I wish i looked like matthew shepard
I heard rita hester say
Because maybe then my neighbors would have helped me as I screamed for my life,
As I called out for help
From someone, anyone—as this man stabbed my life away. . .

—Yosenio Lewis

LEARNING FROM THE DEATH OF GWEN ARAUJO?—Transphobic Racial Subordination and Queer Latina Survival in the Twenty-First Century

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On 4 October 2002, Gwen Araujo, a young transgender Latina, was brutally murdered by three men she considered her friends. Unlike the death of Matthew Shepard, Gwen's death attracted very little media attention. In an attempt to account for the erasure of queers of color within the United States, this paper examines the intersections of racism and sexism in the media and the legal system. It argues that the intersections of racism and sexism produce a particularly toxic climate for queers of color, especially queers who cross gender lines. It concludes with a brief examination of resistance on the part of Araujo's family and of regional transgender activist/education organizations. [Key words: Queer, Hate Crimes, Gwen Araujo, Transgender, Critical Race Theory]

"Una joven creativa, *llena de vida, divertida, platicadora y con una eterna sonrisa."* This is how Sylvia Guerrero described her daughter to *La Opinión* in April 2003, almost a year after her brutal murder in Newark, California (Martínez 2003). Gwen Amber Rose Araujo was born in 1985. Her birth name was Eddie, but as she grew up it became apparent to family and friends that "Eddie" was a misnomer. She played with dolls; she wanted to be pretty. When she was in the eighth grade, she told a girlfriend that she was different, that she really was a girl. She gave her a ring—silver with bubbles on it—and asked if they could be best friends. Her girlfriend never took the ring off, even after the murder (Moser 2005).

When she was fourteen she asked her family to call her Gwen—after Gwen Stefani, and so they did. Her mother promised her that after she was able to have sex reassignment surgery, they would legally change her name (St. John 2004). Her family was accepting and supportive of her, even when they did not quite understand. Sometimes they used the wrong pronoun, but they kept trying. Her school was less supportive. In fact it is outside her family that she was most unsafe. Her mother asked that bathroom accommodations be made for her at school. The school refused. Students began to harass her; eventually she gave up and dropped out (Califia 2002; de Sá 2002; 21–22; Moser 2005). Gwen continued to dream of growing up, having surgery, and becoming a makeup artist (Califia 2002). But before she was able to have the surgery she was killed, beaten to death by three men, so-called friends, all three of them five years her senior. At the time of her death, Gwen would have been a senior at Newark Memorial High School; her former campus had been getting ready to stage a production of *The Laramie Project*. Her girlhood friend, still wearing

her ring, was in the play (Lee 2003; Moser 2005).

Gwen was a transgender youth, murdered by young men from her own neighborhood. Her death sent a message to all of us who are queer, but especially to those of us who are queer and Latina, queer and raced, queer and mixed race—we are not safe—even when loved and embraced by our own families, as was Gwen Araujo. We are not safe in the streets, in our schools, in our own hometowns.[1] Her death also sent a frightening message to many of us in queer communities throughout the country—there are shades of queer. Gay and "just like you" and transgender and "could not pass for you if my life depended on it" remain at two very distinct ends of the queer spectrum.[2]

How is it that in the twenty-first century a young Latina could be murdered by friends, young adult white and Latino men whom she had dated and with whom she had socialized? Why is it that when Matthew Shepard was murdered, vigils were held throughout the United States, although when it comes to most violent crimes against queer people, the media or the larger U.S. public pay little attention? What is the relationship between gay and transgender, white masculinity and brown masculinity, and how do these relationships work together to create unsafe spaces for transgender Latinas/os? In this article, I will address these questions by placing the life and death of Gwen Araujo in a larger context of social and legal discourse about race and gender and by mapping the structural subordination of queers of color through the specific institutions of the media and the law. The answers are partial because we do not yet have the resources to remedy the underlying problems. As suggested by Emma Pérez, we are in a decolonial rather than a postcolonial space (1999, 2003). Thus, I will examine newspaper accounts of

hate crimes as well as court decisions where violent crimes against transgender people of color were prosecuted; I will engage in what Deena González has termed "reading against the grain" in order to open up glimpses into the historical and lived realities of transgender Latinas in the United States (2003, 15).

Queer Chicana Studies

This is a Queer Chicana Studies project.[3] Those of us who engage in this scholarship know that it is, out of necessity, very interdisciplinary. In her work, *Female Masculinity*, Judith Halberstam labeled her methodology "queer," making use of historical survey as well as textual criticism, "betray[ing] a certain disloyalty to conventional disciplinary methods" (Halberstam 1998, 10). Queer Chicana methodology is all that and much more: reading against the grain, disloyal to conventional disciplinary methods, and overtly oppositional—making strategic use of multiple methodologies to meet the multiple challenges of our lives (Sandoval 1991). Thus, in examining the death of Gwen Araujo, I build on work about predominately white gay and transgender persons, Chicana feminists, and scholarship by queer Chicanas/os-Latinas/os and other queers of color, on work that addresses American masculinities (brown and white), and on Critical Race Theory—especially LatCrit scholarship.

The recent scholarship of José Esteban Muños, David William Foster, Catrióna Esquibel, and Horacio N. Roque Ramírez contribute to the discursive space of Queer Chicana/o Studies. While most of these recent works are primarily literary (with the exception of Ramírez), they also demonstrate the necessary interdisciplinarity of our scholarship. Those texts that build most directly on queer Chicana/o literature and performance also draw in very concrete ways on

the foundational work of early Chicana feminists. Scholars such as Muños and Foster who utilize white queer theorists stand on the same Chicana feminist foundation.[4]

This Queer Chicana project is also influenced by white L/G/B/T Studies, in part because I first began to excavate transgender histories when only those studies were available, and in part because of my own subject position—as a mixed Euro/Chicana who can pass for white, who is masculine and lesbian but not transsexual—much of the literature spoke to me.[5] To date, I find much of this literature useful, particularly those works by or about working-class white transgender persons in which struggles for economic survival hold some commonalities with those found in queer Chicana/o literature. To a large extent, I build on the work of Leslie Feinberg (1996, 1998). Like hir book *Transgender Warriors*, this project is a work of excavation, telling the story of one young woman who struggled to survive in the hetero-patriarchal world of the early twenty-first century.[6] Like Feinberg's *Trans Liberation*, I hope to theorize this life, to learn something from the struggles of this young woman that might aid me and other Chicanas/os in our daily survival because we do not fit into the dominant gender categories. While Feinberg's scholarship is central to this article, other authors addressing white transgender experiences also produced critical texts that make it possible for my generation of queer scholars to do the work that we do, including Patrick Califia and Halberstam in their bold theorizing of the functions of transgender lives and realities in the larger, dominant U.S. society (1997).[7]

Yet it was Louis Sullivan's monograph of Jack Bee Garland (Mugarrieta), which introduced a larger reading public to a history of a transgender person of Mexican descent. While Sullivan's work, like so many twentieth-century transgender studies, was largely biographical, it mapped the socioeconomic

struggles of a transgender Mexicano attempting to survive in post-Invasion California.[8] While Jack came from a professionally-employed family, at the close of his life he survived on the earnings he made as a newspaper writer and on the charity of friends. Upon reading Sullivan's work, I was left with the questions, "How did Jack's ethnicity affect his gender?" and "Did his ethnicity affect his interactions with the increasingly white California population?" These questions were not answered in his text, but the monumental task of excavation he achieved made it possible for me to ask them (Sullivan 1990).

A queer Chicana methodology is only possible because of the groundbreaking work of Chicana lesbians who, beginning in the 1980s, produced seminal works that directly addressed constructions of masculinity and femininity in Chicana/o and white cultures. As the publication of *This Bridge Called My Back: Writings by Radical Women of Color* (Moraga and Anzaldúa 2002) made readily apparent, this literature was not developed overnight: it was part of a longer tradition of Chicana resistance literature (Esquibel 2006, 3–21). Yet it was in the 1980s that such literature found publication, sending lifelines to those of us who were just discovering L/G/B/T studies and assuring us that there could be more to life and literature than the white-normative texts that had made their way onto so many of our shelves. Of course, the work of Cherríe Moraga was groundbreaking in this sense. As another *güera*, her work spoke to me, not only negotiating my own race privilege, but in naming intersections (1983). The axis of race, sexuality, class, and gender that so many of us now take as a given—a necessary starting place—was mapped by the bold pen of this first generation of overtly queer Chicana and Latina writers; Anzaldúa, Moraga, Castillo, Trujillo, Ramos, and Alarcón carved out

a space where we could imagine ourselves, in the flesh, and then move on to critique those other spaces in the dominant society and our own communities that would make us invisible.[9]

The queer Chicana methodology I engage also utilizes tools and scholarship from Critical Race Theory (CRT), a field that in the late 1980s emerged out of the larger field of Critical Legal Studies and began to address intersections very similar to those addressed by Chicana and Latina lesbians.[10] CRT sought, and seeks to analyze, understand, and explain "how a regime of white supremacy and its subordination of people of color has been created and maintained in America," especially the relationship between unequal social structures and dominant ideological claims such as "equal protection" and also to change the relationship between law and racial power (Crenshaw et al. 1995, xiii). While Kimberlé Crenshaw, Derrick Bell, and Richard Delgado were at the fore of this movement, both Francisco Valdes and Darren Leonard Hutchinson have now extended theories of intersectionality to engage the lives of queers of color. Hutchinson's work remains critical to studies of intersectionality because he addresses the very specific and unique ways that communities of color have been sexed and gendered by the dominant U.S. culture. He demonstrates the very different discourses that emerged regarding racialized black bodies in relation to U.S. slave and capitalist societies, in contrast to those surrounding racialized Chicana/o bodies and the U.S. Invasion of 1846–48 (Hutchinson 1999). Hutchinson also calls for a scholarship that addresses the ways that raced bodies are gendered by the dominant society and the material circumstances that are constructed through and because of this racist gendering process.

Within CRT scholarship, it is LatCrit theory that most directly influences this project. In the 1990s, Elvia R. Arriola, Sumi K. Cho, Elizabeth Iglesias, and Valdes overtly critiqued the black/white binary that had emerged in CRT scholarship.[11] Drawing attention to the unique experiences of Latinas/os, they explored intersections in the lives of Latinas/os in relation to the law and social status in the United States. It was the work of Valdes that soon came to dominate discussions of queer Latina/o lives. Valdes documented the multiple ways that queers of color, especially queer Latina/o bodies, are rendered invisible, both through legal discourse and through multiple hetero-patriarchal institutions in U.S. society, and called for pragmatic scholarship to challenge those same institutions (2005; See also Iglesias and Valdes 1998; Valdes 1997). This project builds on the work of Arriola, Cho, and Iglesias and Valdes through its utilization of legal discourse and an examination of the ways that queer Chicana/o lives are interpolated through U.S. legal systems. It builds on their work through careful attention to the ways in which social categories such as masculinity and gender are constructed in and through social and legal institutions.

Finally, utilizing scholarship about American masculinities—brown and white—this article argues that much of the violence that transgender and transsexual women of color experience is due to hetero-patriarchal violence asserted by white and Chicano men seeking to protect their masculine privilege. Thus the decades of scholarship addressing masculinity from the fields of literature, sociology, Chicana/o Studies, and CRT scholarship make it possible to identify root causes of this violence and to imagine remedies. Not surprisingly, it is queers of color, such as James Baldwin and Valdes, who have provided some of the clearest analysis of white masculinities, with

Baldwin identifying the ties of white masculinity to capitalism and violence, and Valdes defining the role of heterosexuality in constructing white male gender roles in the United States (Baldwin 1998). As argued by Ramón A. Gutiérrez, it was Chicana feminists who first mapped and challenged constructions of Chicano masculinities (1993, 47–49), yet it is important to note that Alfredo Mirande, a sociologist writing in the 1970s, also examined and critiqued Chicano roles and stereotypes.[12] Today scholars as diverse as Moraga, Foster, Ray González, and Valdes continue to describe and explore Chicano masculinities, praising what is useful, critiquing what is destructive, and imagining new ways of being Chicano.

Above all, this article seeks to embrace the most important aspect of Chicana Studies as it intersects with LatCrit theory, and that is to produce text about us that is useful to us. Tey Diana Rebolledo called us to accountability almost two decades ago, when in "The Politics of Poetics" she reminded us of Sor Juana's now-classic critique of Aristotle: "He would have been a better philosopher had he studied cooking." Our scholarship must be based in our histories and experiences. Equally important, it must be useful (Rebolledo 1990, 354). More recently, Cho, a LatCrit scholar, reminded us of this very basic yet critical call when she argued that we must "subject our work…to a kind of political impact determination…we [must] be wary of theoretical 'interventions' which rob us as a movement of vision, of potential, and of our commitment to grounded resistance and transformative projects" (1997, 354).

Taking the life and death of Gwen Araujo as a focal point by which we can begin to understand transphobic racial violence in the United States, this article examines constructions of American masculinities, white and brown.

Building on the research of Critical Race Theorists Hutchinson and Valdes, it then examines the media construction of gay, lesbian, and transgender people as white and the failure of the judicial system to address the intersection of race and gender when prosecuting violent crimes against queer persons of color. Finally, this project concludes with an analysis of the resistance that followed the death of Gwen Araujo. What can we as queer Latinas/os learn from Ms. Araujo's death? What lessons might we take from the organizing in which her family and various communities engaged following her brutal murder?

Constructing Race, Constructing Gender

On the morning she was murdered, Gwen Araujo was at a party. Michael Magidson, José Merel, Jason Cazares, and Jason Nabors were also there. She had met the men a year before and had dated two of them (Locke 2004). Early in the morning of 4 October, when the party had died down, some of the men began talking about Ms. Araujo, questioning her sex. Merel shouted at her, "Are you a fucking woman or a man?" Eventually, Nicole Brown, who had been visiting with the group, suggested they bring Gwen into the bathroom to "check." Brown placed her hand up Ms. Araujo's skirt, touched her genitals, and then pronounced Gwen a "fucking man" (Delventhal 2004). The four men then brutally murdered Gwen. They punched and kicked her. They pounded her head against the wall with a frying pan and can of soup, leaving dents in the wall behind her. They then strangled her to death. Some time in the middle of the ordeal, Nabors and Cazares drove to Cazares's home, retrieved a shovel, drove back to the Merels' house, and beat Gwen with the shovel. They then drove to the Sierra foothills and buried her body in a shallow grave. Afterward, they went to McDonald's for breakfast (Lago 2004).

The raw violence of the crime perpetrated against Ms. Araujo is deeply disturbing. A young seventeen-year-old was murdered by so-called friends. Yet the actions of the perpetrators and the language of their attorneys served to normalize the violence. The perpetrators of the violence exhibited little remorse. Instead, after they buried the body of Gwen Araujo, they went to breakfast. Attorney Michael Thorman, in asserting the innocence of Magidson, constructed a similar normalizing and violent discourse: he argued that his client did not act violently because he was a bad person. "It's not because Mike's a bad guy with something to prove" (Locke 2004). In the eyes of Thorman, Magidson, Nabors, Merel, and Cazares, violence against a young woman such as Gwen was somehow understandable.

Such violence can only be rationalized in a social system where participating in normalized gender roles is central to what makes a person human. In the United States, racialized and gendered ideologies construct what it means to be a man and what it means to be a woman. If a body fits into neither category, or crosses gender lines, it loses gender privilege and is assigned the label "it," thus signaling a loss of personhood. This loss of status as a human being is accompanied by violence and/or threats of violence. On the night she was attacked, Gwen Araujo was called "it" (Mason 2002, 17). In another case, tried the same year that Araujo was murdered, the victim, nineteen-year-old Alina Barrigan (also Chicana), was also referred to as "it" by her aggressors (*People v. Kozi Santino Scott* [2003] H022724 Cal. App. Unpub. Lexis 3066).

Historically, as will be discussed, U.S. ideologies of race and gender have been maintained through violence. Persons who cannot be identified as either male or female are subjected to violence. Men who do not perform

masculinity and women who do perform masculinity face similar violence. To complicate matters, gender is raced. Additionally, the dominant culture has stereotyped specific racialized communities as feminine or masculine, passive or aggressive, or sometimes as both. In order to unravel the normalizing of violence against transgender persons, especially transgender Latinas, this portion of the article will map the relationships of race, gender, and personhood in U.S. history and society.

It was in the 1980s and 1990s that black and Chicana scholars began to develop increasingly complex and useful critiques of raced gender in the United States. Perhaps more important, they described and critiqued the ways that ideologies of manhood and womanhood in the United States constructed a culture of violence directed against men and women of color, especially when they could not meet the sex and gender expectations of these same ideologies. Among the most provocative of these was Baldwin's "Freaks and the American Ideal Manhood," where he identified and described connections between racism and constructions of American masculinities, as well as connections between masculinities and U.S. capitalism. Baldwin's critique was brilliant at two levels: first, his level of analysis, which I will briefly address here, and second, his choice to publish in *Playboy* magazine, thus reaching an audience perhaps wider than any of his earlier writings. In this essay, one of his last, he boldly explained that

> The American ideal…of sexuality appears to be rooted in the American ideal of masculinity. This ideal has created cowboys and Indians, good guys and bad guys…butch and faggot, black and white.…The exigencies created by the triumph of the rise of Europe to global prominence…had, among many mighty effects, that of commercializing

> the roles of men and women. Men became the propagators, and perpetrators, of property, and women became the means by which that property was protected and handed down…this pragmatic principle dictated the slaughter of the Native American, the enslavement of the black and the monumental rape of Africa…as well as Latin America, and it controlled the pens of the men who signed the Declaration of Independence—a document more clearly commercial than moral. (Baldwin 1998, 815–816)

U.S. social structures, according to Baldwin, were constructed through binaries, in which the dominant defined and exploited the weak. Cowboys constructed "Indians," white constructed black—not real persons and communities, but imagined persons and non-persons. Such roles were/are inextricably tied to property and power, so that those with power exploited those without. Historically, when subordinated groups challenged such binaries, they were subjected to brutal violence. Throughout the American South, when, following the Civil War, African Americans registered to vote and founded schools and small businesses, whites responded with public and gruesome lynchings, mostly of black men, but also of black women and a small number of white allies. Drawing on a racialized discourse developed during the era of American slavery, whites sexualized the bodies of black men, projected their fears and desires onto them, and accused them of rape (Barnard 1993, 15–17). In America, manhood is white, it protects property, including white women, and it is violent.

The role of lynching in maintaining white hetero-patriarchy in Greater Mexico remains understudied, yet recent work by Carrigan and Webb documented an average of "27.4 Mexican lynching victims per 100,000" between the years of 1848 and 1879 (2003, 414). In 1863 in my own hometown of Napa, California, a man named Manuel Vera was lynched. White men from

throughout the town blackened their faces, stormed the country jail, and killed him. His crime was that he had returned fire after a white man had shot and injured him ("Lynch Law" 1863). Thus the binary was reconstructed for all, but especially Napa's communities of color, to see.

Chicana, black, and, more recently, Chican*o* scholars have demonstrated that it is not white men alone who are invested in ideologies of American masculinity. In Chicano communities, the "other" against which males often construct themselves are women and men who do not fit into traditional gender roles. While constructions of masculinity are as varied in our communities as in any other, our binaries are just as resilient (Foster 2006).[13] Chicana and progressive Chicanos continue to challenge rigid gender roles, but we have yet to successfully challenge either white or Chicano masculinity (García 1997; Hurtado 1998; Saldívar-Hull 2000). When, in the twenty-first century, before brutally murdering Gwen Araujo, Merel exclaimed, "I'm not gay, I don't like men," he graphically demonstrated the resilience of masculinist cultures in Chicano lives (Delventhal 2004). In Chicano communities as in white communities, "masculinity…continues to be a normative rubric that [polices] the sex/gender system." It normalizes male privilege at the same time that it requires adherence to gender roles in order to maintain that same privilege (Muños 1999, 57). Merel, as most men, knew the price of finding himself on the wrong side of the binary—he was willing to kill to avoid it.

Yet it was not a man who encouraged the violence on that evening in October 2002. It was a woman. As Moraga has argued, men produce a masculinist culture, women pass it on (1983, 90–91). The investment, especially of white women in this culture, has been noted by historians since the 1970s. Recently, black feminist and other womanist scholars have raced and classed that critique, pointing out the "Cult of True Womanhood" was in reality a cult of

"True White Womanhood" and that the bodies of women of color provided the "non-woman" to counter the "true woman" of this ideology (Delventhal 2004).

On the night of 3 October 2002, Nicole Brown, a white woman and mother of two young children, reconstructed her own gender status at the expense of Gwen Araujo. Three years later, in her testimony against Magidson, Merel, and Cazares, she would recall that when Ms. Araujo's sex was questioned, it was she who suggested that one of the men take Gwen into the bathroom and "find out…by checking her." When the men were slow to act, Brown testified, "I got frustrated and went over and checked myself. I put my hand between her legs and checked." She then "freaked out…screamed, [and] ran out of the bathroom." Her verbal response was, "I can't believe this is a fucking man.… I'm wigging out" (Delventhal 2004).[14]

Brown's "I can't believe this is a fucking man" and Merel's "I don't like men" served to quickly place them on the correct side of sex and gender binaries at the same time that they signaled to each other that Gwen had crossed the line. Merel's exclamation recalls Anzaldúa's warning, "Men, even more than women, are fettered to gender roles....I've encountered a few scattered and isolated gentle straight men...but they are confused, and entangled with sexist behaviors that they have not been able to eradicate. We need a new masculinity" (1990, 383). Over a decade has past since Anzaldúa's call for a new masculinity. Despite work by Chicana/o scholar/activists and gay and queer organizations, such as the National Latina/o Lesbian, Gay, Bisexual and Transgender Organization, and the Gender Public Advocacy Coalition (GPAC), we have yet to successfully disrupt the old masculinities.[15]

Brown and Merel's exclamations and the ensuing violence also graphically support sociologists Witten and Eyer's recent study of anti-transgender violence where they argued:

> Violence against transgenders bears many similarities to violence against women and to anti-homosexual victimization.…Violence against women (committed by men) is often justified by the perpetrators as…a reasonable action to take against a woman who is transgressing social restraints…Sexual violence against transgenders often receives similar justification…perpetrators often believe that a person who transgresses the norms of gendered sexuality, either by engaging in sexual relationships with members of the "non-opposite" gender, or by behaving as the other gender, is deviant or morally defective, and thus a deserving victim of violence and aggression. (1999, 466)

According to the language and actions of the men who murdered Gwen Araujo, she had "transgress[ed] the norms of gendered sexuality." Similar language was used against Alina Marie Barrigan when she was murdered in 1999 and against Brandon Teena in 1994, demonstrating an ongoing pattern of violence against people, including very young individuals, who disrupt the gender systems that structure and maintain the status quo. In the United States, gender roles are determined by sex (genitalia) and "behaving as the opposite gender is…morally defective" (Eyler and Witten 1999, 466; *People v. Kozi Santino Scott*; Sloop 2000). Ultimately, if you find yourself on the wrong side of the cowboy/Indian, black/white, butch/faggot binary, you might find yourself dead. In today's society, as it was over 100 years ago when white supremacists lynched blacks in the South and Raza in the West, the dominant social order is maintained through symbolic yet very real acts of violence. Yet amid American binaries, there remain shades of queer.[16]

Shades of Queer

Gay is not transgender and transgender is not gay. Or so scholars from the fields of sexology and L/G/B/T Studies have argued now for half a century—literally half a century. According to Harry Benjamin, Califia, and others, transsexualism is about gender and homosexuality is about sexual orientation (Benjamin 1967; Califia 1997, 14–15; Heidenreich 1997, 268, 273–75). Yet, they are related. In the law and in the media, transgender people are often referred to as "gay." The press sometimes wrote, not of Araujo's gender identity, but of her "sexual orientation." Similarly, the courts also conflate sexual orientation and gender identity. In *People v. Michael Doktoreztk*, where Doktoreztk was tried for raping and brutally attacking a seventeen-year-old transgender youth named Dominique, the courts spoke of Dominique's "sexual orientation," not gender identity. So while the lives of transgender and gay people demonstrate that gender and sexual orientation are two different aspects of personhood—there are lesbian transsexuals and heterosexual transsexuals—the media and the law continue to conflate the two.

Both transgender people and gay and lesbian people violate gender roles because, as Valdes explains, in most western cultures, sexuality is subsumed under gender (1995, 20–24). Yet the rights of individuals who identify as gay or as transgender and their access to basic resources are very different. When the Human Rights Campaign, a national gay, lesbian, and bisexual, and now transgender rights organization initially refused to include transgender people as a protected class under the Employment Non-Discrimination Act, they acknowledged this. They were afraid that including transgender people would injure the success of the bill (Califia 1997, 240).

Clearly there are shades of queer. In the lives of transgender Latinas/os and Chicanas/os, the shades are magnified by the functions of structural

racism, which marks some queer bodies as less valued than others, and in the continued reconstruction of young white males as "the boy next door." The media blitz and public attention showered upon Matthew Shepard illustrate different shades of queer. Using the Shepard case as a base, the gay-transsexual conflation can then be complicated by drawing attention to some of the ways that racism functions in conjunction with hetero-patriarchy to erase the realities of queer Latina/o lives, thus contributing to the vulnerability of transgender Latinas/os in U.S. society.

In October 1998, when Matthew Shepard was brutally murdered, he was labeled "the perfect queer: young, pretty, and dead" (Wypijewski quoted in Ott and Aoki 2002, 495). Even before his death, while he lay comatose in a Wyoming hospital, the Web site set up to inform the public of his status received 815,000 hits, and candlelight vigils were held throughout the nation (Ott and Aoki 2002, 488). After Shepard's death, tens of thousands of newspaper articles reported on his life and death, his family, hate-crime activism, and court proceedings. In New York City alone, over 4,000 people attended his memorial service ("Call Haters to Account" 1998; Cooper 1998; Yeoman 2002). No fewer than forty-six different recording artists eulogized him in song (Doyle n.d.). Matthew Shepard's name became a household word in homes across America.[17]

When I first learned of Matthew Shepard's murder, I was at a meeting of the Western History Association. Most conference attendees were deeply upset by the violence inflicted on this young man. A young white lesbian called a meeting to discuss action. I must admit, I didn't go. I felt emotionally conflicted. A young man had been brutally murdered, and yet a part of me felt resentment at the resources mobilized to call attention to his death. Why did the death of this young blond man garner so much visibility and sympathy

from the media and from conference-going academics? The deaths of several queers of color around this same time gave rise to little or no public outcry. When Fred Martínez, a sixteen-year-old transgender Navajo youth, was murdered in Colorado, Arthur Warren, a gay black man, was murdered in West Virginia, and five gay black men were murdered in Washington, vigils were not mobilized throughout the United States. No one made a special recording for them (Barrett 2001; Ott and Aoki 2002, 495).[18] The attention to Matthew Shepard, I suspected, was not going to aid the safety of transgender people or queers of color. It might even contribute to the erasure of our lived experiences.

There is an economics to queer visibility and queer invisibility. Who has access to the press? Who has the resources to memorialize their dead? Who has the socioeconomic status to demand and expect rights and protections in public and private spaces? Studies published from the late twentieth through the early twenty-first century demonstrate that white L/G/T/B persons, on the average, hold far more economic status than do queers of color. As the National Gay and Lesbian Task Force Policy Institute and the National Black Justice Coalition have reported, black same-sex couples earn on the average $22,000 a year less than white same-sex couples (Dang and Frazer 2004, 3, 15–16). This earning pattern is reflective of larger national race-based inequalities, where, according the U. S. Census 2000, the average weekly earnings for white women are $521, African American women $451, and Latinas $385. White women's earnings, at the close of the decade, were 15.5 percent higher than black women's, and 35.3 percent higher than Latinas' (U.S. Department of Labor Statistics 2001). According to the U.S. Census Bureau, a white male with a high school diploma earns more, on the average, than a Latina with a bachelor's degree (National Committee on Pay Equity 2002).[19] Clearly, we continue to live in a society where our class system is racialized. Because of

the economic inequalities that structure U.S. society, families and people of color have less access to media to get the word out when someone from their communities is killed. Similarly, because the right to police protection has been and is increasingly tied to the ability to own and possess private space, it is those bodies that can afford such space that are afforded basic civil protections (Williams 1991, 67–69).

Can socioeconomic class protect a queer body? What shade of queer would that body have to be in order to be protected? Lewis's poem, which opens this paper, is powerful in part because it calls attention to a bitter irony: the closing line of the poem reads, "I wish I was still alive, I heard matthew shepard say." Matthew Shepard's middle-class status did not protect him from a brutal death. His father was a safety engineer for Aramco oil; his parents were Episcopalian. Matthew attended boarding school in Switzerland (Sheff-Cahan 1999). The public response surrounding his murder, however, where he was referred to as the "the all-American nice kid next door," provided a new level of acceptability and personhood for his shade of queer (Brian Levin in Ott and Aoki 2002, 499). The *Washington Post* wrote of the "nation's outrage." Students with armbands marched in homecoming parades to protest the violence he suffered (Haygood 2003; Ott and Aoki, 488). Araujo's working-class family was also able to garner some public acknowledgment of the value of their daughter's life. Yet a marked desparity remains between the national vigils, music recordings, and television coverage of one death and the other. The outrage and publicity following Shepard's murder created a strong counterdiscourse to the national narrative of masculinity, suggesting that if a queer body was the right shade of queer, it should, according to the national press, be spared. One month after the brutal murder of Matthew Shepard, Rita Hester, an economically poor transgender woman of color, was brutally murdered in her own apartment. Unlike the Shepard murder, her death attracted little

attention. Her name merited fewer than half a dozen news articles. Within a month, only transgender Web sites maintained information on her life and death (Donlan 1998).[20]

While economic access to the media influences a community's larger visibility in the nation, the manner in which the media portrays communities, events, and lived realities also affects community visibility as well as access to rights and protections within the dominant society. In this context, I include our news media and television situation comedies, where the gay folk are not only white but wealthy, vacuous, and, at times, racist.[21] However, it is the news media that has the most direct influence on the dominant majority's "awareness and understanding of public problems and concerns." By selecting specific events as newsworthy and, equally important, by deciding which aspects of a story to emphasize, the news media constructs reality (Husselbee and Elliot 2002, 835). Initially, the Matthew Shepard story was not covered by the national media. It was only after two days, when his story proved itself marketable, that the national press created the media blitz with which so many of us are now familiar. The story became newsworthy, in part, because Matthew Shepard was white and middle class; in the words of Brian Ott and Eric Aoki, "because of his slight stature and…'cherubic face,' even those uncomfortable with homosexuality saw him as an innocent (that is, sexually nonthreatening) victim. The public identified with Shepard, viewing him as a friend and a son" (2002, 489).

Because U.S. popular culture has traditionally portrayed bodies of color as sexually predatory and/or out of control, we might ask, can a queer of color ever be identified and marketed as "sexually nonthreatening"—"a friend and son"? Could the life and death of Gwen Araujo or of Rita Hester be as marketable as that of Matthew Shepard? Critical Race scholars as

diverse as Crenshaw, Hutchinson, and Cho have demonstrated the deeply ingrained and sexualized stereotypes that white society holds of men and women of color (Cho 2003; Crenshaw 2003; Hutchinson 1999). While, as Hutchinson carefully articulates, these stereotypes arise out of specific historical circumstances and are thus unique to each racialized group, they all hold important and critical commonalities. They are constructed and reproduced, in part through the media, and in all of them, bodies of color are constructed as over-sexed, while white bodies are constructed as "innocent victims" and/or sexually restrained. Thus the queer brown body remains typed as "threatening," newsworthy as perpetrator but seldom as victim.

When the news media does report on crimes against people of color, its focus is on crimes against heterosexuals of color, thus creating a dichotomy where victims of hate crimes can be either people of color or L/G/B/T, but where both differences cannot exist in the same body. Take for example the 1994 *Los Angeles Times* report on hate crimes. The article was among the most detailed and well-researched reports of its time and was one of the few news articles written in the 1990s that documented violence against queers of color. Yet even its headline, "Violence Against Minorities on Rise: Gay Men Have Supplanted African Americans as the Primary Target of Hate Crimes in Los Angeles County," reinforced the fictive brown/black-is-heterosexual, white-is-gay model (Hamilton 1994). Throughout the 1990s, the news media consistently constructed and reproduced this split (Blankstein 2004; Krikorian 2003).[22]

And so a myth is constructed and reconstructed: queers are white, people of color are heterosexual. In the United States, this myth is often reinscribed through our legal system, where brown and queer cannot exist in the same space.[23] When a queer person of color is assaulted and/or murdered, victims and their attorneys must decide whether to prosecute on the basis of a race-

based hate crime or a homophobic/transphobic hate crime. They cannot prosecute for both. Hutchinson demonstrates this split in his analysis of the 1993 Truong case. On a late winter evening, Loc Minh Truong, a working-class gay Vietnamese American, went for a walk through Mountain Street Beach, the gay section of Laguna Beach, California. Before the night was over, he lay alone and unconscious on a nearby beach, his face so disfigured police authorities could not identify his race, a rock "impaled in the back of his head" (Hutchinson 1999, 21–22). The men who assaulted him were all white, one of them an Eagle Scout. Yet both the police and prosecuting attorneys pursued the case exclusively as an "anti-gay" hate crime.[24] While all legal decisions are, in part, socially constructed, the manner in which social constructions of race and sex preclude an acknowledgment of the intersections of race and sex in legal discourse has lasting repercussions for queers of color (Hutchinson 1999, 27–29).

The death of Matthew Shepard was tragic. Yet in examining the media coverage surrounding his death in relation to the larger socioeconomic realities that shape the lives of L/G/B/T people in the United States, it becomes clear that there are shades of queer. The family of Gwen Araujo and friends of Rita Hester rallied to demand a public acknowledgment that Gwen and Rita were people to be valued. They used stories and histories of their lives and deaths to fight for protection and basic rights for all transgender people, yet the public national outcry that surrounded the murder of Shepard never surfaced.

Resistance: Learning from the Death of Gwen Araujo

While the brutal assault of Loc Minh Truong as well as the murders of Rita Hester and Gwen Araujo demonstrate the resiliency of white supremacy and American masculinist culture, the mobilization of Gwen Araujo's family following her murder signals that resistance to today's violence is possible. Her

family's efforts, as well as those of local transgender organizations, challenge the claim of scholars such as Jane Spade and Craig Willse that hate-crimes activism cannot create structural change in our larger society because it is rooted in individual rights issues and "fails to reflect commitments to anti-racism, feminism, and economic redistribution" (2000, 39).

Although some critics of hate-crimes activism claim that such activism is flawed because legal strategies erase structural inequalities and reduce structural violence to individual acts, the discourse surrounding hate crimes, especially in the courtrooms, indicates that they are part of systemic inequities. The activism surrounding the murder of Gwen Araujo also serves as a corrective to such reductivism. It was the lawyer representing the interests of Gwen's family, who during the coverage of the trial pointed out, "Los actos de violencia contra ciertos géneros, raza, color, religion, nacionalidad, discapacidad u orientación están relacionados entre sí y tienen que verse como un crimen de odio y como un crimen contra toda la comunidad entera" (Martínez 2003, 6). Hate crimes are not individual acts of violence. All hate crimes are somehow structurally connected; they are attacks on our larger communities. In the words of Hutchinson, "hate crimes are part of a system of subordination…the multidimensional nature of oppressive violence also means that a number of social hierarchies will be informed and be reinforced through its occurrence" (22). Hate crimes provide those people who meet the attributes of "nice guy" with a license to kill, while simultaneously and relatedly removing basic life resources from the grasp of subordinated communities.

The public response to Gwen Araujo's death can be attributed to two primary factors: growing activism on the part of transgender people and the commitment and action of her family. White transactivists were and are among the most visible advocates for transgender rights, with Anne Ogborn

and Riki Wilchins heading up some of the earliest actions in the 1990s. Wilchins now heads GPAC, and this lobby and education organization that works to change public policies also seeks to empower transgender youth by sponsoring GenderYOUTH Leadership Summits. Transgender activists were largely responsible for the publicity surrounding the murder of transgender youth Teena Brandon, as well as the less-publicized murder of Tyra Hunter—a transgender women who died from car accident injuries after an EMS technician refused aid (Califia 1997). It was also transgender activists who pushed to make Gwen's murder public and to demand justice. Initially activists stumbled through miscommunications with her family, then they slowly and eventually established a connection. Disagreements between transgender activists and family members demonstrate the significant and hazardous gap that often exists between L/G/B/T organizers (and their resources) and Chicana/o families and communities (Mason 2002; Rodriguez 2002; Wronge 2002).

Yet it was also Gwen's family and their insistence that their child be valued that proved critical both to finding the perpetrators of the crime and to promoting larger educational projects after mourning her death. Gwen's family spoke back to the dominant violent culture and society at multiple levels. Initially, it was the family that pushed and aided police to locate her body, by calling the station on a regular basis, pursuing leads they found, and passing that information on to investigators. Local authorities acknowledged that the family and community played a key role in finding her body and locating the men who killed her (Airoldi 2003; Chakko et al. 2002; Wronge 2002). At the level of public discourse, Gwen's mother, Sylvia Guerrero, spoke to both the English- and Spanish-language press and insisted on doing so in such a way that the dominant language, so often used to maintain gender boundaries, was disrupted. Initially, she struggled with pronouns, but insisted Gwen be buried as Gwen. When she and the rest of the family, including Gwen's uncle

and sisters, recognized the importance of naming Gwen by her self-identified gender, they met with reporters and discussed the importance of word choice before stories went to print. Her mother also helped found the Gwen Araujo Memorial Fund for Transgender Education ("Advocate Report" 2004; Letellier 2004; St. John 2004).

The above accounting is not intended to romanticize the struggles that followed the death of Sylvia Guerrero's daughter. In fact, the Guerrero family persevered despite a marked lack of support from public institutions. Gwen did not drop out of school; she was pushed out by an administration that supported a harassing climate and that could not understand the necessity of using a bathroom ("Advocate Report" 2004; Letellier 2006; St. John 2004). At one point following the murder, Sylvia Guerrero was so depressed that it affected her job performance. She was fired, could no longer make house payments, and lost her home. Like most working-class women of color, when her family was subjected to systematic oppression, she had no safety net to catch her. As had happened with Gwen, her little brother was not protected by the homophobic, transphobic, and racist school system of the modern-day United States. Following the murder of his sister, he was taunted by his classmates at school. His grades dropped from As and Bs to Ds and Fs. His mother eventually sent him to live with his father in another state (de Sá 2002; Letellier 2004).

Yet the fact remains that Gwen's family fought back, and they did so in a manner that is highly reminiscent of the call of Chicana activists for oppositional politics: it was multivalent, aggressive, strategic; it disrupted gender discourse. For a few short months in Northern California, self-representation was a field of struggle in the press and in the neighborhood where Gwen Araujo grew up. People learned to use the right pronouns.

And Sylvia Guerrero helped found an educational fund that browned the transgender body. Local high school students organized a march to mourn Gwen's death (DeFao 2002; Wronge 2002).

In this larger historical context, the death of Gwen Araujo also reminds us that when structural change does happen, even if it is surrounding a single event such as the brutal murder of a seventeen-year-old Latina in Northern California, that change finds its origins in our communities—in queer communities and Latina/o communities and that today, we need to continue to struggle to bring our resources together. As once argued by Iglesias, "relations of domination can be effectively transformed through the agency of those whom the society subordinates" (1997, 317). The narrative of queer as white, and brown and black as heterosexual, continues to be constructed and reconstructed in the media, the dominant society, and our own communities. It continues to make queers of color unsafe in our schools and homes and on the street. Organizing around Matthew Shepard did bring the issues of gay rights and hate crimes to a larger American public. But his shade of queer remains dramatically different from that of transgender youth, especially transgender youth of color.

Hate crimes are about more than individual acts against individual people. The realities to which they call our attention hold the potential to disrupt age-old binaries if and when, like Gwen's family, we are bold enough, in the face of violence, to confront them. Until then, transgender Latinas will continue to live within a complicated and oppressive spectrum of otherness, where at one end "could not pass when my life depended on it," continues to be a lethal reality.

Notes

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[1] An increase in violence against people of color and queers has also been documented by watch groups such as the Southern Poverty Law Center (Potok 2003; Russell 2005; Southern Poverty Law Center 2001).

[2] Incidents of hate crimes against queers of color have also increased in Britain. The support group Victim Support in London found that queers of color experienced higher incidences of hate crimes than did white queers. Given the similar colonial histories of these two countries, parallels in homophobic and transphobic racism are not surprising (Dunn 2005, 35).

[3] Throughout this text I capitalize Queer Chicana Studies to draw attention to the subdiscipline as a new yet important space.

[4] See, for example, Catrióna Rueda Esquibel, *With Her Machete in Her Hand: Reading Chicana Lesbians* (Austin: University of Texas Press, 2006); David William Foster, *El Ambiente Nuestro: Chicano/Latino Homoerotic Writing* (Tempe: Bilingual Press, 2006); José Esteban Muños, *Disidentifications: Queers of Color and the Performance of Politics* (Minneapolis: University of Minnesota, 1999); Horacio N. Roque Ramírez, "Claiming Queer Cultural Citizenship: Gay Latino (Im)Migrant Acts in San Francisco." In *Queer Migrations: Sexuality, U.S. Citizenship and Border Crossings*, ed. Eithne Luibhéid and Lionel Cantú, Jr. (Minneapolis: University of Minnesota, 2005), 161–188; and "'That's My Place': Negotiating Racial, Sexual, and Gender Politics in San Francisco's Gay Latino Alliance, 1975–1983," *Journal of the History of Sexuality* 2, no. 2 (April 2003): 224–258.

[5] Thus, my first article, published when I was a graduate student, investigated the life of Christine Jorgensen. See Linda Heidenreich 1997, 267–76.

[6] "Hetero-patriarchy" is not Feinberg's term. It was coined by LatCrit scholar Francisco Valdes to describe the manner in which androsexim and heterosexism function to maintain systems of privilege for masculine heterosexual men in U.S. society (Valdes 1995). "Hir" is a pronoun, popularized by Feinberg, for transgender persons.

[7] Much work, therefore, is still located in anthologies and special editions of queer journals. See for example, Bonnie Bullough, Vern L. Bullough, and James Elias, eds., *Gender Blending* (Amherst: Prometheus Books, 1997); Julia Epstein and Kristina Straub, eds., *Body Guards: The Cultural Politics of Gender Ambiguity* (New York: Rutledge, 1991); *GLQ* (the transgender issue) 4, no. 2 (1998) Susan Stryker, ed.; Gilbert Herdt, ed. *Third Sex, Third Gender: Beyond Sexual Dimorphism*

in Culture and History (New York: Zone Books, 1994).

[8] For discussions of transsexual and transgender biography and autobiography see Califia 1997, 163–194.

[9] In addition to the Chicana lesbian writings in *This Bridge*, see Alarcón, Castillo, and Moraga, eds.,*The Sexuality of Latinas* (Berkeley: Third Woman Press, 1983); Juanita Ramos, ed., *Compañeras: Latina Lesbians* (New York: Latina Lesbian History Project, 1987); Carla Trujillo, ed., *Chicana Lesbians: Girls Our Mothers Warned Us About* (Berkeley: Third Women Press, 1991), which contains writings by Castillo, Moraga, Anzaldúa, Emma Pérez and others. For critiques of this first wave of queer Latina scholarship, see Esquibel, 2006 and Ramón A. Gutiérrez, "Community, Patriarchy and Individualism: The Politics of Chicano History and the Dream of Equality," *American Quarterly* 45, no.1 (March 1993): 44–72.

[10] Like Chicana/o Studies, Critical Race Theory emerged out of necessity. When in 1980, Derrick Bell, one of two African American law professors at Harvard Law School, left to become Dean of the University of Oregon Law School, the administration at Harvard claimed that there were no qualified black scholars to fill the position. In an effort to placate students, they instituted a minicourse taught by renowned white civil rights attorneys. Rather than attend the minicourse, student organizers instituted "The Alternative Course" and invited both young lawyers of color and advanced law students to address issues of race and the law. In the 1980s, as well, a new field called Critical Legal Studies (CLS) emerged and provided the other impetus for utilizing Critical Race Theory as a distinct field. In the late 1980s, critical scholars of color began to challenge legal studies on several levels. First, while Crit scholars acknowledged the role of politics and power in the legal system and the university, they failed to acknowledge it in their own organizations, especially in relation to race. Second, Crit scholars often failed to fully interrogate race as a crucial factor in shaping structural inequality. Critical Race Theorists began to create their own conferences, classes, and texts—they developed a discourse related to and at times overlapping with, but nonetheless different from, CLS (Crenshaw et al. 1995).

[11] Recognizing that culture, citizenship status, and our unique histories as Chicanas/os and Latinas/os in the United States were not addressed at law conferences, including CRT conferences, a conversation began at the 1995 annual Hispanic National Bar Association Conference, held in Puerto Rico. This resulted in LatCrit I, held in La Jolla, California, in 1996. There, Latinas faced similar problems to those faced by Chicanas in the early years of Chicano Studies—and addressed them similarly. Elvia Arriola called a talking circle for Latinas where they could address the conference's male dominance/masculine bias and strategize remedies (Arriola 1998).

[12] Gutiérrez's essay is also one of the first queer Chicano articles to see print, locating lesbian Chicana and gay Chicano literatures within a larger body of Chicana/o resistance.

[13] See also Ray González, ed. *Muy Macho*, for discussions of multiple and varied Chicano masculinities as well as Chicano challenges to gender binaries.

[14] White women may have been contained by the ideology, but women of color did not have its protection. Perhaps this is why so many women from our communities have challenged it. As argued by Amii Barnard, it was Ida B. Wells, a black woman from a poor socioeconomic background who over a century ago first mapped the connections among white supremacy, lynch law, and the cult of True White Womanhood. In the early twentieth century, women from our own communities rejected the ideologies that white missionaries carried into their homes; and, in the late twentieth century, activist scholars such as Gloria Anzaldúa critiqued both the violence of the dominant culture and the ways in which gendered and masculine violence was present, destructive, and in desperate need of transformation in our own communities (Anzaldúa 1990; Sánchez 1990).

[15] For more information on LLEGÓ or GPAC, see www.llego.com or www.gpac.org, respectively.

[16] The phrase "shades of queer" is a deliberate attempt to paint the conflation of class, race, sex, and gender in the multivalent discourses that continue to structure dominant U.S. society as well as many decolonial communities, while at the same time drawing attention to the different material realities that queers experience based on our specific location within those conflations.

[17] Doyle noted that the list was most probably incomplete.

[18] In the town where Martínez was murdered, white youth had beat an indigenous youth to death "several years" earlier ("several years" is the word choice of the Cortez state representative).

[19] NCPE used data from the U.S. Census Bureau, "Current Population Survey, March 2002" for persons twenty-five years and older.

[20] Search for news articles covering her death was performed on the LexisNexis news database.

[21] *Will and Grace,* which first aired in 1999, is among the most problematic. In this situation comedy, two middle-class white males and their white and middle-class to wealthy heterosexual girlfriends spend money and make fun of people less fortunate than themselves. That the show has been able to stay on the air during such a time of backlash should make lesbian and gay white folks suspicious, but it has not.

[22] An exception to this was the *Times* coverage of a campaign to address hate crimes against gay Latinos (Pool 2000).

[23] In 1994, the Ninth Circuit Court, utilizing the work of critical race feminists, recognized intersectionality in a raced gender case. In *Lam v. University of Hawaii,* Lam sued the University of Hawaii School of Law, arguing she was discriminated against because she was an Asian woman. The school claimed she had no grounds because they had hired both an Asian male and a white female around that same time. Although the lower court found in favor of the school, the Ninth Circuit overturned that decision, arguing "when a plaintiff is claiming race and sex bias, it is necessary to determine whether the [defendant] discriminates on the basis of the combination of factors, not just whether it discriminates against people of the same race or of the same sex" (Valdes 1997, 1321). To date, there has not been not a similar case in relation to race and sexual orientation/transgender discrimination.

[24] Even the "Human Rights Campaign Hate Crimes Report" does not list the race or ethnicity of L/G/B/T victims of hate crimes. The HRC is one of the most detailed and informative of hate crimes reports available. To locate information regarding the race and ethnicity of victims, therefore, you must research each case individually. The "HRC Hate Crimes Report" is available at http://www.hrc.org.

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