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States of Dismemberment:

State Violence and the Un/making of Queer Subjectivities

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**States of Dismemberment:
State Violence and the Un/making of Queer Subjectivities**

by

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Dissertation

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Dedication

To Maria Mendoza, mi compañera, mi maestra, my mother.

You left before I could finish.

...

Because of you.

For you.

Always.

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States of Dismemberment:
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This dissertation uses a combination of methods, such as ethnography, life histories, archival research and film documentation to investigate how the diffusion and assemblage of sexuality, gender, and race, reproduce the variegated forms of violence perpetuated against queer brown people (in particular queer Mexican/Chican@ subjects) in Texas, to re-examine how they are embedded in how this violence is understood and articulated, as well as to understand how they sustain racial-sexual dominance through the simultaneous un/making of queer subjectivities. To do so, I look at the different sites where queer Mexican/Chican@ subjectivities are conscripted across time and space, from the courtroom to acts of public mourning, from the airport to the home, as they come-up against repressive mechanisms and structures that renders them vulnerable to the state and state practices. The central questions driving this research are: 1) what kinds of violations do dominant conceptualizations of racialized gender and sexuality produce? 2) What are the narratives that rationalize these violences and how do they come to obscure their effects and legitimize these practices? Along these same lines, how do these rational articulations manifest themselves in the queer body? 3) And finally, what kind

of queer subjectivities are produced within the gendered racial encounters with the patriarchal state? The focus here on state practices and queer brown subjects is of critical importance as minimal attention has been given to how patriarchal constructions of racialized sexualities and gender come to enduringly underpin structures of dominance within the US and mobilized to legitimize the violence it continuously utilizes against queer Mexican/Chican@s.

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Introduction

To tell a story is to construct a history, to assert a vision of reality.

LoveConjure/Blues, Omi Osun Joni L. Jones

That day was not different from many other days. The damp breeze carried the smell of sea salt just the same as it had on any given day. I can't remember what day of the week it was exactly, if it was a weekday or weekend. I don't remember the time, but I do remember it was the morning—mainly because I remember the fresh smell of baked bread the panadero/baker had just finished announcing was for sale. I don't remember how old I was, but I do remember peeling the bloody crust that had built up on my knees from my clumsy fall when playing tag with my cousins in the cobblestone streets in a beachside town in Jalisco, Mexico. Perhaps these details do not matter; but somehow they seem to. I remember other details that brought me to this moment and that in connection to other memories, brought me to the urgency of this research project.

I was sitting on the doorstep of my aunt's house when I heard yelling and saw my cousin Gaby running to nowhere, in despair and obvious terror, with clothes in hand and scarves willowing around him, half naked. My Tio Cano, Gaby's father, had had it with him that day, "Hasta 'que llegaste hijo de puta. Ya me artaste pinche joto/About time you arrived you son of a bitch! I'm fed up with you, you damn faggot!" Gaby couldn't run fast enough. He ran, hopping through a bed of sun-hot stones trying to escape his father. I could see the stones losing energy as they hit his back, falling onto to the ground. My uncle struggled to keep up with him. Suddenly, voices started yelling at

Gaby, mockingly, amused, “Correle reyna, ‘que esta vez si te alcanza cabrona/Run queen, ‘cause this time he will catch you.” Others yelled at my uncle to leave him alone, “Dejala ya, Cano, que acabo que/Leave ‘her’ alone Cano, so what.” Others just watched dazed, and too many did nothing as we watched Gaby get pelted with stone after stone.

I don’t remember much of Gaby after that day; it is as if he literally ran out of our lives after that incident. Before that day, there was constant chisme/gossip about Gaby circulating around the neighborhood: what he was seen doing with “fulano de tal/such and such” after church one day, about how he would change into his “ropa de puta/skanky clothes” as soon as he left the house. People in the neighborhood spent their time theorizing about why he was “haci/that way” and finding someone to blame for his “manera de ser/way of being.” According to many of them, he brought the stoning on himself. “El se la busco/He asked for it,” they would say, “Pues que se espera portandose de esa manera/What did he expect, acting that way?” Others asked God to help him, “Que Dios le ayude.” While others took the blame off of him for ‘being the way he was,’ “Que culpa tiene el de ser haci/What fault is it of his for being that way? Later that day I walked by my cousin’s house. His things had been thrown outside on the ground and they stayed there for days, as if to announce that by having thrown Gaby out, by ‘disowning’ him, the family was redeemed. I still remember broken pieces of glass shimmering through the dirt outside his home, along with his clothes, cassette player, bags, belts, records and a smashed disco ball he had made from broken pieces of mirror.

Several months after that day, Gaby disappeared. People speculated about his whereabouts, creating stories about him meeting un Americano and moving to el Norte with him, “haciendo quien sabe que/doing who knows what.” His name was not to be spoken within the family. For many years we did not know what happened to Gaby, in fact, not until his mother died did we find out that Gaby had been in communication with one of his brothers to let him know he had crossed over to California. Still, after so many years, that was all they knew of him. Unable to attend her funeral, people speculated yet again as to why. He wanted to attend the funeral my mother told our relatives, but he couldn’t because he didn’t have his “papers” to come and go. In spite of this information, people still needed to create other fictions, in which at the center, he was so “avergonzado/ashamed,” he didn’t want to “desgraciar/disgrace his mother’s memory by showing up “siendo lo que es/being what he was.” Others had him lying at the bottom of a river. Still, even now, no one talks about what happened that day. For some, it was not his lack of “papers” or the stoning that kept him from going to his mother’s funeral, but rather his “falta de moralidad/lack of morals.” He couldn’t put “esas cochinadas/those perversions” aside “por un rato/not even for a while,” “ni si’quiera para el entierro de su propia madre/not even for his own mother’s burial.”

* * *

For many years after the morning Gaby was stoned, I revisited that day over and over again, playing out the details in my head as I tried to identify and trace the moments, words, actions, and silences that may have led up to the event and how it all happened. The invocation of this memory does not stem from some burning desire to talk about a

moment in my life; rather, the story of Gaby serves as a marker and an illustration of the endurance of the intersecting utterances, or as what Nicole Guidotti-Hernandez (2011) refers to as “that which cannot be spoken fully,” (23) of expendability reflected in the normalization of the violence that the queer Mexican@/Chicana@ body is subjected. Gaby’s brutal experience on that morning, while perhaps textured by the passing of time and place, reflects the continuity of violence also experienced by queer Mexican@s/Chican@s in the United States; and more specifically for the purposes of this dissertation, in Texas. Women of color feminists along with black feminists continue to inform us that the patriarchal makings of race, sexuality and gender that characterizes the violent colonial histories of the U.S and the U.S-Mexico borderlands is not a thing of the past, but in fact very much present still today (Guidotti-Hernandez 2011; Alexander & Mohanty 1997; Moraga 2011; Perez, E. 2003; Smith 2005; Lorde 1993; Combahee 1977.) As Jacqui Alexander poignantly pointed out during a talk she gave during an activist anthropology conference, *this* moment in history is not a time of “post-racial” or “post-colonization,” but rather illustrative of the manifestations of gender and sexualized racisms that continue to affect non-white people still today.

Contextualizing this work within the larger geopolitical context of U.S-Mexico histories, the violent encounters of queer Mexican@/Chican@ subjects with the heteropatriarchal state and those invested in it, speaks to the deeply-rooted and long-lasting patterns of subjugation still experienced today by Mexican@s/Chican@s. Encounters with the police, immigration authorities, judicial systems and the places of death such as the prison and the tomb continue to be designated sites. One need only to

look at the increasing incarceration rates, convictions, forced removals (i.e. deportation), proliferation of immigrant detention centers, attacks suffered by Mexican immigrants, racial-sexual violence against Mexican women and children, amongst others, to see that, as Cherríe Moraga puts it, in the “underbelly of the ‘first world, the logic that underlined colonial and imperialist projects continue to inform those of *today*. And while these may be the conditions under which Mexican@s/Chican@s continue to live under, the encounters of queer Mexican@s/Chican@s within these oppressive structures and systems, bring to light not only how they are raced, but also gendered and sexualized. Furthermore, they also illustrate the complexities of the investments gender normative Mexican@s/Chican@s make in these same structures by casting-out, either through confinement (prison) or physical annihilation (death), their gender non-conforming counterparts, queer Mexican@s/Chican@s (Trujillo 1991; Moraga 2000; Almaguer 1993). What becomes of critical importance through the experiences recounted here are not only the multiple formations of violence rendered through these racialized sexualities and genders, but also how these categories continue to function to simultaneously reclaim space as heteronormative and patriarchal, be it the courtroom or the home, through the ongoing *dismemberment*, or casting-out of the queer Mexican@/Chican@ subject. These accounts demonstrate not only the *haunting* (Avery 2008) nature of the violence of regimes of heteronormativity, but of homonormativity (Puar 2007) as well. As will be shown in this dissertation, the full personhood of the queer Mexican@/Chican@ is not only inconceivable within the U.S. national imaginary, but its disavowal becomes crucial to the reproduction and sustainment of heterosexual/heteronormative civil life.

What happens if we not only place these narratives of queer Mexican@/Chican@ subjectivities within a continuum of violence specific to the U.S-Mexico borderlands, but situate them within a range of other practices, discourses, and ideologies that “pivotally lasso sexuality in the deployment of U.S. nationalism and patriotism” (Puar 2004:533)? Rather than taking them as ‘isolated incidences’ or as ‘exceptional occurrences’ as is often implied when violence is directed at queer Mexican@s/Chican@s, the experiences recounted here essentially refute these notions. This dissertation challenges the idea of exceptional violence by presenting the stories of Elizabeth Ramirez, Anna Vasquez, Cassandra Rivera, and Kristie Mayhugh, four queer Mexican@s/Chican@s women falsely accused of and imprisoned for the sexual assault of two young girls, seven and nine years old. It also reflects on the deaths and public grieving of Norma and Maria Hurtado, a mother and her lesbian daughter brutally slain at their doorstep by Jose Aviles. Finally, this dissertation draws on the story of Jose, Fernando, and their daughter Diana, a queer immigrant family terrorized by the surveillance apparatuses of the state. By focusing on their *everyday* encounters with the state, this dissertation makes ethnographically visible the malleability of racialized sexualities and genders for their utility in insidiously regenerating and reproducing structures of racial-sexual dominance.

The experiences recounted here are textured by time, locality, and varied intersecting identities and positionalities. Taken together, they reveal the contextual adaptability of dominant constructions of race, sexuality, and gender deployed by the state and the reach of heteronormative regimes in disciplining, by whatever means necessary, Mexican@/Chican@ queer subjects who do not, or cannot, conform to the

racialized patriarchal scripts of gender normativity. The central questions driving this research are: What kinds of violations do dominant conceptualizations of racialized gender and sexuality produce? What are the narratives that rationalize these violences and how do they come to obscure their effects and legitimize these practices? Along these same lines, how do these rational articulations manifest themselves in the queer body? And finally, what kind of queer subjectivities are produced within the gendered racial encounters with the patriarchal state? And finally poses the question, first asked by Jackie Cuevas in 2014, “*Is there a time and space for the queer Mexican@/Chican@ subject*”?

In order to understand the relevance of the matrices and layers of violence experienced in the lives of the subjects introduced here, either directly or indirectly, I borrow from feminist scholars who conceptualize the state not as a solely existing entity, but as a racialized, sexualized, and gendered ideological apparatus and as a set of diffused practices daily enacted through intimacy, terror, and desires. (Aretxaga 2003; Alexander 1997) The state may not always be easily identified, they argue, but its political/social life can be located through its “effects” on the body. That is to say, because the state produces outcomes that are rendered invisible in conventional narratives of violence, and because its efficiency and efficacy relies precisely in its ability to reproduce itself through diffused and obscured manifestations of violence, I look to “multiple *sites* in which state processes and practices can be recognized through its effects” in the lives of queer people (Aretxaga 2003:396). I found this understanding of the state particularly useful for tracing the layers of subjugation and grasping the different processes and mechanisms

through which violence against non-normative bodies has been normalized.

Conceptualizing the state as an “open notion and entity” (Aretxaga 2003) provides a lens for looking at its continuous and reiterated work in regulating sexuality, producing criminalized gendered bodies, queering and destroying families. This encompassing understanding of the state allows one to recognize not only how both gender and sexuality work intricately together, but it also gives us a tool to re-situate gender in the larger conversation on state violence—because the unproblematized categories of gender quite often render non-normative sexuality invisible. In this dissertation, I view gender, sexuality, and race as the ideological device through which the state re-inscribes and re-situates itself within the heteronormative imagination. For queer studies in particular, this interpretation of the state allowed some room for complicating conceptualizations of gender binaries. For instance, Catharine MacKinnon’s (1989) conceptualization of the state as a masculine entity in which women are the ‘targets’ (see Rajan, 2003 for critique) leaves unaccounted how inscriptions of *the feminine* transforms queer men into sites of degradation and as a locus for violence as well.

To study state violence in the United States, particularly against non-white queer subjects, is to attempt to hold the disentanglement of different layers of dispossession long enough to grasp how patriarchal constructions of race/sexuality/gender intersect to inform colonizing projects outside of the U.S., as well as within (Alexander 2011; Ferguson 2004; Reddy 2011). The “fragmented sediments” and “legacies” of U.S. racial capitalism and U.S. globalism, Chandan Reddy informs us, can perhaps be “best excavated within queer of color formations” (Reddy 2011:18). Within this understanding

of the economy of violence mediated by racialized sexualities and genders then, perhaps we can grasp how violence against non-white queer subjects is not a bounded “gay issue” but rather a much more expansive technology of domination whose disciplinary and lethal reach is extensive in time as well as corporeally. These implications should be of concern for any political project that aims to “reverse and subvert” the “repressive gaze,” and to understand more deeply the ways in which the state deploys its power (Alexander 1994).

This work attends to an urgent call by *allgo*, a statewide queer people of color organization through which I conducted the research for this dissertation. Concerned with the ongoing violence queer people of color continued to experience and the silence/ing surrounding it, we wanted to bring legibility to the intersecting violences as well as identifying the particular ways in which, as a *reality* or *real possibility*, these violences manifested in queer peoples’ lives. It was no surprise that mainstream “lgbt” frameworks were not addressing the brutal force faced by queer people of color, nor was it entirely surprising that anti-violence/anti-racist frameworks within communities of color did not speak to how queer people of color are interpellated by the state in a particular way. Rather, the urgency was informed by the intensification of violence, oppression, and socio-political invisibility queer people of color were continuing to experience in Texas in the midst of celebratory discourse revolving around state recognition for ‘gays and lesbians’ civil rights. While the mainstream ‘lgbt’ populace was feeling ‘included’ within the state’s heteropatriarchal imagined community, queered communities of color experienced the intensification of *policing* forces revolving around

immigration, police brutality, the war on drugs, the war on terror, increasing numbers of brown and black women and communities being incarcerated, and forced removals that currently characterize Texas. How these issues intersect in queer peoples' lives however, still remained largely unexamined. In the experiences recounted here, we see how in some form or other these issues crossed their paths, directly or indirectly. In other words, these topics are not independent of one another, as queer theorists have argued, rather that the inclusion of some bodies is done through the exclusion of *other* bodies, either socially and/or corporeally. Queer theorists such as Jasbir Puar (2011) and Chandan Reddy (2011) have asked us to consider then, what kinds of social and political outcomes are generated when social or physical death is rationalized and put upon particular racialized and sexualized bodies. Or yet, what kind of loyalty to the state is required so that the violence inflicted upon some bodies creates the conditions of possibilities for freedom for others?

The chapters in this dissertation are meant to shed light on such phenomenon by attempting to interrogate the processes and mechanisms through which racialized categories of genders and sexualities are made malleable and inscribed onto queer Mexican@/Chicana@ subjects; thus, turning their bodies into a locus of/for violence. Politically and conceptually, this manuscript distinguishes from a liberal framework that regards violence against queer bodies as homophobia. Homophobia, while naming the violence or harm against 'gays and lesbians,' it implies individual psychopathologies about sexuality that leaves unaccounted for and decontextualizes the depths and reach of violence also informed by race/gender/nationality. . . Based on a very narrow definition of

victimization, such language can inadvertently reinforce representations of queer subjects as white, male, ‘American’, and middle-class; leaving uninterrupted circulating heteropatriarchal notions of racialized masculinities and femininities, as well as the function of the state in their reproduction. Instead, I borrow from different disciplines and feminist-based genealogies to critically analyze and make visible how the categories of race/sexuality/gender are assembled and inscribed onto queer Mexican/Chican@ subjects (also referred to throughout this work as queer brown subjects), rendering them as always/already subject to different forms of state violence.

In doing so I do not suggest that queer Mexican@s/Chican@s live their identities merely as a “queer person.” The missing point in much of the hegemonic literature on *the* ‘lgbt community’ is that it fails to acknowledge how life is interpellated by and through intersecting points of power and difference: while feminist-based race studies may increasingly call attention to the gendered aspects of race and racism, how non-white queer sexualities and genders figure into race and racism requires still more interrogation to continue to build on the critical interventions made by queer of color and black queer theorists (Manalansan 2003; Decena Ferguson 2004; Rodriguez 2003; Reddy 2011; Cohen 1997; Johnson 2005; Puar 2007). The difficulty in carrying out an intersectional analysis, and particularly one that looks through a racial-sexual lens however, can present a challenge not necessarily for conducting an intersecting (queer) analysis, but for articulating it. The task then, becomes one of not only conducting an intersecting analysis, but of articulating simultaneous processes of oppression. In this sense, some aspects of an intersectional analysis may appear to ‘fall off,’ and thus, perceived as not

receiving the same level of critical scrutiny as the others. But an intersectional analysis also tells us that while overlapping categories of race, gender, and sexuality are simultaneously working together, the ways in which they are made to function and operate within different sites and at different moments also demonstrates how the axis of power works in the state. That is to say, that none of these categories are missing at any given point of encounters with the state, but rather may be mobilized in different ways depending on the particular context. For example, my analysis of how queer Mexican@/Chican@ subjects experience violence within the different sites they move through or come into view may appear to obfuscate how *race*, or brownness, is made to function. The case however, is that while at times the chapters may appear to privilege gender and sexuality (or perhaps “queerness”) over race, brownness, sexuality and gender are taken-up differently within these different sites by different actors and within different political agendas--not as independent of one another, but rather in conjunction with each other. While a critical engagement of how racial hegemony may be useful for understanding how it informs not only the lives of queer Mexican@s/Chican@s, but also of those who invest in it, my analysis of racialized queer sexualities and genders as they pertain to state violence provides a critical method for looking at the utility of sexualized and gendered aspects of race for state political projects. That is to say, sexual and gender domination is a means through which racial oppression and violence is lived.

In refusing the compartmentalization of race/gender/sexuality, I look to the tradition of women of color feminisms that argue for the privileged position of non-white women as the place from where to understand interlocking systems of domination.

Contributors to this field have long been informing us of the need to understand and act from positions that recognize and organize through a critical understanding of how race, gender, sexuality, class, and nationality contribute to the different forms of violence experienced by women of color and black women across time and space. In doing, they also bring to our attention the importance of being “rooted in the particularities of our own cultural homes,” as argued by Jacqui Alexander (2011) in “Remembering *This Bridge Called My Back*, “without allegiance to the boundaries of nation-state” in order to identify and respond to the multitude of ways in which these intersecting categories operate. It also allows us, they argue, to at once understand the specificities of women of color, while simultaneously identifying where our “different historical complexions” diverge and converge. There is a difference, Alexander argues, echoing similar arguments made by Cherríe Moraga, between “black consciousness” and a “woman of color consciousness.” It is intended to not only make a point of how our subjective histories inform our subjectivities, but also of what would be required in order to frame our analyses and actions through our different and overlapping temporalities. Woman of color consciousness, Alexander asserts, “At the very least requires collective fluency in our particular histories, an understanding of how different, gendered racisms operate, their old institutionalized link to the histories of slavery in the United States, as well as their newer manifestations [...]” (269). It is in this spirit that I look to the contributions by black feminists and women of color feminists to enable an extensive grasp of how the intersecting categories and structures named within the tradition of women of color

feminisms underpin state violence.¹ It is precisely the knowledge produced by black feminists that gives us a particular angle of vision for critically engaging violent state structures. This is not to say that its applicability is void of tensions, such as those I have mentioned here, but I do not believe the way to resolve them is to not engage the knowledge black feminists and other black theorists have and continue to produce. Perhaps part of the struggle is to grapple with these tensions by engaging in a critical dialogue that addresses *who* can use the knowledge produced and *how*, while also addressing its implications and consequences at this historical point in time.

Jacqui Alexander (2011) and Joy James (1996) for example, have warned us against epistemic frameworks and dogmatic definitions of violence that result in energizing the state through the erasure and misrecognition of these “itineraries of violence” that are given other names such as “democracy and civilization.” In addressing or engaging the lived experiences represented in the chapters to follow, it will be clear that liberal political grammars such as “injustice”, “discrimination”, “inequality,” and “unfair treatment,” for example, are undeniably inadequate in accounting for the captivity and annihilation of queer subjects. The applicability of such terms implies a particular loyalty to the state and a particular investment in U.S. liberal politics that consequently leaves unaccounted for the violence deployed against non-white queer subjects (Alexander, 2011). Furthermore, it situates the United States as an “exceptional” democracy (Puar 2011), and thus leaves untold the depths and reach of that *moment* of

¹ One might argue that in bringing black women’s experience into the analysis one runs the risk of

subjection and how the state is intimately intertwined across various realms in the social life of queer subjects.

This dissertation is purposely chronologically disorganized--as a political statement on the precariousness of queer lives in time and space. Although the chapters recount events from 1994 to 2016, time does not run in a linear fashion. An analysis of trial transcripts placed alongside community organizing efforts, the documentation of peoples' stories, and reflections within community settings, are influenced by time that exceeds the constraints of this work. Moving through time and space from courtrooms, to public spaces, to jailhouses, homes, and to the U.S.-Mexico border, I hope this dissertation provides the reader with a sense of dislocation; one that speaks volumes to how violence is made intimate and circular in the lives of queer Mexican/Chican@ subjects. Perhaps equally compelling here, is the malleability and expansive adaptability of dominant conceptualizations of gender and sexuality in the variegated forms of violence they reproduce — an important revelation for understanding how sociopolitical issues inform and give coherence to the 'logic' of the dominant narratives circulating around racialized sexuality and genders. Within this context, the ways in which racialized categories of sexuality and gender are reconstructed, rearticulated, reassembled, and recast to reproduce expendable bodies becomes evident. In the same way, the critique of time embedded in the very way I organize the dissertation may render visible the 'placelessness' and the impossibility, or the *unthinkability* (Gopinath 2005) of the racialized queer subject in its totality within the heteropatriarchal state.

Moving through past and present, time becomes somewhat blurred. The ‘then’ and ‘now’ are not always clear, or perhaps even desired or necessary. The past, as will hopefully become apparent, still very much informs the present/future for the racialized queer subject as well as for the communities that hold some level of affinity with their political identities, particularly where direct encounters with state violence, or of its possibility, instills a particular hyper-vigilance for the purpose not only of survival, but for claims toward the preservation and making of self. Fragmentation, disconnection, and perhaps disorientation are not necessarily what characterize the lives of queer Mexican@s/Chican@s introduced here. Rather, they are the affective (Cvetkovich 2005) remains of the violations and aggressions survived, or for those who come to know of *someone* who did not survive that inevitably come through when *knowing* about violence. So, rather than attempt to force coherence onto and into the lives of racialized queer subjects, I believe this seeming incoherence is a reflection of their reality within the modern liberal state that renders their subjectivities unrecognizable. In paying attention to the passage of time and the efficiency and adaptability of the heteropatriarchal state in violently responding to willful expressions (consciously or unconsciously) of gender/sexual/racial non-normativity, it indeed does raise the complex question that brings us back to, “*Is there a time and place for the queer Mexican/Chican@ subject?*” (Cuevas 2014: 29). Expanding on Judith Halberstam’s notion of queer time, Cuevas poignantly points out that the “untimeliness of non-normativity” is brought into sharp relief when it “intersects on the [queer] brown body” (Cuevas 2014:29); thus, suggesting that the policing of intersecting non-normative bodies within white heteronormative

social order precariously positions and necessitates their subjugation in maintaining it. But Cuevas' intervention here is useful not only for reflecting on the significance of this question as it relates to the precariousness of queer Mexican@/Chican@s, it also brings to light how the categories of gender, sexuality, and class, in conjunction with race and place, are enduringly mobilized in ways that continuously renders them vulnerable to different forms of state violence within different sites. As it will be made unmistakable throughout these chapters, the circularity of violence that spans time as well as space through which queer Mexican@/Chican@ subjects travel reproduces them as *out of place* and as a perennial figure, or timeless object, that is utilized in the state's repressive political projects. In political, social and private realms, the continuities of racial/gender/sexual violence are an enduring reality. Important here is not to look at these experiences and the question of 'When and where is there a time for the queer Mexican@/Chican@ subject?' as one that requires a definitive answer. Pointing to the racial-sexual dominance experienced as a historical collective and individual subject, the question registers the endurance of the violence they confront, thereby making legible the circular nature of patriarchal assault on their bodies as a collective subject.

The question of 'Who should we ask for protection?' is not one that is out of bounds in these narratives. This ethnography engages themes of judiciary/state power and state-like responses to the violence inflicted upon the queer body. As counterintuitive as it may seem however, this is not a positivist account, nor do I wish to highlight the law as a hopeful tool for redressing violence. My emphasis on the legal state apparatus has a very clear purpose: to make graspable the multiple ways in which queer people's lives

and bodies are intimately “scanned” by and intersected with the state, and by those who embody its ideologies. Thus, I want to draw attention to the processes and mechanisms by which queer Mexican@s/Chican@s are under constant surveillance within its regimes of normativity, as well as how they, and those aligned subjectivities who come to *know* of the aggressions, are *haunted* by the *afterlife* of violence throughout various aspects of their lives and personhood. For instance, while I try to locate the most detailed ways in which Jose, Fernando and their daughter Diana attempt to live through these different forms and sites of racial-sexual domination, the reality of the complete annihilation and destruction of the bodies of Norma Hurtado and Maria Hurtado, a mother and daughter, is void of any nuances for locating mere survival. As I elaborate in chapter three, Norma Hurtado and Maria Hurtado’s death was not just a ‘death event.’ Jose Aviles shot her fourteen times! How to account for his attempt to *kill and re-kill* (Uribe 1998) Norma Hurtado by shooting her fourteen times? What did Aviles need to destroy over and over and over again? Likewise, the ongoing struggles of Cassandra Rivera, Anna Vasquez, Elizabeth Ramirez, and Kristie Mayhugh against the State of Texas illustrate the efficiency in the *pull* by the carceral state for holding them captive within its heteropatriarchal structures from which they cannot emerge as full subjects, unless as subjects liable to be punished. What all these manifestations make apparent is how violence against some subjects is experienced as a *continuum*, a state-of-being, rather than an event that suspends ordinary life (Das 2007).

Likewise, through these accounts, we see the oftentimes unspoken ways in which the violence is diffused through the various realms of social life queer subjects occupy,

including family life. In making visible their non-normative intersecting identities and positions as queer mothers, fathers, parents, and caretakers, we see how their non-normativity is both informed and informs their experience of state violence. Too often, queer people of color's subjectivities are decontextualized in terms of their familial histories and ties, and their roles and responsibilities within them. I believe these aspects of queer social identity are displaced just as the heteropatriarchal family is also a place where queer bodies are violated. This discourse however, cannot stand in for how the family is queered by the state. As this work shows, state intervention in racialized Mexican families is a way to reassert and protect the white/American/ middle class family. In the same vein, violence against 'unconventional' families queers them and in doing so turns them into further sites of violence. Through their identities as mothers and fathers, the queer subject meets different forms of subjugation. In this relationship, it becomes evident how (their) children are also interpellated and conscripted by the state not only through the queering/pathologizing of their families but also by reconstituting itself as "protector" of their children and "punisher" of their transgressive parents. In this way, the brutal force of the state experienced by queer Mexican subjects and their children becomes a very familiar and intergenerational history of violence. With this in mind, we need to heed caution within discourses of homonormativity and complicity that suggest that 'queer families' are complacent, and indeed want to be part of the scriptures of a nuclear/normative family. While such discourses are important to contest regimes of heteronormativity, they do not fully engage the shifts of its frameworks when addressing the particularities of these formations of violence; specifically, as in the case here, against

queer Mexican/Chican@ subjects already precariously positioned within the gaze of the state. Typically, the place of the family is represented as a site from which queer subjects ‘escape’ for the purpose of self-preservation, or are forcefully cast out of, due to their perceived ‘deviance.’ Most recently, ‘queer families’ have been critiqued for their perceived complacency in scriptures of homonormativity. Furthermore, queer subjectivities are often decontextualized in that the roles they often fulfill as mothers, fathers and daughters, are overlooked as more focus is placed on the expression of their queer racial-sexual identities. Additionally, in paying particular attention to their intersecting racialized identities here as queer mothers, queer fathers, queer daughters, queer sons, and queer aunts, it brings to light how the site of the ‘family’ is a contested site implicated in relations of power (Weston 1991).

Fieldwork and Methodology

My field research was conducted over the course of approximately eighteen months, primarily in Austin and San Antonio, Texas. The conceptualization of time per the protocols of the U.S. academic institution and traditions of anthropology raises tensions however, for what that means for researchers who are doing fieldwork at *home*, with/in communities and on issues in which they themselves are invested and belong. Along this same vein, while an activist-based anthropology frameworks directs itself towards a more grounded and collaborative engagement with/in the communities where we do our work, the actual processes needed on the ground to carry it out in alignment with the vision we may hold for it, still presents challenges. Anchored within academic institutions positioned within the very racist heteropatriarchal capitalist structures we

seek to critique and transform, the investment in them for ‘legitimizing’ knowledge creates tensions for the methods used to reproduce and reclaim it.

My many years of working with community-based and national organizations on socio-political issues, contributed to my inquiries into how bodies are marked and assembled within capitalist democratic society and how violence is made to function within its structures. Along these lines, we could say that my own encounters with violence within various aspects and times of my life *brought* me to that work to begin with, and now to this one. Through these experiences, I saw the myriad of ways in which violence and death was made intimate through the assemblage and intersecting identities of race/gender/sexuality in black and brown lives, as well as how violence as a process of differentiation surfaced the particularities of how they were understood, analyzed, or rendered (il)legible. As time progressed and the political landscape of the U.S. ‘mutated’ in terms of its neoliberal discourses revolving around claims for state recognition and of U.S. exceptionalism, the mechanisms by which categories of sexuality and gender were given currency became even more disconcerting as they were taken-up to bolster a national narrative of homogeneity predicated yet again, on a process of differentiation and disposability. It is within this context that the urgency of understanding how racialized categories of sexualities and genders are utilized to legitimize violence became politically and socially relevant as a topic of inquiry.

By doing my research through *allgo* as “Director of Research,” I was able to enter certain settings such as courtrooms, private meetings and events, as well as access (or at least attempt) to access state documents such as police reports and trial transcripts. It was

a strategic move that benefitted me in my work while also supporting the work of *allgo*, financially and politically, as an (monetarily) unpaid ‘staff’ member. As a former staff member (who was paid back then) and a long history with them that spanned over 18 years at the time, I was given a tremendous amount of trust that allowed me to enter certain discussions, coordinate, facilitate, and collaborate in community event planning, represent *allgo* in community-based meetings, and inform direct-action initiatives. In addition, being included as a staff member with entry into weekly staff meetings and an open invitation for board meetings, enabled me to gain insight into the most current political struggles a “queer people of color organization” based in Texas, confronts. Likewise, *allgo* also facilitated in developing other partnerships in which my skills and interests in filmmaking served not only as a tool for activism, but also as a research methodology and tool for analysis.

As part of my fieldwork, I utilized the common methods for conducting anthropologically based research to assist in developing a more expansive framework for understanding how state violence is diffused in the *everyday* lives of queer people of color. I conducted one-on-one interviews (formal and informal), participant observation/observant participant, archival research, and facilitated group discussions within various organizational sites as well as across different cities in Texas that served in providing more in-depth reflections about how violence is experienced and remembered, about how it is perceived and how it constitutes queer people of colors’ subjectivity and the place it takes in processes of self-making. As I continued in my research and became more involved with activist-based efforts as ‘part’ of my research, however, the more I

realized (or perhaps came to accept) that while they may have helped to a certain extent in grasping the complexities of the matrices of violence, they were insufficient and inadequate for grasping the simultaneous subjectivities taking place within one given moment. For a research endeavor at which at its center is making historically invisible formations of violence visible, I found these as the ‘only’ methods to be limiting for carrying out its purpose. I found myself constantly struggling with reconciling what seemed like contradictions, particularly within an activist-based framework, of what was being done with the ‘information’ being gathered along the way and what would be done with it after the completion of the research. With anthropological research and the tradition of academia privileging written text, I also felt conflicted with who would have access to it and who were it then, the work would engage and how would it be used on the ground? Can other forms of visual texts make this knowledge more accessible, not only in terms of providing another form for outputting knowledge but for creating it? As a result, in addition to the production of this dissertation as a written text, are also other types of texts that were produced and serve, for the sake of this dissertation and its larger purpose as an activist-based framework, as “intertextualities” (MacDougall 1995). Their production serves not only to complement the written text here, but also to continue to serve as another possibility for engaging in a larger context some of the issues addressed in this dissertation. Along this similar line of thought, they serve as another possibility as alternate texts for *cuando las palabras fallan/when words fail*. That is, as attempts to register the simultaneous layers of subjugation taking place in one given *moment* that exceeds words and that cannot be captured by the linearity of written speech. This is not

to say their production are void of any tensions, as the processes for producing and the extent to which they can facilitate more in depth discussions are also something to keep in mind in their utility for addressing many of these through a more in-depth discussion. Perhaps what is compelling is to see what they can deliver when taken together to address the diffusion of violence across various socio-political realms. Below is a brief discussion on how they will be used as well as their utility in the process of conducting my research. Following is a brief description of these alternate texts and their purpose within this dissertation, as well as more broadly.

In chapter one, I experiment with a visual interpretation of the trials of four queer Mexican/Chicana women falsely accused and wrongfully imprisoned for “gang-raping” two young girls. I use this not solely to bring to light some aspects of the trial proceedings, but also as representation of the larger socio-political context within which queer Chican@ subjects are subjugated. It is intended to highlight the sex/ality panic non-normative sexualities and genders provoke within the heteropatriarchal gaze and the production of docile bodies that carry out its work. This interpretive piece, *States of Dismemberment*, based on my close reading and analysis of the trial proceedings, was done in collaboration with the Puro Chingon Collective, a queer-based collective in Austin, Texas. Related to this case, I also worked as part of the film crew documenting this same case for what is now titled, *Southwest of Salem: The Story of the San Antonio*, a full-feature film documentary coming up for release. I began working with Deborah Esquenazi, a local filmmaker, as part of her film crew, as a photographer, and assisted with occasional filming and creative support. We scheduled community pre-screener

using the raw footage as a way to bring public attention to their case and their exoneration efforts, as well as a means to discuss the larger implications of their wrongful incarceration. *allgo* was the first to host the screenings, initiating the process by which their case was brought to national attention through national and local media outlets. Being on Deb's film crew proved to be an extremely useful, creative, and subversive research methodology. Not only did it give me access to the court trial transcripts I discuss here, it opened a path for establishing a more *meaningful* relationship with the women and their families. Because the women had been (wrongfully) convicted of a 'sex crime' against a child, my communication with them would have been otherwise limited as they were legally forbidden to have contact with children or be near any place where children congregated. In addition, they were also forbidden to have personal contact or relationships with any person who had children. Having a child myself, my communication with them would put them in a dangerous position. Working as a film-crew member however, it created an exception 'in the eyes of the law' for allowing communication under the auspices of a "professional relationship;" nevertheless, aware of the potential repercussions for them, it was a thin line we navigated with extreme caution. And with the *eyes of Texas* still upon them, I continue to do so. Consequently, influencing what I include in the chapters pertaining to their case. *Nosotros También Migramos*, a short-film documentary I directed and produced reflects the uncertainties of José, Fernando, and their daughter Diana, a queer undocumented family. The film provided a means by which Jose and Fernando to speak to the complexities and *haunting* of their encounters with the state as two queer Mexican immigrant men trying to keep

their family together within the “war on terror.” The film has provided a means through which Jose and Fernando are able to represent their own stories in public in efforts to call attention to the violence faced by queer/immigrant/families. As a process, it enabled a particular pause for reflexivity in the telling as well as in the editing as we worked on condensing approximately eleven hours of footage into an almost thirteen minute short film documentary.

Chapter Outline

This dissertation is organized into four core chapters. The chapters focus on the interconnectedness of particular aspects of state violence in terms of how it is deployed, how it is understood and experienced by queer brown subjects, as well as how it informs queer subjectivities. Read as a whole, the chapters develop the argument that the state— inherently racist, patriarchal, and heterosexual— reproduces the queer brown subject as already and necessarily punishable and expendable as it can only emerge as a negative register within its structures. I further argue that the state is unable to recognize and redress the violence inflicted onto the queer body because it is precisely these heteropatriarchal structures that make the violence coherent and indeed indispensable to its regimes of rights. Finally, I not only argue the impossibility of the state to resolve the violence against queer brown people, but that the state sustains itself through the deployment of inherently racialized dominant notions of sexuality and gender.

Chapter One, “Patriarchal Scriptures, Ontological Impossibilities,” introduces the larger argument on the centrality of the queer body in producing state violence; proposing that one cannot understand the violence inflicted upon the queer body without taking into

consideration the dialectical relation between disavowal and privilege that enables both the constitution of the heterosexual body and the degraded deviant flesh.

Chapter Two, “Theft and Dismemberment of the Queer Chicana Subject,” analyzes aspects of the trials of Cassandra Rivera, Anna Vasquez, Kristie Mayhugh, and Elizabeth Ramirez, four queer Chicana women incarcerated in 1997 and 1998 after being falsely accused of raping two girls, seven and nine years of age, in 1994. Through a close reading of the trial transcripts, I illustrate the juridical processes of the state that holds the queer subject as captive within already existing criminalizing structures, or pornotropes, it cannot escape. In essence, it is the theft of the body, or state patriarchal ownership over the body, and in particular, the non-conforming/non-normative/queer/lesbian body, that render it as an impossible subject of rights. I argue here that these women are dialectically rendered visible through the punishing and disciplinary technologies of the state while making them invisible as subjects of rights.

In Chapter Three, “Unlivable Life, Ungrievable Death,” I reflect on the murders of mother and daughter, Maria and Norma Hurtado, by Jose Alfonso Aviles. Aviles was the father of Norma’s girlfriend; he went to their house one night in April 2011, and shot and killed them both. Maria Hurtado was killed by a bullet shot through her chin, which severed her spine. In this chapter, I focus on the public discourse pertaining to their murders, how the community-at-large memorialized Norma, what these murders signified for them as a community (re)living and remembering a long narrative of violence and subjugation, and how this informed efforts to seek “justice” for their murders. This chapter provides the opportunity to explore how the presence of the queer body disrupts

and exposes the limitations of supposedly progressive spaces, such as organizing clusters, in which the racialized queer body is rendered incomprehensible and unable to be articulated. I analyze key moments in public grieving when Doña Maria's death is forgotten and the articulation of Norma's queer identity is negotiated. These moments illustrate the ungrievable death of some subjects whose racial/sexual alterity render their deaths unmemorable and their lives unworthy of honoring. Thus, while in the San Antonio Four, their sexuality was decisive to "bring them to justice," in the eyes of the state (prison time for crimes they did not commit) and in the case of Norma and Maria Hurtado, Norma's sexuality was reportedly considered to be completely irrelevant in her murder, although evidence points to the fact that Aviles shot these women because his daughter was having a relationship with Norma Hurtado.

Chapter Four, "Clandestine Queerness: The Ordinariness of Spectacular Violence," portrays the everyday struggles of Jose, Fernando, and Diana as a queer undocumented family elucidating the myriad ways in which they attempt to make a place for themselves. Using film as a methodology by which to engage their experiences and trace their memories, the chapter posits that placelessness is not exceptional but rather an everyday experience for queer people of color. As two queer immigrant Mexican men raising a daughter within a country that denies them citizenship, it illustrates both their negotiations with the system and the borders/margins/spaces they navigate on a daily basis. Through their stories as moving bodies through different spaces and in the 'mundaneness' of their lives, it also attempts to make evident the 'unspectacular' formations of violence that often go unrecognized, misread or misrepresented. In the

concluding remarks I present some provisional thoughts on the difficulty to articulate a language against state violence within the normative sphere of civil society.

Chapter I: Patriarchal Inscriptions

“It just never ends,” said Liz, exasperated when she got the news in February 2106 that she and her friends, Anna, Cassie, and Kristie had not been absolved after waiting almost a year to hear the judge’s decision since their exoneration hearings one year prior in 2015. Judging the evidence presented by their attorneys did not sufficiently establish “actual innocence,” the presiding Judge denied their claims and ruled they be given a new trial. They had been tried and convicted in 1997 and 1998 after having been falsely accused of raping Liz’ two nieces in 1994. The two sisters, Veronica² and Stephanie and were 9 and 7 years old at the time the accusations were made against all four of the women. The allegations came after the two sisters had spent a week at the new apartment Liz had just moved into in the west side of San Antonio. Though the details of what was claimed to have happened changed between testimonies and the two trials, the story that gained traction was that their ‘aunt Liz’ separately forced each of them into her bedroom where her three friends waited topless. Once inside, it was further claimed, the women held them down, and as was characterized by prosecutors, proceeded to “gang-rape” them with objects. Prosecutors moved to build a case against them with ‘evidence’ consisting of police statements pointing to their lesbianism and medical reports pointing to an “irregularity” found in one of the children’s hymen, “consistent” it was reported, “with sexual abuse trauma.” In addition, the examining pediatrician also documented her

² “Veronica” is a pseudonym. I do not use her real name here because her identity is legally protected. Stephanie, however, has made her identity known by publicly talking about the case.

“concerns” the (alleged) incident could be “Satanic-related.” For reasons still unknown, Elizabeth (Liz) Ramirez, Kristie Mayhugh, Cassandra (Cassie) Rivera, and Anna Vasquez, now known as the San Antonio Four in the public eye, were tried separately in 1997 and 1998. In the midst of dubious medical testimony along with contradicting and incongruent ‘witness’ testimony, prosecutors mobilized a set of anxieties centered around *lesbian/gay sex/uality* appealing to the jurors’ common sensical notions of ‘truth’ and ‘innocence, to their moral superiority, to their panics and fears of the archetypal figure of the ‘predatory lesbian,’ and desires for national belonging in order to secure guilty verdicts. In 1997, Elizabeth Ramirez was tried first, convicted, and given a thirty-seven-and-a-half-year sentence for sexually aggravated assault and ten years for indecency with a child by contact. One year later, in 1998, the remaining three were also tried and convicted. Each was handed down a fifteen and ten year sentence for the same charges.

In 2012, Stephanie, the youngest of the nieces met with the women’s new attorneys from the Innocence Project of Texas a non-profit organization that works to release persons who have been wrongfully incarcerated, to recant her accusation. She stated the incident never happened and that her father had forced her and her sister on what to say back in 1994.³ With the advent of the newly legislated Junk Science Law and the recantation, their attorneys saw it as the opportunity to stake their claims of actual innocence and filed a writ of habeas corpus. On November 18, 2013, a large group of supporters, families, advocates, and friends showed up in the early morning hours at the

³ The father denies having coerced his daughters and states they both came forth on their own to accuse their aunt and her three friends. During her trial, Elizabeth Ramirez testified he made these accusations because she had turned his advances towards her.

Bexar County Courthouse to await their then potential release. Working on the film crew for the documentary that filmmaker Deborah (Deb) Esquenazi was making about their case, we arrived at the courthouse early that day, ready with camera in hand, to secure a spot.

Anna, who had been released months after Stephanie's recantation, waited anxiously for her three friends to walk into the courtroom. "When you've been through what we've been through, you learn not to get your hopes up so you won't be let down again," she told news reporters with her girlfriend at her side, "It's a long way to come up." But yet she had come up, time and time again. Undoubtedly at such a high cost to which only she could speak. We were there with our eyes set towards the judge's chamber, waiting for the entourage of legal actors to begin the legal rituals for that day. We were growing doubtful however, as we waited and waited with no news and legal actors to initiate the proceedings in the crowded courtroom. The silence was thick with trepidation. Anna grew increasingly anxious. With the door opening, we scurried to attention, but it was only their attorneys that emerged without the entourage and announced their exoneration hearings were pending, but Cassie, Liz, and Kris were to be released "immediately" at the Bexar County Jail where they had been transferred to from the Texas prison where they had been languishing for well over a decade, nearing almost two. We gathered our camera gear and headed to the county jail.

As we waited at the jail, I was somewhat fazed by the mundane nature of the business of the court that morning. As we watched black and brown bodies and families go in and out, I began to think of the state's macabre capacity to bring violent realities

into being by managing and structuring black and brown people's lives and time. It was somewhat of a different scenario, I told Deb, from the *pornographic* spectacle that dominated their trial proceedings when prosecutors pointed to their '*lesbianism*' as proof of the allegations made against them in 1997 and 1998. Perhaps the scenario was not so different, but rather a variation of the same technologies of violence that "constitute [...] conditions of possibility and impossibility in ways that can never be accounted for" (Reddy 2011:43). There were their supporters and families, waiting for the San Antonio Four's emergence from the carceral state. It was obvious the state operates in a very different temporality from those whose lives had been put on hold by its psychic and bodily impositions.

It was well past noon and there we were still, anxious, holding our breaths and sustaining our hope. Hours had passed with no news or updates of their release. "What if they changed their minds," a desperate Gloria, Liz' mother, began to ask, visibly turning red and slightly trembling with worry. "What if they decided not to let them go," she told us. Walking in and out of the jail, pacing and repeatedly going through the security scanner where the security officer was visibly annoyed with our repeated entries, we decided to finally wait inside along with other family members sharing similar anxieties. An officer eventually announced they probably would not be released on that day due to a "clerical oversight." Nevertheless, we continued to wait. Their families had learned to wait with an obvious aching calm as they held shoes and sequins blouses, skirts, pants, khakis, shirts on a hanger for their daughters to change into, "so they can feel something new on their skin," as Maria, Anna's mother, put it. While waiting for their daughters, the

mothers reflected on stories and memories of them growing up. They spoke with a hint of regret and guilt in not fully accepting their daughters' "alternative lifestyles." They hinted that if perhaps they had embraced their daughters in all of who they were, things would have maybe turned out different for them all. Nobody from Kris' family was present. They hadn't been for a while--not at her trials nor while in prison, nor on that day or for the months to follow. Maria was the one making the rounds visiting them all while in prison. "Kris will come to live with us," she declared, "we will love her like the family that is to us." Meanwhile, Michael and Ashley, Cassie's son and daughter, barely in elementary school when Cassie was taken, shyly and sadly, but eagerly, reflected with friends and news reporters about the years lost with their mother in prison and being raised by their grandmother. Even another generation had been born. Ashley's daughter, the grandchild Cassie had never met, was learning to walk by wobbling around the front doors of the jail waiting to meet her grandmother. Shortly after 8:45 PM, hours after the sun had set, after some supporters had left and the jail closed its doors to visitors, Anna, Cassie, Liz, and Kris finally emerged. Walking out in uncontrollable tears while clutching one another's, they stepped into a stampede of flashing lights, clicking camera shutters, cries and embraces. "How does it feel to be free, Anna," reporters shouted out? "Kristie, tell us what you'll do now that you're free," they asked. "Tell us, what does it feel like now that justice has been done," they shouted out to whomever would answer the question? By this time, Elizabeth Ramirez had been in confinement for sixteen years. Anna, Cassie, and Kris for over thirteen. "Free at Last" read the cover of the Texas Observer! *Free at last?*

The emergence of Liz, Anna, Cassie, and Kris from behind the walls of the prison may suggest that the law can redress the pain that continues to haunt brown or black queer subjects. Under the multicultural neoliberal state, there would be a way out for those who continue to bear the haunting force of domination. Through this interpretation however, the point would be missed. The ethnographic moment described above is not an entry to a story of judicial redemption, or a narrative of American judicial hope (a ‘pathway for another trial’) or a victory for “lgbt rights” as it was disconcertingly positioned as in the midst of same-sex marriage amendments. The placement of these stories here is an attempt to illustrate the intimate and layered ways in which the diffused power of the state suspends the lives of queer Mexican@s/Chican@s in time and space, as well as shedding light on how it informs their subjectivities. Likewise, it is a move away from the state as the site for redressing the variegated forms of violence experienced, directly or indirectly, by non-normative brown people in Texas—to be more specific, by queer Mexican/Chican@ subjects.

Liz’ opening remark here clues us into the ceaseless processes of subjugation imposed by the state onto bodies that are inassimilable into the US imaginary. Liz’, Cassie’s, Anna’s and Kris’ encounters with the state remind us that “*some* bodies cannot be normalized no matter how they are disciplined, unless the prevailing social and state structures that figuratively and literally rank bodies, disintegrate” (James 1996:72). When we contextualize their release alongside other iterations of state violence, their ‘freedom’ reappears not as an expression of ‘justice,’ but as a macabre reflection (and

reminder) of the expansive reach of the patriarchal state power that continuously informs, structures and renders queer Mexican/Chican@ subjects as necessarily violable. The reach of patriarchal assault on queer brown bodies, as suggested in the above vignette and in the stories to come, likewise point to the extension of this violence to their kin. In locating the Mexican family as a site of state intervention, we can also identify how families are broken apart through confinement, removals, and death and made to share similar experiences in cells and in tombs.

While in the second chapter I do a closer analysis of the processes that brought the San Antonio Four to the courtroom and the practices that placed them in confinement, in this chapter their case serves as a point of departure for thinking through the types of subjectivities produced through the dispersal of dominant racial-sexual ideologies against which non-normativity is constructed and normativity reified. In repositioning their confinement and ‘release’ back into the system that placed them into confinement alongside other queer subjects who experience violence at the hands of the state or those invested in its illusory promises, we may raise other questions regarding the “disguise of the [state’s] punitive aspirations” (Stanley 2011: 8) and its racialized assemblages (Puar 2011) of sexuality and gender.

In this chapter I build upon Jackie Cuevas’ (2014) concept of “the untimeliness of non-normativity” to locate and interpret an array of racial/sexual/gendered repressive practices, ideologies, and rhetoric diffused by the heteropatriarchal state (Alexander 2005) and those performing ‘state-effects’ (Aretxaga 2003). These practices, I suggest, reproduce the queer Mexican/Chican@ body as a *timeless* and placeless subject through

patriarchal inscriptions of expendability. How is patriarchy as a regime of power produced and enacted? And what if these subjects are never able to achieve the status of the *living* (full personhood) in the eyes of others? In order to think about these questions, in what remains of this chapter I hold together apparently dispersed but related inscriptions of expendability. In doing so, I provide a theoretical lens through which the reader should read the life experiences portrayed throughout the dissertation.

The story of the San Antonio Four is an invitation to enter into a much more complex and diffused manifestation of state violence. Though articulated for different purposes across distinctive time/space coordinates, the stories of Jose and Fernando, a gay couple and their daughter who live in fear of being deported and separated; the horrifying deaths of Norma and Maria Hurtado, daughter and mother, brutally slain by a father who in being profoundly threatened by his daughter's female lover, shot them at their doorstep. These accounts all come together here as *states of dismemberment* to signify the casting-out of them as subjects within the U.S. imaginary as well as in life. I want to situate the story of Anna, Liz, Cassie, and Kris within this larger context, for in doing so, the intention is not to reify the case of the San Antonio Four as the paradigmatic *moment* of state dismemberment. Rather, I want to reinforce here the ordinariness of state practices and how the lives of Maria and Norma Hurtado, Anna Vasquez, Elizabeth Ramirez, Kristie Mayhugh, Cassandra Rivera, Jose, Fernando and Diana reflect the extensive archive of repressive practices and forms of punishment reserved to discipline those who carry out their lives outside patriarchal scripts. Situating these 'excisions' within an economy of violence mediated *by* a racialized, gendered, and sexualized state,

we can perhaps begin to see the reproduction or invocation of a *figure* that is at once expendable, yet coveted for the sustainment of a mirage of a homogenous and unified society. Within the scripts of normativity that bolster the heteronormative imagination, non-white queer subjectivity becomes the site against which life and death is negotiated as the queer Mexican/Chican@ body is held as a *timelessness figure* so ingrained as a site of degradation in the state's collective memory, it is not changed by time, but in its utility across time.

States of Dismemberment

In the bodily economy of violence of Western society, some black feminist scholars argue, the black female body became the “cunning of recognition.” *It* became the “interstice” from where any definition of humanity and un-humanity could be imagined (Spiller 1987). The body, black feminist theory insist, is the site of/for the invention of the world of Man and thus, from which the imagining of any form of being human is conceived (Wynters 1989). It is the body that is at stake in this dissertation.

The macabre visual interpretation presented below emerged as I read through volumes and volumes of the court trial transcripts of the San Antonio Four. What particularly stood out as I read through the pages was the constant reference to female body parts and organs by state prosecutors as they established and presented their arguments to the jurors for proving the women's (judicial) guilt. As prosecutors guided the testimonies so as to recount the details of the allegations, it was haunting and unsettling to *see* the gradual *dismemberment* of the *femaled* body.

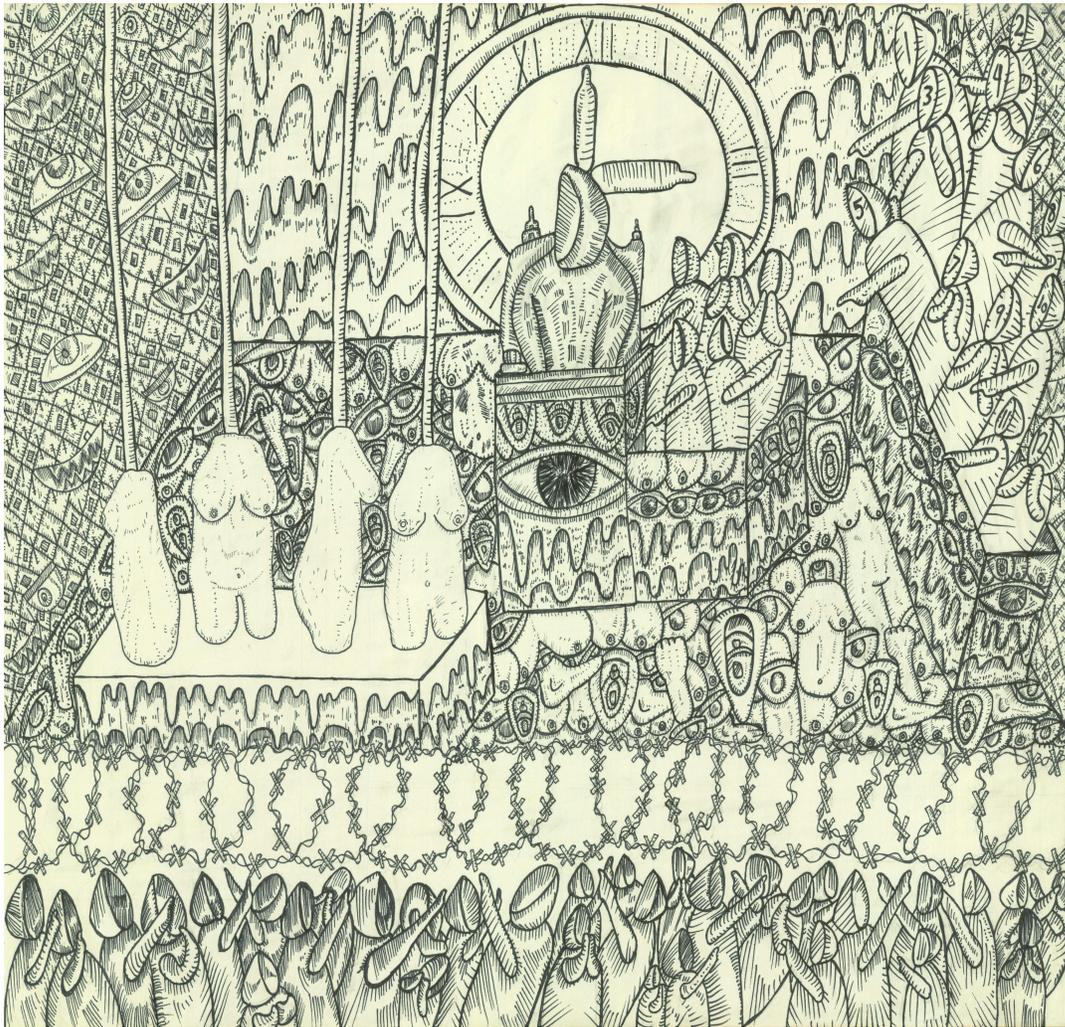


Illustration 1: States of Dismemberment

With time, a Dalí-esque representation of the court trial emerged with hymens, breasts, menstrual blood, vaginas, ankles, wrists, buttocks, and fingers dispersed throughout the courtroom, further cut by the heteropatriarchal gaze judging their *innocence*. They were dismembered body parts disconcertingly animated through the meaning and signification that were ascribed onto them, through the rituals of the court, as well as through the space

as a court of law itself. As a site imbued with pre-existing patriarchal constructions of what is to constitute *guilt* and *innocence*, the question rises if whether Cassie, Anna, Liz, and Kris, could prove judicial innocence within a court of law that as lesbian Chicana women, already constructs them as *untruths*--in other words, as that which is 'not normal.' Charged with sex crimes such as sexually aggravated assault and indecency with a child by contact, the imagery that was invoked served as a means by which to criminalize their perceived oversexed bodies. This discursive dismemberment took on a particular force to perverse the women and renders them 'guilty' within the eyes of the jurors. The judicial rituals, in conjunction with the legal discourse, enabled their signification as immoral. In doing so, they were resituated as a point of opposition. Their bodies became that against which to measure and constitute what may be *moral* in terms of desires, thoughts, behavior, ideals--in other words, of what is to be considered 'normal' psychically and corporeally.

While the visual representation above was produced based on a criminal trial proceeding, the bodily-making practice of the courtroom speaks to a larger economy of the body. Within the context of this dissertation, these are ritualistic processes and practices through which racialized gender and sexuality are made and unmade, as well as through which the edges of subjectivity are marked and negotiated. The courtroom where Anna, Liz, Cassie, and Kris had their lives stolen; the US-Mexican border that marks Fernando's and Jose's bodies as removable, and the doorsteps of Norma and Maria's home where their bodies were destroyed with bullets, all amount to *sites of*

dismemberment--or if the reader will, the sites of interpellation and conscription through which bodies are made and unmade.

This argument is crucial for reading the scenarios of racial contact (Smith 2008) in the coming chapters. Here, not only are those “abnormal” bodies marked through gendered and sexualized inscriptions, but so are those *looking* at this *figure* from whatever particular vantage points they may occupy--or desire and long to occupy. What I mean here is that the violent/pornographic/voyeuristic production of otherness is also a production of the self. The heteropatriarchal state is constituted through these very process of queering the abject body of its victims. Jacqui Alexander’s (1997), ‘*Not Just (Any)body Can be a Citizen,*’ speaks to this point. She argues that *these* bodies, marked as non-procreative and non-productive not only pose a profound threat to the survival of the nation as heterosexual, but they also help the state come into being as an imagined heterosexual/heteronormative community. “Homosexual difference,” she states, “is indispensable to the creation of the putative heterosexual norm” (1997:6). These bodies, she further argues, are offered up; that is, *these* bodies provide reassurances in the state’s struggle to legitimize itself and for defining the parameters of citizenship (6). To make her arguments, she looks at the processes of sexualization within the legal text.

Alexander’s argument is particularly relevant to the theoretical endeavor I embrace here. The image above offers us a way to read some of these moments in which the body is produced and dismembered. In the courtroom, the state deploys its power to produce pathological others while simultaneously producing a desire for “normal” and heterosexual practices and identities. The visual text above accounts for and captures

those moments and processes of signification, as well as the racial-sexual encounter and subjugation that are rendered incoherent through the simultaneous layers of subjectivities and diffusion of power circulating at one given moment in relation to that body put into question. Although the visual text above represents the specific context of the court of law, if we take the place of the courtroom as a physical and material manifestation of the ideological structuring of a larger society (Mulcahy 2007), then from that we can infer that such acts of producing subjects as abject are diffused throughout various places in which the non-normative subject—in this case the queer Mexican/Chican@ subject, stands in contradistinction to the already existing meanings ascribed onto those places as well. Thus, even the most unassuming of *sites*, ranging from the streets, the border, to the airport, to the home, are sites where the queer Mexican@/Chican@ is rendered vulnerable to the identity-making process of dominance. Such spaces potentially surfaces the corrosive power dynamics and investments through which bodies are taken-up to occupy these spaces of racial-sexual domination (McKittrick 2006) and made to labor in the dramatization and in the reification of heteronormative regimes. For example, some scholars, consider the courtroom as an extension or representation of the repressive ideologies and practices found *outside* of the court per se, in terms of how they underpin the rituals and mechanics of truth-making it puts into action. That is, practices such as the enactment of law, the segregation of space (i.e. witness stand, jury box, judge's seat and setting, positioning of the defendant), the arranged scripts, directives and rituals, are all saturated with meaning and value that function to set the parameters within which *truth* is to be *heard* and *spoken* and witnesses deemed credible. The practice and

arrangement of jurors, witnesses, spectators, accusers, lawyers, and so forth enable the classification and *dismembering* of bodies and thus, establishes the space of the courtroom as a site of racial-sexual domination. The trials are an actual event and also a manifestation of a racist heteropatriarchal society. The courtroom is a text to read, as is suggested through the visual representation provided here, heteropatriarchal punitive spaces within society at large. As Jacqui Alexander forcefully argues, “[i]f hegemony works as a spectacle, but more importantly as a set of practices that come to assume meaning in people’s everyday lives (...), then all spaces carry the potential for corruptibility” (Alexander 2005:5). The “docile bodies” and ‘beyond rehabilitation’ (James 1996) bodies are produced within a perpetual foreclosure sustained across time and place.

While all bodies are inscribed with some level of value and utility within the economy of violence and the “hierarchy of bodies” that uphold it, *some* are positioned within closer proximity to *death* and *life*, as the state needs bodies to be punished and those to do the punishing. As a signature of the state, the variegated forms of violence inscribed onto the queer Mexican@/Chican@ body--dismemberment, confinement, suspension, removal, erasure, total annihilation, speak to the rationalities of expendability that reinforce them as their everyday lives intersect with the normativizing regimes that could instantiate their *death*. In this sense, these violent encounters are also not independent of one another, nor are they isolated, as I previously mentioned. Taken together they not only represent the degrees of social and corporeal death; they also reflect the depth of the force of an abhorrence so deeply felt by those gazing, the desired

annihilation of the queer Mexican@/Chican@ becomes plausible. An example here is when the prosecutor pleaded with jurors to “bury her [Elizabeth Ramirez] so deep into the ocean where evil could never be heard from again.” One can identify another moment of this uncanny annihilation in which corporeal death is not enough, such as when Jose Aviles shot Norma Hurtado fourteen times in such a deeply felt desire to cast her beyond death itself.

The desired annihilation embedded in state bodily violence renders irrelevant any celebration of state protection. To read the ‘release’ of the San Antonio Four from the prison, for instance, as a sign of “freedom” or judicial compassion after being relegated to a death zone by precisely the same system that placed them there, is to reinstate precisely the rationalities that instantiated their social deaths to begin with. How can the pained/dead queer subject ask to be included in the juridical-political order that constitutes the ‘world of men?’ Queer studies scholars remind us, in the spirit of Orlando Patterson, that inclusion itself is also not benign, “it amounts to an essentially violent and (socially) deadly process that produces forms of life in segregated proximity, and which may also lead to exceptional violence and death” (see Haritaworn et. al 2015).

The Body as Archive of State Violence

The non-white queer body in its more expansive sense is a *body of knowledge* that archives the intersecting effects of and encounters with state violence. Considering how the *figure* of the queer Mexican/Chican@ body is so vividly carved into the heteronormative imagination, we cannot talk about the violence imposed onto the brown queer body without making reference to how its corporeal claims and expressions of

sexuality and gender provokes anxiety and panic in those *looking*. As the brief synopsis of the case of Anna, Liz, Cassie, and Kris points to, dominant ideologies regarding non-normative/non-conforming genders and its corresponding heteronormative gaze over-determines brown queer people's lives within regimes of living and dying where they are already precariously located. Furthermore, because the state produces outcomes that are rendered invisible in conventional narratives of violence, and because the strength of the state itself relies precisely in its ability to reproduce itself through diffused and obscured manifestations of violence, the racially sexualized and queer subject can be read as an archive. Through the reading we can perhaps decipher and lend a more critical eye for scrutinizing violent state practices against intersecting non-normative subjects to grasp a more expansive understanding of how the categories of race/gender/sexuality serve as sites of state intervention.

Critical interventions, for example, have been made by black feminist and women of color to investigate the ways by which state violence is inscribed onto the body. They have highlighted some conceptual gaps in traditional scholarships that theorize the body as a target of disciplinary regimes of power. In the analysis, they suggest, the white, male, heterosexual, middle-class, Western body stands in as the universal subject. They do not take into consideration how some racialized gendered, sexualized bodies are inherently marked by the state and suspended from the realm of state protection (James 1995; Alexander 2005; Vargas 2014; Hartman 1997; Alves 2012). Joy James and Jacqui Alexander, likewise, insist that we also need to theorize violence differently by moving beyond dogmatic definitions that not only foreclose a deeper conceptualization of the

body in relation to the violence imposed onto it, but that also foreclose an engagement with practices of survival and resistance in response to the state.

In the midst of these critiques, how state violence is understood or conceptualized, is still at the center of many of the debates about what *is* the state. While the literature on state violence understands it as a way to deploy power in the highly destabilized social world (Nagengast 1994), some critiques have called for a different approach for studying the state not as a sole existing entity (Abrams 1988, Foucault 1978), but as a system of discourses and practices, a ‘fictional reality’ represented and enacted in everyday practices through terror, intimacy, sexuality, and desires (Aretxaga 2000, 2001, 2003; Alexander 1997). They have also called for a demystification of the state as ‘an autonomous source of power’ (Abrams 1988), such as Begoña Aretxaga who states, “the state continues to be a powerful object of encounter even when it cannot be located” (Aretxaga 2003:399). Consequently, what this debate had posed as a question is how the state is in fact *felt*. That is, in considering the debate of deciphering and locating the existence of the state, what arguments can be made for how the state is in fact *felt* and *imagined*, by queer Mexican/Chican@ subjects and what forms of violence have state-centric discourses generated against particular marked bodies?

In this sense the constructions and conceptualizations of state violence and how the state is imagined, represented, and negotiated in the lives of queer Mexican/Chican@ subjects provide some insight for how *it* appears, or yet, experienced and lived in their lives, as well as how they are taken-up to carry out state projects. Thus, by focusing “on the multiple sites in which state processes and practices are recognized through their

effects,” the lives presented here help us to understand it not through its apparatuses per se, but precisely through these effects we come to see in the lives of Liz, Anna, Fernando, Diana, and of others represented in this work. In recognizing how it is negotiated, enacted, reproduced for example, and experienced by queer brown subjects, the reading of it through the effects it produces disrupts the conventional narratives of violence Joy James and Jacqui Alexander critique by situating everyday forms of state violence within the “soft knife” (Das & Kleinman) practices of the state as it relates to queer Mexican@s/Chican@s. Furthermore, Ann Stoler (2004) for example, asks us to consider the affective aspect of the state to facilitate our understanding of citizenship as sexual and gendered, regulated, and mediated through state policies and law. In a nutshell, this body of scholarship helps discern the normalizing mechanisms and social processes of state power deployed to construct and name its sexual subjects.

The state here appears as a site of racial-sexual formations. Feminist scholars have argued that given the multifaceted nature of oppression and violence, we need to take into consideration how different social locations such as race, class, gender, sexuality and space/place, intersect in the production of domination (Combahee 1986; Davis 2000; McKittrick 2006; Razack 2002; Wright 2011). Black feminist scholars and women of color feminists alike have also illustrated how standpoint theory, in particular, constitutes a sort of epistemic privilege that exposes embodied knowledge and alters common-sense understandings of intersectional identities. On the other hand, not completely divergent from an intersectional approach, Jasbir Puar (2007) asks us to consider the assemblage of such social locations as they are utilized by the state to carry

out queer necropolitical projects in the US and outside of it. Through these critical interventions, the interstices of violence, the politics of memory, silence, and the body, exposes the reach and depth of state violence as mediated by a sexualized, racialized, and gendered state. They also expose the vastness/limitations of political imaginaries, even if in just acts for survival in the everyday. In this dissertation, the queer people's lives trapped in the interstices of race, gender and violence elucidates and illustrates the centrality of the body in the production of violence, memory, survival, and identity politics.

Patriarchal inscriptions

What is required in order for the violence inflicted upon the queer brown body to become legible under the gaze of heteronormative civil society? This is not a rhetorical question if we consider the disconcerting resonance between naked violence against the queer body and of its sanctioning by the regime of rights that is supposed to protect all. What is at stake here is a question of legibility. How violence is seen, when it is seen and what kind of bodies matter most. The liberal grammar of rights assumes that if violence is *not* seen and if it were to become seen, then legal and social action would be taken to rectify it. At times, when deployed against some bodies, U.S. law defines and recognizes violence and qualifies it as outlawed/illegal (i.e. hate crime laws). Critical scholars however, have argued that state has mutated into one that brings historically marginalized people into its fold and offers freedom through even more violence and/or in exchange for death (Reddy 2011; Puar 2011; Haritaworn, et. al 2014). In other words, the violence

of the punishment of *some* bodies would require a loyalty to the regime of rights that furthers the marginalization of *other* bodies. The question then is not what would it take to make violence legible, but rather: What about its legibility makes violence necessary, permissible, and viable?

Another way to look at this equation of loyalty/protection/punishment is to look at the network of violence created by the state when punishing queer brown bodies. The effects of the state do not only bear its presence in the lives and bodies of queer Mexican@s/Chican@s themselves, but in the lives of whom with they hold kinships. The narratives of repressive state practices in this dissertation illustrate this point. Diana, the daughter of Jose and Fernando, for instance, was “protected” by the state against the patriarchal rendering of the figure of the “gay pedophile.” Anna, Cassie, Liz, and Kris were placed in confinement in the name of protecting the innocence of two children (allegedly) “gang-raped” by four queer Chicana women deemed and misrepresented as ‘predatory.’ Here we can see how the heteropatriarchal state reproduces itself as the “patriarchal savior” (Alexander 2001). Jacqui Alexander brings our attention to how heteropatriarchy, as an organizing episteme, is central to state repression in its mobilization to produce many fictions to rationalize its existence and practices. “Most significantly,” she argues, “it enables a homosocial, homophobic [...], and in real sense, a bankrupt state to position itself as patriarchal savior to women, citizens, to the economy, and to nation” (Alexander 2001:104) I would add that the image of the state as patriarchal savior of children is also protector for ensuring the sanctity families as well, as a rationale

within which the queer brown body becomes something to be protected from and against, either through captivity or death.

Looking through this lens, our attention is brought back to the case of the San Antonio Four, in which for example, the aggressive and abusive treatment of the two sisters, as children, being coerced into making such accusations against the four women is often entirely overlooked when their case is discussed within more public settings. The subjugation they themselves underwent at the hands of their father, the prosecutors, medical experts, and still continue to go through, is well resonated in Joy James' diagnosis: "state protection becomes state violence" (1997:94). Compelling is the state's patriarchal anxiety around childhood, family, morality. As the most precious 'fruit' of the heteropatriarchal family, the child has to be protected, their innocence constructed as a given, and their bodies to be taken as property of the patriarchal state. These patriarchal narratives present themselves as well in other perhaps nuanced ways, such as Jose Aviles, embodying the patriarchal scripts of protector, felt rationalized in his reasoning to kill Norma Hurtado, and her mother, Maria. He even attempted to present himself as a savior, as protecting queer people even from themselves; 'after all' he was trying to 'save' his daughter from such 'contagion' that was distracting her, as it was argued in his trial, from her responsibilities as the mother of an infant child. Those subjects who resist being 'saved' pay a high price. State patriarchal protection is a gift one cannot easily refuse. In the case of the San Antonio Four they maintained their innocence all along and refused plea bargains that would give them a reduced sentence in exchange for an admission of guilt. In prison, refusing to participate in mandatory sex

offender treatment programs, they were placed in solitary confinement. “How can I sit there and say I did those things when I know I didn’t” Cassie would tell me detailing the rituals of the program that required her to admit and name herself as a “sex offender” as a pathway to ‘healing’ and ‘self-redemption’? “I had to talk about the things they said we did,” she said, “how could I do that if I didn’t do those things?” They wanted us to sit there, introduce ourselves as being sex offenders and then talk about what they said we did to those kids.” Refusing to do so, they were placed in solitary confinement.

If we take these bodily experiences as patriarchal inscriptions, that is, as surfaces where the state inscribes domination onto queer brown subjects and their kin, the circulatory nature of these violent inscriptions reveals the (re)production of the non-normative *body* against which the state defines and protects itself. Looking at these inscriptions as an archive of the state’s repressive practices, or “*polic[ing]* archives” that “engender the production of different historical narratives” (Weld 2014:12) also gives us insight into the utility the production of such a ‘perennial figure’ holds for mediating power dynamics. In line with other scholars who suggest the creation of archives (Cvetkovich 2003, Halberstam 2005; Cuevas 2014) to enable us to see the effects of violence imposed onto people as well as those who come to *know* of it, I find Kirsten Weld’s concept of “archival thinking” particularly compelling for looking at the work of patriarchal inscriptions on the body. My use of Weld’s concept is a much more humble attempt to try to bring together these repressive state practices in order to render visible how violence against queer Mexican/Chican@ subjects is read and given value in the language of the state. Such a political project is even more urgent for seeing how

patriarchal constructions of racialized genders and sexualities (intersecting with nationalist projects) render the queer Mexican/Chican@ body “recognizable in the state’s machinery” only insofar, as poignantly put by Jackie Cuevas “as when one has been hailed by a bullet” (2014:41).

Queer genealogies

Priscilla, the co-director of *allgo*—a queer people of color organization through which I partially carried out my research-- and I, were going over some talking points for a workshop we were to present in El Paso when we kept seeing a shadow of a person walking back and forth past the entry to the organization. We paused to signal our availability in case this forty-something year old looking man decided to walk through the door. He wasn’t lost. We were familiar with what anxieties and fears circulating around the implications of walking through the door of any ‘queer establishment’ (bar, organization, party, business, etc.) for the first time looked like. We smiled, established eye contact long enough to let him know *we get it*, and carried on with our work. He disappeared and then reappeared again a few days later. I can still hear the ring of the cowbell on the glass door announcing his entry and appearing nervous and unsure, yet relieved and open. His name was James he told me, and he wanted to know about the organization and how he could get involved as a way to meet other gay people. I told him about a couple of things including the pre-screener and discussion *allgo* was hosting of the San Antonio Four case. On the evening of the event, he came with a friend.

It was the first pre-screener of the film documentary I was working on with Deb, The pre-screening was intended to garner support for Anna, Cassie, Liz, and Kris, as well

as a means by which to talk about the larger issues at hand. It was a larger crowd than what we had expected and it created more possibilities for holding a more ample discussion. Undoubtedly, people were engaged in a different way than in many other places the screenings were held. As a queer people of color organization, the majority of the attendees were black and brown queer people spanning age groups and for whom the issues of policing, criminalization, and incarceration resonated very clearly. People gave comments and critiques in the midst of sharing some of their experiences with violence, theorizing their roots, agreeing, disagreeing, speaking to their fears and anger, as well as to the specificities of particular intersecting identities. Given James' seemingly inhibition on that day he walked in, I was surprised to hear him introduce himself as someone who was just 'coming-out.' He too shared some of his experiences. After the screening, people approached him giving him words of affirmation and "some fierce queer love," as Timothy, one of the attendees put it. "This has got to be right," James responded. "I have my people going all the way back looking out for me." Indeed he felt he did. His remark however, pointed me to look at the violence the unsettling fact of the "untimeliness of non-normativity" (Cuevas 2014) enduringly puts onto brown and black queer subjects. Revisiting that night in conjunction with the stories and accounts I came to know of during my research, reflected what James' unsuspecting comment pointed me towards. While the attendees in the room shared their sexual alterity textured by the particularity of gender, black or brown, early twenties or at least double it, they also experienced the lethal outcome of calibrated time set against non-conforming bodies.

In “*Engendering a Queer Latin@ Time and Place*,” Jackie Cuevas (2014) does a queer reading of Helena Maria Viramontes’ *Their Dogs Came with Them*. By putting the notion of queer time alongside the displacement of brown lives in the United States, she helps us to understand how non-normative brown people’s lives are structured by the logic of linearity within the US imaginary. Tracing the life of an ambiguous genderqueer Chican@ character through a semi-historical East Los Angeles during civil rights movements, Cuevas offers a critique of the ways the US continues to police intersecting non-conforming and “unruly” bodies. She suggests that “state violence against racialized queer bodies is part and parcel of policies of containment and control levied against *otherized* subjects deemed expendable” (42). Cuevas’ message is sounding: there is a never a time or place for non-normative subjects, and more specifically, for queer Mexican/Chican@ subjects. “Never” is an enduring word, but not unfitting when we take into the consideration the multitude of deaths, in the variegated ways and dimensions it appears. “Never” is not a dramatic utterance but a reality for brown queer people.

The vignette in the opening of this chapter, along with the experiences of the other subjects that will be analyzed in-depth in the remaining of this dissertation (Jose, Fernando, Diana, Maria and Norma) are representations of a much larger iteration of state violence faced by queer Mexican@s/Chican@s in Texas and of the histories of violence that *haunt* (Gordon 1997) their lives; and oftentimes, as in the case of Norma and Maria Hurtado, force them into the domain of death. At the film screening at *allgo*, we were haunted by each others’ intimacy with violence and the different forms of *death* recounted (and survival) in that room—from Anna’s, Liz’, Kris’, and Cassie’s captivity

to incidences of brutal beatings, humiliating demands, and words of threat trusted with a familiar force of “I could tell he just wanted me dead” as Chris, a participant commented. James’ unsuspected recognition of the significance of the community he became part of that night may appear of no consequence to others who may have entered into the room. Not bearing James’ optimism, the reverberations of memories of violations I observed being spoken precisely within a space made up of queer black and brown people spanning time, spoke to the genealogy of violence and histories of violence. Likewise, it also spoke to the adaptability and efficiency of the state in managing black and brown queer people’s lives and the bodily patriarchal inscriptions through which it does so, from the caged body, to the terrorized body, to the bulleted body. In reframing these violent encounters through a genealogical lens, time emerges as that which is organized around ceaseless processes, spiraling in depth and reach, continuous and uninterrupted in their flow that repeatedly reposition queer brown bodies through colonial legacies of racial-sexual-gender domination.

The queer brown experience negates chronologies of assimilation and sends into disarray scripts of integration often imposed onto Mexican@s/Chican@s individually and collectively, The queer Mexican/Chican@ subject is an *untimely* subject—as their lives are lived through a continuum of expansive histories of disavowal, exacerbated by the structural and daily violences they experience as racialized subjects. The queer Mexican@/Chican@ body is carried through time, I argue, embedded within reconfigurations of perennial patriarchal imaginings of non-normative genders and sexualities. This “queer untimeliness” is not a negation of time however, it is an assertion

of the endurance of a suffering that goes beyond time and space; a violent history that continues to unfold through acquiescing processes of differentiation. If there is no time and place within which the queer Mexican/Chican@ can emerge in its full personhood within the US imaginary, what is the *articulation* and *appearances* of these processes and mechanisms that foreclose its ‘arrival’ across time?

In the following chapters I take a closer *look* at various state (and state-like) practices and discourses in relation to the racialized queer subjectivities they produce. In this chapter I was more concerned with deciphering what the patriarchal inscriptions of expendability inscribed onto the queer brown body come to signify. These patriarchal inscriptions of expendability inscribed onto the queer brown body-- confinement, removal, physical annihilation, amongst others--informs us of the malleability of sexuality and gender. It also makes visible the continuities of the abject subjectivities they reproduce--and in particular how these continuities inform brown queer people’s lives. It is a violence that is uninterrupted and spiraling in gradation. It textures *life* as non-normative subjects are rendered expendable and queerness is reproduced, as a necessarily appropriated state of timelessness. Ultimately, these patriarchal inscriptions, as outcomes and conduits of dominance facilitated through an array of repressive racially sexualized/gendered practices, ideologies, discourses, systems and structures, reveals to us the lethality (socially and corporeally) of normative desires that render queer brown people as incessantly expendable. As an untimely process then, bringing us back to Liz’ embodied proclamation at the beginning of this chapter, “It just never ends.”

Chapter II

Theft and Dismemberment of the Queer Chicana

In order for me to speak a truer word concerning myself, I must strip down through layers of attenuated meanings, made an excess in time, over time, assigned by particular historical order, and there await whatever marvels of my own inventedness.

*Hortense Spillers, Mama's Baby, Papa's Maybe:
An American Grammar Book*

Many people, if not all, that are in jail claim to be innocent. However, I not only claim to be innocent of any crime, but that the crime I was convicted of, never happened, except in the figment of someone's imagination.

*Elizabeth (Liz) Ramirez, Defendant in Elizabeth Ramirez
Vs. State of Texas*

The light of day slightly peeked through the window of the house of the grandmother Serafina. The grandmother slept restlessly the night before thinking about the decisive step she would take the next day; a step that would change forever the lives of four Mexican queer brown women. As the morning came on the 22nd of September 1994, the grandmother dressed herself and prepared her son Javier's two 7 and 9 year-old daughters, Stephanie and Veronica⁴. They leave the house and make their way to the San Antonio police station on W. Nueva St to make a statement about the two children being sexually molested. Detective Matjeka, who normally worked in the Homicide Unit, greeted her on that morning. He was covering for his friend in the Sex Crimes Unit so she

⁴ "Veronica" is a pseudonym used to legally protect her identity in a child abuse case. I use Stephanie's real name as she has spoken publicly about the case.

could prepare for her sergeant exams. He offered the grandmother a seat and prepared to take her statement.

She began:

“The first I knew about this was this past Sunday, September the 19th. The kids came in from outside, Veronica and Stephanie. They were having a dispute about Stephanie playing with this doll and Stephanie doing things to this doll. Stephanie had been undressing the doll and touching the doll all over her body. I didn’t see her do this, V told me Stephanie had been doing. I sat down with the girls in the kitchen and asked them if anything happened. Ever since they came back from their aunt Liz they have been acting strange. By strange I mean that V, when she would sit down to talk to me she would wring her hands and her eyes would look strange. V would never look me in the eyes and that was strange because they would always look at me. Stephanie talks a lot but ever since she came back from Liz’ the last time she hasn’t talked as much. V has been telling stories like she would accuse her brother and her cousins of lying about her and she never did that before. V also has started crying a lot during the night. Stephanie is afraid at nights now and she was never afraid like that before. She keeps saying there is someone at the window and they both have a hard time sleeping. This has all been going on since they came back from Liz’s. I kept telling myself there was something wrong and I could feel it but I didn’t know what it was.” So she sat the girls down and asked: Did anything happen to you at your aunt Liz?

With the detective typing, the grandmother spoke of vaginas, fingers, and of other 'private parts,' little white tubes, liquid, and powder.⁵

* * *

The two sisters, Veronica and Stephanie, had just spent several days at their aunt Liz' small one-bedroom apartment in the west side of San Antonio, where their father, Javier, had dropped them off about a week before. It was sometime around July 24th, 1994. Liz, nineteen years old at the time and coming out of a two year relationship with her girlfriend, was finally able to get her own place. Kris had only been back in San Antonio a few days after returning from New Orleans. She didn't have enough money to get her own apartment, so she moved in with Liz temporarily and shared expenses to make ends meet. Cassie and her two kids, along with Anna dropped by during that week. Cassie had just had an argument with her mother and needed a place to cool off. Cassie and Anna had just started seeing each other, and though very much into one another, were still adjusting to their relationship and kept it a secret, with the exception of a few friends. Anna's mother, Maria, knew about their relationship, but she didn't 'approve' of Anna's sexuality and wouldn't allow

⁵ This is from the police statement given to Detective Thomas Matjeka on September 22, 1994 by Serafina Limon. On September 28, 1994, their father Javier Limon, gave his police statement to another officer where he describes giving one of his daughters a pen and a naked doll asking her to describe what they had (allegedly) done to them during their visit. During the trials, V denied it, as defense attorneys argued their father had influenced their testimonies. His statement was never admitted into the trial proceedings.

Cassie to stay in her home. Liz' apartment was a place of refuge for all of them. So they stayed with Liz and Kris for a few days until things between Cassie and her mother cooled off. After a week made up of basketball, playing with the neighbor's kids, and cruising down Military Drive, it was time for the girls to go home. So Liz and Kris borrowed Cassie's car and dropped off the two sisters at their father and grandmother's house. Everything seemed normal, said Liz.

A couple of months or so had passed when Kris relayed Javier's message to her to call him whenever she got home from work. "I have something very important to tell you," he told her when she called him back, but then he never returned after he answered another call that beeped in on his call-waiting. Unable to ever get ahold of him, she was left wondering what was so important that he wanted to tell her. A few weeks later the detective showed up at her door, introduced himself, and asked Liz if she could come down to the police station. Introducing himself as a homicide detective, Liz thought someone had been killed. Worried, she gathered her things and they headed to the police station. Her world collapsed when he informed her Javier had accused her of molesting his two daughters during the week they stayed with her. Stunned, she adamantly denied the accusations. Threatened by the detective her unborn son would possibly be taken away from her if she were guilty, she answered his questions with the hope this "misunderstanding" would be cleared-up. Scared, angry and crying, she answered his

questions as he typed—indicating their lesbian sexuality and past ‘gay’ relationships in the statements.⁶

An investigation was mounted and Nancy Kellogg, a local pediatrician often sought out by local authorities, conducted a “head-to-toe” rape examination on Veronica and Stephanie. In the medical report provided to the prosecutors, the Grand Jury, and later used during their trials, she documented a so-called “irregularity” in one of the children’s hymens, “consistent” she claimed, “with sexual abuse trauma.” But this was not the only ‘finding’ documented in the medical report given to the investigating officers who came to build the case against all four of the accused. Jotted at the bottom of the page before signing off on it, she noted she had spoken with a Sgt. McKay regarding her “concerns that this could be Satanic-related.”

The Grand Jury, with medical reports and police statements in hand, in March 1995 issued indictments for all four of the accused. They were arrested, charged with aggravated sexual assault and indecency with a child by contact. Their trials were scheduled. Without explanation, Elizabeth Ramirez was tried separately from Anna Vasquez, Cassandra Rivera, and Kristie Mayhugh. As Liz’ trial arrived, she told her attorney Freddy Ruiz* she was nervous about him not having any defense witnesses scheduled for her trial. But he told her not to worry, “It is up to the prosecution to prove you’re guilty,” he told her. In 1997, depicted as the ringleader of what was characterized as a “sacrificial offering on the altar of lust” by prosecutor Philip Kazen, she was

⁶ The details leading up to their case was gathered through informal interviews and public letters written by Elizabeth Ramirez, Cassandra Rivera, and Kristie Mayhugh while in prison in the hope of bringing attention to the false accusations and wrongful incarceration.

sentenced to 37.5 years in prison. In 1998, Anna, Cassie, and Kris were sentenced to fifteen years in prison.

Captive regimes

I first met Liz, Cassie, Anna, and Kris through layers of glass. Priscilla Hale, co-director of *allgo-a statewide queer people of color organization* based in Austin, and longtime activist within the queer community, suggested I get in touch with Deborah Esquenazi, a filmmaker documenting their story to learn more about the case. Within a few weeks, I was sitting in her studio looking through Final Cut folders of raw footage listening to the women tell their story as they sat in their state-issued prison garb surrounded by the drab of beige walls of confinement. They were the only sign of *life* as they recounted the ghastly story that brought them to the Texas prisons where they had been doing time. Not long after, I began working with Deb's film crew and shortly there after, I was able to obtain the court transcripts from their trials.

To experience trial transcripts is somewhat of a rare event. The reality of accessing complete trial transcripts, although technically considered to be “public documents,” had proven to be much more complicated and convoluted than *democratic* understandings of “public access” lead us to believe. Consequently, what we come to know about a case that has gone to trial is done so through the eyes of the media, which more often than not serves to reify the heteropatriarchal gaze and leaving us with very little detail about the spectacle of suffering in the stage of the courtroom. Thus, adding yet another layer of obscurity to the already existing nebulous judicial process one only becomes intimately knowledgeable of when it comes knocking down our doors.

Liz greeted me when I lifted the lid off the Office Depot pop-up box. Introducing herself in a letter dated one year after her incarceration, she addressed ‘whomever this letter would reach.’ She explains she is twenty-three years old, incarcerated, and details why she and her friends are innocent, in the hope that the reader would be moved to find them the legal guidance and funds to prove it. The despair detected in this letter was proof of *life*, resilience-- a state-of-being that official states archive often silence to the point of erasure. Later, I came to know the letter was also a sign of resignation. “I had to accept the fact that I was there,” Liz told me when I asked her about it. “Because I had to learn how to survive in that reality so that hopefully we could get out.” Anna, Cassie, and Kris echoed this same survival strategy. Reading through the documents, I was haunted by the makeshift poster they had created with pencil, ink, and highlighters to indicate time, place, and person, their work schedules, doctor visits, outings--all hoping to ‘clarify’ the ‘confusion’ and prove they did not those things they of which they were being accused, as well to show that what their accusers were alleging could not have happened. Liz’ signature however, on the Election of Punishment was an uncanny reality. Coerced into a “pact of complicity,” it reflected the *theft of her body* within a judicial system that left her no other option but to ‘sign-off’ on the sentence handed down to her.

In this chapter, I analyze aspects of the trials Elizabeth Ramirez, Anna Vasquez, Cassandra Rivera, and Kristie, now known as the San Antonio Four, through Hortense Spiller’s reflection on the *theft of the body* or, what she names as *regimes of captivity*. I take Spiller’s seminal work to think through how juridical discourses were animated by

dominant conceptualizations of sexuality and gender to produce the queer/Mexican/female subject as legible, but only to the extent of their culpability. In *Mama's Baby, Papa's Maybe: An American Grammar Book*, Spillers considers the original violence of slavery, in which the black body passes through the transformation from "body" to "flesh." Slavery, she contends, was the "theft of the body," that is, the "willful and violent severing of the captive body from its motive will, its active desire." This conversion of body to flesh is what she calls "pornotroping." The body is simultaneously transformed into an "irresistible, destructive sensuality," she argues, "while reduced to a commodity, a "thing." Standing in now as a "physical and biological expression of 'otherness,'" she further asserts, the captive body "translates into a potential for pornotroping."

Such as in the case with the San Antonio Four, I argue, the lesbian Chicana body is transformed into flesh in the stage of the courtroom. It is rendered captive as a site of racial-sexual difference and subjugated through meanings that turns it into no-bodies (Silva 2009), or yet, as surfaces for patriarchal domination. Scholar Jennifer Nash elaborates on the significance of Spillers' arguments by arguing that the production of 'otherness' is a "pornographic process" that "connects representation, gender, histories of racial violence, and the pornographic." This 'pornotropic process' is rendered visible here through the rhetorical and visual practices of dismembering bodies (as described in chapter 1) and also through the state recognition of (to the extent of punishing) the queer Chicana woman's sexual alterity. The space of the courtroom becomes another site of surveillance for the queer Chicana body as the conventional codes "that govern the

representation of female desire and the female body,” asserts Yvonne Yarbo-Bejarano, “as an object of male heterosexual desire” is what is put into play to criminalize the women. The courtroom, in other words, is a site where the queer Chicana is embattled with the judicial system but also with the field of representation (Moraga 2000; Yarbo-Bejarano 1991). This pornotropic process reduced Elizabeth Ramirez, Anna Vasquez, Cassandra Rivera, and Kristie Mayhugh into *flesh*, or as a site of nullification in which their status as “human being” could neither be announced nor recognized. They were held captive within an ethico-judicial patriarchal order from which they could not emerge as willful subjects. No other place makes this ‘pornotropic process’ best visible than the court trial transcripts and corresponding archives I analyze below. To do so, I trace the processes by which their bodies were deconstructed and recasted as a site of perversion and “beyond rehabilitation.” This discourse formation had the purpose to appeal to the jurors’ *common sense* around the *lesbian body* and its dominantly associated oversexed practices and behavior, or what came to be judicially conceptualized as “sexual conduct.” Situating the trials of Elizabeth Ramirez, Anna Vasquez, Cassandra Rivera, and Kristie Mayhugh with the Texas legal system within the violent histories of racial/sexual/gender formation, we can perhaps gain a more complete understanding into how sexuality and gender function to discipline queer(ed) bodies; while at the same time, taking note of the reach of heteronormativity.

The violence of the *ordinary imagination*

I began with the description of the breaking morning to capture some element of the subtlety, of the seeming effortless with which the heteronormative imagination is diffused in the *everyday*. I was sitting in Rosemary's living room, Liz' sister, with filmmaker Deborah Esquenazi. We were filming her reactions to the writ of habeas corpus the attorneys from the Innocence Project of Texas had filed on that day for her sister, Cassie, Anna, and Kris. As she spoke about the impact these false accusations had on the family and her daughters-the accusers, the precariousness of queer brown people's lives registered at the surrealness of that particular moment as we sat in the dusky living room listening to her talk about the afterlife the women's incarceration had brought about for the women and their families. The window in the kitchen was the only source of natural lighting. With the beam of light coming in and out through the flow of the curtain, I thought about how the *everyday-ness* of heteronormativity conspired to give legitimacy to the claims brought against these four friends who looked to one another for affirmation in the prime of claiming their queer sexualities.

The epigraph by Liz at the beginning of this chapter, engaged with Hortense Spillers,-points to the specific processes by which these four queer Mexican/Chicana women came to be accused, convicted, and incarcerated, precisely for a crime that only happened within the figment of "someone's" *imagination*. What are we to make of the origins of these accusations and of why, in their fabrication, the accusers felt assured in the legitimacy they would be given? While Liz indicates in the singular the alleged crime happening in the figment of "someone's" imagination, how is it that this alleged crime,

despite its inconsistencies and fantastical texture given during trial testimony, came to be made believable within the collective minds of the jurors that handed down the sentences? While narratives of homophobia and judicial reform have been used to attempt to explain how it is these wrongful convictions came about, they are insufficient for obtaining a deeper understanding into how their intersecting identities as queer/lesbian/working-class/Mexican women were taken-up within the specific site of the courtroom as a space of racial-sexual dominance (McKittrick 2006; Razack 2002), where the separation between the law and the public does not exist. Secondly, it forecloses a conversation that must go beyond dominant notions of justice (Reddy 2011), in which its ‘realization’ necessitates a particular *sacrificial* offering of ‘*other*’ bodies deemed simultaneously disposable, yet necessary—such as in the trials of the San Antonio Four. Given the implications of how bodies, language, and space converged to secure their convictions, “injustice” is an unfitting description for the state violence and irreparability they have been made to endure. Languishing in a Texas prison for over thirteen years, specifically for a crime that never occurred, is more than just than *occurrence* caused by a “kink” in the system; it is more so the outcome of processes of subjugation through which these four queer women could not emerge as anything other than culpable.

All through the investigation and the trials, Anna, Liz, Cassie, and Kris all recalled cooperating with authorities freely (without legal representation) and allowing access into their homes (without a search warrant) to prove they were innocent. “That was the biggest mistake of our lives,” Anna told a room full of people months after she was released from prison. Trusting that because they did not do any of those things their

accusers said they did, they figured all they had to do was answer their questions and the police would find that nothing happened. What it did in fact, interlaced with the accusers' statements and the medical reports, was bolster pre-existing narratives of perversion that circulated around their *lesbian* sexuality--essentially giving form to these false accusations that began from the moment they were initially being conceived of in the *ordinary imagination* of their real accusers. It was the making of a ghastly story that despite the inconsistencies revealed during the trials, gave 'plausibility' to the allegations.

Nancy Kellogg, a pediatrician often sought out by prosecutors because of her experience in working with child abuse cases conducted the "head-to-toe" rape examination of the two sisters that would serve to give coherence to the specificity of the allegations being made against Liz, Cassie, Anna, and Kris. In the medical report⁷ she prepared and gave to the investigating officers, she noted two "red flags" that bolstered the accusations, adding yet another layer to existing narrative. One was unsubstantiated (if not outright outlandish) and the other was 'outdated' (if not erroneous). Of the first, she made a bizarre note stating she had spoken with Sgt. McKay regarding her "concerns this could be Satanic-related." It was declared inadmissible by the judge in the trial (1997) of Elizabeth Ramirez, the first of the accused to be tried, after attorneys argued the basis of her "concern" when she was unable to cite the *journal* articles that supposedly backed up her claim. Although arguments were heard outside the presence of the jury during the trial, it's important to keep in mind it was part of the *evidence* delivered to the Grand Jury to determine if 'formal' charges would be brought against the accused.

⁷ Documented in the Sexual Assault Examination report

Moreover, it was also obvious in State prosecutor Philip Kazen's fantastical opening trial statement he planned on using this information to establish a particular moral context revolving around sex/uality panics and anxieties to demonize the women and inflame the jurors as they heard arguments and later, deliberated over "appropriate" punishment. "The evidence," he assured the jurors, was going to show a "certain perversion" and pleaded for them to do the "right thing" and "believe a nine year old girl, who was sacrificed on the alter of lust."⁸ Her second 'finding' was that of which she characterized as an "irregularity" in one of the girl's hymens, Veronica, the only one of the two sisters who testified in the trial of Elizabeth Ramirez. It was "consistent" she stated at the time, with "vaginal penetration." Though it had previously been debated within the medical field on if whether such an "irregularity" was in fact indicative of sexual trauma, by the time Kellogg testified in these trials in 1997 and 1998, it was already widely accepted such an "irregularity" was in fact a 'normal' variation in the 'anatomical development of prepubescent girls' and not an irregularity as she had testified. (Debbie Nathan, interview) While Liz' attorney questioned the sources to back up her claims regarding the alleged incident being Satanic-related, she was not asked for sources to back up her claims regarding this "irregularity."

Over the course of three years, prosecutors, defense attorneys, detectives, journalists, doctors, *witnesses*, and Texas jurors all converged to reproduce scenes of (sexualized) subjectivity (Hartman 1997) characterized by paraphernalia of discursive

⁸ The State of Texas vs. Elizabeth Ramirez, Vol. 3, p. 74

practices (Rodriguez 2003) that deceptively revolved around notions of oversexed lesbian desires.

Patriarchal inculcations

At the beginning of the trial, during jury selection, the attorneys talked about us being gay as if it were a disease, or something to be frightened of—that we were not human.”-

Cassandra (Cassie) Rivera

Spillers concept of captivity can direct us to look at the courtroom as an apparatus/regime of *truth-making*, in which it becomes yet another site of surveillance and disciplining apparatus for the queer Chicana. Within this context, what we come to see can tell us a great deal of how sexuality and gender are taken up within juridical processes and rituals. What we see with the trials of the San Antonio Four was a process by which the state claimed patriarchal ownership over the queer female(d) body. This non-normative body serves as the counterpoint against what ‘womanhood’ and ‘femininity’ comes to mean and the value that is posed upon it. These court rituals also speak to the discursive processes that come to construct a female(d) gender subjugated within the arbitrariness of the court. Through these processes of pornotroping, the queer Mexican woman is reconfigured, represented, and recasted as an opposition to ‘reason’ through the ‘accumulation of attenuated meanings’ with which she is hailed to enter. The possibility of standing in her full personhood within this regime of captivity makes her an “impossibility” (Gopinath 2005). In other words, the possibility of conceiving of the queer Chicana as a willful subject with rights is *unthinkable* within the patriarchal

heteronormative imagination. In what follows are the court proceedings that initiated the processes by which the women would be incapable of providing judicial innocence.

During the jury selection process, both judges and attorneys made intentional references to their gender and/or sex/uality. Judges and defense attorneys specifically pointed to their *lesbian* identity or “alternative lifestyle” to inform jurors that their being “homosexual” should not interfere in their ability to evaluate the evidence with an “open mind.” Likewise, they were instructed to disregard the fact that both the alleged victims and the accused were both female, asserting that it held no “legal relevance” as far as the “question of guilt or innocence” was concerned. The “exact same conduct by a male,” the judge claimed, “would constitute exactly the same offense.” The important thing to remember they were instructed was whether the allegations in the indictment were proven “beyond a reasonable doubt.” The prosecutors however, did not refer to their ‘lesbianism’ or ‘alternative lifestyle.’ Their strategy invested more so on the sexual conduct dominantly associated with ‘*lesbianism*’ to *prove* judicial guilt. In this way, their lesbianism did not have to be explicitly named because their lesbianism was presumed in the context and in the utterances of the allegations and charges, as outlined in the Charge of the Court, brought against them. Playing on the ordinary imagination of the incoming jurors, they strategized their arguments around how the accused, as four *lesbian* women, are *thought of*, and not so much in terms of ‘*what*’ they are. As suggested by Hortense Spillers, some bodies have an excess of meaning to the point that it becomes redundant to signify them. The gendered (black) body, she contends, is caged in a web of meanings “made an excess in time, over time, and assigned by a particular order.”

Charged with two sex crimes, aggravated sexual assault and indecency with a child by contact, State prosecutors needed to present ‘evidence’ *proving* “beyond a reasonable doubt” that the women “intentionally or knowingly” committed the “elements,” or the “activity” that judicially constituted each of the offenses outlined in the Charge of the Court.⁹ Also suggested in the document is that the question of whether the event *actually* happened was no longer on the table, but rather the trials proceeded as if a crime had *actually* occurred. To put it another way, it operated from the premise that Veronica and Stephanie had *indeed* been sexually assaulted and the task was to now (dis)prove Anna, Liz, Cassie, and Anna as the offenders. This differs from other kinds of criminal trials in which some type of concrete evidence exists indicating a crime such as murder/homicide was committed and the task then becomes to determine *who* committed it by connecting the person to that crime (at least theoretically). In the case of the San Antonio Four, it was now a matter of ‘proving’ that the accused, in this case, Liz, Anna, Kristie, and Cassie, committed the said “offense[s]” through specific acts against a specific person (a child) “intentionally or knowingly” though theoretically, they are “presumed to be innocent” within the court of law. Given how the jury selection and

⁹ Excerpts from the Charge of the Court from the trial of Elizabeth Ramirez are that: I. A person commits an offense of sexual assault if the person intentionally or knowingly causes the penetration of the female sexual organ of a child by any means; or if the person intentionally or knowingly causes the sexual organ of a child to contact the mouth of another person, including the actor. III. A person acts intentionally, or with intent, with respect to the nature of her conduct or to a result of her conduct when it is her conscious objective or desire to engage in the conduct or cause the result. VII. A person commits the offense of indecency with a child if she intentionally or knowingly engages in sexual contact with a child who is younger than 17 years and not her spouse, whether the child is of the same or opposite sex. VIII. The “sexual contact” means any touching of the anus, breast, or of any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.

trials transpired, the presumption of innocence did not exist for these four queer Chicana women. Their insurmountable task was to prove their innocence within a court of law that already constructed them as guilty.

The Charge of the Court, for example, is of critical importance in the case not only for the purpose of illustrating a criminalizing aspect of juridical procedures but for shedding light into how the language in this state document that outlined specific “acts” of illicit sexual conduct was directly associated by prosecutors to ‘their’ inferred perverted ‘lesbian activity’ in order to prove ‘guilt.’ Legal scholars such as Andrea Ritchie and Joey Mogul (2011) discuss extensively in *Queer (In)justice* how criminal archetypes of queer people who are invoked to prosecute and coerce guilty verdicts out of jurors. So while prosecutors represented the women through these archetypes of which at the center was depravity, jurors were judicially *obligated* to render a guilty verdict if they believed it was proven “beyond a reasonable doubt” by prosecutors that the ‘defendant “intentionally or knowingly cause[d] the sexual organ of a child to contact the mouth of another person,”; or if they caused[d] the penetration of the female sexual organ [...] of a child by placing an object [...] in the female sexual organ of [...], the said child”—as was outlined in the Charge they have been given.

Fast forwarding into a segment of the trials, how prosecutors put to use the language in the Charge of the Court in conjunction with the women’s lesbian sexuality, is perhaps best reflected in the trial closing arguments. Take Philip Kazen for example when he tells the jurors, “[...] a lot has been made in this case about the fact that the defendant is a lesbian. Who cares,” he claimed, “Do not go back and convict her because

she's a lesbian. It's only important in the sense that that activity generally is consistent with the activity alleged in the indictment and that's all." "You convict her because she's a child molester," he continued, "because what she did to those girls was wicked. That's why you convict her."¹⁰ One year later, in the trials of 1998, prosecutor Mary Kay Delavan made a similar claim in reference to what she termed, "alternative lifestyle" as the explanation for why the accusers and the accused were of the same gender. She told jurors the "only significance it had in this case is to show why we would have female abusers and female victims."¹¹ When we consider these claims in line with the line of questioning prosecutor Philip Kazen posed to Elizabeth Ramirez, we can see how the *facile* application of this language by prosecutors converged with presumptions and dominant representations of *lesbian sexual conduct*, deviant bodies, the ordinary imagination, and the *pornographic* to animate the content of this state document through the imagined sexualized bodies of these four women. Take as an example this exchange between prosecutor Philip Kazen and Elizabeth Ramirez of what allegedly transpired back in July 1994:

Kazen: The activity that the girls described, that Vanessa described, that Detective Matjeka described, that Dr. Kellogg described, let's talk about that; okay." [V] describes oral sex. When she describes oral. When she describes—and the question I have of you is this: When she describes either you or one of the other girls kissing her vagina, that is consistent with a gay lesbian sexual relationship, isn't it?

¹⁰ State of Texas vs. Elizabeth Ramirez, Vol. 5, p. 47.

¹¹ State of Texas vs. Kristie Mayhugh, et. al., Vol. 6, p. 130.

Elizabeth: Yes, sir, it is.

Kazen: Insertion of objects into the vagina is consistent with a gay sexual lesbian relationship—sexual relationship, isn't it?

Elizabeth: Not necessarily. It depends what you do as sexual or whatever. If you prefer that then yes, but if you prefer not to do anything like that then it's your choice.

Kazen: But you don't know anything about Anna and Cassie?

Elizabeth: I don't know what kind of sex life they have, no, sir, I don't.¹²

But it was not only the prosecutors', jurors', or judges' imaginations that were activated by the language and the bodies being accused, so was the Defense, as I will show later.

Philip Kazen, in announcing his credentials during the jury selection, directed the jurors' attention to Elizabeth Ramirez sitting at the Defense table to make an active note of her gender.¹³ "Ninety-eight percent of the sexual assault cases I've tried are children under the age of fourteen," he told them, "You will notice in this case, the Defendant is a woman," explaining that "alleged pedophiles, confirmed pedophiles come in all shapes, colors, sizes and genders; of all sort of sexual proclivities, if you will." "Is there anybody on this panel who could not sit in judgment of a woman who's charged with aggravated assault of a child," he asked the prospective jurors? Met with silence, he assumed that everybody on the panel "can judge the Defendant just like they would any other defendant; just like they would judge a man who was charged with the same kind of crime." "I mean that in both ways," he said to them, "I want you to be able to treat the

¹² State of Texas vs. Elizabeth Ramirez, Vol. 5, p. 447.

¹³ Ibid, Vol. 2, p. 14.

Defendant no better and no worse than you would a man who's charged with the same kind of crime." A prospective juror broke the silence, "Did she assault a child," she asked him?¹⁴ One year later, 1998, prosecutor Mary Kay Delavan announced similar claims in the trials of Kristie Mayhugh, Anna Vasquez, and Cassandra Rivera.

Some feminist legal scholars have argued that female defendants present a crisis to the liberal state in its distribution of punishment (Cruikshank 1999; Talvi 2007). In such cases, they further contend, jurors are reluctant to convict and hand out the same sentences to women for the same crimes committed by men. Therefore, prosecutors need to show how the alleged crime is more 'manly' by defeminizing the female defendant—that is, the more she is represented or depicted as 'manly' (i.e. dress, demeanor, sexuality) the easier it would be for the jury to forget she's a woman. In which case, they argue, the jury is left with a "gender-neutral monster" of which they would be more compelled to convict and punish. But I believe gender is taken-up by prosecutors to play a different role with the San Antonio Four trials. In cases where in which the crimes are constituted by sexual conduct and the defendant and the alleged victims are both female (or of the same gender), such as the case with the San Antonio Four, I argue their gender had to be held front and center by prosecutors in order to compel the jurors to convict. Given the convictions and the harsh punishment handed down by the jurors, their gender did not elicit compassion or reluctance, nor did enter into any ruminations of 'reasonable doubt.' On the contrary, their gender did not serve to construct a "gender-neutral

¹⁴ State of Texas vs. Elizabeth Ramirez, Vol. 2, p. 15.

monster” but rather another *type* of gender that would come to render them culpable within the eyes of the selected jurors.

These questions and concerns posed by the prosecutors to the juror’s were not innocuous acts of misrecognition, or efforts to ‘*neutralize*’ gender, but rather came to serve two purposes in the trials. The first is that it served to blur the rules of law (or perhaps put them into play?) and the directives given to the jurors by the judge that their *lesbianism*, or the fact “they are of the same gender as the accused,” or “evidence” of an “alternative lifestyle,” not hold any “legal relevance” in the trials. In which case, I suggest, provided the means by which prosecutors ‘could not,’ as per the directives, point *directly* to their “identity” as *lesbians* or *homosexual*, but *could* point rather to the ‘sexual conduct’ dominantly associated with ‘lesbians.’ This *gesture* was a simultaneous act of bodily inscription and dispossession that anchored Liz, Anna, Cassie, and Kristie, four queer Chicana women, in which whose naming of “woman” signified them as ‘failed’ (*femaled*) genders, as opposed to being ‘stripped’ of gender. Thus, leaving them unable to announce their personhood and *innocence* outside the specter of perversity and criminality that continued to unfold around their non-conforming sexualities. It functioned to provide an embodied point of reference for the jurors-to-be to *look/gaze at* as they heard and *saw* the testimony and ‘evidence’ presented through description by the prosecutors outlining the details of the sexual allegations made by the accusers; or, of what was characterized by the prosecutors as a “gang-rape of two little girls.” In this sense, their ‘female’ gender was *not* stripped and nor were the dominant associations of ‘femininity.’ Rather, I argue that as a *type* of gender (again, as opposed to a stripped

gender), *its* differential inscription is what held them captive within the *gaze* of the jurors. More in line with Saidiya Hartman (1997), their gender here came to serve as a form of captivity—an ontological impossibility that not only can never be met or fulfilled, but whose very category as/of “woman” confines gender and sexual expression. Along this same line, the anchoring of this ‘failed’ gender in opposition to the positionality of the accusers, as ‘women’ to be and ‘femininity’ to be protected, also reconstituted and reaffirmed the heteropatriarchal state as “liberal,” compassionate, as an equalizer in its distribution of punishment—in the name of ‘justice’ and for ‘protection.’

Perhaps this may also help to shed light in why different sentences were handed down for the same allegations. Did Liz’ gender presentation as ‘gender conforming’ in the eyes of the jurors (i.e. long hair, wears dresses, make-up, heels, etc.), lead Kazen to emphasize the ‘obscenity’ of the sexual allegations to mark her gender as a site from which she deviated? Did the hyperbolic detailing of the accusations influence such drastic difference in sentencing from the other three remaining women? Along the same lines, because two of the remaining three women in the second trial present as ‘gender-nonconforming,’ they didn’t have to exaggerate the allegations to the same extent since their non-conforming gender presentation would do the work that Kazen himself had to undo in the trial of Elizabeth Ramirez? Either way however, their lesbianism did not have to be explicitly named because their ‘lesbianism’ was presumed in the context of the allegations brought against them.

Saidiya Hartman, in her seminal work, *Scenes of Subjection*, urges us to look at how sexuality, in its deployment, “acts concertedly with processes of racialization,

accumulation, and domination” (Hartman 1997:99). Too often, she further argues, that consequently, gender has come to be used more as “descriptive” for the arrangement of the dominant order rather than as a category of analysis; thereby, naturalizing the discourse that comes to discipline the body while maintaining the white normativity of the category ‘woman.’ Within this, she argues that the category of ‘woman’ not be confined to that space of ‘white normativity’ by recognizing that ‘woman’ can entail different “types” of gender. Thus, as seen in this case, rendering it as a site of subjectivity.

Patriarchal utterances

The rules of law do not erase the bodies that are hailed to stand in judgment within the court of law, nor do they erase the policing and surveillance practices that brought them there to begin with. Understood to restrict of the arbitrary exercise of power by subordinating it to well-defined established laws, in fact serves to rationalize its arbitrariness. Allowing things to be arranged in such a way, legal and performance scholars, in analyzing juridical processes, argue that the exercise of power is not added on from the outside, but is invisibly present in ways which increase its efficiency and transform spectators into docile bodies. In fact, in looking at the trial proceedings of the San Antonio Four, they serve to provide the means by which racialized queer bodies are subjugated within the US court of law, and the courtroom becomes another site where the queer Chicana is policed and surveilled. So while their lesbianism is not what may be on trial, it is essentially what criminalized them, what rendered them as already ‘outlaw.’

The possibility of them being seen or heard outside the specter of criminality by a jury of

their so-called “peers” proved to be impossible in both trials. Take as an example the exchange between juror #29 during the jury selection of Elizabeth Ramirez after she stated she found the “homosexual lifestyle” to be “immoral and perverse” *but* “would try to have an open mind about it.” When asked if she could put her feelings “aside” and “just determine this case on the facts and tell us who is telling the truth, she responded, she would try her best, “but” (again) that she can’t keep herself “from thinking, you know, if someone is willing or can justify to themselves the act of homosexuality, that perhaps they can also justify to themselves the act of sexual assault of a child.” Ruiz, the defense attorney challenges for cause to which prosecutor Philip Kazen responded by informing the potential juror, that on the “flip side from the State’s perspective” if she hears “evidence from the witness stand that the Defendant is a lesbian, and that is relevant, then it’s okay to use that.” And then proceeds to ask her if she would use that “in determining punishment and in determining the facts and circumstances, if you determine that that’s relevant?” She responded, “If it’s relevant, yes.” “If it’s irrelevant?” he continued, “What you’re telling us you’ll try to disregard it?” “Uh-huh,” After an exchange between the juror and Ruiz asking if she could “apply the presumption of innocence to its fullest” and the juror responded with the same ambiguity and seeming confusion as the question, the judge then intervenes informing the juror she is within her “right” to use her “lifestyle” in making her “decision” if she deemed it “relevant.” Following is the exchange between the judge, the defense attorney, and the potential juror:

The Court: The lifestyle, you’re not holding anything against her, are you?

Mr. Ruiz: That's not what she said.

The Court: She said if it becomes relevant. It might become relevant. But right now you're talking about her being a second-class citizen and also about having a strike against her.

Mr. Ruiz: Yeah.

The Court: That's not the way you feel is it?

Prospective juror: No. I'm saying-----

The Court: In the testimony, if it becomes relevant, you have the right to consider that, but not before.

Prospective Juror: I guess that's what I'm saying.

The Court: But not before. You're not prejudging the case because of her lifestyle?

That's what they mean by prejudice, prejudging it. That fact that you heard that she's a lesbian, you're not really giving a strike or two against her?

Prospective Juror: hu-huh

The Court: You're not?

Prospective Juror: No.

The court: If it does become relevant—which it might, might not, we don't know—then you have the right.

Prospective juror: If it's relevant, I'll certainly take that into consideration with my decision.

The Court: Then you have the right to, but not before. ¹⁵

The defense attorney's motion to have her excused was denied.

Lonnie Gentry, a reverend who had also expressed that he believed homosexuality was wrong because of what "the bible teaches" was allowed to sit as a juror after stating he (too) could keep an "open mind." "I understand I'm here to find the truth," he assured the Judge, "So I don't know that I'd be any different from anyone else."¹⁶ He served as jury foreman. While I have given just a couple of examples here, the views of the jurors and negotiations of "fairness" by the court were also prevalent in the following trial in 1998.

"Everyone at this point is presumed to be innocent. It doesn't mean that they are," Mary Kay Delavan, prosecutor in the trial of 1998, told the prospective jurors. While the "presumption of innocence" is supposedly a right granted to the accused, she had a way of exposing the ambiguity of these rules of law, but for the benefit of the prosecution. In contrast to the Defense, her play with their ambiguities seem to be more in line with the specter of criminality within which the accused were already being read. As she moves through outlining the application of the rules of law to the case, she like Kazen who during *voire dire*, stated that "children will be children," meaning they will have lapses in memory causing them to forget to mention certain things, but it doesn't mean they are not being truthful, but that rather, years have passed, and "naturally," they will forget. Preparing the potential jurors for the 'inconsistencies' they will hear during

¹⁵ State of Texas vs. Elizabeth Ramirez, Vol. 2, p. 182-188.

¹⁶ *Ibid*, Vol. 2, p. 119-123.

the testimony as well as ‘accounting’ for the detachment (i.e. lack of emotional response) with which they would recount the incident, she implies their guilt by registering the trauma expected from such an incident, “So would anyone here be surprised if a child after having gone through a situation that is traumatic and told and told again and again—when being gone through—having gone through the system and with a number of years passing, would anybody be surprised that that child may not cry on the stand when telling you about something that is traumatic? Would anyone here believe she is not telling the truth if she’s not crying?” She continued “that the passage of time doesn’t make it any less real,” that it is possible to talk about it without “breaking down [...] screaming [...] crying.” “Time passes,” she asserted, “Sometimes it heals, sometimes it doesn’t.”¹⁷ So while prosecutors anchored the women as ‘failed’ genders, on the other end, the three Defense attorneys representing each of the three women rendered them legible only in relation to other stigmatizations marked with notions of immorality. Thus, they were rendered incomprehensible as queer subjects on all ends. Looking through a refraction of the same *ordinary* gaze that continued to hold them captive within the same web of “attenuated meanings that had accumulated over time” (to borrow from Spillers) from which their queer gendered non-white sexualized body could not emerge as a willful subject, defense attorneys were incapable of undoing the culpability that had already been casted on to them even before they were hailed to appear before the court of law.

Catherine Babbitt, Defense attorney for Anna Vasquez, reiterated statement that their “alternative lifestyles” should not factor into the “conduct” to which they are being

¹⁷ State of Texas vs. Kristie Mayhugh, et. al. Vol. 10, p. 82.

accused, named the reality however, in that “sometimes it does.” However, again, the attempts to render them as subjects of rights, was done more so still through tropes of deviancy. That is, the ‘views’ and ‘beliefs’ the potential jurors may have held against “homosexuality” while not necessarily affirmed, their views were also not delegitimized, and nor was how dominant ideals about sex(uality) and gender were seeping into the courtroom, recognized. Instead, the tropes of an oversexed, disease stricken punished body, and non-sensical ‘homosexual’ were invoked in her attempts to, like the other defense attorneys, elicit a confession of “homophobia.” “Anybody here been hit at a bar a time or two,” she asked them. What she needed to know, she went on, was if some of them sitting there were thinking, “I don’t know, you know, those homosexuals they might be off their rocker.”¹⁸ Kris’ attorney tried to paint her non-conflicted, honest in embracing her sexuality. He even insinuated repent as a moral capacity she possessed by articulating her sexuality as something of the past, despite the fact Kris openly claimed her queerness. He referred to her as at “a moment being a lesbian” and then proceeded to say, “*but* most of the time being a respectful and law-abiding citizen.” The opposition between the two concepts reveals the abjection of queer sexuality even in the attempt of defending it. As for Freddy Ruiz, Elizabeth Ramirez’ attorney, essentially normalized the subjectivity of “gays” in general through narratives of patriotism and brotherhood. In trying to lure out confessions of anxieties around the issue of “homosexuality” from jurors during the jury selection in the hope of excluding them as jurors, he shared with them his time in the military, “ [...] when I was in the Air Force, a lot of the guys when

¹⁸ State of Texas vs. Kristie Mayhugh, et. al. Vol. 10, p. 102-104.

they learned some of the other guys [...] were homosexual, really treated them like them crap. Honest, they did. It was the brotherhood concept. We just didn't like it."¹⁹

Pornographic aesthetics of *truth-making*

In the opening statements of the trial of Elizabeth Ramirez, Kazen described what he thought was the work of the devil and the women who carried out its work on that night the four women allegedly “gang-raped” Veronica and Stephanie. At least that is what he wanted the twelve-member jury to imagine. Painting images of summer fun with children playing and looking for a water hole to cool off, his opening statement rung like that of a climatically increasing fairytale in which its moral lesson would soon be revealed. “It was a time of betrayal” he declared, “that came at the hands of one who is a little too near.” The evidence, he assured the jurors, is going to show a “certain perversion” in which “unspeakable things were done to that little nine year old girl.” Appealing to the jurors’ sense of patriarchal makings of moral obligation, he pleaded for them to do the “right thing” and asks that after they hear all the evidence, they “believe a nine year old little girl, who was sacrificed on the alter of lust.”²⁰ But as hyperbolic as his claims may have been, they were indicative of the imagination to which the two sisters claims would come to reflect and to which prosecutors in both trials would appeal to in swaying the jurors towards a guilty verdict. Through stratagems of leading inquiries, prompts, yes or no questions, and suggestive recapitulations of given testimony,

¹⁹ State of Texas vs. Elizabeth Ramirez, Vol. 2, p. 72.

²⁰ Ibid, Vol. 3, p. 74.

prosecutors succeeded in constructing a storyline that gave coherence where there was none.

During the trials, the two sisters testified that their aunt Liz, Anna, Cassie and Kris, sexually assaulted them during their last visit to her one-bedroom apartment sometime around late July. They gave *fantastic* accounts, albeit inconsistent, of all four of the accused repeatedly raping them with objects over the course of two days. The narrative began with ‘aunt Liz’, angrily yelling at Veronica to come into the apartment when she and Stephanie played outside. Stephanie followed, but Liz wouldn’t let her come in, she says; instead, she locked her out and then forced Veronica into the bedroom where the three women waited for them, lying on the floor, stripped from the waist up. After locking her in the bedroom, they held her down while the others, she claimed, inserted things into her vagina. They sent her away and moved on to Stephanie. Taken into the bedroom, door locked, they did the same to her. The next day, the same thing happened again, they testified. Threatened at gunpoint to not tell their father or their grandmother or else they would kill them, they were scared to tell anyone what happened during that last visit to their aunt Liz’ apartment. Holding it all in, the ‘little girls’ had nightmares; traumatized, they just weren’t the same anymore after such a harrowing ordeal like the one that had been narrated. Recounting the details of this alleged incident, the two sisters described their aunt Liz angry with red eyes; and the women while screaming and yelling incoherently, with a certain look in their eyes, touched them all over their bodies.

Despite the inconsistencies and discrepancies in testimony between the two sisters as well as within and between the two trials, fantastic accounts of what allegedly transpired in that apartment in the summer of 1994 were relayed to the jurors; thus, making it impossible, even in the most obvious of absurd accounts, defense attorneys could not topple the question that deflected any possible explanation or intelligibility: *Why would two little girls make up such heinous acts like those described—unless it had actually happened?* Jarring is how a heteropatriarchal space espousing claims of *truth*, *rationality* and *logic*, makes its patriarchal claims on the female(d) sexed and gendered body in order to reify itself. Its implications are disturbing not only in the normalization of the bodies that come to bear its violent outcomes but also in the methods of coercion used to carry them out. While there were inconsistencies in terms of when and where these alleged assaults happened, and in terms of who did what and how, most disturbing was Delavan's suggestion to Veronica that they trace her whole body, front and back, to get a better idea of where "they" touched her when Veronica claims they touched her all over her body:

"Let's talk about where all over your body is." They start from her head and the front of her body. Face? Chest? Breasts? Middle? Vagina? "Anywhere else on the front? Back?" "Yes," she stops, "Bottom." Now it wasn't just aunt Liz holding her down, it was also "Krissy [Kristie]" (In the first trial, Liz' attorney countered her claim that Liz held her down because physically, it would not be possible if she had in fact held her down by one arm and one leg, as suggested by Kazen. In this trial she accounts for this discrepancy in which Kristie held her down by the other arm and leg.) She proceeds. They touched her with their fingers. Arms. "Did anyone ever put their fingers in your middle," she asked. "Yes." Anna. Delavan gives two options, together or taking turns. "How was that working," she asked V. Taking turns. Kissing? Yes. Anna. Where? Lips. "And did she ever put her mouth anywhere else other than your lips," Delavan

suggests. No. She can't remember anyone else kissing her. Delavan asks what happened after "they were holding you down and kissing you and touching you and Anna put her fingers in you, what else they do," she recaps. Liquid stuff. Powder stuff in a ziplock bag. Anna. Middle. Syringe. She put the powder in, too," V says, "She just got her hand in and put her finger in the powder." Delavan can't hear. "She just got—got her finger and the—and poured—put it in me." Kristie and Cassie are holding her down. Anything else? Anna. Tubish-thing. The other girls were still in the room she says, "just holding me down and touching me." Now Kristie is holding her down. Cassie touches her all over her body. They tell her to take a shower. She does and when she comes out, hears Stephanie screaming in the bedroom, "Leave me alone." Door was locked. She hurt her leg trying to kick the door. Stephanie comes out of bedroom without pants on. The four women are still in bedroom. She didn't go in to talk to them. Stephanie took shower. V cries. Phone rings. Liz answers. It was Javier, V's father. She tells him to hold on but before giving her the phone, tells her to wait. Anna pulls out a gun from a nightstand drawer next to the bed. Told her that if she told anyone, she was going to kill her family. Anna pointed the gun against her head. "So I just had a normal conversation with my father," she says. All four women were in the bedroom, and Stephanie too, she adds. The women put their shirts back on and they all stayed inside, in the living, doing nothing.²¹

The following year in 1998, Stephanie testified. Similar to that of her sister's the year before, her testimony also contained blatant gaps and inconsistencies, such as how she entered the apartment if it was indeed locked when she was supposedly forced to stay outside by her aunt Liz, who was in the apartment on the first and second day of the alleged assaults, were in fact they were together on the second day of the assault. What particularly stood out from Stephanie's testimony, especially in relation to her sister's, was how she seemed to remember the general storyline, but when it came to speaking to the details that would tie the series of particular incidents together, she would not remember. And those details to which she did speak to was questionable in terms of

²¹ State of Texas vs. Kristie Mayhugh, et. al. Vol. 3, p. 57-75.

plausibility, if not blatantly inconsistent, specifically with regards to when the two sisters were allegedly together at particular moments in the course of these two days these assaults were said to have taken place. While Stephanie's testimony is inconsistent and contains gaps, especially as in relation to Veronica's testimonies, of particular interest here is with regards to the alleged threat with the gun. Below, I summarize Stephanie's narration of the alleged assaults beginning with the first day of the supposed assault.

Through a similar strategy of Q & A as that of her eldest sister, the narration began with Stephanie entering the apartment, indicating Veronica is in the bedroom:

Upon entering the apartment she sees Cassie and Anna walking into the bedroom. The door is cracked, so she takes a peek and sees Liz and Kris in the bedroom and V standing by the bed. She stayed in the living room, at which point, she hears V screaming and yelling. After a while, V and all four women came out. Stephanie asked V if she was okay but V did not respond. V then goes outside to play while Stephanie was still in the living room. She begins to describe the assault but now, it is suddenly in the bedroom. She continues describing and Delavan again asked where this was happening, but Stephanie now says it happened in the living room. In this scenario, it is Cassie that pulls out the gun and shows it to her; and Liz and Anna threaten her. After she "got up," V comes in and takes a shower while Stephanie stays inside to play. The second day of this supposed assault was equally concerting.

The second day, Stephanie said "the same thing happened again" in the living room. Except that while V testified Kris was not there this day, Stephanie gives a harrowing account of Kris assaulting her with objects while the remaining three women held her down. When asked where is V, she responds she doesn't remember where V was on this day and continues with her narration. Stephanie ends her narration, "That's it." V still unaccounted for in this scenario, Delavan asked again where was V when she was in the living room. Stephanie says V was outside but then came inside after they had done these things to her. Stephanie goes outside and from there, hears V screaming. After being asked if she went inside, she says she went inside and saw "them putting that thing in her private" while they held her down and V screamed. Stephanie says she tried to ask her if she was "okay," but that she didn't say anything. At one moment she says she responds she doesn't know if the girls saw her. Asked what did she do, she says, she

was “trying to tell them to her alone.” No one said anything to her. Asked what happened then, says they told her to “get out.” So she went back outside to play. Asked if V came outside, she says, “Yes.” That night, their father picked them up and took them home.²²

Stages of perversion

Hortense Spillers’ poignant epigraph at the beginning of this chapter, while speaking to the historical processes of the making and unmaking of black bodies across time and space, also reflects why and how, despite the inconsistencies and ambiguities in the trial testimonies, fantastic detailing of events, and erroneous medical testimony, all four women were convicted and subsequently incarcerated. The accusations made against them culminating into their subsequent incarceration reflects a continuation, a succession of time and space organized by patriarchal renderings of sexualized genders and sexualities. Examining the modes of discourse used during the trials contextualizes for us these historical and contemporary processes, allowing us to locate and account for why, and equally important, how patriarchal articulations of the ‘female’ gendered body transformed the gender queer bodies of Liz, Anna, Cassie, and Kristie into sites of disdain and degradation. Dramatizing the interplay between patriarchal constructions of the ‘female’ gendered body and the heteropatriarchal articulations of the gender queer ‘female’ body, it brings to light the disciplinary reach of sexual normativity within a society disquieted by non-normative sexualities. What is disclosed then, is the impossibility of the queer Chicana subject within an institution that reconfigures itself, as protector and punisher, as compassionate and merciless, as impartial and just, as capable

²² State of Texas vs. Kristie Mayhugh, et. al. Vol. 4, p. 21-46.

and necessary, through its reinvention of *her*. Here, the material presence of their bodies gave a semblance of legitimacy and coherence to abstract formations of *truth*, *innocence*, and *guilt*, alongside notions of ‘justice.’ Thus, Liz, Cassie, Anna, and Kristie could only be rendered visible through the extent of their culpability/liability, while produced invisible as subjects of rights. As *impossible* subjects, the verdict of “guilty” was declared well before they entered the courtroom.

Ultimately, the trials of Elizabeth Ramirez, Cassandra Rivera, Anna Vasquez, and Kristie Mayhugh discloses what state violence sounds like and looks like within a liberal capitalist democracy. These ‘moments,’ made up of juridical practices, rituals, and language, revolving around the seeming disarticulation of the figure of the Chicana lesbian, functioned to deconstruct the San Antonio Four, in order to (re)articulate them through the patriarchal reconfigurations of the female(d) body as a site of degradation; that is, as the imagined sum of its parts. To what extent then, could Elizabeth Ramirez, Anna Vasquez, Cassandra Rivera, and Kristie Mayhugh, as queer/lesbian/Chicana/women evidence actual “innocence” within the volatile racial-sexual terrain of the courtroom?

As a stage of patriarchal domination, the courtroom was a theater where judges, lawyers, medical experts, doctors and so on came to produce what Foucault names a “world of perversion.” Bodies, organs, excretions, as illustrated also in the previous chapter, all converged to ensure that by the end of the trials jurors felt morally obligated to convict these four lesbian Chicana women; not for the crimes outlined in the Charge of the Court, but for the oversexed desires they came to associate with their lesbianism.

Chapter III

Unlivable Life, Ungrievable Death

“She always thought she would die young,” Gaby (Norma’s ex-girlfriend) told me as she tried to find the right spot on the altar to place Norma’s red and white motorcycle helmet. “She had no fear,” she went on, while setting it in several places until she finally found the ideal spot on the right hand side of the bottom tier, next to the sweet bread that had been placed as an offering to Norma and Maria Hurtado, her mother. Both had been brutally slain in their home in Austin on April 18, 2011, by Jose Alfonso Aviles, the father of Norma’s girlfriend, Lidia.

Norma had just arrived home around 6:30 from her daylong shift at Wendy’s where she worked as a manager. Maria was preparing dinner while Lidia attended to her baby in the back room of the house. Lidia had just turned eighteen and made the decision to move in with Norma and her family in order to be with her and as refuge from her father. Soon after Norma arrived home, Lidia overheard a knock at the door. Maria answered and called for Norma to let her know there were two men at the door looking for Lidia. Instead of Lidia coming to talk to the men, Norma goes to the door. She is overheard arguing with the men intent on seeing Lidia. Gunshots suddenly blasted in repetition and then there was silence. Lidia, terrified, waited before stepping out of the bedroom and finding Norma and Maria Hurtado lying on the floor. During the trial of Jose Alfonso Aviles, almost a year and half later, Lidia would be heard screaming with terror while the 911 operator instructed her on how to stop Norma’s bleeding. Aviles had

emptied his 9mm on Norma. According to the autopsy report, he shot her fourteen times, front and back. She was twenty-four years old. Maria Hurtado died instantly. A bullet he shot through her chin severed her spine. She was fifty-seven.

Reports that a father, angry over his daughter's lesbian relationship, killed his daughter's girlfriend and the girlfriend's mother quickly circulated throughout the city. National and international media outlets picked up the story; often times they reiterated the details of the case as they were released to the public. Headlines and pictures in newspapers of the slain daughter and mother cropped next to one another pointed to Norma's lesbianism and the father's rage. News reports, "Angry father kills daughter's girlfriend," along with public statements made by mainstream lesbian, gay, bisexual, and transgender (LGBT) advocates began to shape how the community-at-large would come to talk about the significance of the murders of Norma and Maria Hurtado and the value that their deaths would be extended. Consider for instance the news coverage by the Austin-American Statesman:

AUSTIN, Texas -- A Texas man angry that his daughter was in a lesbian relationship killed her girlfriend and the girl's mother, The Austin American-Statesman reported Tuesday. Jose Alfonso Aviles, 45, has been charged with capital murder over the deaths of Norma Hurtado, 24, and 57-year-old Maria Hurtado, according to police. His daughter had been dating Norma Hurtado for a few months and the relationship had caused an ongoing feud between the two families, Lt. Gena Curtis said. Aviles and an unidentified man allegedly shot the two women after they opened their front door Monday night. Aviles' daughter, who was not identified by name, was at the home. She found her girlfriend and Maria Hurtado on the floor, where they died. It is up to the district attorney's office to decide if the killings are a hate crime, police said. (Austin Statesman, April 19, 2011)

Pointing to Norma's lesbian sexuality as the source and target of Aviles' rage, the political/social discourse generated by media outlets determined how their deaths would be represented, denounced, and narrated within the Austinite civil society amongst mainstream 'LGBT' NGOs and other grassroots-led anti-violence initiatives. To mainstream media their deaths were a spectacular event of a non-normative passion-crime: the newspaper would not sell as much if its headline did not displace the unexpected/irrational plot of a father killing his daughter's girlfriend and the woman's mother. Sympathy for a man trying to protect his family from the 'predatory non-heterosexual behavior' of his victim became inevitable from the point of view of mainstream media. To those in the other side of the spectrum and much beyond sensationalist news coverage, the murders of Norma and Maria Hurtado evoked an intense sense of loss and dismay. The violent seizing of their lives provoked a sense of loss of corporeal presence and served as a reminder of the potentiality of life. For some people it was a disruption; it was a crack in the imaginary walls of security that they thought the liberal politics of "Keep Austin Weird" would uphold. "I'm shocked something like this could happen in a city like Austin," said a racially ambiguous attendee at a community meeting following their deaths. It warped their outlook on 'LGBT' life in the city while for others, it triggered that of a memory that was lived or passed on. It gave rise to trauma for those who saw themselves or someone they knew (of) as the next in the line. For them, the lives and deaths of Norma and Maria Hurtado was a reminder of the deemed worthlessness of their lives and of the topography of

violence the white/heteronormative city conveys. It was a reminder that for *some bodies* living within the borders of racialized gender and sexuality, self-preservation is negotiated, and feeling ‘safe’ is a risk taken.

In this chapter I focus on the public discourse pertaining to the slayings of Norma and Maria Hurtado, how they were memorialized, what their brutal deaths signified for different communities, and how this informed efforts to seek “justice” for their murders. This chapter provides the opportunity to question civil society’s fantasies of justice and order, particularly as they relate to redressing violence against persons who occupy non-white queer genders and sexualities. If civil society is the heteronormative imagined community where liberal notions of personhood and freedom are enacted, how do we account for those whose racial-sexual identities deem them as a permanent threat to civil society’s regime of rights? To answer this question, I explore how the presence of the queer Mexican/Chicana body disrupts and exposes also the limitations of progressive social practices, in which the queer Mexicana/Chicana is rendered incomprehensible and irreconcilable, in life and in death, in attempts to redress violence. I analyze key moments in public grieving when Maria Hurtado’s death is forgotten and the articulation of Norma’s queer identity is negotiated. These moments illustrate what Judith Butler (2004) has named elsewhere as “ungrievable death.” In the case of Norma and Maria, their brown gender/sexual alterity rendered their deaths unmemorable and their lives unlivable. I also explore the ways different actors (the state, the LGBT community and white civil society) ascribed meaning and purpose to these apparently “senseless” murders. As I will elaborate, for some activists their deaths were just another ‘event’ and

for others it became the pretext for calling attention to the violence experienced by “LGBT” people in Texas. Within this context, their corpses were taken up as proof of why “LGBT” people need state protection from bias-based crimes fueled by the “hate” that “claim the lives of LGBT people everyday, as was argued by some political advocates. In doing so, many of those outraged by Norma and Maria’s death did not know how to respond to the state; denying it or embracing the terms of engagement that required recognizing the very murderous state as a legitimate entity from which one could ask for protection, and possibly receive it (see Lamble 2013). The argument put forward here is twofold: Firstly, it argues that in order to be legible, the violence upon the queer brown body must be articulated through a language of rights that asks for loyalty to the state. This loyalty to the state, on the other hand, can never be fully achieved because, as a deviant body, the queer brown body is the un-civil, anti-society subject. As a timeless and placeless subject, the queer brown body is suspended in a ‘zone of indistinction’ (Agamben 1998) between denial and disavowal, recognition and annihilation. The terror inscribed on the queer body can be recognized by the state, but not as terror. This gratuitous violence that needs no explanation (see Vargas 2015), is, legal, expected, rational excess to which the law, it is believed, can redress. Secondly, and related to the first, I argue that Norma and Maria’s slaying were not just a “hate crime.” To regard their fate as “hate,” is to misrepresent the pornotropic economy of sexual terror that pervades state institutions and civil life. Hate is fundamentally distinct, although related, to terror. To elaborate on this sexual economy of terror, I propose below a reading of their killings that goes beyond the liberal narrative of violence. Like in the

case of the San Antonio Four (chapter two), sex and gender comes together in producing the punishable and killable deviant queer brown body. I argue that to understand the killings of their bodies we need to unveil the anti-female structure of white patriarchy of which normative gender and sexuality are produced. How can we account for the fourteen gun shot wounds Jose Aviles made on Norma's body? What was he 'killing' beyond the sexual body of a lesbian individual?

The reader should keep in mind here a 'deadly affinity' with the strategies adopted by the state in the case of the San Antonio Four in chapter two. While the state recognized the sexual alterity of Elizabeth, Cassie, Anna, and Kristie (to the extent of punishing them), in the case analyzed in this chapter, the state strategically denied Norma's sexual agency by arguing "it was not a sexually motivated hate crime." In the first case, sexual identity was mobilized to criminalize while in the second case, the argument put forth by the Defense was that Jose Aviles did not commit a crime motivated by her sexuality. In other words, it was argued her lesbian identity did not in any way motivate Jose Aviles. In this case, the heteropatriarchal state mobilized the argument of a protector of all to dismiss sexuality; in the former, the state mobilized the same rhetoric of protection by policing bodies that are a threat to it. This double-bind form of patriarchal state formation (the state came into being as such protector in these discourses) seems divergent, but in fact they both aimed to strip bodies from the intimate connection of gender and sexuality. Norma's case is again illustrative here. Even when the liberal discourse registered her sexual alterity, it was claimed at the expense of denying/distinguishing her from Maria. As the hyper-visibility of Norma's lesbian

sexuality gained some traction, the more Maria Hurtado's death became merely incidental, holding value only in relation to the death of her lesbian daughter, Norma. Consequently, disconnecting Norma's body from her female gender identity, as well as from Maria Hurtado, the category of gender as a site of violence went to the wayside. As I will show later, within the larger narrative of denouncing their murders and their signification, Maria's death was erased from this narrative. The legal battle required choosing one or the other, for the respectable status of "mother" and the degraded status of "lesbian" were irreconcilable. Thus, situating Norma's lesbian identity at the front and center of this identity-based legal apparatus, her 'lesbian' sexuality was noted as the driving force behind Aviles' lethal actions and it became the ground upon which mainstream advocates anchored their demands. In the grammar of rights evoked by the state, sexual identities are recognized insofar as lgbt people express loyalty to the state, or only to the extent of their criminality. Their 'crime' (as the San Antonio Four case illustrates), is a telling moment when their intersecting identities as queer Chicana women are recognized, but as previously mentioned, only to the extent of punishment. On the other hand, the mark of Norma Hurtado as "lesbian" and unmark of Maria Hurtado (her mother) as ungendered/unisexual subject, hints at what lives are grievable, to what extent, and in the service of what-and to whom. I now move through moments of erasure and the reassertion of sexuality and gender on their bodies. I also make ethnographically visible those moments in which acts of public mourning spoke to their deaths and attempted to reclaim their memory.

Grammar of Erasures

When the police arrived on the scene, Lidia told them her father, Jose Aviles, had been angry about her being in a relationship with a woman and demanded she end it. She refused and her and Norma continued to see each other in secret, while waiting to turn eighteen so her and her baby could move in with Norma and her parents. Aviles sought out Norma and left a trail of police reports documenting their confrontations leading up to that Monday evening in April, approximately two months after Lidia had moved in with the Hurtado family. Looking in retrospect, their murders were not entirely unexpected friends and family said immediately following their murders. It turned out Aviles had been threatening Norma, warning her that if she didn't stop seeing Lidia, he would go after her and her mother. A friend of Norma's later confirmed news reports that Norma had shown a friend a text that Aviles had sent to her announcing his intentions that if she didn't leave Lidia alone, he would kill both her and her mother. "She had told friends about it, but she thought he was just talking shit. She didn't think he would really do it," Gaby told me weeks following their brutal murders.

Jose Aviles was arrested outside of San Antonio the morning following their deaths. He was booked for capital murder and faced the possibility of the death penalty. Transferred to the Austin Police Department, they held a press conference to make a public announcement about what they knew about the case and to announce the arrest. In front of flashing lights and overlapping camera shutters, Lieutenant of Victim Services, Gena Curtis, explained this "horrific act of violence" as the "result" of a "long dispute between these two families" brought about by Lidia's family being "quite *upset* over this relationship" she was in with Norma. Making it clear the investigation was still ongoing,

for now they were “happy to announce the arrest” and proceeded to quell any panic by isolating its occurrence:

This is a very isolated incident. There is no fear for the community. This was isolated to this family, to this household, between these Individuals. And so I would like to put any fears to rest. At this time there is no immediate danger to anyone else in the community from this act of violence last night.

On Wednesday, April 20, two days after the murders, Equality Texas along with other mainstream “LGBT” organizations issued a statement stressing the importance of having these murders acknowledged as “a bias-motivated hate crime.” Through the initial investigation of the case and the claims being circulated that Jose Alfonso killed them because he was angry about his daughter being in a same-sex relationship, conversations and debates began to emerge about whether the case should be tried as a hate crime under the Texas James Byrd, Jr. Hate Crimes Act. Though it had been spoken of as a biased-motivated crime, it was not yet determined if rather it would actually be acknowledged and treated as such by state prosecutors. Trying it under this Act would enhance the punishment post-conviction if the accused was found guilty. Aviles’ case however, it was argued by state representatives, was different in that because he was already charged with capital murder, it already carried with it the highest penalty possible--the death penalty or life without parole. Therefore, it was further argued, that trying the case as a hate crime would not serve in this case in enhancing the penalty Aviles was already facing. This stirred debates. Those advocating for its treatment as a hate crime were not just concerned with the possible enhanced punishment it allows, but

rather for the treatment as such also being a symbolic gesture of acknowledgement that the murders were a hate crime. Their requests were not solely based on the enhancement clause, but that the naming of it as a hate crime would serve as a public statement of recognition to serve in the deterrence of future acts of violence against other “LGBT” people. Although the Austin police department in the course of the investigation had spoken to the motive behind the murders of Norma and Maria being Aviles’ rage about his daughter’s same-sex relationship with Norma, the determination of whether the hate crimes act would be used is decided by the state prosecutor, and not the police. At the time, the prosecutors were not yet certain if whether the murders of Norma and Maria Hurtado qualified as an identity-based crime. An underlying assumption was that at *most*, the motivation behind Aviles killing Norma and Maria Hurtado was that his daughter had transgressed Mexican cultural norms. This ‘cultural defense’ argument is hardly new. Scholar Leti Volpp (2000) has shown elsewhere how the ‘blaming the culture’ argument has been used to step some people out of society. The ‘terrorist,’ the ‘Mexican immigrant,’ or ‘black people,’ is casted as having a problematic culture. That is, a culture that fails to adapt to Western values. The temptation to portray the killing as a ‘Mexican thing’ was pervasive in the news for instance. The ‘fait-divers’ were interested because the ‘the passion-crime’ involving a Mexican family was perceived as not being out of the boundaries of Mexican culture. Likewise, in the discourses of law enforcement, it certainly played an important role in the ways punishment and justice was imagined.

(Un)Making Community

The state assurance that the killings of Norma and Maria “was an isolated event that posed no threat to the community,” invites reflection on how communities are imagined when sexuality, race and gender come into play. Scholars have long highlighted that violence is productive; it makes identities and enables people to come together as community (see Das 2007, Aretxaga 2003). In the liberal thought, ‘community’ meant the heteropatriarchal civil society (and family) the state has an obligation to protect. As the newspaper coverage indicated, and the legal discourse of state bureaucracy confirmed, ‘the father’s killing of his daughter’s girlfriend and her mother is not just a long English sentence. One does not need to be a grammar teacher to comprehend that the position of the subject ‘father’ in the sentence is a marker of the patriarchal authority; it is one that evokes sympathy for the protection of ‘his daughter’ and by extent, to the nuclear heteronormative family. ‘Father’ and ‘state’ converge in the language of protection and preservation of heteropatriarchal order. This is an imagined community in the making. Feminist scholars have long called attention to the necessity to historicize the state as a patriarchal-heteronormative unity. They propose a feminist theory of the state that departs from the family as the matrix of the modern state and the father as the sovereign power in the micro-level (see MacKinnon 1989, Zillah, 1990 for a critique). Although such conceptualizations of the state have been the object of much debate, it helps to situate the family/state conundrum in which the killings and the search for justice are entailed. The patriarchal state is not an abstract *thing* lingering *out there* in society. Rather, it drives political institutions, informs political order, and defines sociability even amongst those resisting its effects.

Let me make ethnographically visible yet another moment in which the conflicting narratives of the state and the attempts to step out of its reach are conflated. On Thursday, April 21, a vigil had been organized at Out Youth. Glimmers of candles solemnly flickered amongst the many people who had heard about the murders of this mother and daughter. Some in attendance were friends, co-workers, and old teachers, activists, and neighbors that came to publicly grieve their deaths. Others did not know either one of them personally, but were horrified by this “senseless” act of violence. They came to honor their memory and as a gesture of condolence for those who had to bear witness to their loss. “But you don’t have to know Norma and her mother” a friend of mine responded to a woman (Janette) standing next to us. She had asked her if she knew either Norma or Maria. “That could be either one of us and either one of our mothers,” she continued. Janette didn’t know them either, but as a mother with a son who she “thinks” is gay, identified with the Maria Hurtado she had imagined. “I’m scared for my son,” she told us, “who thinks I don’t know about him, but I do. This makes me want to tell him that I know. And that I’m okay with it.” “As a parent you want to protect your children. And when one of them is gay,” she said articulately, “it’s better to accept them so that they don’t go far from you, so that you don’t push them away. So you can keep them close to you.” My friend finished Janette’s thought when she was overcome by emotions, “To protect them,” she said inquisitively. “But that didn’t do any good either,” she told Janette, “It’s the girlfriend’s father that killed them both—the mother *and* the daughter.” I felt somewhat embarrassed by the seeming callous response my friend offered to this mother who had seen herself and her son in

these murders. I wanted to offer some words of support, some gesture of solidarity, or any sign of hope; but at that moment there was none. I understood that for that moment, there was no room for optimism. What words of hope could be offered when the reality was there in front of us. We stood holding our candles. Janette was silent, as was everyone. Looking around me, I wondered if her son was present. I saw photos of Norma, but none of Maria. I saw flowers and more and more candles. People were in prayer, crying, stunned, dazed, and standing with one another. I saw a woman with her toddler and he too held a candle. Much like this moment, I felt enraged even though it was suppose to be a time of 'peaceful reflection.' I felt sickened, nauseated, fluctuating between feelings of rage, grief, confusion, pain, memories--and guilt for not feeling the calm we were suppose to feel and offer to Norma and Maria Hurtado for their abrupt and violent departure. Till this day, I myself still have a visceral reaction, feeling the bile trying to make its way up my throat. I have a faint gagging sensation.

While we built a (admittedly precarious) community through the 'intimacy of terror' (Aretxaga, 2000) we also faced the question of how to redress Norma and Maria's death without relying on the very structure of terror that made their lives unlivable. While some individuals were invested in the carceral state's punishment and around the issue of hate crime that would bring Jose Aviles to the gaze of justice, many of us were skeptical of such an approach. How to seek justice when yet to step out of the penal state's obsession to punish was a real challenge that spoke volumes about the lack of political imagination outside the boundaries of the state. That is to say, even when launching a critique against it, we are still under a state-addiction. In seeking justice

through the state, we would be validating it as a legitimate entity from which one asks for restitution and protection (Lamble 2013). Could we? *allgo*-- along with other community organizations, pushed forward an understanding of the killings beyond the state rhetoric of vengeance and self-preservation (of the patriarchal state-family-civil society) and highlighted the long history of violence lived by black communities and communities of color. *allgo* urged us to consider that moving towards state-protection was not sufficient to redress this history of violence perpetrated against dissident bodies. The intention behind this community meeting was for people to come together to discuss the afterlife of the deaths of this mother and daughter in their home by the lethal acts of the father who was not only enraged by his daughter's refusal to adhere to his demands, but also by Norma's and Maria Hurtado's refusal to be fazed by the anxieties and inadequacies their subjectivities aroused in Jose Aviles. The meeting was a move away from state retribution towards a healing informed by a collective memory.

The meeting also raised questions that any serious conversation around cross-racial-class-sexual-gender identities cannot refuse to address. First of all, it revealed yet another facet of patriarchal masculinity through which the horrors of the violence against two Mexican women was recognized but sexuality and gender were erased from the conversation - much less than the misogyny that was embedded within patriarchy itself. Through facilitated discussions, the anger and hopelessness that were thick in the room were quelled by a management of emotions that cancelled the sexual alterities of those threatened by the possibility of death. While the meeting facilitated a catharsis moment of healing and making community, it also closed possibilities to an understanding of the

sexual experience of oppression lived by gendered, classed and racialized subjects. The power of mourning notwithstanding, the meeting was yet another moment in which the intersectional aspect of queer people of color's experiences fell shortly under the limits of comprehensive identity politics. I do not claim that there was a calculated cancelling-out of the overtly explicit reasons of Maria and Norma's death, yet the momentous community created in the wake of the murders seemed to have been built at the expense of those who felt they needed to first speak to the rage, to the frustration, to the accumulated histories of deniability and erasure felt by queer/people of color. It seemed that the intention of moving away, or disconnecting from the carceral state's discourse that was calling for the highest form of punishment for Aviles—the death penalty or life imprisonment—in some ways caused an erasure and dismissal of how masculinist ideologies centering around the disciplining of transgressive women of color unmakes as much as it builds communities. As racialized bodies, queer people of color are excessive within the lines of sexuality. It is these bodies for which structures of legal retribution work against and collapse even when marginalized subjects attempt to build comprehensive political communities. Scholar Andrea Smith (2006) has elaborated on the process of organizing against oppression and how women of color's agendas become undermined. Smith challenges some assumptions people have when trying to establish alliances. First, there is an assumption that white supremacy affects everyone in the same way and that because of that all groups will share the same strategies for liberation. Then, there is the assumption that a collective "I" would account for all specific agendas within the movement. And finally, there is a belief that bringing different agendas to the

movement will fragment and jeopardize it. Women of color's needs become erased in the black/brown/poor efforts to build political community because, as Smith points out, "white supremacy is constituted by separate and distinct, but still interrelated, logics." In the case analyzed in this dissertation, these efforts were quite often jeopardized by masculinist tendencies that erased the violence women of color tried to bring to the public agenda.

No other place better illustrates this question than the ethnographic moment when two self-identified Chicano men embraced the "cultural defense" argument lamenting the killing and still expressing solidarity to a father in trying to re-establish the 'natural' order of things. They were imagining a conversation with Aviles: "I just regret not knowing him before this. I know how gacho/bad it feels to want to talk to somebody about something. Y pues/and well when there's nobody, se te vuelan las tapas/you lose your temper," one of the men told his friend sitting across from him. Then his friend responds, "No lie brother, if he (Aviles) was right here right now in front of me, sitting right there," then as if acting out the conversation with Aviles, he sat on the edge of his chair and thrust his chest forward, "I would tell him. Que estabas pensando bro/what were you thinking bro, killing our women like that. There's already so many of them being killed. We have to protect our women no matter what." This was a peculiar moment of not only the too-often male domination of community meetings, but more pointedly, it reveals an investment in the state patriarchal protection as much as of patriarchal ownership of women of color's (gendered, sexualized) bodies.

This exchange left me stunned and disheartened, even more so than I was when I walked into that meeting. At the same time however, it came of no surprise. Even in this space, imagined to be a space of solidarity and common thought imbued through common experiences, proved to be just that--imaginary. There was talk about the issue of violence within the family, about what makes “us” feel “safe,” and about alternatives to seeking support from the police and other authorities. From the exchange just illustrated, “us” often means to center on racial identity, eliding gender and sexuality—as was just demonstrated. Within this however, there was no mention of violence against women or about its underpinnings of oppressive masculinities and its manifestations. The lack of this naming and the utterance of the horrors of the violence normalized the violence and the anxieties of patriarchal masculinity. I was not the only one disturbed by these exchanges. After the meeting, a group of attendees lingered as we made our way to our cars. Recapping the events of the evening and the “next steps,” one of the women in attendance said, “Am I the only one here that feels fucking pissed?” Met with silence, she continued, “I just want to be angry-because I am,” she yelled, “We spent all this time talking about how we need to heal as a community, what we need to do to is prevent this violence against us, about how we need to find alternatives for making these wrongs, right.” She began to visibly tremble, and those listening, began to express their agreements. “Why couldn’t we just talk in there the way we are here? I want to start all this over and say, ‘Hey, I am one angry queen about this shit, about that shit, about all this shit. Tell me you don’t know what to do with me when I’m angry, but don’t tell me that I can’t be angry,” he stated. “How we gonna talk about healing if we can’t even talk

about what happened,” someone else interjected, “I feel we spent more time trying to figure out how to keep that man alive when we couldn’t even talk about why he killed them.” “Ain’t that the shit,” concluded another attendee? I told one of the organizers about the anger and frustration when we met-up a few days later. She responded saying she ‘understood,’ *but* the space was not meant for that,” she said, “it was meant to be one of community healing. We were all in shock, angry, scared. So it wasn’t the place for it. It wasn’t possible to do critical thinking about it at that time.” “*When is the time,*” I asked her flustered, unsatisfied with her reasoning? Is not acknowledging the frustrations, anger, rage, part of the healing? Is the feeling not “critical thinking?”

Yet another trial

Like in the San Antonio Four case, I followed closely Norma and Maria’s. Their case, like that of the previous, illustrates these moments when the ethnographer is called upon to leave theory aside and engage with life as life unfolds before us. Structural fieldwork, interviews, and fieldnotes all collapse in the face of one’s self-awareness of one’s identity and one’s political commitment to the one’s under death-living worlds. Thus, I took deep breaths and went yet again to the courthouse. I arrived at the Thurman Marshall Criminal Justice Center shortly after 9:00 AM. It seemed it had been created for people of color. I predominantly saw black and brown persons walking in and out of the building past security. I walked past a stone pillar with an engraving of what looked like a soldier with some type of weapon thrown over his shoulder. I walked through an open space with a patio that conveyed a macabre feeling of everyday casual business within the US court of law. Children played in the concrete open space while surveillance

cameras watched. The architects must have known what was required upon the exit of those coming to claim innocence, guilt, or negotiate truth and justice. But inside is where people's fate is decided. Death? Prison? Probation? Passing through the metal detectors, there is someone to direct you to move through efficiently. There were always long lines of brown and black individuals whose lives had been crisscrossed by the carceral state. A woman was standing outside the jail with a makeshift board declaring her love to whomever she knew sitting in the jail. The building is modern, as indicated by the *resignification* of its purpose, "*Justice Center.*" It stirred a sense of horror in the implications of its modern architecture and décor, as well as in seeing the enormous television extending towards the ceiling with screens rolling endless names of defendants. It provoked a sense of terror as it came to resemble how modern state violence has come to look *today*. It was a reminder and expression, like in the cases here, of its endurance and malleability. It was something that neither the metal, concrete with mixed-in wood could disguise. Groups of people stood in large groups, looking up at the screens, waiting to be directed to the corresponding courtroom. "Do you know where the elevators are," an elderly black man asked me?

This was not the first time I had been to the Thurman Marshall Criminal Justice Center. I dreaded it every time I made my way to it. I had made my rounds several times before to review the state case file and inquire as to the status of the trial and the investigation. On past occasions, I would have to wait for stretches of time until it finally became known Jose Aviles would not be brought in on that particular day indicated in the records. His pretrial hearing was continuously rescheduled and I was not privy to that

information beforehand. Most of the time I waited along with the defendants who would come to make their case and pleas. This particular day was not any different, but today it was the judge who once again, kept the people waiting. Vincent Crapanzo's (1986) ethnography on the politics of waiting is illuminating here. Crapanzo studies the effect of domination in the everyday lives of people whose hope has been suspended by the state. In waiting, Crapanzo argues, "the present is always secondary to the future, the world in its immediacy slips away; it is derealized. It is numb, muted, and dead. To talk about dread, angst, guilt or being overwhelmed, all of which are components of the experience of waiting, adds a metaphysical dimension, a melodramatic tension, to the very ordinary experience I am trying to describe. Such terms," he asserts, "elevate the experience" (1984:44). This was particularly true in the courtroom where, like many others waiting, I had waited, given up, gone home, and came again. This particular day, the management of time became particularly apparent when over two hours had passed and the judge was still not in the courtroom. We continued waiting and the *inspirational* posters plastered around the courtroom, "success," "leadership," seemed like a cruel mockery in the courtroom filled with people waiting to be informed of how their futures would be fared. An older Mexican man, with crispy starched jeans and button-down cowboy shirt, bounced his cowboy hat on his knee as he shared his frustration with me, "Cómo se tardan verdad/They take a long time?" I agreed. None of us knew what was taking so long; nobody had informed us. My frustration peaked and I got up to ask the clerk if Aviles would be brought in on that day. She didn't think so, she responded. The judge was at a conference and appointments were reset because of a "no show" from the judge.

Almost as if she had read my mind and responded to my internal remark, “What the hell,” she responded on cue, “this is a unique circumstance. His attorney is here but his appearance was reset since the judge has not shown up.” “Otherwise,” she said, “he would have been brought out.” The exchange I had heard earlier between two court officials of, “The only thing I can think of is that she went into the conference, but left her phone in the car,” made sense now. I looked behind me and I saw people still waiting. As I walked out, an attorney came in wearing an expensive-looking fitted suit. “Jerry. Jerry,” he called out while looking down at his file, “Is there a Jerry [last name] here?” “We need to discuss your case, he told the skinny black man identifying himself, rising from the third bench in the back.” He was one of many attorneys I saw come in looking for their clients, meeting them for the first time before presenting themselves before the judge.

I went back in a couple of weeks; by this time it had been over a year since the deaths of Norma and Maria Hurtado. I knew the routine already and made my way to the courtroom, to wait, yet again. But this day was not in vain. There was a lot of buzz in the room, movement, with more actors filling the space of the court. Today would be the day Jose Aviles would be brought in—but not without waiting, still some more. The bailiff, who knew my purpose and me by now, signaled to me he would be brought in today. So I waited. But the moment of Jose Aviles’ entry was procedural and ritualistically swift. I could have easily missed the moment had I gotten up for a restroom break. A small man walked in, chained at hands and feet. He looked fairly young—he was forty-five years old at the time he showed up at the home of Norma and

Maria Hurtado. He didn't appear to have the demeanor of someone who was internally struggling with the brutal act that brought him there—as least not as we would probably imagine it. He didn't seem concerned or worried. In fact, I was surprised by his calm. He seemed harmless though it was evident he was not. A woman began to cry as he made his way into the courtroom. His feet could only extend so far because of the chains, but a team of sheriffs escorted him in, wearing bulletproof vests, walkie-talkies, bobby sticks, handcuffs, and guns. It was quite a production. He was brought before the judge, the sheriffs surrounded him with hands resting on their guns, and a series of questions are posed to which a series of answers are given. He pleads not guilty and a trial by jury is requested. The state was not seeking the death penalty. Defense was willing to plead to forty years in prison; the state rejected it, as if forty years was not a death sentence itself. He is then taken away through the same door he was brought in through. Only then I realized that even myself, with a clear stand against the carceral state, was not sure what I was expecting: the death penalty, life-long sentence? What would be justice in this scenario? What would be enough pain to have him retribute the pain inflicted on Maria and Norma? Would it bring them back? Would it lead their family to heal? Or would the confusion and ambivalence toward the state, yet another face of the haunting state power, take over our political imaginations? The more time I spent in that courtroom, the more I questioned why I was there. I was there because my investment was not so much in whether his case would be treated as a “hate crime” as was popularly debated and demanded in the media, or because I was expecting the state to redress Norma and Maria Hurtado's deaths. The murderous state cannot foster life even when it

crafts punishment as restitution. Trapped into the state-model of justice, I couldn't articulate the impossible contradiction of seeking protection from the carceral regime that imprisons black/brown bodies in astonishing rates. Aviles' death penalty would be an easier call from outraged relatives but it would not be coherent to the political horizon of radical liberation.

Before I left the courtroom, the bailiff signaled for me to come over and asked if I had what I needed. I wasn't sure what to respond, since I myself was unclear now what it is I needed. Nevertheless, I explained my purpose there and my research to her and asked if I could talk to the defense attorney. She told me to wait at one of the benches and she made her way to Brad Urrutia, Jose Aviles' defense attorney. She is whispering in his ear and a smirk forms on his face while nodding his head in agreement while looking over at me. He hastily gathers his things and I follow him outside the courtroom. "How will you be defending Jose Aviles in the murders of Norma and Maria Hurtado," I asked him once we got past the introductions. He responded:

"The DA decided not to try as a hate crime because upon further investigation, they found his actions not to be motivated by her being in a relationship with his daughter. The case is that Norma wouldn't leave his daughter alone and the father was angry because Norma was distracting his daughter from her responsibilities as a mother. The outcome would have been the same if it was a dude, or a man."

I questioned his argument:

EM: So you're saying Norma's sexuality had absolutely nothing to do with Aviles killing her?

BU: Not at all. (I look at him doubting his theory, to which he invoked the stereotype of the ‘Mexican macho’ to defend his point.) He didn’t *approve* of it. You know, he’s Mexican, traditional, from a rural town in Mexico. But did he kill them because she was a lesbian? No.”

EM: What about Maria Hurtado? How are you defending him on her murder?

BU: She was just at the wrong place at the wrong time, (He responded hesitantly.)

EM: In her home?!

BU: Well, yeah, maybe not at the *wrong* place. You know how people get. He was hotheaded and angry and killed the mother.

EM: No, I don’t know. He has admitted to going to their home and killing them, shooting them multiple times. How are you going to defend him on it?

BU: The case is a waste of time and a waste of the state’s money. It’s an open and shut case. He has pled to forty years, but the state denied it. Either way, he’s going to die in jail.

Family members of Norma and Maria passed by precisely at the moment we were ending our “conversation.” I had seen them in the courtroom. One of them was the woman that let out a cry as soon as Jose Aviles walked into the courtroom. I wanted to ask them how they were doing; about Norma and Maria; about the case and the progress of the trial. But the more the series of questions ran through my mind, it seemed the more I realized there was nothing I was giving to them in exchange. I had nothing to offer, except my condolences.

The trial

During the trials, prosecutors needed to prove intent in order to be found guilty of capital murder, as opposed to “simple murder,” which is what the defense was aiming towards. Because intent could not be proven for Maria Hurtado (she just happened to be in the wrong place at the wrong time, as was stated earlier), even though he had intended to shoot Norma (14 times!), her murder was simply ‘incidental.’ As for Norma, the defense argued he did not kill Norma because she was a lesbian, but rather, because Norma was distracting his daughter, Lidia, from school and from taking care of her baby. Thus, Norma in this scenario, became the contagion, the ‘perverse’ one who could only be stopped by Jose Aviles, by killing her—shooting her not only one time---but fourteen times. What then are we to make of the deaths of Norma and Maria Hurtado? Can they be grieved? And most importantly, since to be grievable one has to be considered dead, can their death be legible? If so, by whom and to what extent? This is a question of legibility because, as Sharon Patricia Holland (2000) has reminded us, “what if some subjects never achieve, in the eyes of others, the status of living? (15)”

Indeed, while in life these legal structures uphold themselves against women like Norma and Maria Hurtado, in death, their corpses are appropriated in the service of reinforcing structures and systems that function to preserve the white, hetero/homonormative, patriarchal ideologies against which they are differentiated. While illustrating the impossibility of their recognition as subjects of rights within dominant sociopolitical frameworks, their fate also mirrors the failure of the grammar of rights and citizenship to accommodate those deemed as a threat to the survival of the

nation and the state. If the queer Mexican/Chican@ body is an abjection and deviance within and to civil life, the deaths of Norma and Maria are well in consonance with state ideology of self-preservation. That is why even if queer people of color engage with and invest in the loyalty to the state, they will not succeed in being protected. Engaging in the patriarchal state may produce some gains but when the time comes, all these collapse in face of protecting the nation and its pro-creation. This is another way to come to terms with the unspeakability that Maria and Norma's death produce: unintelligible, untranslatable, and illegible. Maria Hurtado's displacement from the story as 'just' the mother for which there is no "place" (not even her own home), and Norma Hurtado's partial and negotiated recognition as "lesbian" within a socio-legal structure that hardly recognized her when she was alive, indicates that to live life, queer people of color have to be half-dead. Is it not that what one apprehends from the erasure of their deaths and the legal justification of their demise because of their transgression for loving who they were told not to love--other women? Maria Hurtado's love for her queer daughter was an act of queer love, that is, one that is forbidden; as much as Norma's desire for women was a line crossed—a lethal one.

Gravesite

You pass their gravesite heading east on Highway 290. Assumption Cemetery is where their remains lay. They lay under a tree whose bark reminds me of my Tia Teresa's aging brown skin. It's a beautiful cemetery. Maintained, clean, trimmed. It's colorful; it is an open field with flowers that decorate scattered sites. Patches of red,

yellow and pink dominate. I couldn't find their graves when I arrived. I went to ask for help in locating their gravesites. The office smelled like a chapel. Dry, with old wood, it felt somber and closed in--different from the outside. "I'm looking for the graves of Norma and Maria Hurtado," I told the elderly woman who kindly offered assistance. I told her of the markers I had, "It shows them close to one another, but I can't find either one of them," I tell her. She found Norma in the computer system, but couldn't find Maria Hurtado. She keeps looking. "Oh, I found her," she said clicking on the keyboard. "I'll take you to them," she told me as if they were waiting for me in the flesh. We didn't make it very far before she tired and pointed me to the path I needed to take to arrive at the site. "You will find them both there," she told me, "they are buried together." "*Together,*" I respond? "Yes, the family wanted them buried together, in the same grave," she clarified. I'm somewhat stunned by her news and as I walk the path she indicated, the conversations, debates, arguments about the legal treatment of their murders did not encompass the significance of their deaths. Their bodies had somehow disappeared in the rhetoric of state and fragmented identity politics.

I arrived at the site. Heavy. A patch of grass grows around it. Embraced. Wind chimes intermingle with the whistling hollow of the bamboo that hangs on the tree that provides them shade. It gives no sign of what happened. There was no indication of what had brought them there to lie together, nor why that while having different dates of birth, they share the same date of their deaths. Perhaps a person walking by, unfamiliar with their tragic deaths, imagines a story that is less violent, less brutal than the real story. And yet, buried in the same grave was not merely a 'choice' the financially distressed

family made to bring back together mother and daughter. If we read the grave as an anthropological text, we may perhaps articulate another interpretation here. The queering of the grave became a protest against the policed ‘world of women’ (their sexuality, intimacy, their bodies). If the state claimed their bodies as bodies denied of their alterity, and if Aviles performed the state by disfiguring their bodies with bullets, now the family restitutes their racial-sexual-gender alterity by queering the tomb.

I can’t stop looking at their pictures encased into the marker they share as “beloved mother and wife” and “beloved daughter and sister.” Their departures are not negotiated nor are their murders incidental. It holds fresh flowers. Teddy bears. Small stones stacked on top of one another rest on their tombstone. I think about Gaby saying Norma always thought she would die young. It seemed rather simple at the time to catch the grandiosity with what the altar came to commemorate. I believed her. For Norma, I don’t think it was the morbid statement of mortality often attributed to adolescence. I think Norma knew very well the lines she crossed everyday, the borders she pushed up against, the refusals and betrayal of patriarchal demands—and the threats that her queerness, brownness, shade of masculine femininity would bring onto her. She was well aware of why she thought her early death was imminent—predictable, expected, realized. As a queer brown Mexican woman, she thought her death inevitable. As the violence against Mexican brown women, Maria Hurtado, her death also proved inevitable within a patriarchal landscape where the love of her queer daughter betrayed patriarchy—and that now has her sharing a grave with her daughter, Norma Hurtado. It is too often *the place* of brown and black women.

CHAPTER IV

Clandestine Queerness: The *Ordinariness* of Spectacular violence

Fernando's phone-call was persistent that early morning in December. Realizing whom it was when his name appeared on my screen, I answered weary of what I would hear. He would never call me so early. "Hola Elvia. ¿Te desperté/Hello Elvia, Did I wake you," he asked with his voice breaking? He sounded deeply fatigued. He hadn't slept all night and it was difficult making out what he was saying as his words grinded against one another. "¿Qué pasó, Fernando/What happened Fernando, I asked him anxiously, not having patience for the pleasantries? Gathering his words, "Nos quitaron a Diana/They took Diana from us," he finally utters dispassionately. "¿Cómo que les quitaron a Diana/What do you mean they took away Diana," I asked confused? I was trying to understand who "they" were and why "they" had taken their daughter. Not wanting to talk on the phone, he asked if I could go over. Coming out of my sleeping stupor as I rushed to get dressed, I remembered they had received *the* letter from the National Visa Center indicating an appointment for Diana who was only eleven years old at the time. They had been waiting for *la carta* a long now time since José had co-adopted Diana and began the paperwork so she could obtain her US residency through his 'naturalized' status of US citizenship. José and her had driven to the US Consulate in Juárez, Mexico to expedite her petition. Unable to travel because of his unauthorized status in the US however, Fernando had stayed behind.

I headed to his home. Driving through their neighborhood seemed oddly quiet. It was early morning. The sun had risen. Tan houses with brown roofs lined the street. Birds chirped. A kitten rested by his front door. Grey. Hunched into a meditative forward posture. It slept. Tree leaves swayed with the wind. A red rose trembled, rocked upward, downward. Unleashed from a thorny vine. These were the details of an ordinary day.

Fernando would not answer the door when I knocked. I began to worry. Walking around to the side of the house, I tapped on the living room window and called out for him. I could recognize him coming in from the backyard with his unmistakable *ojos tapatíos*. It was the name given for large, black, expressive eyes, lined with eyelashes so thick they could hold a toothpick. Although people very often mistake him for a Jaliscoño (a person from the state of Jalisco, Mexico), Fernando is actually from Zacatecas. He always has a five-o'clock shadow no matter the time. He is gentle and thoughtful in his demeanor. His mirada/stare is intense, and his words are laced with keen sensibilities. He is tall and slender, a bit more than José, with jet black hair and thick eyebrows to match. He finds it humorous when people tell him he could pass as straight, “hasta que abres la boca/until you open your mouth he is told. Fernando completed high school and he has tried taking college courses at a community college, but because of money, work, and only able to get so far because of his immigration status, he had to leave that to the wayside for now. On the top of all that, he is an amazing cook and has visions of one day owning a restaurant.

This particular day, all these features that made Fernando a very good-looking person, seemed to be erased. He was anxious and somber with a contained anger as I looked at him through the window. He signaled for me to come around. Walking through the living room to the kitchen, he offered me a cup of coffee in his usual hospitable demeanor, yet angst by the recent chain of events. We were silent as he prepared and stirred. “Dime qué pasó/Tell me what happened,” I finally had the courage to tell him. Handing me the cup of warm coffee, he led me to the backyard where they once had a gorgeous and lush garden spanning the width of their home. Once a place of solace, it had failed to bring Fernando comfort when José called him telling him what had happened with Diana. He had completely demolished it. Not one single flower, plant, bush or herb was left standing. Registering my disbelief at the disarray of petals, leaves, and stems jutting through the mounds of dirt, he collapsed onto the steps and released a wail that left me utterly without words. Broken in pieces, he explained that Diana had been taken by DIF, Desarrollo Integral Familiar/National Agency for Family Development, similar to that of child protective services in the US, during their appointment at the US Consulate. The birth certificate given to them after José adopted Diana listed both him and Fernando as the parents. Upon presenting it however, to the agent at the Consulate, she found it suspicious two men appeared on it. José, explaining they had adopted Diana, the agent couldn’t understand why “a young man” would take on the commitment of raising a little girl. It was “illogical,” she told him. Unable to satisfy their series of questions, after threatening José with federal charges and incarceration, they denied his petition for his daughter’s US residency, took Diana, and

placed her in a shelter for over two weeks while they “investigated” that in fact, he had “legal authority” over Diana and the certificate was not fake. During her stay, José and Fernando were forbidden to have any communication with Diana. She was released a little after two weeks. Her and José stayed in Mexico several weeks while he devised a plan to get her back into the US again, with him and Fernando.

Many months later, after being released from the shelter and returning to the US, Diana mentioned she thought they had taken her away because José and Fernando had simply decided they didn’t want her anymore. She wanted to talk with them about what she had done so she could promise that whatever she did to merit her being “taken away,” she would not do anymore. José and Fernando recounted their profound sense of powerlessness in not only being unable to prove (or to put more accurately, make themselves believable) they were the rightful parents, but also that they didn’t have the opportunity to comfort their daughter in something that has proven to be traumatic for all of them still today. Fernando, in his feelings of ineptitude because of his inability to protect his daughter, felt trapped within the strangulating borders of the US as he navigated through confusion and feelings of cowardice. He suppressed his urges to flee to Mexico to help his daughter, while at the same time, tried to decipher the ‘right’ thing to do in this situation. José, describing how he was forced to ‘deliver’ their daughter to the shelter, struggled with feelings of guilt and shame. Having been there, he felt dejected not only in his inability to do anything that could stop them from taking their daughter, but degraded by being coerced into their bureaucratic protocol that resulted in him surrendering their daughter to the state. He was not even allowed a moment to explain to

her what was happening, he told me, “y para decirle que no se preocupara/and to tell her not to worry.” He wanted to assure her, to simply tell her not to worry; to tell her that everything would be ‘okay.’ He was denied the only words of comfort parents offer their children at times when they themselves feel powerless to intervene in any real way, and are unsure, doubtful of whether things would actually *really* be “okay”—even when what “okay” comes to mean is bartered. The rage they felt was not just for what was happening at that moment, but also for the terror to which their daughter was being subjected and for the residual effects it would have in her life and in theirs as well. “Ha sido un tiempo muy difícil/It has been a very hard time,” José said to me, “Fernando y yo lloramos muchas lágrimas al no tener a nuestra hija con nosotros/Fernando and I shed many tears in not having our daughter with us.” They feared the uncertainty of having their daughter taken away from them again; or for them to be taken away from their daughter and be left alone.

I remember Fernando being beside himself and losing the most instinctive of needs such as food and sleep. He was fraught with guilt, rage and confusion as he struggled everyday trying to come to terms with the daily decision of not leaving, resisting his urge to leave for Mexico to be in as close proximity to his daughter as possible. “Fue lo peor que hemos pasado/It has been the worst we have ever gone through,” Fernando would tell me.

With time, as I came to learn more about their daily lives and their precariousness as two gay Mexican men and as a queer undocumented immigrant family, I was somewhat bewildered by Fernando’s utterance of the emotional fatigue and trauma he not

only felt after his daughter's state abduction, but also by the affective afterlife of other violent encounters they have had with the state. What is the mental and emotional prowess required to continue living one's life after such violence, with such precariousness and banal incidents such as those recounted by José and Fernando? How does it play out in their everyday as they attempt to make a place for themselves within a country that denies their personhood?

In her posthumous book, *States of Terror*, Aretxaga Begoña (2012) makes a case for understanding "terror" not as act or an event; nor as the effect of an outside source that one can just cast aside from the socially intimate and defend oneself against. Rather, it is the product of "familiarity," she argues, brought about by living under state regimes in which the threatening violence of the state enters the consciousness. There is nowhere to hide from it or wish it away. It is a "state of being," she continues, that is characterized precisely by the ordinariness and intimacy of the "hidden terror" that is "institutionalized as a reality" in everyday life that renders the state of terror as a normal state of being. It is an "irruption" that "tears the fabric of everyday life" while "deeply immersed in the everyday order of things." Her assertions are in alignment with other scholars who warn us to not take for granted the site of the "ordinary" by looking away towards the larger violent events. In doing so, we risk overlooking the 'ordinary' as a site where violence and terror takes place (Das & Kleinman 2000; Das 2007). In the case of queer Mexican@s/Chican@s considered in this dissertation, to speak of terror then is to account for a normalized state of violence they face in the 'ordinariness' of the heterosexual and normative social world. For these reasons, I find it absolutely critical to

explore the more intimate aspects of state violence to understand how racialized sexualities influence and shape the daily living of queer brown subjects in the most ordinary of ways, such as those narrated by José and Fernando as individual subjects and as a queer immigrant family. What we come to know through their narratives is that the terror of the state has no borders and knows no boundaries in that the power of the state is experienced in intimate ways--“close to the skin, embodied in local officials [and] through practices of everyday life” (Aretxaga 2003).

In this chapter, paying attention to the continuities of time through the memories of violent encounters José, Fernando, and Diana have had with the state, we come to understand that violence is indeed not temporal or episodic but rather an internalization of those moments that continue to manifest in their lives in other ways, well past that particular *moment* of encounter. For non-white queer undocumented immigrants, some scholars argue, their precarious positioning within existing hierarchies of race, gender, and sexuality is further exacerbated in their status as “unauthorized” or “undocumented immigrants.” Their vulnerability to violence, more specifically, to state violence, is not solely based on their not being ‘legally’ recognized as a subject with rights, but that the marking of “illegality” can often times relegate them to isolated zones where the violence does not become known outside of the subject (Cantu 2009; Cacho 2012; Lubheid 1998, 2008;) In making ethnographically visible the everyday struggles of José, Fernando, and Diana, I interested in how the state produces fears and anxieties that haunt queer brown people’s lives and suspend the quotidian in a network of violence. While the previous chapters have focused on the legal discursive practices that render queer

Mexican/Chican@ subjects as already culpable and *impossible*, or invisible through its liberal grammar such as in the case of Norma and Maria Hurtado, in this chapter I focus on the experiences told by the subjects themselves to reveal the afterlife of such state encounters. In consonance with the preceding narratives and what is to follow, I begin to delve into putting the focus on the nuanced textures of subjectivities as another “outcome” that encounters with the state reproduce (Aretxaga 2003; Brown 1995; Alexander 2005). In this way, the accounts narrated by José and Fernando are not tangential from those just discussed, but rather a continuation of the same logic of heteronormativity in which sexuality is used to humiliate and punish (Puar 2007).

Clandestine crossings

José met Fernando while on spring break in early 2003 in Zacatecas, Mexico while visiting its capital that goes by the same name. José is flirtatious, as is Fernando, but more discrete. They each give subtle accounts of who initiated that first move. Ten years older than Fernando, José has greys emerging at his temples, “hilos de plata y marca de sabiduría/threads of silver and signs of wisdom,” as he proudly referred to them as we sat at their kitchen table having coffee. They outline his face, contrasting against his dark skin. He speaks softly and calmly; and he moves and walks with the same intentions as his words. His eyes are brown, at times they appear color miel/color of honey, sprinkled with green when the sunlight hits them when he turns his head a certain way. He uses his hands often to speak, so as to fill in the gaps when he feels his words are not sufficient to say what he wants to convey. He is from Guanajuato, Mexico.

That night, walking through the city, José and a friend were out for the night with the goal of finding “un lugar de ambiente/a gay bar,” to get to know the nightlife in this city saturated with colonial architecture. Unsure of where to begin, they headed towards the center of town with the hope that maybe they would run across one. Fernando was waiting for a friend when José spotted him and worked up the courage to ask him if he could recommend such a place nearby. He made some suggestions but it was too early to head over he told them, suggesting they wait until after 11:00 when it really gets going. Meanwhile, they talked and when the time arrived, they made their way over to El Escándalo/The Scandal. By the time they came out of the bar, it was late and José convinced Fernando to stay in his room instead of making his way home at such a late hour. (Or at least this is the excuse José used to convince Fernando.) He did stay. That night they stayed up until the morning talking, and well, getting to know each other. They spent the next several days together before José had to return to Arizona. By the time his moment of departure arrived, they had a hard time separating from one another. Giving their good-byes but insisting they keep in touch, José returned to Arizona. Not long after his arrival, him and Fernando picked up where they had left off via email, online chats, and intermittent phone calls. They were both surprised by each other’s responses. Both of them thought the sentimental good-byes in Zacatecas were polite gestures, but their conversations over the course of the next several months and their next encounter, proved to be something more than just gracious farewells. They made plans for Fernando to go live with José in Arizona. They had to do it quickly however, because the impending invasion of Iraq at the time seemed imminent and consequently intensified

border and immigration surveillance; thus, making it more difficult for Fernando to cross to the United States.



Illustration 2: Scene 1

But precisely on the day Bush authorized the occupation of Iraq, Fernando himself made his clandestine move across *la línea imaginaria*/ the imaginary line that separates the United States and Mexico, to begin as they describe it, their lives “como pareja y como familia/as a couple and as a family.”

Queer Declarations, Declaring Queerness

I have known Fernando, José, and Diana for many years now. We met while we were living in Chicago. José and I worked together at a community-based organization creating popular education-based curriculum for community members seeking to apply for US citizenship. One day while rehearsing for a performance several teachers had written, José brought Fernando along to lend a helpful critique of its progress. I do not

remember how it is he and I came to know about each other's queerness, but I remember distinctly his presentation of Fernando when someone asked if he (Fernando) was his nephew. "No, les Fernando—mi pareja/No, he is Fernando, my partner," he said somewhat embarrassed., Scanning our faces, he continued, "Y también tenemos una hija. Se llama Diana/And we also have a daughter, her name is Diana." José's introduction, and Fernando's reception of it, has stuck with me because it anchored their resoluteness in their claims as queer men, as a 'public' couple, and their desire for a family of their own making. With time, we began to form a friendship.

Eventually, I moved back to Texas. Wanting to be closer to Mexico because of family and wanting a fresh start, they moved to Texas as well, where we continued to maintain our relationship. By the time an opportunity arose to film their story as a queer undocumented immigrant family, I felt assured they felt comfortable in declining if they were not entirely at ease with the idea.

As I elaborated in the introduction of this dissertation, my methodological choice of filming was not by chance. Usually anthropologists invest their energy in producing texts that later become just a stack of papers somewhere in a library. If we are fortunate, we will have half a dozen people reading our work that documents the experiences of many whose lives often go unspoken. The audiovisual ethnographer helps us to expand the voices of those we decide to work with and amplify our critiques of power (MacDougall 2005; Turton 1992). Even more important in the context of this dissertation, when the ethnographer is a social activist, the film ethnography can be an important tool to advocate for those whose lives are under a permanent threat. The film ethnography,

available to the reader here, works for the sake of this dissertation as “intertextuality.” In other words, it represents yet another form of text that complements and goes beyond the traditional discourses we produce as texts, to reflect their uncertainty as a queer undocumented immigrant family.

Of course this methodology is not free from problems. Though José and Fernando were in favor of doing the film, I had reservations about using their real names and showing their faces. I was worried that at some point if the film got out, they could be found and deported. Perhaps that was my own paranoia and genuine distrust of state authorities and practices; nevertheless, I wanted to be sure they were aware of any possible repercussions considering the state of affairs with the proliferation of detention centers, policing, and forced removals that characterize Texas. We talked about experimental film options that would not identify them but that could still convey their story. José and Fernando were just being polite in hearing my concerns.



Illustration 3: Scene 2

Their minds were made up to show their identities at their fullest, “Es una forma de declarar quienes somos/It’s a way of declaring who we are,” said José. They’re not fearful about coming out in this short-film documentary, “porque la gente tiene que entender la situación/because people have to understand our situation,” added Fernando, “para que comprendan nuestras luchas como hombres gay y sin papeles/so that they understand our struggles as gay men without *papers*.”

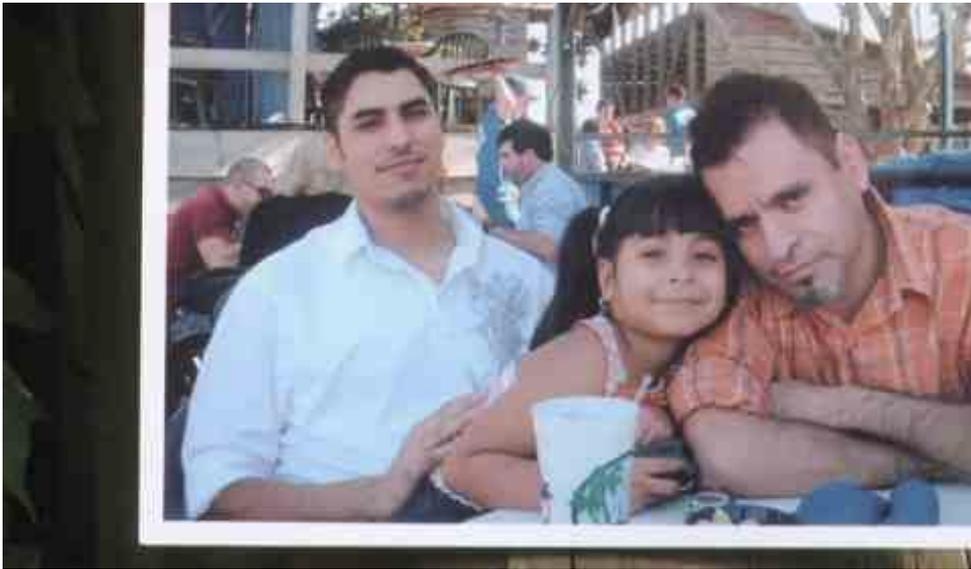


Illustration 4: Scene 3

“Es difícil vivir esta vida/It’s difficult living this life,” he continued, “no porque somos dos hombres gay, pero porque nos hacen la vida pesada por ser hombres gay/not because we are two gay men, but because they make our lives hard for being men who are gay.” Fernando shared more of his reasoning for doing the film before concluding, “tienen que respetar y reconocer nuestra humanidad/they have to respect and recognize our humanity.” The ethnography, they reminded me, was a way of queering narratives for belonging and diaspora--because as José assertively pointed out, “nosotros también migramos/we too, migrate.”

José’s and Fernando’s assertions here are exigencies for recognition and of self-affirmation not only as gay men, as they have clearly stated, but also as a queer immigrant family living in a daily state of uncertainty under the enduring regimes of the “war on terror” that circulate around representations of the U.S/Mexican border that

extends well beyond the imaginary line itself and into various social realms of making *home*. Their message is an intervention not only within mainstream immigration studies that tend to look at immigrant experiences through a heteronormative lens, as queer migration scholars continue to argue against (Lubhéid 2008, Manalansan 2003; Cantu 2009), but also within queer studies who even in the recognition of looking to the specificity of the manifestations of gender and sexuality, leave out the particular forms of subjectivities lived by non-white queer immigrants.



Illustration 5: Scene 4

Still more pointedly, their narratives continue to chisel away at queer narratives of ‘home’ and ‘belonging’ within queer diaspora studies by disrupting notions of ‘family’ and ‘kinship’ within frameworks of “the families we choose” (Weston 1991) to create. While undoubtedly an essential means of survival and *meaning-making* for queer people of color and black queer subjects, it relegates queer subjects like Fernando, José, and

their daughter Diana, to the periphery of these frameworks that tend to deny their intersecting identity and experiences, in this case, as fathers; thus, essentially reproducing and exacerbating another aspect of “impossibility” (see Gopinath 2005) for all of them as subjects. The failure to recognize them as willful subjects, however, now occurs across various spaces—including that of in the making of their own kinships. One is within the various social realms of heteronormativity within which they are not only ousted for their queer sexuality but also by their ‘failure’ to conform to normative prescriptions that are dominantly reserved for women—that is, as caregivers (Das Gupta 2014). The other is within the queer community that has them fixed within tropes of homonormative discourse that pivots them as desiring “heteronormative” ways of life. The potential outcome is not only that they are left isolated and vulnerable to the “search and destroy” (Spillers 1984) tactics mediated by enduring colonial representations that *hold* Mexicans as undesirable (Cantu 2009) and ‘homosexuality’ as contagion, but that we overlook how families of queer Mexican/Chican@s subjects are also subjugated and disciplined through normative deployments of racialized sexualities. Cherrie Moraga’s, *Waiting in the Wings*, reminds us of how the colonial legacies of racial, sexual, and gendered violence filter into the lives of Mexican/Chicano families, particularly, queer families. The story of José, Fernando, and Diana perhaps most directly illustrates the ways in which the children of queer Mexican@s/Chican@s, are also *queered*; that is, they are denormativized and made to endure the variegated forms of violence informed by the same heteropatriarchal articulations of race, sexuality, and gender as were their parents. As we can see through the other stories in this dissertation, sexuality and race continue to

manifest across time and spaces in ways that inform and shape their subjectivity in relation to themselves as well as in relation to those with whom they attempt to build their lives.

On the first day we began filming, José and Fernando had prepared lunch for Tony, the cameraperson and myself. Showing us pictures of family from Mexico and of when they first met in Zacatecas, they told snippets of stories trying to recall the dates and particularities of each photo. It was celebratory and reflective of what I would often hear from José, “un buen rato/a good time”. It is an expression that signifies a savory *moment* free of worry and concern. Diana proudly told him to show me his premio/prize hanging on the wall. José showed me a certificate with his name in bold. It was safeguarded in a bamboo frame. It hangs above their sofa in the living room across from a large-sized framing of Sor Juana Inés de la Cruz. “Esto fue un escrito de cuando conocí a Fernando-de todo el proceso en cual se vino para los Estados Unidos para reunirse conmigo; y pues ganó mención honorífica. Yo le tiraba al premio mayor, pero no se pudo. Ya por lo menos esto fue un buen recuerdo/This is for a writing I did about when I met Fernando-the process by which he came to the United States to reunite with me; and well, it won honorable mention. I was going for first prize but it wasn’t possible. At least this is a reminder.” Wiping the dust of the glass, he stared at it, content. He writes for the reasons many other writers write, for self-reflection, to put things in perspective, to organize them, “y tratar de llevar un mensaje/to carry a message.”

Queering Memory

The camera did not intimidate José and Fernando like I thought it would when we began filming. Even the most outgoing of people become inhibited at its sight, and oftentimes, the real conversations or interviews per se, happen after it is shut off. But this was not the case with José and Fernando at all. The question of where to begin did not stem from a lack of what to tell, but more so, from where to enter. Of particular interest with the telling of their story was not solely the content of what was shared. This was, indeed, crucial for coming to understand how queer lives are animated by the quotidian circuits of power that intersect with the daily living of queer Mexican immigrants. Equally revealing however, was how particular moments of subjugation were lived in the *everyday*, as well as how they were remembered and told. How the speaking of one event led, or perhaps, fused into another, was just as telling as the content. It was as if the reverberation of the words spoken dislodged another moment, another memory, another event that essentially merged time and space in an affective manner. Whereas on the surface it may have appeared as if there was no link between the conjuring of two or more seemingly disparate moments, their relationship was established through the residual effects of trauma and terror stemming from violations that were felt at the most profound level of their personhood.

Our memory is tricky. Sometimes it cheats on us. We try to remember things and they go away. Other times, it comes out of the blue. José's and Fernando's painful exercise to remember was also an exercise to forget. They forgot many moments and deliberately did not want to go back to *that* moment. In other moments they brought

about details that one would entirely forget. What their strategic remembering and strategic forgetting illustrated though, is that forgetting and remembering/dismembering are acts of agency. In their case, the act of messing around with events, shifting from here and there, now and then, was a queering of memory. By inserting themselves as the narrators and protagonists, they reconfigured and realigned time and space in such a way that revealed not only the more intricate and intimate aspects of state violence, but also their refusal to be casted out of the nation's physical and historical landscape. Through these disruptions in the processes that tend to mystify and *conceal* these acts of subjugation, José and Fernando, along with Diana, intervened in the state narratives that tend to (re)produce them, and *others* like them, as *illegal*-- as "imprudent, unethical subjects incapable of exercising responsible self-government and thus as threats to the overall well-being of the social body." Their interventions insisted on another narrative that demystified the often-convoluted processes of how racialized sexuality and gender come together to reproduce and impose 'illegality' onto, as we will see below, *suspicious* bodies.

It is not a coincidence that the theme of dismemberment is laced throughout the different chapters here. I think what José, Fernando's and Diana's narratives in some ways point to is an inversion of the mechanisms that the San Antonio Four underwent through the states violent judicial and discursive practices that resulted placing them in confinement. Their confinement, or better yet, their expulsion from the larger national *community*, reflects the different facets, methods, and logics of and for removal that the state enforces onto *some* bodies (Alexander 1994). Through the simultaneous acts of

dis/membering and re/membering however, or of manipulating the processes of erasure in order to make known those *histories* otherwise rendered invisible, their retelling of their encounters with *la migra*, represents the reinscription and reinsertion of their own bodies. Likewise, it also represents that of the collective body of diasporic queer subjects into official historical narratives while exposing the *lethality* of “normative citizenship” (Muñoz & Fusco 2000). Their “enactments of memory” (Taylor 2003) I also contend, complicate the inscription of “assimilationist” that are often inscribed onto “Mexicans”-- as if it consisted of only one identity and one community. As we will see, José and Fernando do not espouse notions of “resistance.” Rather, they simply convey the reality of their *everyday* as they carve out a space of *sobrevivencia*--a space in which they construct a life while being well aware of the negotiations they have to make as queer/Mexican/immigrant/men trying to survive, to put in José’s words, “bajo la extrema vigilancia de la migra/under the extreme surveillance by immigration authorities.

‘Suspicious’ *being*

José led me into their bedroom. Lying on their bed was a blue folder contrasting against the starkness of their white comforter. It was the kind of paper folder elementary school children use to place their schoolwork. Methodically pulling out the documents from the pockets, he laid them out in piles and with a plan in mind, “Estos son unos documentos de un problema que tuvimos yo y Fernando en el aeropuerto de Tucson, Arizona/These are the documents from a problem that me and Fernando had at the airport in Tucson, Arizona.” He proceeded to identify them: an incident report from the border patrol (Border Patrol, Report of Apprehension or Seizure, form I-44”), notice of felony

charges being brought against him (Civil/Criminal Summons from the Pima County Constables), notification letter of assignment of public defender, letter announcing their case dismissal and another for case reinstatement from the Pima County Public Defender. Included was yet, another case dismissal also warning him to “not discuss the incident with anybody,”-- neither with friends, family, and most importantly, with any law enforcement officer. It’s possible, the letter informed him, “the prosecution could be reinstated at any time during the next 7 years.” Lastly, included in his folder, were receipts from a lawyer he had hired to represent him against charges that were filed against him as a result of this incident at the Tucson airport.

Reading the ‘incident report,’ my eyes scanned the state terminology that made out José and Fernando to be the ‘criminals’ they were not: “alien’s name,” “observed two men,” “aggressive gesture,” “agitated,” “restrain,” “homosexual.”



Illustration 6: Scene 5

I could not help but draw connections with the criminalizing grammar I identified in Liz, Anna's, Kristie's, and Cassie's depiction by the state (see chapter 2). Like in their cases, the sexual identity of José and Fernando were recognized only to the extent of punishing them, not to grant them rights. As I scanned the documents, José and Fernando recounted what happened *that* day at the Tucson airport. Having previously flown from Arizona to Chicago without any problems, he began, they got confident and made plans to spend the weekend in the bay area to celebrate their one year together as a couple. They were en route to San Francisco, California from Tucson, Arizona.

They remembered the details. It was Friday morning, January 9, 2004, winter, when while boarding the plane an immigration officer stopped them and asked for their documents. Nervous. Scared. José thought, “Ya valió/It's over,” pulled out his Arizona drivers license and handed it over to the officer. The officer didn't believe he was a US citizen, said José, certain he would not have been questioned if he and Fernando had “blue eyes, blond hair, and light skin.” “Por el hecho de que somos Mexicanos-pelo negro, ojos negros, el color de nuestra piel/Because of the fact that we are Mexican—black hair, black eyes, the color of our skin,” he continued, “es lo que ustoce ‘sospechosos’/is what makes us *suspicious*.” Fernando presented his Mexican passport and his Arizona student ID card to the officer, but this was not enough to prove he was authorized (or unauthorized) to be in this country the officer told him, “No tenía forma de comprobar ciudadanía en los Estados Unidos/I didn't have a way of proving US citizenship.” Fernando told me. The officer proceeded to interrogate them at the United Airlines counter and called in to gather an “immigration history” on José and Fernando.

The officers on the other end of the phone apparently had difficulty finding any information on Fernando and in ‘proving’ José’s US ‘citizenship.’ It was taking a long time and they held on to a thread of hope thinking that maybe they could make it onto the plane after all. With the officer on the phone, still waiting, José asked, “Are we going to miss our flight?” But the officer became agitated, still waiting with the phone at his ear, and ordered José to take his hands out of his pockets. He did, but after a couple of minutes he forgot. While still waiting, he put his hands back in his pockets. “Take your hands out of your pockets I said,” repeated the officer. While following his orders, José asked, “Why?” “Because I said so,” he responded. “No me usto su respuesta/ I didn’t like his response,” José said to me, “y por coraje, volví a meter mis manos en los bolsillos de la chamarra/and out of anger, I put my hands back in my jacket pockets. This is when the officer became angrier says Fernando, and he threw José on the floor, face down. With his arm crushed and in pain, José instinctly tried to pull his arm out. The officer called for back up and while holding him down, they handcuffed him.



Illustration 7: Scene 6

“It was like I was just another spectator watching José get arrested,” Fernando explained, describing that a crowd of people, waiting to board the plane gathered around this spectacle of which him and José were at the center. “Take out the camera and take pictures,” José told him as the officers pinned him to the floor., Someone from the crowd warned him not to do it, “Because they would think I was pulling out a weapon,” pausing for a long time and barely able to speak the words, he continued, “Who knows what would have happened. I think they probably would have shot me. I’m scared just to think about it.”

Expressing feelings of regret, confusion, rage, guilt, impotency, and fear, he described what was going through his mind as he stood there trying to decipher “the right thing to do, and its possible consequences.” “What do you do,” he said? “Only the person who is there knows what its like. People might think I should have done this or

that, or that maybe I should have escaped. That did come to mind because all the officers had their attention on José.” But he couldn’t he said, “Because you see your partner being treated that way, thrown on the floor, and you feel impotent. There is nothing you can do.” It is the person who is there that feels that fear. Fernando’s energy level had gone down by this time as we were filming. I suggested we stop but he doesn’t hear me, lost in his thoughts. “Do you help your partner and risk being shot, or do you stand there with your arms crossed and,” and then as if thrusting the words from his innermost being, he asked, “¿Qué haces/What do you do?” Fernando wanted to do the “right thing” but “you don’t know what is the right thing. Do you run, take photos, fight with the officers, or do you just not do anything,” he asked rhetorically. His fear surmounted. “Not only was my fear being shot, but that I would make the problem bigger than it already was.” Fernando still thinking, still cannot answer his own questions, “I still wouldn’t know what to do,” he said, “if I was back in the same situation.” Fernando apologized, “Perdón, es difícil traer otra vez el tema porque piensa uno que ya está escondido, u olvidado, pero en ese momento sientes mucha rabia-y todavía lo siento por todo lo que tenemos que pasar/I’m sorry, its difficult to bring this up again because one thinks that’s hidden, or forgotten, but in that moment you feel a lot of rage—and I still feel it because of everything we have to go through.” Fernando believed it was him that should have been treated this way. “I’m the one without U.S citizenship, not José. He’s a U.S. citizen.” As became evident, however, José’s ‘citizenship’ did not protect him—nor his family.

With José handcuffed, both him and Fernando were taken into custody. The officer returned to the phone, trying to still obtain any “immigration history” on either “subject.” Eventually, they were moved to the TAA holding cells where they were separated and further interrogated. All the while, José insisted he was a naturalized citizen of the US and Fernando, “not wanting to make things worse”, responded “con la más verdad posible/With as much truth as was possible.” With their belongings seized and searched, the officers used the information they found as a tactic during the interrogations. Fernando, describing the interrogation, believed the officers were trying to trump up charges against José of human trafficking, for ‘illegally smuggling’ him into the country, as they put it.

“They said José had told them we were gay, a couple” said Fernando, “and that he had also admitted to smuggling me into the country to be together--and if this was true.” Refusing to answer, they asked him if he used condoms when he had sex with José. “In that moment I felt sick” he said, “and my blood pressure dropped.” He felt “sickened by the humiliation of being asked such a personal question, especially in a situation when you already feel you have absolutely no control.” He sat quietly, unable to bring himself to answer the question. They suggested he get tested for “AIDS.” He remained quiet while officers insisted José admitted to bringing him over “illegally.” He didn’t believe them, finding it strange that José or anyone else for that matter would give up so much information like that. “Nadie haría eso, dar información así a un oficial/No one would do that, offer information like that to an officer.”

The officers were finally able to confirm José's claim of US citizenship--after clarifying the spelling of his last name. It didn't matter, bonded by hands and feet, they were transported to the Tucson Border Patrol Station where they were detained. He remembered being in jail, "crying," he said, "porque sentía mucho coraje/because I felt so much rage." He was charged and booked for Assault on a Federal Officer and Harboring an Illegal Alien. Fernando was interrogated again about José and his role in "smuggling" him into the United States. José, now facing felony charges, was released thirty-six hours later. Fernando however, was processed for "removal," and placed in a holding cell--a women's holding cell.

(Un)making gender

"Fui puesto en la celda de mujeres por la situación de que ellos se dieron cuenta que yo era gay/I was put in a women's cell because they came to find out that I was gay," said Fernando, still engulfed by the rage the memory provoked.



Illustration 8: Scene 7

The officer had been telling all the officers on duty he was gay and referring to him “en el sentido femenino/in the female tense.” Explaining his resentment while suppressing his anger, Fernando explained that he failed to understand why he was treated in such a humiliating manner and placed in a holding cell with women just because he was gay. “Yo no debería ser tratado de esta manera/I should not have been treated that way,” he reflected, “Yo soy hombre y no porque sea gay, que tenga una pareja que es hombre también, quiere decir que soy mujer/I am a man and not because I’m gay, that because my partner is a man, means that I’m a woman.” He was not the only one left uneasy by his presence in the women’s cell. In a cell where you have to take care of your personal things such as cleaning yourself and sharing a toilet that is in open sight, both he and the women did not know “para dónde hacernos o dónde ponernos/Where to go or where to

place ourselves.” The women kept telling the officers to take him out of their cell. They declared the space as a space for women and they didn’t feel safe sharing the cell with a man, Fernando explained, “No las culpo/I don’t blame them.” Understanding the women’s concerns, he struggled to find the words to explain the officer’s perception and his placement in the women’s holding cell, “Yo pienso que ellos lo ven de esta manera-o sea en el sentido de que si eres gay, tienes que ser mujer/I think they see it this way—or in the sense that if you’re gay, you must be a woman.” Unsatisfied with his explanation, he continued, “Lo que quiero decir es que - ¿cómo lo digo? No se si lo ven como que los hombres homosexuales tienen que ser mujeres o si las mujeres que les gustan las mujeres, tienen que ser hombres/What I want to say is that—how can I say it. I don’t know if they see it as if gay men want to be women or if women like women, they want to be men.”

He paused as he let the meaning of his words settle as he tried to do the work of understanding the mentality of the officer who he felt stripped him of the naming of his own masculinity, “No sé cómo diferencian entre hombre y mujer, o cómo los dividen. No es que me trató como mujer, si no de que me definieron como mujer para que me hubieran puesto en una celda de mujeres. Eso fue,” he says with self-assurance, “me definieron como mujer y yo siempre me nimal como hombre/I don’t know how they differentiate between man and woman, or how they divide them. It’s not that they treated me like a woman, but that they defined me as a woman by putting me in the women’s cell. That’s what it is.” Arriving at what lies at the base of his rage, “Y creo que es lo que me da mucha rabia/And I think that’s what makes me angry,” he elaborated, “que hasta eso me quitaron-como es que yo me define/that they even took away how it is that I

define myself.” The silenced that followed floated thick in the air. The following morning another officer came on duty and upon seeing Fernando in the women’s cell, asked him why he was placed with the women. Unable to explain, he was transferred to the men’s holding cell.

But placing Fernando in the women’s cell was not an arbitrary act of sadistic officers. It in fact illustrates the state’s power to define one’s gender and sexual identity in and through violence. Ironically, the classification of Fernando as “feminine” and because of that placed in the women’s cell, was an invocation of state normative masculinity whereby his queerness came to articulate him as ‘feminine’ in the eyes of the agents. Scholars have shown how the state undoes gender through acts of terror. While it is true the state undoes gender by disqualifying and figuratively dismembering deviant individuals (Spiller 1987, Arextega 1997, Puar 2007), the cases discussed in this dissertation reveal yet another dimension of this bio-production of identities. At times the state, in recognizing the subjectivity of its victims, does so but only to the extent within which such recognition is based on his culpability and annihilation. In this sense, Fernando’s placement in the women’s cell was an act of recognizing his queerness, but only as criminal, pathological, illegal, and deportable. One can say that *the* ‘feminine’ subject is a subject that under the patriarchal state’s gaze is at once an object of desire, a site of degradation, and of annihilation. So then is the *feminized* body of the queer Mexican/Chicano. Important to note here is also the dynamic between the construction and interplay of ‘masculinity’ and ‘femininity’ as inscriptions of power in the production of, as is made evident in the cases presented here, state narratives of protectionism.

While the previous cases such as the San Antonio Four trials and the political discourse surrounding the brutal slayings of Norma and Maria Hurtado illustrate this power dynamic along the lines of gender reconfigurations and articulations (man/woman; male/female), in this particular moment of subjectivity, Fernando makes clear this power dynamic but along the lines of sexuality. In this case, Fernando's queerness codified him as 'feminine' that in relation to patriarchal masculinity, simultaneously marked him as a *site* to be dominated, demonized, punished, and exchanged in the production of state narratives of protectionism. Looking through this lens, what becomes particularly jarring is when we are reminded of how Fernando shares this experience of state aggression with his daughter, similar I would argue, to the children and the women in the previous chapters who are also usurped by the state's policing mechanisms that are used to justify the subjugation of the Mexican/Chican@ communities to which they belong.

But being in the women's holding cell, Fernando said, he overheard women talking about their children being taken away from them and he began to worry about Diana. She had stayed behind with José's mother. He had heard about families being separated because of immigration; but he found it hard to believe that because someone "si brinca una línea-les quitan a sus hijos/jumps a line, they take away their children." He knew what he had to do. As his paperwork was processed for "removal," he was asked if he had any children. Fearful they would go to his house and pick up Diana and deport her, he replied, "No." Noticing his emotional fatigue, I suggested we take a break.

We sat on the bed talking about how he was feeling about the filming process and if he felt he was saying what he needed to say. I asked if there was anything we could do

differently. I could tell he was exhausted recounting these memories. It was obvious they still provoked a tremendous amount of distress. Though I had known José and Fernando for several years now, I had not known about this nightmarish ordeal they were recounting on this day. I asked him about the pictures in his room. Everything appeared different, such as the pictures of him and José standing in front of a water fountain in Zacatecas, of José and Diana embraced on the sofa, of the three of them sitting at an outside restaurant patio, of the figurines of the Aztec gods sitting on their headboards as if watching over them, and the colognes that sat on their dresser. All of it looked different to me. It all took on a different meaning. Their belongings as minute as they may seem, all spoke to a facet of their different sensibilities—as things that provided some sort of consolation, memory, and comfort in the provocation of their senses. “Do you and José ever talk about what happened,” I asked him, curious about the mental prowess that must be sustained to maintain a relationship such as theirs in the midst of all they have endured. “It’s hard,” he responded while touching the bed cover to feel the warmth of the sun coming through the window. “The problem is that when you recall these memories, or those moments,” he continued, “it’s as if you feel angry all over again because of how helpless and vulnerable they make you feel. And well, you just want to forget about it, especially as a couple.” Looking out the window, he mentioned, “Como ahorita, la manera en la que va bajando el sol me recuerda de cuando me aventaron a Mexico/Like right now, the way the sun is going down reminds me of when they *threw* me into Mexico.” I look out the window but I don’t see what he sees.

Forced “voluntary removal”

After three days in the cell, Fernando was deported. It was a Sunday; late afternoon. I was expecting to hear about the actual removal itself, but Fernando began with another obviously burning memory of a moment. It was a grey and black-checked bag with black lining. The zipper is now torn he tells me while yanking it out from the drawer. It now held an older model of a Sony camera, but back then he used for other “valores/valuables,” such as his Mexican passport and wallet with money and pictures of family from back home. Fernando distinctly remembered it being thrown on the floor; it was discarded with all of his belongings in it as he was processed for deportation. Throwing it on the bed, he interpreted the reenactment with a discarding hand gesture. “Aventada en el piso como si nada. Es como que nada para ellos tiene valor/Thrown on the floor, like nothing. It’s like nothing has value for them,” he said, “Igual como me iban a echar a mí para Mexico, así echaron la bolsita-en el piso-como si fuera nada/ Just like they were going to throw me into Mexico, they threw my bag, on the floor, like it was nothing.” We stood quietly staring at this grey and black-checked bag. I struggled with seeing life in this object that just sat there, lifeless—zipper broken, rusted buckle, strap overlaid with dirt and grime, and a tear edging in. But like everything else in their room, its significance became clearer, “Es la bolsita del recuerdo/It’s a reminder.”

While we hear about deportations, we are never ‘privy’ to what this process of forced removal is actually like; it can only be described by those who have undergone it. Despite being deported however, Fernando was here to recount the process. “You are bounded by hands and feet placed in a van with bars and two officers,” he began explaining, “It fits (remembering himself in the van he counts) 2, 4, 6-about ten people.

You are driven to the border. In my case, it was Nogales. The van is put in reverse and backs up into an entrance wherein between railings, there is a line. This is the line that divides Mexico and the US.” Then, “como nimals/like animals,” they open the door and you step out and are untied. “Y luego te brincas la línea al lado de Mexico/Then you jump the line to the side of Mexico,” he explained, “y nomás así, ya estás en Mexico/and just like that, you’re now in Mexico.” I felt stunned and angered listening to Fernando and thought I had caught a glimpse into perhaps why he was explaining this process so ‘procedurally,’ so ‘matter-of-factly,’ and imposed my anger onto him. I was wrong however, Fernando explained it as if it was a procedure from a handbook because that is all it was for Fernando. It was indeed a procedure; and because it was a ‘procedure,’ it could be manipulated. “You must feel so angry,” I told him. “No, not really,” he responded, “other things make me angry, like what I’ve told you. This idea seems ridiculous to me. They throw me to the other side. I come back.” As soon as he found a place to stay in Nogales, he called José to let him know he was in Mexico. It was here they shared stories of what happened to each of them after they were separated at the Tucson airport. They tried to piece together how it is the officers came to know so much about their personal lives.

“Despues de como una semana/After about a week,” he said with ease, “me brinqué otra vez para estar con mi familia/I jumped over again to be with my family.

Redressing Injustice?

José recalled with some regrets not having brought charges against the officers. He walked home from jail after he was released. He lived far from where he was

detained and it was very late. It was around ten or eleven at night, but he needed to be alone. Fighting against feelings of cowardice and worthlessness, he was consumed with rage and vengeance. In the hour it took him to make it home, he sought ideas about how to regain his dignity, to redeem himself, to bring charges against the officers that had humiliated him and Fernando. He thought about reporting the officers or taking the case to an attorney. But he never did, “not because I was a coward,” he said, but because “I was scared of reprisals. I feared the border patrol officer would raid our home.”

José had good reasons to be cautious. With such discretionary power, border patrol agents can decide who is “legal,” who is “illegal,” and who should be sent to jail and face extra charges for responding to/resisting their abuses. Living in Arizona, a state known for its anti-immigration/racist policies, they had to take extra precautions. Known as the “deportation state,” Arizona has a long history of abuse against immigrants, or any body that stood outside their imaginary circle of citizenry. In the last two years, for instance, the state had deported as much as ninety-two thousand immigrants. Most recently, in 2013, they passed several laws giving border patrols the power to check and search any person they ‘suspect’ to be an immigrant, that is, to be “illegal.” Under the law SB 1070, U.S. citizens and non-citizens will be forced to “show their papers” simply for looking or sounding “foreign.” In 2015, the Arizona Senate introduced the controversial Stop Catch and Release Act, granting the state the authority to hold in custody any undocumented immigrants ‘suspected’ of having committed crimes (ADI NEWS 2015).

While Fernando's family does not live in Arizona anymore, they did live under the same regime of terror other immigrants find themselves under in that state. The option of flying as a means of transportation is no longer an option for them after that incident. As it was, José and Fernando were already cautious navigating through routes in Tucson to evade police officers—the city known to be the largest base of border patrol. After this ordeal, they were even more cautious about not running into immigration officials or other policing agents. José was consistently reminded of the *eyes* that were set upon them when he consistently pulled aside when bordering future flights. He had been “blacklisted.” They entertained the idea of leaving Arizona but the felony charges against José that had been originally dismissed, had been reinstated again and they needed to stay put until it was cleared. He hired a lawyer and the charges were dismissed—but not without being warned they could be reinstated again anytime within the next seven years. This left them more on edge. It was so intense that wandering or driving the streets of Tucson complicated the most mundane aspects of their lives. “Cada vez que mirábamos una camioneta de la patrulla fronteriza/Every time we saw a border patrol vehicle,” José shared, “luego luego se nos ponían los nervios de punta. Quedamos ariscos-pensábamos que íbamos a pegar con el border patrol que nos detuvo, que nos iba a reconocer/right away we would get extremely nervous. We were paralyzed by the thought of coming across the border patrol agent that arrested us and that he would recognize us.” They became isolated, fearful of not only stepping outside their house—but of being in it. Their home was no longer a place they could find safety and security. Fearing the immigration authorities would raid their home or be recognized by immigration officers

that saturated the streets of Tucson, they made the decision to move to Chicago where José had family. Fernando however, was concerned about having to pass through the immigration checkpoint in Amarillo, Texas, while en route to what would become their new home. José understood. Harboring the same fears, he set out to test an alternate route before their final departure to ensure they wouldn't run into similar problems: he headed up north to Utah, took Highway 70 to Denver, Colorado, and then took highway 80 all the way into Chicago. Returning and reporting a clear (enough) path, they packed up their things and made their way five months after this nightmarish ordeal. I experienced this while out with Fernando, repeatedly checking the side and rearview mirrors. When we would make plans to meet, I was also conscious of where we would meet—asking where he was coming from to calculate into my suggestions meeting places in order to more easily avoid any police.

Though they felt criminalized, Fernando and José did not believe they did anything wrong. “Yo solo entré a los Estados Unidos. No soy culpable de nada/All I did was enter into the United States. I'm not guilty of anything,” Fernando said unapologetically. In fact, under the US immigration statute, whoever enters ‘illegally’ into U.S. territory does not commit a crime. The fact that border patrol officers obsessively search for “criminal” activities that would justify holding immigrants in custody is an indicator. Unauthorized migration into US territory is an administrative infraction, not a penal one. Still, immigrants are in such a precarious position they do not argue with the arresting officers. Left with no other options—it's wrong, shared José and Fernando, that families are separated just because they “jump a line. “People do not

recognize families like ours. So we can't cross legally. We hope this will change later, but for now, there is no other option," said José. For them, as for many in this country, the border is yet another challenge, an opposing force to confront and another obstacle to vanquish.

Dianita: Terrorizing the intimate

It took a toll on their relationship and on them individually not being able to be together as a family and as a couple after Diana was taken. With Diana in the so-called shelter, Fernando in the US, and José traveling back and forth between the US and Mexico to attend to the legal issues pending with Diana, they were separated for almost two months. With José being the only one able to travel between Mexico and the US, Fernando felt useless, feeling inadequate as a father and as a partner. At times, he transposed his feelings of resentment onto José. "I don't know how to explain it. In reality, it doesn't make sense. It's unexplainable," he reflected with a sense of guilt and confusion. He just wanted to be there for Diana and for José; together as a family. It enraged him "que se han metido en algo tan íntimo. Nada es sagrado para ellos/ that they had interfered in something so intimate. Nothing is sacred to them," he shared with me. Moving through the everyday acts of living, they question if it's all worth it, but they continue to hold on to the hope that something will change. They wait for an opportunity that will open a path for all of them to stay together as a family. The fear resides not only in José and Fernando, but also in Diana.

For Diana, the memory of being so abruptly separated from her fathers had left her with fear as well. It is not something she talks about often, though she hints at the

trauma this state abduction left in her. Having been taken away so abruptly as was done while they waited for the final decision on whether her residency would be approved, the consequences of it continue to haunt her. Her fear is not so much being deported, but rather having her fathers taken from her or her from José and Fernando. It was undoubtedly a legitimate and very real concern when we consider the current statistics on children with parents deported from the United States. According to the Migration Police Institute, 25% of the US population under the age of eighteen (17.4 million children) had at least one immigrant parent under eminent threat of deportation; also, 22% of the deportees are parents of US-citizen children (MIP 2015).

This is something that haunts Diana's existence. She had been unable to sleep and when she did, would cry out in terror in the middle of the night, calling for José and Fernando.



Illustration 9: Scene 8

I witnessed the residual effects of this abduction when while filming, José encouraged her to show us the family picture she had drawn. She showed us her picture. With the image of herself with José, Fernando and their dog Canelo half their size, they stood next to one another with pointy feet and hands. Their heads were larger than the boxed bodies on which they rested upon. They stood alongside a sole blossomed flower that was as tall as them. They stood smiling under half of a bright yellow sun sitting in the corner of the page as white puffy clouds floated above them, in a section of a baby blue sky. Diana spoke of her adoration for her two fathers and it wasn't long until she began to weep. "Porque me han cuidado desde que yo era chiquita/Because they've taken care of me since I was little," she explained, "Nunca me han dejado. Me han cuidado...yo los quiero mucho...y ojalá así siga/They've never abandoned me. I love them a lot--and I hope it continues to be this way. We stood quietly with the camera rolling. Admittedly, it was an extremely awkward position to have her in full view of the lens as she navigated through her emotions. It felt invasive, intrusive, conflicting—but necessary. This was—*is--her* story. We thought about turning the camera off, but that didn't seem like the solution. It stayed on. While documenting her words, the camera caressed the image she presented, enabling her the space to be with what she had just spoken.

But her wounds were boundless and the memory was triggered with seemingly slightest provocations. On our way to the Zilker kite festival, for instance, with José's mother in the backseat, again with camera in hand, José pops a disc into the CD player. "Estas son las canciones de Diana", [These are Diana's songs] he said, and Dana Paollo (a musical artist) sings words understood and imagined through the eyes of child. José

explained they had thought about moving back to Mexico, but Diana interjected, “Yo no quiero ir a Mexico.” [I don’t want to go to Mexico] Surprised, I react, “You don’t want to go live in Mexico. Why?,” I asked her, foolishly and carelessly? “‘Cause I was in a shelter,” she said looking at her hands. Unsure of what to offer, I restated her declaration that I intended to be an affirmation, a statement of, “Sí, se entiende, [Yes, understandably] but instead, it came out as a question, “Because you were put in a shelter?” She ‘clarified, “Porque me quitaron a mi papito,” [Because they took away my daddy.] she said turning her gaze downward.

Constant Fear and “La espinita de qué hacer”

It’s hard, José told me, in thinking about Diana’s refusal to go back to Mexico as we waited for the left-turn traffic signal. He has told Diana it wasn’t the Mexican government that took her, but rather the US government in questioning the legitimacy of the documents. She’s scared to go to Mexico, he mentioned while looking at Diana through his rearview mirror. Though talking to me, it was directed at her, , “but she doesn’t understand it,” he said, “She’s scared they will take her again.” I looked at Diana as she glanced out the window, thinking, and I wondered if it mattered which ‘government’ took her from her. How does her body attempt to rationalize the trauma? To Diana, Fernando and José, it did not matter which government or which state terrorized them all. They knew there was no safe place for a queer family such as the one they had created. At times they have had the thought of just returning to Mexico. They felt doubtful and unsure at times of why they are enduring all they have endured. The ideal for José would be to live in Mexico and work in the United States. If they are

unable to remedy Diana's immigration status, him and Fernando have discussed the possibility of returning to Mexico. It would be very difficult for her to make a life for herself in the United States without authorization. It's already so hard to be a parent, to be a father raising a child—"una hija/a daughter." It becomes even harder, they said, when she doesn't have her papeles/papers along with being a same-sex family, where one of the partners is also sin papeles/without papers. I asked José what it meant for him to be a US citizen given the experiences they have had as a family. He remained quiet and answered the question from the perspective of Fernando, and then attempted to shift the conversation. Fernando pushed him to answer the question, "Te están preguntando lo que es para ti, no para mí o para Diana—de ti están preguntando/They are asking *you* what it means for you, not for me or Diana." He explained with another concern. "El temor mío es que vayan a detener a Fernando y lo echen para Mexico, y a Diana también/My fear is that they will detain Fernando and deport him to Mexico, and Diana," he answered. He struggled with the question of what should they do. Perhaps it is best if they returned to Mexico, he said, but they continued to hope that a path would open. They knew that the apparent less brutal Mexican state is but a fantasy. Safe place for a queer family in Mexico? One can just look at the statistics on 'violence against queer people in Mexico and violence against women in the country to demystify such an illusion.

Their precarious position, as neither safe in Mexico nor in the US, illustrated what this dissertation claims as the normalizing violence produced by the state. It illustrates that regardless the sexual subject's location, in this case queer Mexican immigrants, are

always/already clandestine. They bear the status of borderless/placeless subjects to the point that false oppositions such as “documented/paperless,” “citizen/immigrant,” “resident/alien,” collapse in the face of their sexual and racial alterity. Pushed by the daily and constant fear of not only being separated, but of the everyday hustle of molding a meaningful life for themselves and for their daughter, “citizenship,” as we saw with José, did not protect him or his family. It also did not guarantee a life absent of the terror that kept them moving in trying to evade the state. Stuck between reality and possibility, they are left with the “*espinita de qué hacer*/the question of what to do”—of how to create a sense of safety for themselves. They argued about it at times. Fernando wants to leave and just live in peace. He wants to just be able to be out in public without feeling like he has to constantly be looking around him, he told me. “Just driving to work,” he said, “I am so nervous the entire time I’m driving, scared of being stopped by the police.” He’s heard about the presence of ICE officers in the jails, where now, he said, “If it looks like you don’t belong here,” they can ask for your *papeles*/papers. If you don’t have them, they will take you to jail, look you up in the system, and deport you. He’s relieved when he arrives at work; feeling like he can finally breathe. He works and then it all starts again when he has to drive home.

José’ said it’s not so easy either, but you find a way, “You begin to make a life for yourself here.” “You have commitments and we always find a way to get around it all as a family” he said confidently. Fernando struggled to find *home*, “We moved from Tucson, to Chicago, and now to Austin. People call it home because we live here. But there is no freedom here either. We are gay men without papers, or at least I am. But

José is my partner, so we can't even really be a couple. If we are walking down the street, let's say, and we hold hands or one of us kisses the other—that will call attention to us. Like if a police officer sees us or someone makes a scandal because of it-or something like that—well, we attract attention to ourselves and then it comes out that I'm without papeles/papers. Pues, van a sospechar que somos indocumentados/Well, they are going to suspect we are undocumented.” For Fernando, having his family with him is what would make a home--a family that consists of not only Diana and José, but of his family in Mexico. While José is able to travel back and forth from Mexico, Fernando is unable, and at times feels his family is broken, incomplete. “Es como si tu cuerpo está aquí, pero tu alma no está. Yo quiero sentir que tengo mi familia—realmente tengo una casa aquí—pero no tengo lo que es mi familia/It's like your body is here but your spirit is not here. I want to feel like I have family. In reality, I have a house, but I don't have what you would call a family.”

Reflecting on Diana's abduction, they have found fatherhood to be something extraordinary. “Cuando te quitan a tus hijos es como si te quitaran la vida/When they take your children it's like they take your life away,” said Fernando, “Ya nada existe--es como si la posibilidad de la vida ya no existiera/Nothing matters. It is as if any possibility of life ceases to exist.” Through her they attempt to reflect possibilities. “Cuando nos la regresaron, estábamos muy felices. No sabíamos realmente lo que iba a pasar, verdad./When they returned her to us, we were very happy. In reality, we did not know what was going to happen,” they shared. “Ser padre es algo extraordinario/To be a father is something extraordinary,” José told me with a smile. Thinking that as a gay man

he would never have children, he welcomed Diana into his life, and expressed his desires for her, “Simplemente, quiero ayudar a mi hija que crezca emocionalmente, físicamente, que logre hacer algo con su vida/I just want to help my daughter to grow emotionally, physically, that she accomplish something in her life.” He expressed his unnamable fear, “Me da miedo que algo/I’m fearful that something,”—he redirects himself and after a long pause, he continued, “pero no--espero todo nos salga bien para sacar a nuestra hija adelante. Que sepa que no esta sola. Que se sienta segura en su vida, en su futuro./but no-I hope everything comes out fine so that we may build a future for our daughter. That she know she is not alone. That she feels secure in her life--her future.

Conclusion

In the time that I write this conclusion, some aspects of the lives of the persons the reader has been introduced to in this dissertation has changed. In many ways however, they are variations of the experiences recounted in this dissertation. Anna, Kris, Liz, and Cassie are no longer attempting to survive behind the prison walls, but they struggle within the confinements of the carceral state that continues to police them as they try to rebuild their lives. “Nothing can give us back what we have lost,” Liz pointed out. They work in tortilla factories, car washes, and assembly lines in trying to make ends meet for themselves and for their families while preparing, mentally and financially, for the possibility of a second trial. José and Fernando have recently married, using the law as a means by which to acquire authorized immigration status both for Fernando and Diana. “Es una estatregia/It’s a strategy,” Fernando told, as they wait to hear if their petitions will be approved, “para por lo menos conseguir un poco de descanso/to at least get a little bit of rest.” The deaths of Norma and Maria Hurtado are no longer talked about within the larger public realm. Their conditions have not changed. Their deaths are permanent and there are no historical markers to provoke public memory about the conditions that led to their deaths. Then there are the lives of those who were in the periphery, if such a place exists, of those who were also impacted by the violence encountered by Liz and her three friends, José and Fernando, Norma and her mother, Maria. There is also the afterlife of the violence that manifests in ways that cannot be entirely accounted for in this dissertation. Their experiences as brown, non-conforming/non-normative bodies,

that cannot be *disciplined*, or fully integrated into white civil society, speak to the impossibility of Mexican@s/Chican@s being fully seen and imagined as sentient beings within the racist heteropatriarchal structures that sustain it. Their pursuits for “liberation” and their insistence for *living* in their totality as subjects is often met with brutal force.

In this dissertation, I do not directly engage the notion of ‘resistance’ in the lives of the persons represented. This does not mean Liz, Cassie, Anna, and Kris were voiceless during their trials. It also does not mean that José and Fernando, nor their daughter Diana were passive or complicit in their violent encounters with state authorities. And the lives of Norma and Maria Hurtado, though ended with such brute force that no string of words can accurately capture the significance of their deaths, lived lives that cannot be defined by their last moments. As a whole, they did not speak of their everyday living in terms of “resistance,” but more so as survival. Still, the term of “survival” does not accurately reflect the depths of the everyday will of the insistence on living, in confronting the everyday with the knowing of the fragility of life. In this, I believe that ‘sobrevivencia’ (as opposed to “survival”) perhaps more accurately conveys the *everyday* forms of engagement with *life* as queer Mexican@s/Chican@s. Aware of who and *what* they are, they illustrate here in an insistence in being who they are in the midst of knowing what has awaited them and what they may continue to encounter. I’m cautious not to romanticize their lives while also not dismissing the everydayness of their struggles and survival—or, for *sobrevivencia*. “No queda otra/there is no other choice,” they would tell me. It conveys the meaning that the will to survive leaves no other option

but to confront what comes with what they have available to them—in the hope, that with time, something will change. The narratives told here are not only ones of subjugation, but of *sobreviviendo* in the midst of increasingly intensifying repressive conditions. The epilogue that follows is an attempt to highlight, or bring into sharper focus, the impact these ideologies can have in the lives and bodies of queer Mexican@/Chican@ subjects and the shifts that are made across time and space in attempting to *sobrevivir*.

This dissertation used a mixed methods and analytical approach, such as ethnography, life histories, archival research, visual representation/interpretation, and film documentation, as the means by which to investigate how the diffusion and assemblage of sexuality, gender, and race, reproduce the varied forms of violence perpetuated against queer brown people (in particular queer Mexican@/Chican@ subjects) in Texas. Likewise, these mixed methods also assisted in shedding more light and capturing the depths of their subjectivities by examining how these categories of identity are embedded in this violence and how this violence is understood and articulated. Together they allow for a more expansive understanding into how the state sustains racial-sexual dominance through the simultaneous un/making of queer subjectivities. In looking at the different sites where queer Mexican@/Chican@ subjectivities are conscripted across time and space, from the courtroom to acts of public mourning, from the airport to the home, the different methods and tools for analysis more amply demonstrate the physical, emotional, and mental violence to which they are exposed as they come-up against repressive mechanisms and structures that render them vulnerable to the state and state practices.

The focus here on state practices and queer Mexican@s/Chican@s is of critical importance as minimal attention has been given to how heteropatriarchal constructions of racialized sexualities and gender come to enduringly bolster structures of dominance within Texas. What these narratives point to is the morphing, (or perhaps extension) of oppressive violent policing structures that filter who belongs and who doesn't while legitimizing the violence it deploys to cast out those deemed undesirable, or expendable. In bringing to light the depths and reach of state violence, and by naming it as such, they shift dominant understandings of how violence is understood or discussed and surfacing the myriad ways in which race, gender, and sexuality are always present. In doing so, the violent encounters with the heteropatriarchal state and with those who invest in it, the accounts retold here shed light on how the border patrols (within the U.S. and 'outside'), prisons, sites of judicial power, the law, and institutions such as that of 'family' are not part of a state apparatus concerned with the safety of *all*, but rather an expansion of the colonial legacies intended with the protection of some and the expendable cost of *others*.

I have built on an incisive, although marginal scholarship on the state as a patriarchal unity as one that organizes heterosexual life through violence and subjugation of marginal/made-abnormal genders and sexualities. Building upon this argument, I suggest the state, in being inherently racist and heteropatriarchal not only reproduces the queer Mexican@/Chican@ subject as necessarily violable, but it also renders irrelevant, if not illogical, any conversation about redressing queer suffering from within state apparatuses. The liberal/grammar of rights, my dissertation argues, is not only unable to recognize and redress the violence committed against queer Mexican@s/Chican@s in

Texas, but also and most pointedly, the tropes of liberal rights necessitates and facilitates the reproduction of the queer Mexican@/Chican@ body as expendable.

In Chapter One I presented an ethnographic reading of patriarchal inscriptions of expendability. It situates the queer brown subject as a *timeless object* within and through state normativizing regimes. By this I mean that the queer subject is a perennial *figure* that is (re)conceived as a non-sentient being and made available to the state's repressive political projects. Here the patriarchal inscriptions imposed onto the queer body come to serve as archives that testify to the expansive repertoire of the state's repressive practices. They demonstrate not only that some bodies can never be disciplined into and within normativity, but also that their constitution as a necessarily violable site is enduringly maintained as that against which the white heteronormative community and its regime of rights is imagined and lived. The violence inflicted upon the queer brown body, I argue, cannot be understood without taking into consideration *the dialectical relation between disavowal and privilege* (Alves and Vargas 2015) that enables both the constitution of the normative heterosexual body and the degraded deviant flesh.

Chapter Two presented an analysis of the jury selection process of the trials of Anna Vasquez, Cassandra Rivera, Elizabeth Ramirez, and Kristie Mayhugh. By providing a close reading of the court trial transcripts, it provided insights into the juridical processes and legal rhetoric that produce the queer brown subject as already guilty within the Texas judicial system. I use Hortense Spiller's notion of "pornotroping" to elucidate how state bureaucracies stamps its patriarchal scriptures on the queer Mexican@/Chican@ subject. I argue that in some cases the state establishes its

domination over bodies by disentangling gender and sexuality. Undoing gender/doing sexuality is a dual mechanism by which the *lesbian* brown woman is reduced to “flesh,” that is, to a commodity, or a “thing.” Through this “pornotroping” conversion, the queer brown body is made to labor in the reproduction of the heteropatriarchal state as *she* is unable to emerge in her full personhood within the state’s legal structures. This illegibility is rendered true also in the histories of racial-sexual dominance by which the state is upheld. Illustrating the mechanisms that initiate the “theft of the queer Mexican@/Chican@” (understood as the violent severing of her *body* from her own motive will within regimes of captivity), I put forth the argument that within regimes of truth making, such as that of the courtroom for instance, queer brown subjects are reproduced as illegible subjects without rights and rendered visible only through the disciplinary technologies of the state.

An ethnographic analysis of public mourning and discourse in Chapter Three, pertaining to the brutal slayings of a lesbian daughter and her mother, Norma and Maria Hurtado, reveals the ways in which the violence inscribed onto subjects who hold multiple marginalized identities cannot be fully articulated nor redressed within the legal-judicial order of civil society. That was the case for Norma and Maria Hurtado. Norma Hurtado’s death was only made visible through state-sponsored hate crime statutes that were taken-up by mainstream ‘lgbt’ activists and by those invested in the state’s carceral regime to demand ‘justice’ on the basis of her sexual alterity. Maria Hurtado’s death, on the other hand, was essentially effaced through this same mainstream ‘LGBT’ political framework that took Norma’s sexuality as the sole site of violence. Fueled by single-

identity politics, Maria's death became merely *incidental* as her daughter's (Norma) lesbian sexuality was explained as the motivating factor for their murders. This patriarchal identity politics facilitated not only the erasure of the intersecting identity they shared as women, it also furthered the already precarious and marginalized spaces they occupy as brown/Mexican/immigrant/working-class/women in life; and came to occupy also in death. Thus, not only are their deaths rendered ungrievable within white civil society but also their lives are rendered invisible. Their intersecting multiple identities here also begin to bring into sharper focus how categories of race, class, gender, and nationality are likewise made to stand in and double as 'queer,' that is, as that which opposes what is normative within white capitalist civil society. The preceding chapters gestured towards the state's ability to resituate itself as the 'protector' of rights, people, and society through its performance of child protection and justice-seeking rituals. Here, Chapter Three, in conjunction with Chapters One and Four, demonstrates more thoroughly how "state protection becomes state violence." Through its discourse and logic of protectionism, Mexican families, parents, and their children are made to co-exist in uncertainty and share similar subjectivities—rather it be in the *cell* or the tomb. My critique here is not so much against the naive investment in the hate crimes statutes as claim for the state to recognize the queer subject. Rather, I argue that the rendering of queer deaths as ungrievable is a fundamental aspect of the heteropatriarchal logic that legitimizes the violence against those already precariously positioned within the structures of racial-sexual dominance.

In Chapter Four I argued that for some queer subjects, terror is a state of being rather than an event that suspends ordinary life. In tracing the violent memories Jose and Fernando have had at the hands of the state and regarding their most recent experience of the removal of their daughter by state agencies, I analyzed the residual effects of violence. Using Aretxaga Begonia's concept of *state terror* as a state-of-being, their narration of these memories illustrates how the *knowing* of this violence informs their subjectivities on an everyday basis as two queer/brown/Mexican/immigrant/men. Their recounting of these events demonstrates the intimacy of state violence as they not only attempt to keep their family together under the extreme surveillance of 'homeland security' that targets them as Mexican immigrants, it also depicts the nuanced ways in which they attempt to circumvent the state's control while attempting to sustain their dignity as individuals and as a family. Similarly, as in Chapter Three, Chapter Four also demonstrates how queer gender and sexual identities are lived as relational to other social roles the subject plays as father, mother, or caretaker. These roles render their bodies even more vulnerable to be taken-up as sites for state intervention.

The chapters focused on that moment of encounter when racial-sexual dominance is forcefully announcing its presence upon the lives of queer Mexican@s/Chican@s whose sexuality and gender, as well as race, are not within the scriptures of normativity. Through those accounts, my aim was to make ethnographically visible how intersecting categories of sexuality/gender/race are taken-up within various sites to reproduce the queer Mexica@/Chican@ body as a site of degradation. The analysis was narrated from that *moment* of encounter within particular sites that were locatable (courtroom, airport,

border, and so forth) or of the point of contact per se, in which they were inscribed with patriarchal scriptures of expendability. Thus, they pointed to the significance of that moment. In the epilogue that follows, I am interested in turning my attention to the affective remains of such encounters through the story of Joey, a queer Mexican man who has struggled to fully embrace her identity as a gay man. His story does not easily locate or identify any particular 'site' of subjugation—except maybe only that of *time* infused with heteropatriarchal ideologies that complexify Joey's desire to come into his full personhood as a gay Mexican man.

EPILOGUE

...haunting is one way in which abusive systems of power make themselves known and their impacts felt in the everyday life, especially when they are supposedly over and done with (slavery for instance) or when their oppressive nature is denied (as in free labor or national security). Haunting is not the same as being exploited, traumatized, or oppressed, although it usually involves these experiences or is produced by them. What's distinctive about haunting is that it is an animated state in which a repressed or unresolved social violence is making itself known, sometimes very directly, sometimes more obliquely.

Avery Gordon, Ghostly Matters

Avery Gordon's words are particularly compelling in that she amazingly captures a seeming void, a seeming absence filled by a string of words that would otherwise make the confounding effects of historical traumas and colonial legacies difficult to locate. 'Haunting' is able to capture or hold long enough the affective remains of these histories that rationalize the deeply settled violations, or losses, that turn against themselves—or are dismissed through narratives that further isolate person from themselves as the 'shame' felt is in itself something to be ashamed of.

Joey's story as a queer Mexican man, who is HIV positive, isolated from family invested in the heteropatriarchal scriptures that inform everyday life, and who has been in violent interpersonal relationships, is not so different from the accounts documented in this dissertation. His story is a means by which to think about how, as I tried to point out in this work, queer subjectivities are informed in the everydayness of heteronormativity.

His story is not one of resistance, but rather one of *sobrevivencia*, that I believe pushes us to ask how we can understand his story within the context of the structures, processes and mechanisms I discussed. The violations he has endured as a queer Mexican subject is not of a different making from the previous stories recounted here. Rather, I believe they are an extension of them—and one that I was able to witness intimately through my longstanding relationship with him.

* * *

Joey and I were sitting out on the terrace just talking about whatever came to mind after meeting with some friends for dinner. He suggested going to my house to give the food some time to settle before meeting up with them again. “It feels good to just sit here doing nothing,” he said looking up towards the sky, letting the light of the moon shine on his face as if the sun. He was particularly subdued on this night—rare for Joey, especially since it was him we were celebrating. It was his “fifty plus” birthday as he called them once they reached a certain point. Joey and I had known each other for many years now. Time ran by his binary timeline, “Before my HIV,” and “After my HIV.” It was before his HIV we met. And for the past four years, he had been making more frequent visits to the hospital. Each time not telling anyone until he was “better.” “I just can’t deal with anyone else’s drama,” he would say when I would suggest he at least call his sister. Most recently he had and she came to visit him, leaving with him a few family photos he now carried in his phone.

He flipped through a handful of pictures. For each, telling me of a memory that image provoked in that instance. They were beautiful photos of him growing up in

Mexico. In some he was sitting in his uncle's small fishing boat guiding the motor, swimming in a river with his oversized white underwear, hitting a piñata—though it was hanging behind him, or holding an oversized chocolate rabbit a neighbor had given him for his first Easter after he and his family emigrated from Mexico. In most of the photos was the dimple that forms on the tip of his right cheek when he smiles. None of them went past his childhood—with the exception of the image he had saved as the wallpaper on his phone. Flickering away as he ended the slideshow, I caught a glimpse of a man I thought I recognized. “Is that Tim,” I asked him? It was he confirmed turning his phone on again. I had met him briefly at his sister's high school graduation many moons ago. They had met during one of Joey's weekend travel ventures. Joey had moved to be with him though he had not told anyone that was the reason. His silence during those years was coming back to me. After he moved, we didn't hear from him much anymore. He became distant and was suddenly “very busy.” So “busy” in fact, calls were hastily returned, visits were discouraged, and conversations were often rushed. I reminded him of it. He apologized. “We lived together for almost five years,” he told me, “But not many people knew about it.” I was utterly surprised. “But why not us,” I thought to myself. I knew Joey could never fully embrace his queer sexuality, but in our relationship, he openly claimed it, along with some close friends we shared. As if reading my mind, he began to talk about a chain of events that for him, led to that silence and to that “shame” that had settled so deep he kept even Tim's death buried along with it. He had died from pneumonia in 1994 I came to find out. Joey didn't tell friends about his death. Nor co-workers. Nor family. No one. Only those very few who knew of their

relationship tried to be there for Joey after Tim's death, but he didn't want anyone around, he told me. "He died and that was it," he said sorrowfully describing some of the details of the memorial service. He characterized the daily routines that followed, muted by his own grief and as I later came to understand, by the potency of the everyday aggressions he felt "for being gay," as he would put it. With time, he moved back to Texas.

"But I'm doing okay, now," he said, trying to dissipate the heaviness he was often discomfited by, "I see myself differently now." Asking him in what ways, he began explaining, "With what happened to me. For a long time I was trying to catch up to myself. Every single day was just about that. Catching up. Catching up," he repeated still some more pounding his fist into his hand, "Trying to mend time." He was exhausted he told me. Extending his extremely thin, muscle-less arms out at his sides one by one he says, "I was trying to get from here to here. All this in between had been carved out" he said motioning with a swirling emaciated hand. "Hueco/Hollow," he went on, "That's what it felt like," he said as if coming to a near realization. Still today when I think about how his long struggle with HIV has made its claims on his body, the image of his frail and angular frame takes on a profound significance in listening to his characterization of himself in time as 'hollow' or as "hueco," to use his word, particularly after coming to know more about Joey.

As Joey continued to tell his story, I was struck by the "now" that Joey pointed to, by the "here" and "here" in which the distinction was only marked by his arms, each extended on either side of his body to confine time, while positioning himself at its edges.

Time merged, a “here” that was a past and a “here” that was a present. But for Joey, this merging of time was fused by the injury and pain he experienced throughout his childhood into his adulthood, and that consequently fragmented Joey’s sense of self, as he alluded to in the “catching up.” “What happened” in the in-between that Joey described was not a single event as I was originally anticipating when Joey made reference to it, but nor was it a multitude of events. It was the afterlife of those series of ‘events’ consisting of violations that he came to talk about, that accumulated into a single ‘event’ that dictated and informed so much of Joey’s subjectivity. Loss is “what happened” to Joey. Loss is what was mediating this space of the ‘hollow’ within which Joey was trying to mend his self. It was loss that bridged the two points he indicated while the feeling of *incapacidad* caused by the violations, left a sense of being hollowed out for Joey, making it difficult for him to claim a self of his own making. This is how violence works. This is the afterlife of violence that goes inward and does its work from the inside, outward. It manifests materially and psychically. Its interiority over-determined Joey’s subjectivity as a gay/queer Mexican man, as it similarly did other queer Mexican@s/Chican@s who have endured different forms of daily aggressions within a society disconcerted by dissident sexualities. These losses, I believe, give ‘sexual violation’ and “sexual violence” a more expansive understanding and meaning for how violence is experienced and deployed along the lines of sexuality, race, and gender. Likewise, they shed light into how ‘sexuality’ intimately extends into the many realms of our lives, thinking it is not present, or that it is only present in the ‘bedroom.’

But in recognizing sexuality as an identity and not just a practice, the lives presented here also illustrate how it comes to play out in the lives of queer Mexican/Chican@ subjects as in relation to others as sisters, brothers, mothers, daughters, sons, fathers, and many other roles intersected on a daily basis. To a large extent, it seems normative sexuality works in similar ghostly ways, such as whiteness. Its underpinnings of heterosexuality and heteronormativity become invisible, imperceptible to the normalized eye, and indiscernible in its reach and its normalization as an organizing principle within variegated formations of violence. It is not until we isolate it and turn our attention towards normalized sexuality and patriarchy that we maybe come to an understanding of the extent to which and how racialized sexuality texturizes and informs the living of the everyday.

Loss, as also seen in the previous chapters discussed here, becomes a norm for queer subjects, and exacerbated for non-white queer person. It is an intimate knowledge. Loss of freedom, loss of family, loss of life, loss of love, loss of security, loss of certainty, loss of safety, loss of family, loss of lovers, friends, loss of self. And while I don't want to turn this into a narrative of 'resistance,' I feel compelled to claim loss as an inevitable site for finding one self, not as a point of arrival, but as a process of becoming in the move towards a realization of desires and an envisioned self.

Simply wanting to *be*

"Why can't we just be gay," Joey said to me. Unsure of what I understood is in fact what he meant, I gestured for him to explain. "Why can't we just like to be with men? As men--why can't we just like to be with men," he said as if grappling with the

poignancy of his own words. “Why does our being gay always have to be because something happened to us,” he explained. Joey referenced an episode of the Jerry Springer show he came across one day when flipping through the channels. “They had these men talking about being gay because they had been sexually abused. As if that’s why they’re gay,” Joey said lividly. It’s implications, as understood by Joey and other queer subjects I spoke with, provoked feelings of anger. “To say that I’m gay sounds like I’m saying it’s okay that happened to me. And it isn’t,” he said. He was not alone in his feelings of indignation towards these narratives that pathologize queer agency. Other participants in focus groups and interviews in some ways referenced similar concerns, regardless if whether they had experienced such violence. “The point is,” a queer Chicana in a focus group responded to another participant voicing a similar concern, “that that sort of talk takes away any power in choosing to be who we are. I don’t choose to be a queer Chicana, but I choose to put it out there. I’m not going to hide it. Why should I? So yeah, I choose--I choose to put it in their faces. I’m not going to let that sort of talk dirty up what I have to give-- or what I get in return.” But for Joey, as he came to explain, it did come to inform many of the “choices” he came to make. Feeling conflicted, expressing concerns over *how* he “should” feel, his feelings of shame were intensified and exacerbated by the shame he in turn felt for not feeling how he thinks he should feel as a gay Mexican@, “I should feel good about who—about what I am,” he said with the tone of a scolded child. I wondered if ‘who’ and “what” were interchangeable for Joey. But the more he spoke, it seemed there had been no split between the two, the ‘who’ and the ‘what’ as a state of being and as an identity came to

signify the same for him. For him, both had to be repressed, annihilated. “Tired of being sick,” he emphasized while making reference to his developing health problems, they were now to be confronted, self affirmed. “I want to live” he proclaimed, “I want to feel good about what I am. About being (pause) gay.”

Joey described to me a scene with disturbing detail of the moment at which he has marked as the conversion point of his “HIV status”—that is, when he ‘became’ seropositive. Instead of recounting those details here, I focus on the point he wanted to convey in the recounting of that particular incident. It was not so much the actions undertaken, but rather the intention and ‘reasoning’ behind those actions that he wanted to bring across. “I was relieved when I found out about my HIV,” he said to me, “It was just a matter of time before I got it, so when I was there [. . .] I knew what I was doing. So I just said fuck it. And just let it happen.” Others have written about men who have sex with men and self-identified gay men, who in the seeming inevitability of contracting the human immunodeficiency virus (HIV), particularly because of their queer sexuality, predisposed themselves to ‘risky’ behavior by not taking the precautions to reduce the risk. Some scholars/activists who have written about this point to the internalization of ‘homophobia’—decontextualizing the subject as if living in isolation, while others offer a more critical understanding that points to societal expectations of racialized masculinities that interfere with taking measures to reduce the risk of transmission between men who have sex with men. Still, some have also discussed that others, once contracting the virus, took it to be a form of punishment for being gay. This is what Joey believed. “I thought it was punishment for being gay. Something I got to keep me from having sex

with men,” he told me. More recently he mentioned that while he no longer believed it to be punishment, he made the decision to not have sex--it had been almost five years since his last “encuentro.” Responding to my look of disbelief and perplexity, he “gave it up” in exchange for “forgiveness” he said, to get right with himself. Forgiveness from whom or (for) what, or for how long, he didn’t say. Intuitively, I felt I should not ask. We moved on.

I was thrown aback by how much I did not know about Joey despite the history we had between us. Previously, he expressed little interest in doing any ‘interviews’ with me for my dissertation research. “What are you trying to get out of me that you don’t already know,” he responded. Appearing uninspired by my intentions (and my response), he dismissed my ‘asking’ by instead directing my attention to the man sitting across from us while at the vet clinic. “If you can bring that bear to me,” he said in a loud whisper, “I’ll sing like a canary.” Having overheard Joey, the large bearded man was rattled, and pounded pets on the back of the oversized creature sitting on his lap. Myself, I was disturbed by his “canary” comment and offended by the ulterior motive he insinuated. With one sentence, he managed to denormativize the space while at the same time shutting me down. Unknowingly however, to himself (perhaps) and to me, I later came to see in reviewing my notes, Joey essentially set the terms by which this interview would happen. His deflection was not a refusal, as much as it was an insistence on self-crafting, and more so, on self-preservation. Pointing to a series of moments of which and how Joey chose to talk about in his life on that night, his flow of the telling, his narration was a theorization of his own making, of his personhood, of how he wanted to tell his story.

Indeed, there was so much of what I did know about Joey, but I wanted to grasp a deeper understanding about him and his life as a gay Mexican@ who struggled to reconcile his queer identity, despite his deeply felt desire to come into congruence with himself. While Joey had yes, shared aspects of his life with me, he was cautious in not delving too deeply. I understood. It was a well-known characteristic of Joey, amongst his friends and family. His deflection in the vet office, and his choice to initiate this conversation on the terrace that night, were gestures of constructing a self, or a reality, he himself could engage. Or as can be more poignantly referenced by Omi Osun Joni Jones at the beginning of this dissertation, to “assert a reality” that had been fragmented and denied-through time and on the body.

Death unwelcomed

I saw him through a crack in the door; a skeletal brown figure standing at the foot of the bed, changing out of his hospital robe into his regular street clothes. Pulling the robe off his body like an onion peel, Joey moved slowly, with intention and concentration as he slipped his shirt on. Feeling I had intruded, paralyzed by the sight of Joey’s emaciated body, I contemplated if rather I should step in and allowed myself time to grasp the sorrow I suddenly felt at that moment. Another part of me wondered how his legs managed to hold him up. He was being released from the hospital after spending almost two weeks there and transferred from ICU (intensive care unit) to a “regular” room after taking himself in for collapsing while walking to the bus station. It was a myriad of health issues that when I asked him finally, what the doctor told him upon his release, Joey didn’t know, so he said. But more than likely, he didn’t want to talk about it. It was

too much for him to hold. It was typical of Joey. Noisily opening the door to warn of my intrusion, he greeted me with a beaming smile, “Death not welcome here today sista.” He continued getting dressed. “Look at me,” he said pausing to look at his nails while struggling to button his pants because of a tremor in his hands, “this spa has me looking like I just dug my way out of the trenches.” Metaphorical. He grudgingly accepted my help. Driving him home, I offered to drop him off and then make a run to buy groceries. No response. Upon arriving at his house, we got him situated. Prepared a spot on the sofa with his favorite things within easy reach—newspaper, remote, Ipod, toilet paper. He asked me to stay as I gathered my things to head out to the store. He didn’t have an appetite he told me. He just wanted to close his eyes in silence with someone else in the house. I sat trying to focus in on a book and discomforted by the stale silence.

In the materiality of aesthetics, Joey’s taste is indeed quite fabulous. Its presence is announced with loud colors, avante-garde themes and artistry, overwhelming in their rambunctiousness, and almost revolting in its assertions; but take away all that, and you just had Joey. There was a contrast between a Joey that emitted the fabulousness into these objects, and then, there was that Joey that lay sleeping on the sofa, contained with/in these emissions of the fabulousness with which queer bodies and lives are often portrayed. Missing often in that discourse, are the refractions of uncertainty and precariousness that the iconic emblem of the high-hanging disco ball also casts. This was Joey as vulnerable. Tired. Scared. Haunted. Lonely. Quiet. Surviving. Too tired to present otherwise—but nevertheless, hopeful. Insistent.

Joey lived in the basement of a house he was renting from an ex-boyfriend. The apartment had the bare necessities—a bedroom, living/kitchen, bathroom, and a room that could have easily served as a small bedroom, but instead served as his closet. He had scattered portraits he had drawn of friends and sketches of buildings from trips he had taken; yet he had no actual photos of family or longtime friends. (Perhaps this is why his sister had given him some photos.) Joey loved to go “dumpster shopping” as he called it, and would often create splendid art pieces from the things people would throw away. But I would rarely see these pieces in his home for long. When I would ask him about them, he would just say he got tired of looking at it, so he would throw them out. His apartment exuded a feeling of isolation. Stillness. And the wall he had completely covered with crosses made of wood, stone, toothpicks, bottle caps—reminded me of an aunt’s home who in sensing my fear of ‘the wall,’ would tell me not to fear, because it would protect me. I often wondered what I needed protection from to warrant so many crosses. I thought the same for Joey, what was this wall he had created. In this sense he was quite fabulous, but the affective provocations of his apartment, seemed disconnected from Joey himself. Sometimes when I would visit him, his drawings would be perched along different areas throughout his bathroom. He didn’t have very many, but enough for me to notice when they were on display and when they were not. When I asked him in passing one day why at times they were out and other times put away, he told me he could have been an architect, but his father wouldn’t sign the financial aid papers to help him get into the college a high school teacher was helping him get into. “Sometimes I

can deal with how my life might have been different had I gone to college, other times I can't," he said, "So I take them out and other days, I just tuck them away in a drawer."

Joey was a hairstylist for over twenty-five years. Eventually, he grew bored of it. He stayed with it however, until he was fired after missing too many days because he was sick. It was good timing he says, his body could no longer take the physical stress of being on his feet all day, arms raised, cutting people's hair. After several months of worrying how he was going to pay rent, he was given a job as a cashier at a convenience store. Paid minimum wage, working thirty hours a week, Monday through Friday, he believed it was the perfect job for him. As I write this, his work hours have decreased to twenty hours week, because its physical demands are beginning to be too much for Joey. "My boss loves me," he told me, "He lets me sit in the small lobby area when we don't have customers." I worry about him and struggle to swallow the ball of tears that formed at my throat.

Joey's ownership of his HIV, as we came to hear in his statements is significant, as are their autobiographical markers that divides his life in segments of two, the "before" and "after" of "my HIV" as I previously mentioned. While the AIDS epidemic has come to serve as a historical marker within the queer community (as if there's only one) as a 'before' and 'after' that changed the lives of the queer community, and more specifically, the lives of gay men of color. More recently, the changing demographics of HIV transmission and AIDS related deaths serves as another marker that speaks to its emergence in the non-gay/queer community, particularly amongst women of color and communities of color in general. Nevertheless, contrary to popular belief, it is far from a

thing of the past as many continue to struggle with living with HIV/AIDS. And still more recently, newer and ‘more’ effective treatments for HIV and accompanying illnesses have in many ways erroneously signaled to its erasure and as ‘controllable’ and no longer an issue within larger communities of color. Missing from these dominant narratives however, are the looming effects of not only living with HIV, but of the dominant narratives about sexuality and gender expectations and its daily aggressions that come to manifest on the bodies of queer people of color. Joey’s emaciated body was a testament to it. Narrowing this lens to focus on Joey, the progression of his HIV from asymptomatic to symptomatic served as yet another marker, provoking a mournful reflection on his own life and the consequences of HIV, and making visible possibilities to carry out his desire to “live”—even if just fleeting ones.

But Joey’s desire to “want to live” is not a romantic notion. That is, if we wanted a romantic reading of his life, we could present it as one where Joey has moved through the ‘darkness’ of the violations and daily aggressions he experienced throughout his life. We could offer narratives of how he transgressed and overcame those dominant narratives that queers of color counter (constantly) and the structures of ‘inequality’ that are toppled (only to see the other one standing behind it.) But this is not the reality for Joey, at least not all of the time. What Joey’s story comes to illustrate is the complexities of attempts and desires to want to claim and come into full personhood as a queer Mexican@. Joey’s ‘counter-narratives’ are not expressed in terms of embracing his queer sexuality or of overcoming those dominant narratives that created the conditions by which his body became a site of violence, nor of those that told him ‘he deserved it.’ In

fact, Joey recognized the irrationality of these narratives, yet he struggled to divest in them, further contributing to his already existing sense of ineptitude, and 'shame.' What Joey's story points to is the depth of the violations his body came to bear; so deeply settled and ingrained that mere recognition of its effects, or even the deeply felt desire to remedy their enduring afterlife, is insufficient-at times.

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