural oppression that often operates without some obvious individual actor aimed at denying an individual person an opportunity. The violence of imprisoning millions of poor people and people of color, for example, can’t be adequately explained by finding one nasty racist individual, but instead requires looking at a whole web of institutions, policies, and practices that make it “normal” and “necessary” to warehouse, displace, discard, and annihilate poor people and people of color. Thinking about violence and oppression as the work of “a few bad apples” undermines our ability to analyze our conditions *systemically* and *intergenerationally*, and to therefore organize for systemic change.

This narrow way of thinking about oppression is repeated in law, policy, the media, and nonprofits.

EXAMPLE: Megan's Laws are statutes that require people convicted of sexual offenses to register and that require this information be available to the public. These laws have been passed in jurisdictions around the country in the last two decades, prompted by and generating public outrage about child sexual abuse (CSA). Studies estimate that 1 in 3 people raised as girls and 1 in 6 people raised as boys were sexually abused as children, as a result of intergenerational trauma, community- and state-sanctioned abusive norms, and alienation. Rather than resourcing comprehensive programs to support the healing of survivors and transformation of people who have been sexually abusive, or interrupt the family and community norms that contribute to the widespread abuse of children, Megan's Laws have ensured that people convicted of a range of sexual offenses face violence, the inability to find work or a place to live, and severely reduced chances of recovery and healing. Despite the limited or nonexistent deterrent effect of such laws, they remain the dominant "official" approach to the systemic problems of CSA.¹⁵

EXAMPLE: As we write this, the Matthew Shepard Local Law Enforcement Enhancement Act has recently passed in the US Senate, and if signed into law would give \$10 million to state and local law enforcement agencies, expand federal law enforcement power focused on hate crimes, and add the death penalty as a possible punishment for those convicted. This bill is heralded as a victory for transgender people because it will make gender identity an included category in Federal Hate Crimes law. Like Megan's Law, this law and the advocacy surrounding it (including advocacy by large LGBT nonprofit organizations) focus attention on individuals who kill people because of their identities. These laws frame the problem of violence in our communities as one of individual "hateful" people, when in reality, trans people face short life-spans because of the enormous systemic violence in welfare systems, shelters, prisons, jails, foster care, juvenile punishment systems, and immigration, and the inability to access basic survival resources. These laws do nothing to prevent our deaths, they just use our deaths to expand a system that endangers our lives and places a chokehold on our communities.¹⁶

• Undermining Transformative Organizing

The second half of the twentieth century saw a major upsurge in radical and revolutionary organizing in oppressed communities in the United States and around the world. This powerful organizing posed a significant threat to the legitimacy of US power and capitalist empire more broadly, and therefore needed to be contained. These movements were undermined by two main strategies: First, the radical movements of the 1960s and '70s were criminalized, with the US government using tactics of imprisonment, torture, sabotage, and assassination to target and destroy groups like the Black Panthers, American Indian Movement, and Young Lords, among others. Second, the growth of the nonprofit sector has seen social movements professionalizing, chasing philanthropic dollars, separating into "issue areas," and moving toward social services and legal reform projects rather than radical projects aimed at the underlying causes of poverty and injustice.¹⁷ These developments left significant sections of the radical left traumatized and decimated, wiping out a generation of revolutionaries and shifting the terms of resistance from revolution and transformation to inclusion and reform, prioritizing state- and foundation-sanctioned legal reforms and social services over mass organizing and direct action.

EXAMPLE: The FBI's Counter-Intelligence Program (COINTELPRO) is a notorious example of the US government's use of infiltration, surveillance, and violence to overtly target dissent and resistance. COINTELPRO was exposed when internal government documents were revealed that detailed the outrageous work undertaken by the federal government to dismantle resistance groups in the 1960s and '70s. Although the program was dissolved under that name, the tactics continued and can be seen today in current controversies about wire-tapping and torture as well as in the USA PATRIOT Act. Overt action to eliminate resistance and dissent here is as old as the European colonization of North America.¹⁸

EXAMPLE: In the wake of decades of radical organizing by people in women's prisons and activists on the outside decrying systemic medical neglect, sexual violence, and the destruction of family bonds, California legislators in 2006 proposed a so-called "gender responsive corrections" bill that would allow people in women's prisons to live with their children and receive increased social services. To make this plan

work, the bill called for millions of dollars in new prison construction. The message of “improving the lives of women prisoners” and creating more “humane” prisons—rhetoric that is consistently used by those in power to distract us from the fundamentally violent conditions of a capitalist police state—appealed to liberal, well-intentioned feminist researchers, advocates, and legislators. Anti-prison organizations such as Oakland-based Justice Now and others working in solidarity with the resounding sentiment of people in women’s prisons, pointed out that this strategy was actually just a back door to creating 4,500 new prison beds for women in California, yet again expanding opportunities to criminalize poor women and transgender people in one of the nation’s most imprisoning states.¹⁹

• The Hero Mindset

The United States loves its heroes and its narratives—Horatio Alger, rags-to-riches, “pull yourself up by your bootstraps,” streets “paved with gold,” the rugged frontiersman, the benevolent philanthropist, and Obama as savior, among others. These narratives hide the uneven concentration of wealth, resources, and opportunity among different groups of people—the ways in which not *everybody* can just do anything if they put their minds to it and work hard enough. In the second half of the twentieth century, this individualistic and celebrity-obsessed culture had a deep impact on social movements and how we write narratives. Stories of mass struggle became stories of individuals overcoming great odds. The rise of the nonprofit as a key vehicle for social change bolstered this trend, giving incentives to charismatic leaders (often executive directors, often people with privilege) to frame struggles in ways that prioritize symbolic victories (big court cases, sensationalistic media coverage) and ignore the daily work of building a base and a movement for the long haul. This trend also compromises the accountability of leaders and organizations to their constituencies, and devalues activism in the trenches.

EXAMPLE: Rosa Parks is one of the most well-known symbols of resistance during the African American Civil Rights movement in the 1950s and 1960s. She is remembered primarily for “sparking” the Montgomery Bus Boycott and as the “mother of the civil rights movement.”²⁰ In popular mythology, Ms. Parks was an ordinary woman who simply decided one day that she would not give up her seat to a white person in a “lonely act of defiance.”²¹ In reality, Ms. Parks was

an experienced civil rights activist who received political education and civil disobedience training at the well-known leftist Highlander Folk School, which still exists today. Ms. Parks's refusal to give up her seat was far from a "lonely act," but was rather just one in a series of civil disobediences by civil rights leaders to target segregation in public services. The Civil Rights Movement of the period was a product of the labor and brilliance of countless New-World African enslaved people, African American people, and their allies working since before the founding of the United States, not simply attributable to any one person. The portrayal of mass struggles as individual acts hides a deeper understanding of oppression and the need for broad resistance.

EXAMPLE: Oprah's well-publicized giveaways²²—as well as a range of television shows that feature "big wins" such as makeovers, new houses, and new cars—have helped to create the image of social change in our society as individual acts of "charity" rather than concerted efforts by mass groups of people to change relationships of power. These portrayals affirm the false idea that we live in a meritocracy in which any one individual's perseverance and hard work are the only keys needed to wealth and success. Such portrayals hide realities like the racial wealth divide and other conditions that produce and maintain inequality on a group level, ensuring that most people will not rise above or fall below their place in the economy, regardless of their individual actions. In reality, real social change that alters the relationships of power throughout history have actually come about when large groups of people have worked together toward a common goal.

Together, the tactics that we describe above function as a strategy of *counter-revolution*—an attempt to squash the collective health and political will of oppressed people, and to buy off people with privilege in order to support the status quo. This is a profoundly traumatic process that deepened centuries of pain, loss, and harm experienced by people of color, immigrants, queer and trans people, women, and others marked as "disposable." For many of us, this included losing our lives and our loved ones to the devastating government-sanctioned HIV/AIDS pandemic and ongoing attacks from family, neighbors, and government officials.

Perhaps one of the most painful features of this period has been the separating of oppressed communities and movements from one another. Even though our communities are all overlapping and our struggles for

liberation are fundamentally linked, the “divide and conquer” strategy of the “New World Order” has taught us to think of our identities and struggles as separate and competing. In particular, it was useful to maintaining harmful systems and conditions to create a false divide between purportedly separate (“white”) gay issues and (“straight”) people of color, immigrant, and working-class issues to prevent deep partnerships across multiple lines of difference for social transformation. In this context, the most visible and well-funded arms of LGBT organizing got caught up in fighting for small-scale reforms and battles to be recognized as “equal” and “visible” under the law and in the media without building the sustained power and self-determination of oppressed communities. Instead of trying to change the system, the official LGBT agenda fought to just be welcomed into it, in exchange for helping to keep other oppressed people at the bottom.

But thankfully that’s not the end of the story. As we describe below, this period also nurtured powerful strands of radical queer and trans politics organizing at the intersections of oppressions and struggles and in the legacy of the revolutionary freedom fighters of an earlier generation.

II. Reclaiming a Radical Legacy

Despite the powerful and destructive impacts that the renewed forces of neoliberal globalization and the “New World Order” have had on our communities and our social movements, there are and always have been radical politics and movements to challenge the exploitation that the United States is founded upon. These politics have been developed in communities of color and in poor and working-class, immigrant, queer, disability, and feminist communities in both “colonized” and “colonizing” nations, from the Black Panther Party in Oakland to the Zapatistas in Chiapas to the Audre Lorde Project in New York. As the story of Stonewall teaches us, our movements didn’t start out in the courtroom; they started out in the streets! Informing both the strategies of our movements as well as our everyday decisions about how we live our lives and form our relationships, these radical politics offer queer communities and movements a way out of the murderous politics that are masked as invitations to “inclusion” and “equality” within fundamentally exclusive, unequal systems. Sometimes these spaces for transformation are easier to spot than others—but you can find them everywhere, from church halls to lecture halls, from the lessons of our grandmothers to the lessons we learn surviving in the world, from the post-revolutionary Cuba to post-Katrina New Orleans.

These radical lineages have nurtured and guided transformative branches of queer and trans organizing working at the intersections of identities and struggles for collective liberation. These branches have re-defined what count as queer and trans issues, losses, victories, and strategies—putting struggles against policing, imprisonment, borders, globalization, violence, and economic exploitation at the center of struggles for gender and sexual self-determination. Exploding the false division between struggles for (implicitly white and middle-class) sexual and gender justice and (implicitly straight) racial and economic justice, there is a groundswell of radical queer and trans organizing that’s changing all the rules—you just have to know where to find it. In the chart below, we draw out a few specific strands of these diverse radical lineages that have paved the way for this work. In the first column, we highlight a value that has emerged from these radical lineages. In the second column, we lift up specific organizations striving to embody these values today.²³

Deepening the Path of Those Who Came Before

RADICAL LINEAGE	CONTEMPORARY DESCENDANT
<p>Liberation is a collective process! The conventional nonprofit hierarchical structure is actually a very recent phenomenon, and one that is modeled off corporations. Radical organizations, particularly feminist and women of color-led organizations, have often prioritized working collectively—where group awareness, consensus, and wholeness is valued over majority rule and individual leadership. Collectivism at its best takes up the concerns of the few as the concerns of the whole. For example, when one member of a group or community cannot attend an event or meeting because the building is not wheelchair accessible, it becomes a moment for all to examine and challenge ableism in our culture—instead of just dismissing it as a “problem” that affects only people who use wheelchairs.</p>	<p>The Sylvia Rivera Law Project (SRLP), among many other organizations, has shown just how powerful working collectively can be—with their staff and volunteers, majority people of color, majority trans and gender-nonconforming governing collective, SRLP is showing the world that how we do our work is a vital part of the work, and that doing things collectively helps us to create the world we want to see as we’re building it.</p>

RADICAL LINEAGE	CONTEMPORARY DESCENDANT
<p>“Trickle up” change! We know that when those in power say they will “come back” for those at the bottom of the social and economic hierarchy, it will never happen. Marginalization is increased when a part of a marginalized group makes it over the line into the mainstream, leaving others behind and reaffirming the status quo. We’ve all seen painful examples of this in LGBT politics time after time—from the abandonment of transgender folks in the Employment Non-Discrimination Act (ENDA) to the idea that gay marriage is the first step toward universal healthcare. Instead, we know that freedom and justice for the most oppressed people means freedom and justice for everyone, and that we have to start at the bottom. The changes required to improve the daily material and spiritual lives of low-income queer and transgender people of color would by default include large-scale transformation of our entire economic, education, healthcare, and legal systems. When you put those with the fewest resources and those facing multiple systems of oppression at the center of analysis and organizing, everybody benefits.</p>	<p>Queers for Economic Justice in New York City and the Transgender, Gender Variant, and Intersex Justice Project in San Francisco are two great examples of “trickle up” change—by focusing on queers on welfare, in the shelter system, and in prison systems, these groups demand social and economic justice for those with the fewest resources and the smallest investment in maintaining the system as it is.</p>
<p>Be careful of all those welcome mats! Learning from history and other social-justice movements is a key principle. Other movements and other moments have been drained of their original power and purpose and appropriated for purposes opposing their principles, either by governments working to dilute and derail transformation or by corporations looking to turn civil unrest into a fashion statement (or both). Looking back critically at where other movements have done right and gone</p>	<p>Critical Resistance is a great example of this commitment. In the group’s focus on prison abolition (instead of reform), its members examine their strategies and potential proposals through the question “Will we regret this in ten years?” This question is about taking a long-term view and assessing a potential opportunity (such as any given proposal to “improve” or “reform” prisons or sentencing laws) against their commitment to abolishing—not expanding or even maintaining—the prison industrial</p>

RADICAL LINEAGE	CONTEMPORARY DESCENDANT
<p>wrong helps us stay creative and accountable to our communities and our politics.</p>	<p>complex. The message here is that even though it might feel nice to get an invitation to the party, we would be wise to ask about the occasion.</p>
<p>For us, by us! The leadership, wisdom, and labor of those most affected by an issue should be centralized from the start. This allows those with the most to gain from social justice to direct what that justice will look like and gives allies the chance to directly support their leadership.</p>	<p>FIERCE! in New York City is a great example of this principle: By building the power of queer and trans youth of color to run campaigns, organize one another, and challenge gentrification and police violence, FIERCE! has become a powerful force that young people of color see themselves in. At FIERCE!, it is the young people directly facing the intersections of ageism, racism, xenophobia, homophobia, and transphobia who identify what the problems, priorities, and strategies should be rather than people whose expertise on these issues derives from advanced degrees or other criteria. The role of people not directly affected by the issues is to support the youth in manifesting their visions, not to control the political possibilities that they are inventing.</p>
<p>Let's practice what we preach! Also known as "praxis," this ideal strives for the alignment of what we do, why we're doing it, and how we do it—not just in our formal work, but also in our daily lives. This goes beyond the campaign goals or strategies of our organizations, and includes how they are organized, how we treat one another, and how we treat ourselves. If we believe that people of color have the most to gain from the end of racism, then we should support and encourage people of color's leadership in fights to end white supremacy, and for a fair economy and an end to the wealth gap. People in our organizations should get paid equally regardless</p>	<p>An inspiring example of praxis can be found in the work of Southerners on New Ground (SONG), based in Atlanta, Ga. SONG strives to integrate healing, spirit, and creativity in their work organizing across race, class, gender, and sexuality to embody new (and old!) forms of community, reflective of our commitments to liberation. SONG and other groups show that oppression is traumatic, and trauma needs to be addressed, acknowledged, and held both by individuals and groups of people. If trauma is ignored or swept under the rug, it just comes back as resentment, chaos, and divisiveness. We are all whole, complex human beings that</p>

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<p>of advanced degrees, and our working conditions and benefits should be generous. If we support a world in which we have time and resources to take care of ourselves, as well as our friends, families, and neighbors, we might not want to work sixty hours a week.</p>	<p>have survived a great deal of violence to get where we are today. Our work must support our full humanity and reflect the world we want to live in.</p>
<p>Real safety means collective transformation! Oppressed communities have always had ways to deal with violence and harm without relying on police, prisons, immigration, or kicking someone out—knowing that relying on those forces would put them in greater danger. Oppressed people have often known that these forces were the main sources of violence that they faced—the central agent of rape, abuse, murder, and exploitation. The criminal punishment system has tried to convince us that we do not know how to solve our own problems and that locking people up and putting more cops on our streets are the only ways we can stay safe or heal from trauma. Unfortunately we often lack other options. Many organizations and groups of people have been working to interrupt the intergenerational practices of intimate violence, sexual violence, hate violence, and police violence without relying on the institutions that target, warehouse, kill, and shame us.</p>	<p>Groups like Creative Interventions and generationFIVE in Oakland, Calif., Communities Against Rape and Abuse in Seattle, Wash., and the Audre Lorde Project's Safe OUTside the System (SOS) Collective, have been creating exciting ways to support the healing and transformation of people who have survived and caused harm, as well as the conditions that pass violence down from one generation to another. Because violence touches every queer and trans person directly or indirectly, creating ways to respond to violence that are transformative and healing (instead of oppressive, shaming, or traumatizing) is a tremendous opportunity to reclaim our radical legacy. We can no longer allow for our deaths to be the justification for so many other people's deaths through policing, imprisonment, and detention. Locking people up, having more cops in the streets, or throwing more people out will never heal the wounds of abuse or trauma.</p>

Resisting the Traps, Ending Trans Imprisonment

Even in the context of growing imprisonment rates and deteriorating safety nets, the past decade has brought with it an upsurge in organizing and activism to challenge the imprisonment and policing of transgender and gender-non-conforming communities.³² Through high-profile lawsuits, human rights and media documentation, conferences and trainings,

grassroots organizing, and coalitional efforts, more individuals and organizations are aware of the dynamics of trans imprisonment than ever. This work has both fallen prey to the tricky traps of the “New World Order” that we described above and also generated courageous new ways of doing the work of transformation and resistance that are in line with the radical values that we also trace. What was once either completely erased or significantly marginalized on the agendas of both the LGBT and anti-prison/prisoner rights movements is now gaining more and more visibility and activity. We think of this as a tremendous opportunity to choose which legacies and practices we want for this work moving forward. This is not about playing the blame game and pointing fingers at which work is radical and which is oppressive, but rather about building on all of our collective successes, losses, and contradictions to do work that will transform society (and all of us) as we know it.

Below are a few helpful lessons that have been guided by the values above and generated at the powerful intersections of prison abolition and gender justice:³³

1. We refuse to create “deserving” vs. “undeserving” victims.³⁴

Although we understand that transgender and gender-non-conforming people in prisons, jails, and detention centers experience egregious and often specific forms of violence—including sexual assault, rape, medical neglect and discrimination, and humiliation based on transphobic norms—we recognize that all people impacted by the prison industrial complex are facing severe violence. Instead of saying that transgender people are the “most” oppressed in prisons, we can talk about the different forms of violence that people impacted by the prison industrial complex face, and how those forms of violence help maintain the status quo common sense that the “real bad people”—the “rapists,” “murderers,” “child molesters,” in some cases now the “bigots”—deserve to be locked up. Seeking to understand the specific arrangements that cause certain communities to face particular types of violence at the hands of police and in detention can allow us to develop solidarity around shared *and* different experiences with these forces and build effective resistance that gets to the roots of these problems. Building arguments about trans people as “innocent victims” while other prisoners are cast as dangerous and deserving of detention only undermines the power of a shared resistance strategy that sees imprisonment as a violent, dangerous tactic for everybody it touches.

We know that the push for hate crimes laws as the solution to anti-queer and -trans violence will never actually address the fundamental reasons why we are vulnerable to violence in the first place or why homophobia and transphobia are encouraged in our cultures. Individualizing solutions like hate crimes laws create a false binary of “perpetrator” and “victim” or “bad” and “good” people without addressing the underlying systemic problem, and often strengthen that problem. In place of this common sense, we understand that racism, state violence, and capitalism are the root causes of violence in our culture, not individual “bigots” or even prison guards. *We must end the cycle of oppressed people being pitted against one another.*

2. We support strategies that weaken oppressive institutions, not strengthen them.

We can respond to the crises that our communities are facing right now while refusing long-term compromises that will strengthen the very institutions that are hurting us. As more and more awareness is being raised about the terrible violence that transgender and gender-non-conforming people face in prisons, jails, and detention centers, some prisoner rights and queer and trans researchers and advocates are suggesting that building trans-specific prisons or jails is the only way that imprisoned transgender and gender-non-conforming people will be safe in the short-term. Particularly in light of the dangerous popularity of “gender responsiveness” among legislators and advocates alike, we reject all notions that we must expand the prison industrial complex to respond to immediate conditions of violence. Funneling more money into prison building of any kind strengthens the prison industrial complex’s death hold on our communities. We know that if they build it, they will fill it, and getting trans people out of prison is the only real way to address the safety issues that trans prisoners face. *We want strategies that will reduce and ultimately eliminate the number of people and dollars going into prisons, while attending to the immediate healing and redress of individual imprisoned people.*

3. We must transform exploitative dynamics in our work.

A lot of oppressed people are hyper-sexualized in dominant culture as a way to create them as a threat, a fetish, or a caricature—transgender women, black men, Asian and Pacific Islander women, to name a few. Despite often good intentions to raise awareness about the treatment of transgender and gender-non-conforming people in prisons, we recognize

that much of the “public education” work around these issues often relies on sexualization, voyeurism, sensationalism, and fetishization to get its point across. In general there is a focus on graphic descriptions of people’s bodies (specifically their genitals), sexual violence, and the humiliation they have faced. Imprisoned people (who are usually represented as black) and transgender people (who are usually represented as transgender women of color in this context) have long been the target of voyeuristic representation—from porn movies that glorify rape in prison to fetishizing “human rights” research distributed to majority white, middle-class audiences. As transgender people who often have our bodies on display for non-transgender people who feel empowered to question, display, and discuss us, we know that this is a dangerous trend that seriously undercuts the integrity of our work and the types of relationships that can be formed. Unless we address these exploitative power dynamics in our work, even our most “well-intentioned” strategies and movements will reproduce the prison industrial complex’s norms of transphobic, misogynist, and racist sexualized violence. *Research, media, cultural work, and activism on this issue needs to be accountable to and directed by low-income transgender people and transgender people of color and our organizations.*

4. We see ending trans imprisonment as part of the larger struggle for transformation.

The violence that transgender people—significantly low-income transgender people of color—face in prisons, jails, and detention centers and the cycles of poverty and criminalization that leads so many of us to imprisonment is a key place to work for broad-based social and political transformation. There is no way that transgender people can ever be “safe” in prisons as long as prisons exist and, as scholar Fred Moten has written, as long as we live in a society that could even *have* prisons. Building a trans and queer abolitionist movement means building power among people facing multiple systems of oppression in order to imagine a world beyond mass devastation, violence, and inequity that occurs within and between communities. We must resist the trap of being compartmentalized into “issues” and “priorities” and sacrificing a broader political vision and movement to react to the crisis of the here and now. This is the logic that allows many white and middle-class gay and lesbian folks to think that marriage is *the* most important and pressing LGBT issue, without being invested in the real goal of ending racism and capitalism. *Struggling*

against trans imprisonment is one of many key places to radicalize queer and trans politics, expand anti-prison politics, and join in a larger movement for racial, economic, gender, and social justice to end all forms of militarization, criminalization, and warfare.

III. So You Think We're Impossible?

This stuff is heavy, we realize. Our communities and our movements are up against tremendous odds and have inherited a great deal of trauma that we are still struggling to deal with. A common and reasonable response to these conditions is getting overwhelmed, feeling defeated, losing hope. In this kind of emotional and political climate, when activists call for deep change like prison abolition (or, gasp, an LGBT agenda *centered around* prison abolition), our demands get called “impossible” or “idealistic” or even “divisive.” As trans people, we’ve been hearing this for ages. After all, according to our legal system, the media, science, and many of our families and religions, we shouldn’t exist! Our ways of living and expressing ourselves break such fundamental rules that systems crash at our feet, close their doors to us, and attempt to wipe us out. And yet we exist, continuing to build and sustain new ways of looking at gender, bodies, family, desire, resistance, and happiness that nourish us and challenge expectations.

In an age when thousands of people are murdered annually in the name of “democracy,” millions of people are locked up to “protect public safety,” and LGBT organizations march hand in hand with cops in Pride parades, being impossible may just be the best thing we’ve got going for ourselves: *Impossibility may very well be our only possibility.*

What would it mean to *embrace*, rather than *shy away from*, the impossibility of our ways of living as well as our political visions? What would it mean to desire a future that we can’t even imagine but that we are told couldn’t ever exist? We see the abolition of policing, prisons, jails, and detention not strictly as a narrow answer to “imprisonment” and the abuses that occur within prisons, but also as a challenge to the rule of poverty, violence, racism, alienation, and disconnection that we face every day. Abolition is not just about closing the doors to violent institutions, but also about building up and recovering institutions and practices and relationships that nurture wholeness, self-determination, and transformation. Abolition is not some distant future but something we create in every moment when we say no to the traps of empire and yes to the nourishing possibilities dreamed of and practiced by our ancestors and friends. Every time we insist on accessible and affirming healthcare, safe and quality

education, meaningful and secure employment, loving and healing relationships, and being our full and whole selves, we are doing abolition. Abolition is about breaking down things that oppress and building up things that nourish. Abolition is the practice of transformation in the here and now and the ever after.

Maybe wrestling with such a significant demand is the wake-up call that an increasingly sleepy LGBT movement needs. The true potential of queer and trans politics cannot be found in attempting to reinforce our tenuous right to exist by undermining someone else's. If it is not clear already, we are all in this together. To claim our legacy of beautiful impossibility is to begin practicing ways of being with one another and making movement that sustain all life on this planet, without exception. It is to begin speaking what we have not yet had the words to wish for.

NOTES

1. We would like to thank the friends, comrades, and organizations whose work, love, and thinking have paved the path to this paper and our collective movements for liberation, including: Anna Agathangelou, Audre Lorde Project, Community United Against Violence (CUAV), Communities Against Rape and Abuse (CARA), Critical Resistance, Eric Stanley, FIERCE!, INCITE! Women of Color Against Violence, Justice Now, Lala Yantes, Mari Spira, Miss Major, Mordecai Cohen Ettinger, Nat Smith, Southerners on New Ground (SONG), Sylvia Rivera Law Project (SRLP), Transforming Justice Coalition, Transgender, Gender Variant, Intersex Justice Project (TGJIP), and Vanessa Huang.
2. In the wake of the 2011 repeal of Don't Ask Don't Tell, queer and trans people who oppose the horrible violence committed by the US military all over the world have been disappointed not only by pro-military rhetoric of the campaign to allow gays and lesbians to serve, but also by the new debates that have emerged since then about ROTC on college campuses. Many universities that have excluded the military from campuses are now considering bringing it back to campus, and some activists are arguing that the military should be kept off campus because trans people are still excluded from service. The terms of this debate painfully embraces US militarism, and forgets that long-term campaigns to exclude the US military from college campuses and to disrupt military recruitment campaigns and strategies are based in not only the horrible violence of the military toward service members but also the motivating colonial and imperial purposes of US militarism.
3. This has been painfully illustrated by a range of LGBT foundation and individual funders who, in the months leading up to the struggle over California's

- same-sex marriage ban, Proposition 8, declared that marriage equality needed to be the central funding priority and discontinued vital funding for anti-violence, HIV/AIDS, and arts organizations, among others.
4. This is a reference to the “trickle-down” economic policies associated with the Reagan Administration, which promoted tax cuts for the rich under the guise of creating jobs for middle-class and working-class people. The left has rightfully argued that justice, wealth, and safety do not “trickle down,” but need to be redistributed first to the people at the bottom of the economic and political ladder. Trickle down policies primarily operate as another opportunity to distribute wealth and security upward.
 5. By this we mean the advocacy work and agenda-setting done by wealthy (budgets over \$1 million) LGBT-rights organizations such as the Human Rights Campaign and the National Lesbian and Gay Task Force.
 6. See the Sylvia Rivera Law Project’s *It’s War in Here: A Report on the Treatment of Transgender and Gender Non-Conforming People in New York State Prisons* (available online at www.srlp.org) and *Gendered Punishment: Strategies to Protect Transgender, Gender Variant and Intersex People in America’s Prisons* (available from TGI Justice Project, info@tgijp.org) for a deeper examination of the cycles of poverty, criminalization, imprisonment, and law-enforcement violence in transgender and gender-non-conforming communities.
 7. This was a period of heightened activity by radical and revolutionary national and international movements resisting white supremacy, patriarchy, colonization, and capitalism—embodied by organizations such as the American Indian Movement, the Black Liberation Army, the Young Lords, the Black Panther Party for Self-Defense, the Brown Berets, Earth First!, the Gay Liberation Front, and the Weather Underground in the United States, and anti-colonial organizations in Guinea-Bissau, Jamaica, Vietnam, Puerto Rico, Zimbabwe, and elsewhere. Mass movements throughout the world succeeded in winning major victories against imperialism and white supremacy, and exposing the genocide that lay barely underneath American narratives of democracy, exceptionalism, and liberty.
 8. See Ruth Wilson Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism,” *Race and Class*, Vol. 40, No. 2–3, 1998/99.
 9. For a compelling analysis of neoliberalism and its impacts on social movements, see Lisa Duggan’s *The Twilight of Equality: Neoliberalism, Cultural Politics, and the Attack on Democracy*, published by Beacon Press in 2004.
 10. Public Citizen, *NAFTA and Workers’ Rights and Jobs*, 2008, at <http://www.citizen.org/trade/nafta/jobs>.

11. Human Rights Watch, "NAFTA Labor Accord Ineffective," April 15, 2001, at <http://hrw.org/english/docs/2001/04/16/global179.htm>. Corporations specifically named in complaints by workers include General Electric, Honeywell, Sony, General Motors, McDonald's, Sprint, and the Washington State apple industry.
12. Sapphire, "A Homeless Man's Alternative to 'Care Not Cash,'" *Poor Magazine*, July 1, 2003, at <http://www.poormagazine.org/index.cfm?L1=news&category=50&stor=1241>.
13. The Sentencing Project, "Life Sentences: Denying Welfare Benefit to Women Convicted of Drug Offenses," at http://www.sentencingproject.org/Admin/Documents/publications/women_smy_lifesentences.pdf.
14. Alan David Freeman, "Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine," 62 MINN. L. REV. 1049, 1052 (1978).
15. Visit generationFIVE at <http://www.generationfive.org> and Stop It Now! at <http://www.stopitnow.org> online for more research documenting and tools for ending child sexual abuse.
16. For a critique of hate crimes legislation, see Carolina Cordero Dyer, "The Passage of Hate Crimes Legislation—No Cause to Celebrate," INCITE! Women of Color Against Violence, March 2001 at http://www.incite-national.org/news/_march01/editorial.html. Also see INCITE!-Denver and Denver on Fire's response to the verdict in the 2009 Angie Zapata case at <http://www.leftturn.org/?q=node/1310>.
17. For an in-depth analysis of the growth and impacts of "nonprofit industrial complex," see INCITE! Women of Color Against Violence's groundbreaking anthology *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, published by South End Press in 2007.
18. For a deeper examination of the FBI's attack on radical movements, see Ward Churchill and Jim Vander Wall's *The COINTELPRO Papers: Documents from the FBI's Secret War Against Domestic Dissent*, published by South End Press in 1990. Also see the Freedom Archive's 2006 documentary *Legacy of Torture: The War Against the Black Liberation Movement* about the important case of the San Francisco 8. Information available online at <http://www.freedomarchives.org/BPP/torture.html>.
19. See Justice Now co-founder Cassandra Shaylor's essay "Neither Kind Nor Gentle: The Perils of 'Gender Responsive Justice'" in *The Violence of Incarceration*, edited by Phil Scraton and Jude McCulloch, published by Routledge in 2008.
20. Academy of Achievement: A Museum of Living History, "Rosa Parks," October, 25, 2005 at <http://www.achievement.org/autodoc/page/par0pro-1>.

21. Academy of Achievement: A Museum of Living History, "Rosa Parks," October, 31, 2005 at <http://www.achievement.org/autodoc/page/par0bio-1>.
22. CNNMoney.com, "Oprah Car Winners Hit with Hefty Tax," September, 22, 2004 at http://money.cnn.com/2004/09/22/news/newsmakers/oprah_car_tax/index.htm.
23. We recognize that we mention only relatively well-funded organizations and mostly organizations in the San Francisco Bay Area and New York City, two strongholds of radical organizing and also places where a significant amount of resources are concentrated. There are hundreds of other organizations around the country and the world that we do not mention and do not know about. *What organizations or spaces do you see embodying radical values?*
24. The Sylvia Rivera Law Project at <http://www.srlp.org>.
25. Queers for Economic Justice at <http://www.q4ej.org>.
26. Transgender, Gender Variant, and Intersex Justice Project at <http://www.tgijp.org>.
27. Critical Resistance at <http://www.criticalresistance.org>.
28. FIERCE! at <http://www.fierceny.org>.
29. Southerners on New Ground at <http://www.southernersonnewground.org>.
30. See Creative Interventions at <http://www.creative-interventions.org>, generationFIVE at <http://www.generationfive.org>, Communities Against Rape and Abuse at <http://www.cara-seattle.org>, and Audre Lorde Project's Safe OUTside the System Collective at <http://www.alp.org>.
31. For examples of LGBTQ-specific organizations creating community-based responses to violence, see the Audre Lorde Project's Safe Outside the System Collective in Brooklyn (www.alp.org), the Northwest Network of BTLG Survivors of Abuse in Seattle, and Community United Against Violence (CUAV) in San Francisco (www.cuav.org).
32. Particularly significant was the Transforming Justice gathering in San Francisco in October 2007, which brought together over two hundred LGBTQ and allied formerly imprisoned people, activists, and attorneys to develop a shared analysis about the cycles of trans poverty, criminalization, and imprisonment and a shared strategy moving forward. Transforming Justice, which has now transitioned to a national coalition, was a culmination of tireless and often invisible work on the part of imprisoned and formerly imprisoned people and their allies over the past many years. For more, see www.transformingjustice.org.
33. See the Transforming Justice Coalition's statement "How We Do Our Work" for a more detailed account of day-to-day organizing ethics, which can be requested from the TGI Justice Project at <http://www.tgijp.org>.
34. Both of the lessons here were significantly and powerfully articulated and popularized by Critical Resistance and Justice Now, both primarily based in Oakland, CA.