

We will not rest in peace

AIDS activism, black radicalism, queer and/or trans resistance

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We are living in a time in which more than ever, as James Baldwin presciently wrote in his beautifully moving open letter to then imprisoned black radical Angela Y. Davis, ‘Americans . . . measure their safety in chains and corpses’ (Baldwin 2011: 255). We are living in a time of ‘chains and corpses’, death, loss and mourning, of outrage and activism in response to mass incarceration, mass detention and deportation, HIV criminalization, AIDS phobia and the ongoing AIDS epidemic, anti-queer and anti-trans police violence. Mass incarceration is the normalized backdrop on which the ideological screen of ‘post-racial’ neoliberalism is projected. The carceral and military industrial complexes are figured as necessary institutions safeguarding the American neoliberal scene and as providing a haven for ‘diversity’ through the enforcement of ‘hate crime’ legislation and DADT. Is this the dream of inclusion?

In this chapter, I explore the ways in which the prison industrial complex and the persisting AIDS epidemic are tied together within a broader history of criminalization of and medical malign neglect towards our communities – of colour, queer, transgender, gender non-conforming, poor and disabled. I make the case that in the face of continued HIV criminalization, the war on drugs and the rendering of the political, along with the just, captive to the carceral, HIV/AIDS prevention and treatment are best addressed in the register of PIC abolitionism. In particular, I highlight how inside/outside organizing against homophobia and for medical services by ACT UP members such as Gregory Smith and Kiyoshi Kuromiya force us to rethink AIDS activist, black and queer liberationist and anti-prison activism as interlaced. Thus, queer and/or trans liberationist, AIDS activist and prison abolitionist critiques converge in the struggle for the decriminalization of HIV/AIDS as a crucial component of AIDS and abolitionist activism. The essay adds to queer and/or trans abolitionist critiques of the prison industrial complex as seen in such texts as *Queer (In)Justice* (Ritchie, Whitlock and Mogul 2011), *Captive Genders* (Stanley and Smith 2011) and *Against Equality: Prisons Will Not Protect You* (Conrad 2012). While incarcerated people’s resistance movements during the height of 1970s liberationist struggles have been researched, there remains a need for work that explores how the prison system has been a site of, and struggle against, anti-black, anti-queer and/or anti-trans violence. As will be argued in this

chapter, inside/outside AIDS activism, including by queer and/or trans activists of colour, is one important optic through which to examine this legacy. The inside/outside history of AIDS activism seems especially relevant if we consider past forms of criminalization and securitization – from the HIV prison camp at Guantanamo during Clinton’s presidency to the Jesse Helms-inspired HIV travel ban – and considering the present moment in which segregation of HIV-positive prisoners continues in South Carolina as well as emergent scholarship on the ways in which mass incarceration, criminalization of sex work, drugs have all escalated HIV/AIDS. While scholarship about AIDS activism is often retrospective, there is also a need for scholarship that addresses the (con)temporality of AIDS and ongoing AIDS activism. The essay ends by revisiting and reframing James Baldwin’s writing as an abolitionist call to anti-carceral conscience. Baldwin’s black radical, anti-Zionist (but not anti-Semitic), and critical anti-prison politics cut against the grain of (racial) liberalism and called for democratic awakening – which resonates now in our age of neoliberal anti-blackness and the carceral state of everyday life.

The necropolitics of the prison

In ‘Necropolitics’, Achille Mbembe begins by inquiring whether Foucault’s concept of ‘biopower’ accurately reflects the capacity of the state to regulate the lives and deaths of its subjects:

Is the notion of biopower sufficient to account for the contemporary ways in which the political, under the guise of war, of resistance, or of the fight against terror makes the murder of the enemy its primary and absolute objective? Imagining politics as a form of war, we must ask: What place is given to life, death and the human body (in particular the wounded or slain body)? How are they inscribed in the order of power?

(Mbembe 2003: 12)

Mbembe thus relates the politics of life to the politics of death. ‘I examine those trajectories by which the state of exception and the relation of enmity have become the normative basis of the right to kill’ (Mbembe 2003: 16). One of Mbembe’s prime examples is the settler colonial occupation of Palestine, where areas such as the West Bank are cordoned off via an Israeli carceral–military industrial complex of occupation and apartheid. The necropolitical also indexes various anti-black enterprises and state violence, from lynching, Jim Crow-era racial apartheid and terrorism, to contemporary militarized police violence against black people crystallizing in ‘stop and frisk’ orders and reminiscent of slave patrols, to outright police assassination of black ‘citizens’ such as Amadou Diallo, Oscar Grant and so many others. It was in response to ‘this record of mass slayings on the basis of race, of lives deliberately warped and distorted by the willful creation of conditions making for premature death, poverty and disease’ that the 1951 UN

petition presented by Paul Robeson and William Patterson, 'We Charge Genocide', materialized (Patterson: 1970). The title of the petition is as instructive as it is declarative: 'We Charge Genocide: The Historic Petition to the United Nations for Relief From a Crime of The United States Government Against the Negro People'. The petition was in response to anti-black racism, through which bio- and necropolitical violence converges in state violence against black 'citizens'. As James Baldwin so passionately argued in *Evidence of Things Not Seen*: 'Blacks have never been, and are not now, really considered to be citizens here. Blacks exist, in the American imagination, and in relation to American institutions, in reference to the slave codes: the first legal recognition of our presence remains the most compelling' (Baldwin 1995: 31). This is echoed in Colin Dayan's elegant and harrowing account in *The Story of Cruel and Unusual*, which traces how 'the ghost of slavery still haunts our legal language and holds the prison system in thrall' (Dayan 2007: 16). The vast landscape of the prison industrial complex (PIC) can thus be described more generally as an example of what Mbembe calls a 'deathscapes' – 'new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead' (Mbembe 2003: 40).

The prison industrial complex is an always already anti-black, violently anti-queer and anti-transgender enterprise that perpetuates what Saidiya Hartman names the 'afterlife of slavery' (Hartman 2008: 6). It institutionalizes forms of restricted life: following 're-entry', a formerly incarcerated person loses access to public housing, benefits and federal educational loans and faces chronic joblessness due to stigma. Incarceration has been historically employed as a means of maintaining an anti-black and white supremacist sociopolitical and racial capitalist order – from antebellum 'black codes' that criminalized vagrancy (Dru Stanley 125–126) post-'emancipation', to more recent attempts to extinguish the spirit and destroy the momentum of black liberationist movements in the United States (ranging from surveillance and sabotage of the Revolutionary Action Movement, to COINTELPRO, to the current renewed targeting of Assata Shakur). Journalist Shane Bauer (2012) has documented how in California, the mere possession of black radical literature results in being criminalized as gang related and put in solitary housing units (SHU) – a form of torture from which exit is uncertain, whose administration is often based on whether one informs on other incarcerated people (Bauer 2012: 1–4). Prisons thus continue the logic of COINTELPRO, which aimed to neutralize and eliminate black freedom movement(s).

The prison industrial complex is at once a manifestation of a disciplinary and of a control society. The prison is one of the central and proliferating oppressive technologies through which bio- and necropolitical violence and the apparatuses of surveillance that reinforce it are naturalized. The insidious morphology of the carceral is such that even as it is dismantled via lobbying for decriminalization and decarceration, on the one hand, it proliferates via extended modes of surveillance and control – ankle bracelets, probation and parole – on the other.

Carceral violence is maintained in various penal registers and forms. In the post-9/11 age of the Patriot Act, which expanded surveillance and police militarization (implemented during the continuing war on drugs), we are witnessing the violence of what I propose to describe as penal securitocracy. The call for the abolition of the prison industrial complex requires the complete dismantling of spaces of confinement and detention – what Foucault termed the ‘carceral continuum’ (Foucault 1977: 297, 303) – ranging from the torturous sensory deprivation of solitary confinement that is the signature of the supermax prison, to the coercive containment that characterizes psychiatric institutionalization.

The criminalization of HIV is one site in which anti-blackness, AIDS phobia, queer phobia and carceral violence converge. While recent research, particularly in public health, has begun to address the impact of mass incarceration on AIDS treatment and prevention, inside/outside AIDS activism and the struggle for HIV decriminalization in relation to queer and/or trans prison abolition politics have so far been neglected. As I will illustrate next, we have much to learn from this and I will turn to the insightful history of this struggle in the following section.

HIV: the history of a criminalization

Thanks to the powerful media activism and journalism by AIDS activists and advocates we now have a clearer picture of the history of the criminalization of HIV. In June 1988 the Presidential Commission on the HIV epidemic published a report calling for legislation on criminal non-disclosure (not disclosing HIV status before sexual activity) that should contain HIV-specific criminalization laws. In contrast to current criminal laws, which are applied blanketly, the commission recommended HIV-specific statutes that would ‘provide clear notice of socially unacceptable standards of behavior specific to the HIV epidemic and tailor punishment to the specific crime of HIV transmission’ (Presidential Commission on HIV Epidemic 1988: 130). The report recommendations were echoed in the 1990 Ryan White Care Act, which stipulated that states have the ‘affirmative responsibility’ to implement laws around criminal disclosure in order to receive federal money for HIV/AIDS care and education:

Two years later, Congress added its voice to the call for criminalization when it passed the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (the CARE Act), which mandated that states prove the adequacy of their laws for criminal prosecution of intentional transmission of HIV before they could receive federal funding for HIV/AIDS prevention. By 1993, almost half the states had HIV-specific criminal legislation.

(McArthur 2008: 715)

Interestingly, HIV criminalization model (proposed legislation and/or legal frameworks/paradigms for state and jurisdictions) legislation was created by the

American Legislative Exchange Council (ALEC) which, in the wake of public outcry following the tragic death of Trayvon Martin, also abandoned efforts to push for voter ID and stand your ground legislation. As investigative journalist Todd Heywood reports, HIV criminalization laws emerged at the nexus of political conservatism, AIDS panic and corporate power:

In the late fall of 1988, state lawmakers and representatives from major insurance and pharmaceutical companies were hard at work addressing the looming AIDS crisis for the American Legislative Exchange Council, a conservative-leaning think tank that produces state-based business-friendly model legislation. The efforts of ALEC's AIDS policy working group were published that year in a 169-page book containing 13 HIV-specific legislative recommendations. Some of those model laws would, after becoming real state laws, go on to effectively criminalize the behavior of people living with HIV and perpetuate a lasting stigma against HIV-positive people.

(Heywood 2013: 1)

The war on drugs – as a moral, racialized, classed and police-militarized enterprise – intensified and escalated the AIDS epidemic through zero-tolerance policies, mandatory minimum sentences, and by creating unsafe and vulnerable conditions for injection drug users. As the recently released report by the Global Commission on Drug Policy attests, the war on drugs effectively led to a situation in which resources are now being used for law enforcement instead of HIV prevention, where syringe sharing has increased, and where resources have been divested from public health interventions (Soros 2012: 1). It has fuelled the AIDS epidemic and been a central mechanism driving what might be understood as both mass (in terms of sheer volume) and hyper (in terms of concentration) incarceration rates facing poor black communities throughout the United States. As Steve Martinot argues, the war on drugs 'is a metaphoric war since a war cannot be fought against substances but only against people' (Martinot 2010: 76). The United States is not only the world's leading 'prison nation' but also its leader in HIV criminalization. HIV criminalization has also resulted in another harmful phenomenon often referred to as 'take the test and risk arrest', which describes how many people are now avoiding HIV testing so as not to be penalized under HIV disclosure laws (Strub 2012: 1). Revisiting the legacies and genealogies of queer and/or trans resistance and inside/outside AIDS activism, including organizing against the prison industrial complex by incarcerated AIDS activists, black queer and transgender liberationists, we can see how the carceral has always been a site of struggle.

Incarcerated AIDS activists – from David Gilbert of the Weather Underground, who co-founded an HIV peer education programme following the death of queer Black Liberation Army member Kuwasi Balagoon (Kaplan 1998: 1), to the 1992 medication strikers at CMF Vacaville (Rosenblatt 1996: 120) – have courageously

fought for AIDS services and medical care within penal institutions across the United States (and the world). AIDS is framed as a threat to the internal order of the total institution (Goffman 1991) of the prison, as opposed to a threat to the survival of those struggling to survive within its confines. The history of inside/outside AIDS activism speaks to the resistance that continues to thrive even as the prison industrial complex continues its abysmal telos towards the extinguishing of civic life and enactment of 'social death', even as structures of sociality and survival are repressed and denied within as well outside the prison, through the racist architecture of what Michelle Alexander refers to as the 'new Jim [and I would add Jane] Crow' (Alexander 2010). Collaborative efforts by AIDS activist groups and anti-prison organizations represent a dual mode of political response to the prison and medical establishment as well as advocacy for immediate implementation of standards of care, on the one hand, and resistance to the historical and institutionalized forces that produce prisons (racism, disablism, heteropatriarchy, classism, transphobia, homophobia, etc.), on the other.

These intersections are well reflected in the overlaps between radical social movements on the issue of AIDS. The fact that in most historiography, queer, black liberationist and decolonial movements are considered parallel but separate constitutes an act of epistemic and archival violence that invisibilizes the contributions and theorizations of queer of colour activists – especially political formations (however short lived) such as 'Third World gay revolutionaries'. Kiyoshi Kuromiya participated in and was radicalized as part of the black freedom struggle during the period of the Civil Rights Movement – a chrono-political designation that James Baldwin called a 'misnomer' (a more accurate description for him was 'the latest slave rebellion') (Baldwin 1989: 194) – as well as in anti-war activism and queer liberation. In March 1965 Kuromiya, while marching with Martin Luther King Jr., Fred Shuttlesworth and countless others, was attacked by the volunteer mounted posse of Montgomery, AL Sheriff Mac Sim Butler and hospitalized. Underlining the continuity of anti-black police violence in that historical moment, and illustrative of how such violence travels and concretizes in white supremacist institutional memory, the current Montgomery, Alabama jail is named the Mac Sim Butler Detention Facility. Placed under FBI surveillance during COINTELPRO, Kuromiya's file is over 100 pages long and he was included on the Security Index because of 'anarchist tendencies'. Kuromiya's name is listed in the papers liberated from the Media PA FBI field office by the concerned citizens collective that exposed the existence of COINTELPRO in March 1971 (WIN 1972: 1, 33, 34). The 1970s Gay Liberation Front and 1980s ACT UP collectives were also monitored by the FBI (Osborne 1993; Stockdill 2003).

Both Kuromiya and Ortez Alderson attended the Black Panther Revolutionary People's Constitutional Convention in Philadelphia in 1970, as part of a queer people of colour contingent. Following the People's Convention, Ortez Alderson was arrested for breaking into an Illinois draft board and was incarcerated for a

year. After being at Peoria County Jail for three months, he was transferred to a prison in Ashland County, Kentucky (Highleyman 2004: 1). While imprisoned in Kentucky, Alderson and three other queer men of colour attempted to form a gay liberation chapter. As a result of this, as Alderson described in his 1972 *Motive* magazine interview (appropriately titled with an excerpt of his commentary 'On Being Black and Gay in Prison: There Is No Humanity'), they were all 'immediately arrested by the goon squad and put in the hole' (Alderson 1972: 26). In a moving essay in the anthology *That's Revolting: Queer Strategies for Resisting Assimilation* edited by Mattilda Bernstein Sycamore, AIDS activist and former Los Angeles AIDS city coordinator Fred Eggen recounted how Alderson, following his release from prison for anti-war activism, organized a protest against police violence in response to the killing of a black 'drag queen' (and/or trans woman) by Chicago police officers in the 1970s (Sycamore 2008: 8). Alderson would go on to become a central figure in both NYC and Chicago ACT UP chapters, as well as a main organizer of a people of colour HIV/AIDS conference in Chicago. He passed away in December 1990. His partner, Arthur Gursch, carried Alderson's ashes to the political funeral action at the White House in 1992 (Gould 2009: 8).

For queer AIDS activists of colour involved in ACT UP Philadelphia, issues of AIDS, securitization and anti-blackness were inseparably intertwined. In the 1990s, in an of radical performance against the securitization of AIDS and anti-blackness, ACT UP Philadelphia members Jon Paul Hammond, Kiyoshi Kuromiya and David Acosta imprisoned themselves in a makeshift barbed wire concentration camp in front of the United States courthouse in downtown Philadelphia in solidarity with HIV-positive Haitians incarcerated at Guantanamo (Acosta and Jaynes 1999: 16–19, 23–24). Yet the securitization of AIDS continues. Since Congress mandated the creation of the US military HIV research programme in 1986, military HIV/AIDS research has expanded. As several scholars in security studies have pointed out, infectious disease and HIV/AIDS treatment provided under the aegis of the US military is directly related to the management of social unrest and other perceived threats that have the potential to undermine neoliberal governance and geopolitical order (see Elbe 2009; Ingram 2011; Pereira 2008). Military HIV/AIDS research and treatment occur within a context of humanitarian violence and securitization and thus, despite profound success in HIV research, remain inextricably intertwined with military aims and geopolitical security objectives. AFRICOM's HIV/AIDS prevention work and drone bases (Wiley 2012: 147–161) are both measures designed to safeguard mutual security interests (Skinner 2011: 1). Securitization and criminalization have been two major state responses to HIV/AIDS, from the Jesse Helms-inspired HIV travel ban to the incarceration of HIV-positive Haitians during the Clinton administration in an HIV prison camp at Guantanamo Bay, to the segregation of incarcerated people living with HIV/AIDS in Mississippi at Parchman Prison/plantation Unit 28 and in Alabama at Limestone, which is still ongoing in South

Carolina (ACLU and Human Rights Watch 2010: 1–50). While the use of torture in Guantanamo and other offshore prisons has been rightly scandalized, a less exceptionalist framework might treat torture as a carceral technology that has been naturalized and normalized across the domestic prison landscape (ACLU and Human Rights Watch: *ibid.*). Thus, the force feeding that has been reported at Guantanamo, in response to the ongoing hunger strikes, has precedent in prisons across the US as a means to ‘preserve order’ (Ingram and Sutton 2013: 1). This intertwining of securitization and racism is also brought home by the legacy of Gregory Smith.

‘We will not rest in peace’: the legacy of Gregory Smith

On 18 May 1990, in New Jersey’s Camden County Superior Court, Gregory Smith, a black HIV-positive gay man, was sentenced to 12½–25 years in prison for attempted murder. He had allegedly bitten a police officer – a charge which Smith denied (Petty 2005: 76–88). Smith, who was taking AZT at the time of his sentencing, was denied the drug once he was incarcerated at Camden County Jail in April 1989 (McKnight 1990: 1). On 10 June Smith collapsed in his cell, injuring his back. When he got to the hospital and his requests to be x-rayed were denied, he refused to leave and was taken by one of the guards to an adjacent room and beaten. In the process of this attack, the guard cut his hand and then ‘later claimed [the cut] was a bite wound inflicted by Smith’ (*ibid.*: 1). ACT UP and other local Philadelphia groups organized protests and forums in Smith’s defence. AIDS activists including Judy Greenspan of California Prison Focus and ACT UP Philadelphia members including Kiyoshi Kuromiya, as well as the ACLU, organized in support of Smith. Cindy Patton wrote passionately about Smith’s case in *POZ* magazine, highlighting prison as an HIV/AIDS issue (Patton 1998: 1). ACT UP Philadelphia produced a fact sheet about HIV criminalization: ‘Biting, Spitting and Other Murderous Acts: Greg Smith and the Criminalization of HIV’ (ACT UP Philadelphia 1999: 1–1).

Smith’s HIV status aggravated his punishment. Assistant prosecutor Harold Kasselmann described him as wielding his HIV status as ‘his own personal weapon of misery’ (Patton 1998: para. 15). He was convicted and sentenced by Judge Mariano to the maximum of 25 years for aggravated assault and attempted murder. Smith was one year away from his release when he received this new sentence (Strub 2011: 5). A 1992 study by Harvard School of Public Health showed that AIDS-related prosecutions disproportionately resulted in harsher sentences and reinforced moral panic, AIDS phobia and misinformation. ‘While the public health services long have said the only way to transmit the HIV virus is through blood, sex or needles, judges are perpetuating the belief that AIDS can be spread casually, through spitting or biting’, said Larry Gostin, chief author of the Harvard School of Public Health study. ‘We like to think judges are leaders of public

opinion, but in this case, they have been perpetuating some of the fears that are prevalent in society' (Hopkins 1992: paras 2–3).

An incarcerated AIDS activist, Smith regularly contributed to the *Critical Path* newsletter and advocated for AIDS education and treatment inside. Rather than exemplary, criminalization, as ACT UP Philadelphia activist Jose De Marco states, 'is not new for our communities' (In The Life: 2010). As Jared Sexton argues, black people have always figured as 'perennial threats to national security' (Sexton and Lee 2006: 1014). Anti-black violence has been central to safeguarding the security of a white supremacist sociopolitical and psychic order. Being black, as poet and critic David Marriott (2000) argues, is so often 'a fatal way of being alive' (p. 15). The black body is situated in an anti-black world saturated in the violent and white supremacist affect of what the incomparable public intellectual and freedom fighter Frederick Douglass named an 'anti-black feeling', in his 1848 *North Star* article 'Prejudice Against Color' (Douglass, Foner and Taylor 1999: 99). Black people are especially targeted by the material violence of racism, which Critical Resistance founding member and geography professor Ruth Wilson Gilmore so aptly and influentially theorizes as 'the state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerability to premature death' (Gilmore 2007: 28). Ultimately, as Fred Moten ever poetically and illuminatingly states, 'what is inadequate to blackness is already given ontologies' (Moten 2008: 187).

While incarcerated, Smith organized People Living with HIV/AIDS (PWAs), published a newsletter about prison and HIV/AIDS issues and also started writing a memoir. He remained public about his sexuality and his HIV-positive status, despite the threat of institutional and personal, psychological and physical violence that this entailed. Gregory Smith passed away on Monday 10 November 2003 at the St. Francis Medical Center in Trenton, New Jersey (ACT UP NY: 2003). He was 40 years old. 'Greg did not have to die. AIDS bigotry and hysteria took his freedom, and now medical neglect has killed him', Asia Russell, of ACT UP Philadelphia, stated following his untimely death (ACT UP NY: 2003).

ACT UP has always spoken for the living and the dead. Gregory Smith was murdered by the state but held in collective memory by ACT UP Philadelphia members. In an act of radical performance designed to both keep Gregory Smith's memory alive and draw attention to the continued need for better medical care for incarcerated people in New Jersey's prisons, in January 2004 ACT UP Philadelphia members travelled on buses to retired Superior Court Judge John Mariano's home, where they held a funeral procession and placed a black coffin and flowers on his front yard (Gambardello 2004: 1).

ACT UP Philadelphia members have organized as a collective over the past two decades, operating outside the non-profit industrial complex as a network of PWAs and their allies, to make sweeping changes to the political landscape of the city. In addition to decriminalizing condoms in Philadelphia jails, fighting for

condom availability in schools, securing nursing homes, advocating for enhanced AIDS budgets and services, as well as for adherence to ethical and humane standards of treatment and care, ACT UP members conducted numerous protests and helped to organize an (extra-legal) needle exchange. Extending the political aspirations of queer liberationist movements, ACT UP Philadelphia members have radicalized the city's politics of public health, HIV/AIDS prevention and treatment. Yet as the recent release of the 'Ending and Defending Against HIV Criminalization' advocacy manual by the Center for HIV Health Law and Policy and the Positive Justice Project makes abundantly clear, the struggle against murderous policy – whether it is against the criminalization of HIV-positive sex workers in Pennsylvania who face felony charges regardless of disclosure and/or condom use (Positive Justice Project 2010: 168) or for housing justice for HIV-positive Philadelphians currently living on the streets of a neoliberal city – continues.

ACT UP Philadelphia's campaigning for Gregory Smith is particularly relevant today, at a time when HIV/AIDS and black queer and transgender people are actively criminalized and stigmatized. Daniel Allen, a black gay Michigan resident who allegedly bit his neighbour during a fight in 2009, was initially charged with 'bio-terrorism' (Gonzalez 2012: para. 1). The historical practice of segregating incarcerated people living with HIV/AIDS in abhorrent conditions within penal institutions in Mississippi and Alabama continues today in South Carolina (ACLU and Human Rights Watch 2010: 1–50). The imperative voiced in 1993 by incarcerated and long-time AIDS activist Yusuf Shakoor, who assisted in building the Prisoners Educating Prisoners on AIDS (PEPA) project at Auburn Correctional Facility (Greenspan 2000), still holds true: 'Action needs to be taken in order to stop the genocidal actions this state has implemented by withholding adequate treatment and care for HIV/AIDS prisoners' (Greenspan 2000: para. 14). A critical genealogy and social history of organizing against the prison industrial complex by incarcerated AIDS activists, black queer and transgender liberationists is all the more essential.

All too often the violence of representation – whether taking the shape of the LGBT taskforce that cooperates with the police, or the elevating of one moderate or conservative representative as the 'authentic' voice of queer and/or trans community – evacuates the radical potentiality that can emerge out of collective anguish and outrage in response to violence. All too often institutionalized LGBT 'leadership' perform as a managerial class, channelling the affective intensity and electricity of protest against anti-queer and anti-trans violence back into neoliberal institutions/forces. When interpersonal anti-queer and/or anti-trans violence happens, there is often a call for the criminal justice system and for legislation to prosecute hate crimes such as the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2010. The prison industrial complex is hailed by mainstream 'LGBT' and racial justice organizations as an arbiter of 'social justice' in our neoliberal (and allegedly post-racial) era. The larger bill of which the Matthew Shepard and James Byrd Hate Crimes Act was an amendment to, the

National Defense Authorization Act (NDAA) drastically increased the military budget. As the members of the Sylvia Rivera Law Project pointed out: ‘This particular bill was attached to a \$680-billion measure for the Pentagon’s budget, which includes \$130 billion for ongoing military operations in Iraq and Afghanistan. Killing people in Iraq and Afghanistan protects no one, inside or outside of U.S. borders’ (Sylvia Rivera Law Project n.d.).

As Kuwasi Balagoon incisively argued, ‘when a gay group protests lack of police protection, by making an alliance with police to form a gay taskforce, they ain’t making a stand against the system they are joining it. Putting more power in the hands of those who attack them for being what they are in the first place’ (Lydon 2008: para. 2). This type of (neo-)liberal response – which reduces systemic and layered violence to individual, private and atomized acts – is at cross-purposes to forms of critical inquiry about hate violence and organizing that really understand and address the social abandonment, criminalization and stigmatization that trans and gender non-conforming people of colour face. For those released following imprisonment, the mark of criminality and the stigma of the ex-offender label render access to survival needs including stable employment, subsidized housing and food stamps extremely precarious, if not foreclosed.

Our communities, poor, black, queer and trans – women in particular – face malign neglect and social abandonment, from homelessness to job discrimination and criminalization. So many lives have been extinguished by barrages of police bullets, suffered under police brutalization, been left to perish and die while in police and/or state custody, or killed by other penal technologies of torture and execution. Incarcerated trans people face sexual violence and involuntary disclosure of HIV/AIDS status by guards, are penalized for violating the prison-enforced binaried gender regulations, and are subjected to physical isolation and solitary confinement (Grant, Jaime M., *et al.* 2011: 158–173). The prison regulates and attempts to reinforce a racialized penal gender binary – by outlawing and criminalizing gender non-conformativity and black radical aesthetics by controlling dress, hairstyles and other forms of expression, as is further shown by Gabriel Arkles in his recent article ‘Correcting Race and Gender: Prison Regulation of Social Hierarchy Through Dress’ (Arkles 2012). Incarcerated trans women of colour are often specifically targeted by guards and other incarcerated people. In Pennsylvania, legal cases speak to the trans misogynistic and sexual violence within the prison system that incarcerated trans women of colour face. In one of these cases, a trans woman of colour was sexually harassed and coerced by a guard and once she spoke out about the violence she was penalized and transferred from the prison where she was being held, which was designated as the women’s prison, to one designated as the men’s prison (Kulwiki 2011). Similar to the so-called ‘feminist’ response of ‘gender responsive’ prisons, the carceral-political imaginary is growing accustomed to and therefore, in pure neoliberal multicultural fashion, beginning to recognize, all of our sexual and gender diversity. However, the queer and trans inclusion promised by carceral order is the so-called ‘freedom’ to be held in queer and trans inclusive prison cages. Anti-black and trans misogynistic police

violence against black trans women continues: Duanna Johnson in Memphis (Brown 2008: 15) and Nizah Morris were found with fatal head injuries after receiving a 'courtesy ride' from local Philadelphia police (Tackzyk 2003: 16). The biopolitical regulation of carceral state (as opposed to self) gender determination is also exemplified by the sentencing of CeCe McDonald, for physically defending and protecting herself against a racist, homo- and transphobic attack.¹ The state's attempts to 'determine' McDonald's gender continue (Solomon 2012: para. 6). Yet in the face of this, queer and/or trans liberationist marches and actions from Paris to Manhattan have popularized messages of enduring love and support to free CeCe.

The political project of gender self-determination as an abolition of the policing of gender(s), bodies and lives has roots in the revolutionary trans political horizon outlined by Sylvia Rivera, Marsha P. Johnson and other members of the 1970s collective Street Transsexual Action Revolutionaries (STAR). In 1971, Marsha P. Johnson spoke of STAR's politics of queer and trans decarceration: 'we'd like to see our gay brothers and sisters out of jail and on the streets again' (Jay 1992: 113). STAR placed sex worker dignity, gender self-determination, trans liberation, housing justice and anti-capitalism at the very core of their organizing. Similar to the Panthers, they came together to create interstitial radical spaces against organized abandonment, providing housing and clothing for each other and protecting each other. Rather than retreating from the violently anti-trans and anti-queer world, or engaging only in polemics and manifesto writing, they also actively worked to transform it. STAR was proto-intersectional and specifically centred sex workers, homeless youth and incarcerated queer and trans people, particularly people of colour.

STAR, like so many radical trans and queer organizations of that time period, was abolitionist in the sense that it did not look to prisons and police for solutions to social, economic and political injustice. Rather, it struggled for gender self-determination and against policing – of bodies, genders and sex – and centred formerly or currently incarcerated people, poor people, sex workers and queer homeless youth in its political organizing work. 'We were fighting for our lives', Sylvia Rivera told Leslie Feinberg in an interview about the Stonewall era (Feinberg 1999: 97). Indeed, gender self-determination and HIV decriminalization remain a critical part of the continuing struggle for trans and queer life in the face of carceral violence and policing.

There is a pressing need for queer and/or trans abolitionist socio-political formations to face the lethality of anti-black, anti-queer and/or anti-trans interpersonal violence. In the place of, to repurpose a phrase coined by Rob Nixon (2011), the 'slow violence' often reproduced within neoliberal non-profits, including AIDS service organizations, that valorize multiculturalist market rhetorics of 'diversity' and expert credentials while maintaining rigid staff hierarchies within which poor trans people of colour mainly comprise the lower order, with little room for upward mobility, we need to expand forms of horizontal governance and

consensus based organizing in the spirit of prefigurative politics and collective liberation. Why do so many non-profit structures – even those which are politically progressive – resemble vertical/top down hierarchies of corporate power? How can we create more HIV/AIDS resources in anti-oppressive and decolonial ways?

Yet, the politics of racial uplift and rescue are prevalent in the social service and risk rhetorics that dominate AIDS activism in the United States. Such rhetorics promise to ‘overcome’ AIDS for black communities through an individualizing neoliberal logic of choice and responsibility (as in the injunction to ‘use a condom’). This forecloses a systematic analysis of forces structuring choice and responsibility, including blame and gay shame. Centers for Disease Control interventions that target black queer and/or trans people often unfortunately reinforce uplift ideology through measures such as ‘role model stories’, that retell how reformed neoliberal subjects and members of ‘high risk’ populations – the ‘highest’ being black, queer and/or trans people and youth – have come to transcend their old problematic behaviours, sex work and drug use especially. ‘The primary purpose of the role model stories was to model risk-reducing behaviours, suggest solutions to risky situations, and illustrate positive outcomes of taking steps toward protecting oneself’ (CDC Divisions of HIV/AIDS Prevention 2007). The politics of racial uplift saturate AIDS risk rhetorics in sex negative, objectifying *and* abjectifying ways. Both the MSM (‘men having sex with men’) discourse and the dominant regime of risk categorization always already mark black people (youth, non-trans men, trans women) as ‘vulnerable’, ‘at risk’, a ‘statistic’. We arrive again, circuitously, through another ‘vector’ of anti-blackness – in this case the disease frame – to W.E.B. Du Bois’s question, which he argued perennially confronts black people: ‘How does it feel to be a problem?’

As long as we have prisons we will never have ‘universal’ health/care. Prisons exacerbate public health crises by increasing Hepatitis C and HIV on the inside and on the outside. Following ‘release’ formerly incarcerated people face disproportionate rates of homelessness – one of the key social drivers of HIV/AIDS – and joblessness. What is the meaning of ‘healthcare’ within the context of a carceral system designed to foster death, despair, destitution and depoliticization? How can we organize healing and care for those who are incarcerated in ways that do not further the dehumanizing and decaying capacities (body and soul) of the carceral? Carceral ‘healthcare’ stands in stark contrast to the legacy of radical health activism – ranging from the detox acupuncture clinic that the Young Lords and Black Panthers established at Lincoln Memorial Hospital in the Bronx (Pates and Riley 2012: 373) to the clinics and sickle cell campaigns of the Black Panthers (Nelson 2011). Professor Ruth Wilson Gilmore often speaks of – following Andre Gorz – ‘non-reformist reform’, i.e. aiming for socio-political changes which do not ultimately reinforce carceral violence and prison expansion. AIDS activists fighting for harm reduction services and anti-prison activists lobbying for decarceration and re-entry services that put more resources into education than incarceration are working to create a socio-political landscape in which the prison is not the readymade and given answer to complex social problems.

We might extend our notion of abolition as HIV prevention and treatment not only for those in the nominally ‘free world’ – whose ‘freedom’ anyway is rendered ephemeral by stop and frisk, ‘walking while trans’ and other everyday conditions of criminalization and profiling – but also for those who are currently incarcerated. Solitary confinement, along with being a form of psychic torture, disrupts AIDS med routines (GMHC 2012: 1–32). Incarcerated trans people are often automatically placed in forms of solitary ‘for their protection’, which means more vulnerability to violence from prison staff. For HIV-positive people held under the policies of mass detention and mass deportation, medications are often irregular, destabilizing ‘health’ and ‘care’. As the Human Rights Watch reported in its 2007 report *Chronic Indifference*, when detained HIV-positive people do not regularly receive medications, it increases the possibility for drug resistance (Human Rights Watch 2007). Conditions are harrowing for detained HIV-positive and queer and/or trans people – who are especially targeted. We should note how incarcerated people face higher rates of disabling health conditions more generally. The prison industrial complex is indeed designed to bring about death and extinguish life. Prisons impose ableist violence and general trauma, including attacks on disabled people by guards and little to no resources for infirm older incarcerated people or people with dementia. ‘Elderly’ has been set at 55 for incarcerated people because of the levels of trauma and violence that increase illness conventionally seen in people over 65 and thanks to mandatory minimums this is the fastest growing group within prisons (Human Rights Watch 2012: 1–110). While the struggle to decriminalize condoms and needles continues on the outside, they are prohibited on the inside. Furthermore, what constitutes the carceral ‘inside’ has been dramatically expanding over the past three decades. It is the expansion of the (im)moral calculus and penal economy of innocence into everyday life that has been the subject of organizing for alternatives for transformative justice and abolitionist forms of accountability (see Critical Resistance 2012; see also Chin, Dulani, Samarasinha and Smith 2011). Such abolitionist politics resist these penal logics that make the prison seem necessary and natural – but which are as historically produced as the prison itself.

‘My dungeon shook’: beyond the carceral and towards abolition

I want to conclude by turning to the politics of black radicalism and prison abolition in James Baldwin’s writing on the politics of the carceral, and by revisiting it as a queer desire. The questions of prison, and of liberation from confinement and policing, both as personal and as socio-political factors (as in the carceral violence deployed under COINTELPRO alongside the domestic war against the black liberation movement), figure centrally in Baldwin’s political interviews and essays. Baldwin often theorized what might be called abolition – end(s) to forms of incarceration and policing – of self and of peoples, as a potential path to realizing

the democratic potential and humanity. In Baldwin's essay 'This Far and No Further', he demystifies the figure of the criminal as a manifestation of the state. The criminal, by Baldwin's lights, is a creation of the state, in that the state needs a cipher to justify its own criminal procedure. In other terms, the figure of the criminal is crucial in order to paint the violence of the state as legitimate violence:

Now, the State creates the criminal of every conceivable type and stripe, because the State cannot operate without the Criminal. The nature of their operation demands fraud, coercion, secrecy, and the power to intimidate: in no way whatever, do the tactics of the financier or the successful racketeer differ from those of the FBI or the CIA – or for that matter, the cop on the corner.

(Kenan 2010: 162)

Baldwin argues passionately that the criminal justice system is uneven in its alleged distribution of justice, as heads of state and wealthy people are not subject to the same carceral violence as the poor and the non-elite: the prison system is inherently anti-poor, anti-black, etc: 'All that we can really claim to know about the Prisoner is that he or she is a human being, like ourselves, who has been caught, who has been incarcerated' (ibid.: 163). Here Baldwin renders the innocent vs. criminal dichotomy false. 'The Criminal, that is, may or not be a Prisoner and the Prisoner may or not be a Criminal . . . rare and spectacular it is that a Prisoner has been dragged from the seat of Power' (ibid.: 163).

He argues that prisons are not rehabilitative but sites of concentrated violence and dehumanization:

I do know that prisons do not rehabilitate, because it is not their purpose and not in their power. One is not rehabilitated by learning to cooperate with the structure designed to debase the person into the Prisoner . . . The incarceration of the Prisoner reveals nothing about the Prisoner, but reveals volumes concerning those who hold the keys.

(ibid.: 164)

Having recently visited Death Row, Baldwin casts a limelight on the prison system as being towards death, an anti-black and we might say necropolitical enterprise. He stresses that an overwhelming number of those who are caged and awaiting state execution on Death Row are black. Baldwin suggests that the American prison system is symptomatic of what Malcolm X saw as the 'American nightmare', namely yet another incarnation of what we might call premature death: 'And finally, since I am discussing American Prisoners, we are also discussing one more aspect of the compulsive American dream of genocide' (ibid.: 164).

In his earlier 1971 open letter to Angela Davis, Baldwin points towards the ways in which anti-blackness flows through the carceral continuum – how the past of chattel slavery is chained to the penal present of 'chains and corpses':

One might have hoped that, by this hour, the very sight of chains on black flesh, or the very sight of chains, would be so unbearable a sight for the American people, and so unbearable a memory, that they would spontaneously rise up and strike off the manacles.

(Baldwin 2011: 255)

Yet instead, Baldwin observes that Americans ‘seem to glory in their chains and corpses’ (ibid.: 255). Against the grain of carceral common sense, Baldwin’s hope and the legacy of black radical, queer and/or trans left and AIDS activist political horizons impresses upon us the imperative to organize, imagine and ultimately, to live otherwise.

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Notes

- 1 For more information about CeCe McDonald, in her own words and information on the collective organizing to support her, see the wordpress site <http://supportcece.wordpress.com/>