



GENDER

Prisons, Trans Lives, and
the Abolitionist Horizon

BOUND



JOSS T. GREENE

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PRISONS, TRANS LIVES,
AND THE ABOLITIONIST HORIZON

Joss T. Greene



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For everyone surviving and fighting carceral violence

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Onward together.

Introduction

THE EVENING OF JUNE 23, 2016, was warm with San Francisco summer when I arrived at the office of the Transgender Gender-Variant & Intersex Justice Project (TGIJP) and scouted a place to sit. Big meetings always posed space problems at TGIJP—the organization was currently operating out of a hallway on the second floor of a health clinic for sex workers. But if the office was short on space, it was overflowing with good energy. Signs emblazoned with “Trans Justice: Do the Work” and “Legacy of Black Trans Brilliance” balanced against the wall, ready to grab and carry along to a rally. Staff, crunched into desks within touching distance, tossed questions and jokes at each other in a steady patter. Formerly incarcerated trans people treated the office like their favorite neighbor’s porch and dropped by throughout the day just to say hi.

This evening, staff were clearing the office for an urgent conversation. Tomorrow was Trans March. TGIJP would be gathering community members in Dolores Park to rally, then sprinting to a bar in the Mission to host their 11th annual Trans March after party: Bustin’ Out: Party Against the Prison Industrial Complex. Pride was three days away. TGIJP’s executive director, formerly incarcerated Black trans woman Ms. Janetta Johnson, had been named a Pride grand marshal, but she was pretty sure she wanted to withdraw. That was why we were meeting.

Days prior, the LGBTQ youth of color organization BreakOUT! had withdrawn as a New Orleans Pride grand marshal to protest increased police presence at Pride. In their statement, BreakOUT! denounced police violence against their community and called for #policeoutofpride in order to “lift up the leadership of and center those who kicked off Pride—Latinx & Black gender non-conforming youth and transwomen.”¹ San Francisco Pride also

planned to expand police presence and even provide a contingent for the police. One TGIJP staffer said that their organization should be clear that this was “not in our name. We’re not bringing the wolves to guard the chickens.” TGIJP’s members were suffering acutely at the intersection of material deprivation and hyper-policing in a city of escalating inequality. Janetta was wary of tokenism. She didn’t want her mere presence to stand in for Pride’s 2016 theme of racial and economic justice. If she had a platform, she wanted to communicate what justice would truly look like.

The following morning, TGIJP held a press conference with the two other community grand marshals—Black Lives Matter Bay Area and St. James Infirmary—announcing they were all dropping out of Pride. In her withdrawal statement, Janetta said,

I walk in my neighborhood and see so many people sleeping on the street. I know come Sunday [during Pride], they won’t be allowed to be here and many will be in jail. Particularly, in the San Francisco County Jail, where one of my sisters, Athena Cadence, is on the 24th day of a hunger strike to demand a gender self-determination housing and search policy be implemented. But I can’t even bring myself to call it housing, really. The truth is my community needs house keys not handcuffs, needs care not cages, needs jobs and job training, economic power and cultural self-determination. We need safety, real safety. And when Black trans women are safe, in our city, in our society, every single day, when my community is safe, then we can be really proud.²

Janetta challenged the idea that police protect the LGBTQ community. When it came to TGIJP’s membership of criminalized Black trans women, she identified police as agents of repression and violence. She pointed out that homeless people would be targets of police sweeps prior to the Pride parade. Police amplified precariousness, escalating danger not remedying it. What San Francisco needed, Janetta argued, was structural change that could create real well-being for Black trans women.

Athena’s struggle in the county jail, referenced by Janetta and playing out concurrently with TGIJP’s withdrawal from Pride, further illustrated trans people’s conflict with a criminal justice system claiming to act in their interests. Black trans woman and TGIJP member Athena had launched her hunger strike on June 1, 2016. For two months she refused all food.³ As her strike stretched on, she was hospitalized multiple times and lost 40 pounds. Still, she maintained her conviction. In the San Francisco jail, trans women were held in a segregated area of the men’s facility⁴ and strip searched

by male staff.⁵ Athena wanted to be housed with women, and she was willing to put her body on the line. “Playing ball the way the sheriff’s department wanted to through paperwork and meetings wasn’t going to work,” she told a journalist. “I didn’t feel like I had anything to lose.”⁶

The sheriff’s department’s chief of staff reported that the sheriff was “absolutely committed” to the policy change and claimed that delays were simply because the “complexity of making a change of this nature is pretty daunting.”⁷ The activists were unimpressed by the stalling and unappeased by the protestations of good faith. TGIJP called for the release of all trans people in the San Francisco jail until a suitable housing policy could be implemented.⁸ They organized letter writing events for Athena and mobilized court support for other trans women in the jail under the banner of Free Them All. TGIJP mobilized people to city budget hearings “to assert that money in our names must go to care for TGI people, and to keeping people in the community rather than disappearing and mistreating our folks inside SF jails.”⁹ Throughout the summer of 2016, the San Francisco Police and Sheriff’s Departments sought to position themselves as friends of the trans community. TGIJP was clear that they were on fundamentally different sides of a power struggle.

. . .

I open with these scenes to highlight trans resistance to the criminal justice system in a moment of ostensibly progressive gender reforms. During the three years I participated in TGIJP’s work between 2015 and 2018, the California prison system, the San Francisco jail, and the San Francisco Police Department were all adopting what they claimed to be liberal, trans-inclusive policies. Academics and lawmakers often viewed such policies optimistically. They understood trans people’s conflict with the criminal justice system to be centrally about the imposition of a rigid gender binary. Surely a criminal justice system with a more flexible orientation towards gender would lessen the discord. Academics suggested trans-sensitivity training for staff or policies that recognized trans identity. Their perspective aligned with Joan Acker’s concept of *gendered organizations*, the idea that organizations reproduce societal gender inequality because their inner workings draw on binary gender assumptions.¹⁰ If trans people were suffering because of overly rigid organizational gender rules, organizations that took a more fluid approach to gender would surely be more hospitable.

But TGIJP understood trans people's relationship to the criminal justice system to be fundamentally antagonistic. The activists believed that any orientation the criminal justice system held towards trans people would be coercive, whether explicitly punitive or nominally benevolent. Their perspective aligned with Erving Goffman's concept of *total institutions*, the idea that organizations like prisons are structured to degrade the managed population's selfhood.¹¹ In this context, staff training and small regulatory changes are overshadowed by the overarching institutional purpose: control and domination. For TGIJP, the core issue wasn't the prison's commitment to a rigid gender binary but the prison's commitment to being a prison.

This time of reform, a time that might have been imagined as one of alignment between the criminal justice system and the trans community, was therefore one of ongoing political struggle. And political struggle reflected a conceptual struggle over how to understand gender, punishment, and inequality. Did gender manifest in patterned ways across organizational context, or did organizational context play a large role in gender's social construction? Was gender the key explanatory factor driving inequality, or was the criminal justice system's propensity to produce inequality being obscured through the focus on gender? Whichever understanding one adopted had radically different implications for action.

To understand this dynamic more fully, I decided to investigate the construction of gender within society's most coercive institution: the prison. I would trace gender struggles within and against the California prison system from the 1940s up to the present. This nearly 80-year period encompassed changes in the ideology, infrastructure, and lived experience of imprisonment—from the heyday of mid-century penal welfarism to the ravages of late 20th-century mass incarceration. Drawing on 136 interviews, archival research, and 20 months of ethnographic fieldwork, I developed an understanding of how organizational shifts structured the ways prisons sought to manage gender nonconformity and how prisoners challenged this regulation.

The goal of this study is to explain how organizational features unrelated to gender dictate what gender is, how gender conflict emerges, how alliances and oppositions form, and the possibilities for reconciliation. My findings show that gender is not a fixed characteristic of the prison or prisoners. Nor can societal gender relations fully predict how gender will be managed and expressed inside prison walls. Rather, as prisons work to control prisoners' bodies, selves, and relationships, and as prisoners resist these efforts, gender emerges. This makes gender less of the explanatory driver of action and more of an effect.

Scholars have charted the dramatic changes in American imprisonment over the past century. When the literature on penal change incorporates gender, scholars tend to ask how different penal regimes affect men or women. This book shows how changes in punishment affect how the very boundary between men and women is interpreted, regulated, and navigated. Historical shifts in incarceration unrelated to gender play a key role in determining what prison gendering looks like in a given period.

The title of this book, *Gender Bound*, gestures towards dual meanings: the ways prisons hold people captive and the ways people move towards chosen destinations. These simultaneous meanings of *bound* reflect my analytic assertion about prisons' and prisoners' dual efforts to use gender to struggle over captivity. The title also gestures towards my framing concept: gender boundaries as a shifting set of parameters and gender boundaries as a tool for achieving different objectives.¹²

In the sections to follow I first present the sociological literature on gender as a multilevel phenomenon and make the case for focusing on gender struggles at the organizational level. I then deploy feminist and queer insights to theorize gender not as a category of difference but as a flexible boundary. Lastly, I show how to integrate these perspectives to expand the research on gender and punishment.

GENDER: TAKING AN ORGANIZATIONAL PERSPECTIVE

Given the consistency of patriarchal gender relations across different domains of social life, it is easy to think of gender as one cohesive system of inequality. Yet sociologists of gender have long argued that it is useful to distinguish among how gender is produced at the individual, interactional, and institutional level.¹³ The processes that produce gender at the individual level (such as socialization) are different from the processes that produce gender at the institutional level (such as legal regulations).¹⁴ Recognizing gender as a multilevel system also means that there are different terrains of contestation. Domination is not organized by one unified source of power; rather, varied processes reinforce patriarchy in the aggregate.¹⁵ Thinking about gender as a multilevel system allows us to ask how relations between men and women in society as a whole (the gender order) relate to gender arrangements in a particular institution (gender regimes)¹⁶ rather than assuming that an overarching pattern will translate evenly to every context.

While sociologists recognize that gender is a social construction, we all too often treat it as a stable and transportable social construction. In point of fact, different organizations define and manage gender in different ways. Organizations may establish rules for placing people in gender categories (whether by identity or biology) based on the kinds of interactions each organization fosters.¹⁷ They may police gender boundaries as a strategy for managing limited, desirable resources.¹⁸ Shifting organizational values, like a rise in attention to diversity and inclusion, can prompt new ways of linking gender boundaries to physical infrastructure.¹⁹ Gender exhibits plasticity and differs across context.

In this book, I will argue that the criteria for defining gender depend on an organization's purpose and goals.²⁰ For gender is not one unitary characteristic but a composite of identity, expression, embodiment, and attribution. In some settings, identity may be paramount. For instance, social gatherings may designate themselves as being for women and femmes, with the explanatory note that anyone who identifies within this categorical frame is encouraged to attend. Other times, gender expression may be most salient. One's experience in a women's bathroom, for instance, has less to do with identity than with one's perceived conformity with normative femininity.²¹ In other settings, physical embodiment may take precedence. Some organizations previously operating under the banner of "women's health" have expanded their language to describe the services they provide to "pregnant people" or "people who menstruate" to indicate that health offerings for specific embodiments are available to people with varied identities. Lastly, organizations may emphasize attribution, or the ways one's gender is labeled by others. One's ability to receive insurance coverage for certain services (e.g., a prostate exam) commonly follows from one's legally ascribed gender marker. Organizations determine what gender is, which has consequences for how struggles over gender play out.

The nature of gender conflict also depends on the organizational terrain. Contestation over gender inside a prison differs in meaningful ways from contestation over gender in a workplace because of the organizational differences—the heightened rights, autonomy, and mobility of those in the latter as compared to those in the former. But that does not mean that gender struggles within one type of organization are static or ahistorical. When we see shifts in the gender dynamics of organizations we tend to attribute this to macrolevel phenomena, like law or culture. While macrolevel forces matter, I will show that organizational shifts unrelated to gender also play a role. Because gender is a conceptual framework we use

to make sense of things like subjectivity and embodiment, an organization's changes in the management of subjectivity or embodiment shapes the social production of gender within its walls.

Much criminal justice research employs what Ellis Monk calls *the standard model of inequality*—that is, “analyzing how state categories of race/ethnicity and gender are associated with various inequalities across myriad domains.”²² I supplement research on group-level differences by examining the organizational production of categories themselves: how penal organizations put people into groups, what effects this has, and why this changes.²³ I complicate structural theories of penal change by exploring how macro-level factors are filtered through organizations and how contestation occurs between differently positioned penal actors.²⁴ Beyond describing economic, political, and cultural drivers of penal regimes, I identify the administrative systems, staffing arrangements, and physical spaces that organize punishment in a given era.²⁵ Lastly, I bring precision to ideas of resistance by analyzing how criminalized people understand and navigate extremely coercive organizational terrains.²⁶

As penal actors confront organizational problems, mobilize gender ideologies to navigate them, and concretize their efforts, they create gender.²⁷ In her study of prison rehabilitation reforms, Ann Chih Lin finds that it is the prison's organizational context—staff values, the institutional imperative to maintain order, and the strategies prisoners use to cope with the deprivations of daily life—that determines the outcomes of rehabilitative programming. We might assume that gender regulation takes a historically persistent form in sex-segregated prisons because of prisons' structural features. Yet, like Lin, I demonstrate that management of nonnormative gender fluctuates with prisons' historical variations, and differently positioned penal actors make varied decisions to deal with contextual demands and constraints. Gender is thus not the focus of penal actors but “something of an afterthought, [its] fate a byproduct of other struggles and accommodations.”²⁸ This analytic framework provides new directions for our understanding of gender, punishment, and organizational processes.

GENDER: FROM CATEGORY TO BOUNDARY

Once we have adjusted to thinking about gender as organizationally produced, we may begin to trouble the edges of gender categories. In this book,

I propose that we think of gender as a boundary. The sociological study of boundaries asks how group-level distinctions are produced and transformed.²⁹ This includes examining symbolic differentiation (how people are put into categories) and objectified differentiation (how people are allocated resources, opportunities, or harms based on their boundary position).³⁰ Scholars working in this area examine boundary crossing as people move between positions of categorical membership and boundary shifting when boundaries are socially redefined such that “populations once situated on one side are now included on the other.”³¹ In addition to analyzing such boundary dynamics, scholars also explore boundary characteristics: In cases of bright boundaries “individuals know at all times which side of the boundary they are on,” whereas blurry boundaries have “zones of self-presentation and social representation that allow for ambiguous locations with respect to the boundary.”³² With a boundaries perspective, instead of presuming the existence of two groups (men and women), we can ask different questions about how gender distinctions have blurred, brightened, shifted, and been crossed in different ways in different historical moments. This includes historicizing the emergence of what we call gender as something distinct from what we call sex and sexuality.

In Western societies where gender classification has consistently relied on a male/female binary, sociocultural definitions of gender and the nature of male/female difference have nevertheless evolved. In the early 20th century, sex, gender, and sexuality were understood as fixed and interwoven. A key paradigm at the time was *sexual inversion*, the idea that male “inverts” had a woman’s soul, which led them to express femininity and desire men. At its root, inversion was understood to be a physical condition, driven by some unique aspect of biology or anatomy. Within this way of understanding sexuality, sexual orientation made no sense as something distinct from gender or the corporeal body. In early 20th-century New York, for instance, sexuality classification depended not on the sex of one’s sexual partners but on one’s gender expression. Thus, conventionally masculine men could have sex with effeminate men without acquiring the stigma of homosexuality or losing their own “normal” sexual status.³³

Shifts in gender boundaries over the past century have resulted from both medical developments (such as those making it possible to adjust human sex hormones and surgically change primary and secondary sex characteristics) and social developments, including the changing cultural meanings of nonnormative gender and sexuality.³⁴ The end of World War

It was a period of taxonomic revolution as doctors, sexologists, members of sexual subcultures, and gender-nonconforming people “began to map and sort out the overlapping cultures of gender and sexual variance and make ontological distinctions among the categories of ‘sex,’ ‘gender,’ and ‘sexuality.’”³⁵ Eugenicists mobilized these taxonomic efforts for coercive projects of population control: identifying, controlling, and eliminating “undesirables.” Changes in the organization of sexual relations and gender identities also gave rise to new subjectivities, including the emergence of *transsexual* as a term for conceptualizing cross-gender identification and the change of corporeal sex.³⁶ This evolution in the conceptual mapping of sexual practices and the social category of gender continued through the 1970s as gay male activists, lesbian feminists, and psychiatrists provided new political, psychological, and cultural grounds for distinguishing same-sex sexuality from visible gender variance.³⁷ From the 1990s onward, transgender movements made increasingly influential claims that gender identity was neither preordained by biological sex nor intrinsically tied to one particular set of sexual desires, and they successfully institutionalized *transgender* in the realms of law, social services, and academia.³⁸ In short, while institutional and social life have relied on a male/female binary for the past century, ideas about the nature of gender boundaries and the potential for crossing them have radically changed. Only through these shifts can we, today, articulate a subject position of transgender as something distinct from a subject position as gay.

The construction and policing of gender boundaries is a racialized project. Race doesn’t “merely inflect or intersect with those experiences we call gender and sexuality but rather *shift[s] the very boundaries of what ‘gender’ and ‘sexuality’ can mean* in particular contexts.”³⁹ Black feminist theorists have critiqued the racial exclusivity of normative cultural and legal conceptions of womanhood and the ways these cultural constructions facilitate state violence, labor exploitation, and the everyday degradation of Black women. Some argue that the construction of Blackness as outside normative gender can be traced back to chattel slavery, when Black people were “ungendered” as part of a broader process of dehumanization.⁴⁰ Others suggest that slavery generated racially differentiated images of womanhood (virtuous white women distinguished from controlling images of Black women, like the Jezebel) to maintain race, gender, and class inequality.⁴¹ In other words, a rigidly enforced gender binary and the categorical subordination of women cannot explain the specificity of racialized gender oppression since Black

women's subordination is achieved through their constitution "as excess of that category."⁴² An intersectional boundaries perspective shows us that we shouldn't think about social categories coexisting in the form of additive oppression. It is not solely that some prisoners are both Black and gender nonconforming, for instance, but rather that race affects *whether* prisoners are viewed as gender nonconforming or gender normative. Race affects how gender boundaries are drawn and regulated in society as a whole (the gender order), and I will show how different gender regimes are produced in the racialized organization of the prison.

A NEW APPROACH TO THEORIZING GENDER AND PUNISHMENT

How might we bring these insights about the organizational production of gender and gender boundaries into the study of punishment? Most criminologists treat gender as a form of group-level difference, which is to say, they study gender by comparing men and women.⁴³ This approach has been generative. An interest in gender differences underwrites rich studies of female law-breakers,⁴⁴ female gang members,⁴⁵ women in prison,⁴⁶ and women in reentry,⁴⁷ alongside explorations of the gendered pathways⁴⁸ that lead to women's criminal justice contact, such as victimization in childhood⁴⁹ and substance abuse.⁵⁰ All of these are valuable for understanding gender inequality. Yet such studies tend to sidestep the social construction of gender itself.

Feminist punishment scholars have taken a different approach. They tend to employ a categorical theory of gender⁵¹ that emphasizes not the difference between genders but the domination of one category (male) over another (female). According to this body of scholarship, penal systems regulate female sexuality and reproduce women's subordination.⁵² Prisons participate in gendered social control by punishing women who violate patriarchal norms of femininity. This is amplified for women of color, who are excluded from the legally and culturally protected category of *woman* and targeted for punishment.⁵³ While recognizing historical shifts in constructions of womanhood, this approach still generally regards men and women as absolute categories, thereby obscuring "the processes by which the category is constituted."⁵⁴ Whether treating gender as a static variable or as a patriarchal power imbalance, extant punishment scholarship therefore

tends to approach the study of gender with the presumption of two groups: men and women.

The primary paradigm for theorizing transgender prisoners emerges from feminist criminology, explaining transgender prisoners' suffering as the product of a criminal justice system that brings the full weight of state power to the enforcement of gender norms. Prisons are authoritarian, rigidly sex-segregated institutions, and they sanction nonnormative gender.⁵⁵ Prisons reinforce "the tyranny of the sex categorical binary,"⁵⁶ and trans people get "caught in the gender binarism."⁵⁷ According to this interpretation, the hypermasculinized, heteronormative culture of men's prisons fuels male prisoners' violence against transgender women.⁵⁸ Staff, furthermore, regard "transgender prisoners' identity—and, in fact, their mere existence within men's prisons—not as active resistance, but as that which destabilizes the prison regime by default."⁵⁹ Believing the plight of trans prisoners stems from the prison's classificatory rigidity, some scholars have examined existing management practices and provided recommendations for policies that account for trans people's gendered specificity.⁶⁰

In this book, I analyze violations of gender boundaries as an enduring problem for sex-segregated prisons. But unlike accounts that emphasize a categorical conflict between an institutionalized gender binary and gender nonconformity, I treat prisons' definition of and response to gender-boundary violations as an empirical question. Along with tending to treat *transgender* as a transhistorical category, prior scholarship tends to view gender and sexuality as ontologically separate forms of difference⁶¹—leaving some to equate a lack of transgender-specific prison policy with an absence of historical regulation directed toward gender variance.⁶² This book situates the contemporary state of transgender prison policy in a longer lineage, examining how femininity in men's prisons is produced and policed in shifting penal contexts.

Accounts of trans prisoners often attribute their suffering to patriarchal domination by other prisoners or to the binary gender norms that prisons uphold.⁶³ My analysis reveals how nonnormative gender is constructed in relationship to shifting institutional domination imposed by prison staff and administrators. Though prisons have consistently upheld the gender binary, administrators' and prisoners' practices for defining, managing, and navigating gender boundaries have varied considerably—and not always in alignment with changing understandings of gender boundaries in society at large. Contestation over prison gender boundaries arises from the historically evolving nature of criminal punishment and the inherently coercive nature of

classification in a total institution. This work thus encourages greater attention to the organizational contexts of gender-boundary making. Relatedly, while this study confirms the well-documented whiteness of gender norms in the United States, I show that the racialization of gender deviance is contextually and historically specific; this expands our knowledge about the production of intersectional inequality. Lastly, this study underscores the multifarious nature of carceral violence not only on men and women but through the construction and policing of gender categories themselves.

METHODOLOGY

A Genealogical Approach

This book is not a history of transgender prisoners so much as an account of why contemporary struggles over prisons and trans people appear in their present form. It is therefore best understood as a genealogy. Genealogies uncover surprising lineages that reveal the “heterogeneity of what was imagined consistent with itself.”⁶⁴ In framing her history of federal regulation of sex/gender norms in the first half of the 20th century, Margot Canaday provides a useful explanation of the genealogical approach, stating that her book is “not, actually, a history of federal interest in what homosexuality is at any given moment, but rather a history of federal interest in *what becomes* homosexuality by midcentury. In short, I am writing about a process more than a thing.”⁶⁵

Rather than projecting contemporary understandings of transgender back in time, this book asks how people understood, regulated, and produced femininity in men’s prisons across changing penal contexts. I do this through *problematization*—the “identification of how a specific phenomenon . . . came to be regarded as a specific kind of problem for specific authorities at a specific point in time.”⁶⁶ Analyzing historical data as a sequence of problem-solving puts social actors at the center as they define phenomena and take deliberate action.⁶⁷

There is some tension between tracing an enduring problem and recognizing that the problem is redefined in different eras. The problem continues and it changes. Gender variance may be an enduring problem for sex-segregated prisons, but prison administrators and staff conceptualized and responded to it in radically varied ways over the history of the California Department of Corrections. So too, gender regulation may be an enduring problem for

prisoners, but as its specific form has changed, prisoners have understood and dealt with it in varied ways. The focus on problematization allows us to see the vastly different meanings and modes of action that can be mobilized around what might appear, on the surface, to be a single phenomenon.

For scholars using a genealogical approach, the quality of one's account is not only about historical accuracy but also about utility: a diagnosis of the contemporary moment animates the turn to the past, which we then use to inspire new ways of thinking and acting in the present. Appropriately for this project, 1970s prisoner radicalism inspired Michel Foucault to develop the genealogical approach. In *Discipline and Punish*, Foucault explains that prisoner revolts of the period provided the critical insight and motivation that drove his analysis.⁶⁸ Prisoner uprisings revealed struggles over power occurring “at the level of the body,”⁶⁹ and this led Foucault to trace a genealogy of the prison that looked not to penological or legal histories but to logics and techniques of controlling bodies in space.

Genealogies therefore engage the past but begin “from a question posed in the present.”⁷⁰ As I began this research project in the mid-2010s, I wanted to understand how and why California prisons were adopting tailored transgender policies. I felt, based on my prior experience doing prisoner solidarity work, that there was a fundamental contradiction between the ethos of care publicly espoused by some penal administrators and the function of penal institutions. I decided to look backwards to rethink the present. I would start with the establishment of the state's centralized Department of Corrections in the 1940s and work my way up to the current moment. Perhaps understanding the evolution of prison gender struggles over the previous 80 years would help me make sense of trans prisoner struggles unfolding around me.

Research Site and Data

If you want to research the criminal justice system through a single-state case study, picking California puts you in good company. It is the most-studied state in the sociology of punishment and has been examined to theorize different penal epochs (from the Depression era⁷¹ to the rise of mass incarceration⁷² to the dynamics of 21st-century carceral austerity⁷³), to understand diversely positioned actors (from prison guard unions⁷⁴ to Black prisoner organizers⁷⁵ to family members visiting their incarcerated loved ones⁷⁶), and to make sense of wide-ranging phenomena (from parole⁷⁷ to the death penalty,⁷⁸ from prison fire camps⁷⁹ to the prisoner grievance

procedure⁸⁰). Analyses based on California have provided key concepts for punishment scholars like importation⁸¹ and the penal field,⁸² and they have provided frameworks for understanding issues of significance like prison race-making⁸³ and prison classification.⁸⁴ Importantly here, California has provided the basis for field-defining studies of gender and punishment in women's prisons⁸⁵ as well as the most robust body of research on transgender prisoners.⁸⁶ To study prison gender boundaries in California is, therefore, to enter into a rich scholarly conversation and lineage.

California is unusual, but its singularity has analytic advantages. This is not only because, in Jonathan Simon's words, "California is to incarceration what Mississippi was to segregation—the state that most exemplifies the social and legal deformities of the practice."⁸⁷ The scale of the California prison system makes it worthy of study in its own right. The state is also widely recognized as a bellwether for national punishment policy⁸⁸—other state systems tend to adopt its innovations in piecemeal ways. For my purposes, California offers additional leverage. California's prison system has shifted more dramatically than other states, and its vast historical variation includes enormous changes to its guiding penal ideologies, available facilities, and the size of its incarcerated populations. This variability makes California a strategic site for analyzing how ideological and material shifts within the prison system influence the definition and management of gender boundaries. California has also been home to vibrant sexually and gender-diverse communities, which makes it possible to study their experiences of incarceration as well as how LGBT political activism stretches across prison walls.

This book draws on archival, interview, and ethnographic data to investigate the making, managing, and navigating of gender boundaries in California men's prisons from 1941 to 2018. Archival research was central to this project, especially regarding the earliest periods of my study. To understand administrative conceptualization and regulation of gender nonconformity, I collected data at the Alameda County Law Library, California State Library, California State Archives, San Francisco Public Library, Stanford Law Library, and University of California, Berkeley, Bancroft Library. Primary sources included prison classification manuals, internal communications between Department of Corrections staff, press releases, and news articles in which prison staff were quoted. To explore how gender-nonconforming prisoners and their advocates challenged the meanings and management practices directed toward them, I turned to social movement archives—the Freedom Archives and the GLBT Historical

Society—to examine activists’ personal papers, prisoner correspondence, and organizational materials.

Interviews complemented my archival data by providing deeper insight into the ways people grappled with prison gender regulation and its consequences. I conducted 136 semistructured interviews, including 36 with formerly incarcerated transgender people, 89 with advocates for currently and formerly incarcerated people, five with former prison staff, and six with policymakers. Formerly incarcerated transgender people’s accounts covered more than four decades—from 1974 through 2018—and accounts from advocates, former prison staff, and policymakers spanned the early 1990s through 2018. These interviews provided deeper insight into the everyday lives and resistance of prisoners that were not documented in the archives. My interview sample of formerly incarcerated trans people reflects broader racialized and gendered patterns in trans incarceration⁸⁹: 32 of 36 interviewees identified as trans women (four as trans men); among the trans women, 20 interviewees identified as Black, six identified as multiracial (five primarily as Black), three identified as Latina, and three identified as white.

Finally, I conducted 20 months of participant observation in the grassroots organizations Justice Now and TGIJP between 2015 and 2018, supporting currently and formerly incarcerated trans people, providing administrative and fundraising assistance, and participating in the organizations’ legislative and grassroots organizing work. This fieldwork comes to the fore towards the end of the book, when I describe the contemporary period. Yet the whole book bears the imprint of the activists, who inspired me to understand prisons as protean and prisoners as sophisticated, deliberative political actors. They led me to realize that an overreliance on a structural gender frame (prisons persistently enforcing a gender binary) or identitarian gender frame (trans prisoners acting to affirm their identity) might, to quote David Valentine, “produce the difference it claims merely to describe.”⁹⁰ The activists helped me come to view gender as a terrain of shifting and contingent struggle bound up with the historical development of the prison.

I did not choose this project out of sociological curiosity so much as my sociological training provided me with tools and questions to bring to bear on a set of issues I was already deeply invested in. A white trans man born in suburban Massachusetts, I didn’t grow up with the prison system crashing in on my life. But my transition at age 20 meaningfully changed my web of relationships and way of orienting towards the world. In 2011, I began volunteering with organizations in the San Francisco Bay Area that supported

trans people in prison. When I began formal fieldwork with two of these organizations in 2015, I already held close personal ties to staff members and was already participating in the organizations' work. Becoming a participant observer did not radically change the substance of my involvement, though it did shift its character. After my research period officially ended, these personal and political relationships have remained some of the most central in my life. This is not a project where I am speaking as a representative. My own life has given me few reference points for the experiences of formerly incarcerated trans women of color who live at the center of this project. But there is a way that I entered this project with "the gift of proximity,"⁹¹ enmeshed in connection to people who were also a part of my research.

As Mario Small and Jessica Calarco remind us, it is impossible to gather qualitative data without our individual imprint: The goal should be to cultivate refined self-awareness around the innumerable ways we "do not merely collect but in fact produce the data [we] later analyze."⁹² Much social science research about criminalized trans people emerges from a place of distance. While this project has its own partialities, I hope it may be an offering from another direction.

OUTLINE OF THE BOOK

This book is organized in chronological order, tracing contestation over prison gender boundaries across different periods of punishment. Chapter One opens in the 1940s as the California legislature unified the state's four existing prisons into a centralized bureaucracy. I explain how the typologizing regime of the new California Department of Corrections—focused on shunting prisoners towards either treatment or custody—was informally underwritten by racially gendered management. During this time, feminine prisoners were viewed as instigators of same-sex sexuality who could undermine the rehabilitation of masculine white men with potential for reform. Prison administrators sought to control this contagion by identifying and segregating white "effeminate homosexuals." This reveals how a formally race-natural regime was based on a racially gendered image of rehabilitative potential: prioritizing masculine white men while subjecting feminine white men and all men of color to nonrehabilitative custody. In this period, white men who suspected that classification as an effeminate homosexual

would land them in segregation were able to resist by answering diagnostic tests in ways that minimized their femininity.

In the 1950s through the 1970s, as Chapter Two details, the California Department of Corrections expanded its facilities and capacities for penal “rehabilitation.” Prison administrators constructed gender nonconformity as a psychological symptom and built tailored medical facilities for “correcting” effeminate homosexuals through coercive experimentation. In this period, the racialization of gender-boundary violation changed. Prison administrators and penal researchers responded to 1960s radicalism by fixating on racialized communities as criminogenic; this included reframing male prisoner effeminacy as a nonwhite cultural pathology. Prison staff subsequently began to identify a multiracial group of prisoners as effeminate homosexuals. Brought together in designated medical units, this multiracial group of prisoners resisted by mobilizing a medical discourse of transsexuality to lobby for, and ultimately win, access to hormone therapy and bras.

Chapter Three describes how the California Department of Corrections of the 1980s and 1990s adopted containment rather than the correction of deviance as its primary project. Oriented toward warehousing, prison administrators expanded the use of sorting via risk assessment. Because femininity was interpreted as relevant to but not fully constitutive of prisoners’ riskiness, feminine prisoners’ composite risk scores determined their administrative treatment. This created opportunities for prisoners to detach from the specialized classification of effeminate homosexual and move into nonsegregated units, but it subjected all those labeled as high risk (including transgender women who had engaged in self-defense) to hyper-coercive punishment. Trans women dispersed across the prison system developed makeshift strategies for navigating informal gender regulation, and some participated in struggles against mass incarceration that exceeded their gender particularity, like organizing around solitary confinement and HIV/AIDS.

Chapter Four explores how the 21st-century California prison system dealt with the rise of legal and activist challenges to mass incarceration. Under pressure from social movements and federal courts, prison administrators adopted social service frameworks for incarceration, took certain measures to address prisoners’ fundamental medical and mental health needs, and created new bureaucratic procedures for legally recognized groups. Prison administrators began to interpret femininity as evidence of a legally protected transgender status, and they constructed prison policies

that would, at least on paper, provide transgender prisoners with administrative recognition and legally mandated accommodations. In this context, prisoners found an avenue of resistance through the assertion of a transgender identity to access desired resources, such as access to hormone therapy. Transgender social movements played a key role in advocating for policies that could aid incarcerated trans people while also drawing strong connections between trans liberation and abolition of the prison system as a whole.

In 2017, trans activists passed the Name and Dignity Act (SB 310), recognized as the first California law specifically addressing the needs of trans prisoners. The SB 310 activists wanted to improve conditions for incarcerated trans people, but they were wary of superficial reforms that might further prison expansion. In Chapter Five, I zoom in on these efforts to understand how contemporary actors mobilize and minimize gender distinctions in the course of their prison abolitionist work. The activists used trans rights discourse to frame their bill and build support, yet they wrote the bill in such a way that it streamlined the process for all prisoners to change their names and gender markers. They leveraged sympathy towards transgender people as a social category yet passed a law that decreased prison control over classification. The SB 310 organizing illustrates how activists can bring a dynamic approach to categories into anti-prison work, and it shows how activists can combine abolitionist commitments and a deep concern for trans prisoners to shape their political action.

Over the past few years, anti-transgender legislation has been on a rapid ascent. Though a comparatively small number (32) of anti-trans bills were introduced nationally in 2019, 174 were introduced in 2022, 615 were introduced in 2023, and 1,014 were introduced in 2025.⁹³ Many bills have either explicitly sought to roll back trans people's ability to access health care and safe housing in prison or have symbolically mobilized the "transgender prisoner" to justify why policies are needed to shore up the traditional gender order and create a more conservative criminal justice system. The conclusion places these current realities into dialogue with the history and arguments presented in the book. In many ways, the present moment illustrates that the experiences of prisoners on the edge of normative gender reveal historical shifts in modes of punishment, in strategies of resistance, and in what gender itself is understood to be. Hyper-punitive prison policy may prompt nostalgia for what is imagined to have been a kinder bygone era. Yet this book shows that even nominally benevolent penal regimes are experienced by incarcerated people as deeply coercive. I propose that scholarship, policy,

and activism regarding trans prisoners may be most effective by sidestepping the idea of trans exceptionality. By drawing parallels between contemporary trans activism and earlier waves of activism, or between incarcerated trans people and incarcerated cisgender people, it becomes possible to see the broader forces that generate trans precarity. When the practice of identifying continuities and shared struggles without ignoring difference is applied to political work, activists call this solidarity. It is only by discovering new ways of thinking and relating across difference that it will be possible to break out of historical cycles and move towards a new horizon.

Containment

IN HIS LATE TEENS, white American author Malcolm Braly did his first prison bid for a combination of robbery, carjacking, and an epic cross-state escape, which included locking a Nevada sheriff in his own jail. It was the 1940s and Malcolm committed these actions with two boys he had met a few years earlier at reformatory school: Mick and Bob. Mick and Malcolm stayed close throughout their incarceration in Nevada, and they even successfully broke out of prison together, though they were recaptured within a day. Bob, on the other hand, had a different path. Within a week of arrival in the Nevada prison, Bob began to live in a cell with a prisoner named Big John. In Malcolm's words, "Bob had become a commissary punk, a boy literally bought by a wealthy convict for the extra food and few luxuries he's able to provide. The commissary punk is not a homosexual and doesn't necessarily enjoy his work. It's not unlike the bargain many women are forced to make in patriarchal societies."¹ It's difficult to know how Bob thought about his own sexuality and experiences. Malcolm persistently claimed that Bob wasn't a homosexual and chose this arrangement simply because he was scared of other prisoners. From Malcolm's perspective, Bob was "the same Hollywood Romeo I first met on the streets of Sacramento. He was simply chickenshit."²

Mick and Malcolm received some cruising attention themselves. At least one prisoner thought Malcolm was the "best-looking of those three gunsels" and plied him with extra food and compliments.³ Nevertheless, Malcolm insists that he hadn't been coerced in the manner of "the dominant myths of prison life which holds that young prisoners are routinely screwed by older convicts."⁴ He claims that "what Mick and I encountered was far closer to seduction than to rape. We were casually courted, almost never pressed, and like nice girls of the time, we said No, and that was more or less that."⁵

Ultimately, Malcolm, Mick, and Bob spent two and a half years in Nevada state prison. Malcolm respected many of the men he met behind bars, men he considered “the last of the western outlaws,”⁶ stealing from the powerful and dedicated to a life of adventure. During these years, he began writing poems and prose to commemorate his peers and prison life, early indicators of his future career as a published author.

Because Malcolm, Mick, and Bob had committed robberies in Los Angeles and Sacramento before continuing into Nevada, they spent their sentence under detainer from California. This meant that they were released from the Carson City prison only to be picked up by California detectives and driven west. Malcolm and Bob were being charged with the same crime, and they reconnected when they were transferred together. In Los Angeles, a public defender convinced both men to plead guilty. They were quickly convicted and sentenced to time in the Golden State. Malcolm’s time in Nevada prison would prove to be a sharp contrast to his incarceration in California. He reflected, “Nevada was a good-natured, old-fashioned prison where one never heard the word ‘rehabilitation.’ There were no official programs. No school, no trade training, no group counseling. . . . No one suggested we had become prisoners as simply a symptom of our psychological impairment, or for any reason other than the obvious one that we had broken the law and had been caught.”⁷

California was a different story. Malcolm arrived at San Quentin State Prison soon after the state legislature had created the California Department of Corrections (CDC) and had begun to construct centralized administrative systems for managing the prisoner population. Malcolm would experience this new form of penal regulation firsthand. Within California’s typologizing regime, he would also find his own gender and sexuality under far greater scrutiny than they had been in Nevada. It wouldn’t be long before Malcolm was having to figure out how to shake prison staff’s suspicion of his latent homosexuality, lest he be sent to segregation.

Malcolm’s experience sheds light on the ways that gender regulation operated within California in the earliest days of the new penal bureaucracy. The formal focus of the CDC’s classification regime was distinguishing between the reformable and the incurable, but in practice, these distinctions operated along racial and gender lines. Administrators sought to rehabilitate white men while controlling and containing men of color. In this context, prison administrators viewed white effeminate homosexuals as a deviant contagion who could undermine the project of white men’s rehabilitation. Femininity

signified innate sexual deviance (requiring containment) while masculinity indicated a vulnerability to situational sexual deviance if exposed to the catalyst of feminine provocation.⁸ Prison administrators sought to facilitate the treatment of reformable men by separating out queer incorrigibles.

Gender scrutiny—the identification and isolation of white “queens”—was therefore a means to facilitate rehabilitation of more normative white subjects. For white men like Malcolm, this setup prompted a strategic navigation of gender evaluation in order to avoid a diagnosis of latent homosexuality and subsequent segregation. Men of color were excluded from the rehabilitative project as a class and thus faced no gendered differentiation. Gender policing operated within the tacit racialization of divergent prison pathways: towards reform or towards containment.

CONTAINMENT

As a prison strategy for knowing and acting on its subjects, containment emphasizes a primary division between a body politic and a dangerous subgroup. Containment mobilizes imagery of a bifurcated prison population: rationalizing the repression of the irredeemable in the name of protecting the promising. This makes containment distinct from risk management (the dominant strategy during the mass incarceration era), in which the entire prison population is conceptualized in terms of degrees of riskiness to be evaluated and managed en masse.

When employing this strategy, prisons are highly concerned with how targets of containment affect the broader population but less concerned with changing those targets in and of themselves. As a means of penal control, containment therefore emphasizes the overt display of force and utilizes techniques of immobilization. While containment can be paired with rehabilitative approaches directed towards other segments of the prison population, it is predicated upon the social construction of contained prisoners as undeserving or incapable of reform.

The containment of gender variance was the primary penal strategy in the 1940s and 1950s as prison warden fiefdoms were consolidated into a centralized state bureaucracy. San Quentin warden Clinton Duffy pioneered the isolation of “effeminate homosexuals” as official housing policy. This managerial approach reflected the repressive undercurrent of his penal philosophy, which was generally celebrated as the pinnacle of progressivism.

Clinton viewed unruly sexual energies as the primary threat to prison social order and rehabilitation, and he characterized queens as deviants who could inflame perversion and uprising among the otherwise redeemable. Gender served as a proxy for the differentiation of essential criminality from the sort of social maladjustment that Clinton believed prisons could correct. The same strategy of containing gender variance was repurposed in the first decade of the California Department of Corrections as the new bureaucracy developed extensive classification systems to distinguish between reformable and incorrigible prisoners. Here gender and race operated in tandem to set the limit conditions for the rehabilitative imaginary of the CDC.

QUEEN'S ROW: CONTAINING EFFEMINACY TO MANAGE VIOLENCE

Clinton Duffy served as San Quentin's official historian for a period before becoming warden,⁹ and he was an avid creator of his own historical record. His first memoir, *The San Quentin Story*, was published in 1950 with sections serialized in *The Saturday Evening Post*.¹⁰ After leaving his warden role in 1952 to join the new state parole board, he wrote two more books and featured in a Warner Brothers' film dramatizing his time as warden.¹¹ Clinton's wife, Gladys, published her own account, *Warden's Wife*, in 1959. These are far from unbiased testimonials. Each sought to establish Clinton's historical significance and, to this end, highlighted his intentions and perceived accomplishments. However, the ideological bent of such source material is a strength. By combining analysis of the memoirs with newspaper articles from the time, we can understand not only details of what occurred behind prison walls but what meanings they held for those tasked with maintaining the prison materially and ideologically.

Both Clinton and Gladys were children of San Quentin guards and grew up in the surrounding prison town. After holding various prison staff positions, Clinton assumed the warden role in 1940. Clinton's memoirs describe his time as warden as principally dedicated to reform. He was hired with a change of approach in mind—his predecessor, Warden Court Smith, resigned after his administration was tried before California Governor Culbert Olson “on charges of inefficiency and permitting cruelty to prisoners.”¹² Clinton, who asserted that “for society's sake, a prison should be a place of rehabilitation rather than just a place of punishment,”¹³ looked like a breath of fresh

air. After his six-month probationary period concluded, 1,500 San Quentin prisoners signed a testimonial expressing their hope that Clinton's appointment would be made permanent.¹⁴ Clinton believed in social control, but he sought to establish it through incentivizing with privileges. He instituted job training, set up the state's prisoner firefighting program, encouraged the creation of *The San Quentin News*,¹⁵ established a theater troupe, and made a practice of lunching with prisoners three times a week.¹⁶

Clinton recounts that his moves were viewed with skepticism by some who accused him of "coddling the cons and turning the prison into a playground."¹⁷ But he was praised by many others. A prisoner-run newspaper in Hawaii asserted, "No one, however, can read and hear of the things which are happening at San Quentin now without proffering the sincere gratitude of prison inmates everywhere. . . . It is men like Warden Clinton Duffy of California who stand as particularly bright beacons guiding the way toward a better understanding between those within and without the walls."¹⁸ *The New York Times* celebrated the gardening and landscaping project Clinton instituted as an "aid to morale" and quoted Clinton as attesting that "gardens, as a civilizing influence, have a definite place in discipline. We have found that when men are permitted to work in gardens they are much more tractable."¹⁹ *The San Francisco Chronicle* called the new prisoner-run radio program "one of the most entertaining on the air" and said to Clinton, "whose far-sighted inmate rehabilitation program has won him national recognition, goes much of the credit for this unique program."²⁰ A Texas prisoner-run newspaper reported approvingly that Clinton had proposed the creation of a new postmark, Gladton—a combination of his and Gladys's names—so that friends and relatives receiving mail from those incarcerated at San Quentin would not be embarrassed by the prison postmark.²¹ Even Eleanor Roosevelt viewed Clinton's San Quentin as a model prison. In 1943, the *Los Angeles Times* printed a story about how she had toured the prison and told 3,000 prisoners, "You are doing a magnificent job of war work."²² At the level of published discourse—from the most elite national publications to prisoner-run periodicals—Clinton was characterized as a progressive champion.

Despite Clinton's recasting of the prison as a benevolent and humanitarian endeavor, prisoner uprisings, escapes, and hunger strikes persisted under his leadership—rebellions for which two prisoners would ultimately be executed.²³ In 1945, 13 of the 15 men on San Quentin's death row went on a hunger strike to protest their very limited time outside their cells.²⁴ That same year, while Clinton was entertaining state legislators at his prison

residence, 2,500 prisoners rioted in the mess hall. The press reported Clinton's claim that the riot was a demonstration in "opposition to permitting Negroes and whites to intermingle at meals."²⁵ California prison authorities had recently created policy that would allow prisoners to eat together without race-based segregation; the new policy of voluntary racial integration had begun at breakfast on the day of the riot with no ill effects.²⁶ It is unclear whether the new mess hall policy was, indeed, a source of the conflict or whether prisoners may have been protesting something else. What is clear is that even as Clinton sought to expand prisoners' mobility and programming in some ways, he doubled down on the notion that the crossing of social divisions was a recipe for security problems.

The central classification-based solution Clinton seized upon for minimizing violence—even in the midst of other liberalizing reforms—was the segregation of gender-nonconforming prisoners. He believed that nominally heterosexual men could become enraptured by a pretty queen, fueling deadly sexual conflicts.²⁷ Clinton's wife, Gladys Duffy, elaborated on this perceived link between same-sex sexuality and disorder in her memoir: "San Quentin's sex problem was homosexuality. The sex deviates were responsible for recurring thefts and lethal feuds. Rivals for a 'queen's' favors attacked each other with 'shivs' honed to razor-like sharpness. Venomously jealous, their clashes in the Yard were the ones which most often drew fire from the catwalks and gun-towers."²⁸

While queens may have been numerically marginal to the prison population, they were thus imbued with great significance. In Clinton and Gladys' eyes, queens created management issues by provoking and perpetuating a lion's share of prison violence. In 1941, with a reformer's zeal, Clinton therefore established "Queen's Row" and began to isolate prison queens from the general prison population. He reflected on this decision with pride in his memoir: "In the old days, most of the fights which drew shots from the gun towers had arisen over what are known in prison parlance as 'queens.' . . . We cleaned out the old Spanish cell block, put steel control fences around it, and then rounded up all the known aggressive homosexuals . . . and ninety per cent of our prison sex problems—fights, knifings, thefts, even murder—have been eliminated."²⁹ Segregation was thought to keep queens from fighting over men and from kindling desire in masculine men who would fight over them. The transformation of the prison's oldest unit (the Spanish cell block) into a unit for effeminate homosexuals (Queen's Row) is an evocative illustration of how Duffy asserted his modern penal reform agenda by making gender and sexual classification more explicit.

Contrary to penological theory at the time, Clinton did not believe that men in prison lost interest in women. Indeed, after leaving his warden post at San Quentin, he became an outspoken advocate for conjugal visits between prisoners and their wives, visits he believed could quell prison unrest by satisfying men's sexual frustration. Clinton asserted, "The principal cause of prison outbreaks isn't discontent with living conditions. It's discontent with sexual conditions. If men in confinement could satisfy their natural urges in a normal manner, most prison rebellions—even escape attempts—would be a thing of the past. They are motivated primarily by the sex drive."³⁰ Clinton's approach while warden was predicated upon a similar theorization of the sex drive as the primary driver of prison violence. He sought to manage sexual energies via gendered segregation.

Historians have shown that a containment strategy was widely directed towards homosexual and gender-nonconforming prisoners in the early 20th century. George Chauncey describes how administrators of the New York City jail in the 1910s segregated effeminate homosexuals. He explains, "Within the South Annex (which many prisoners called the Fag Annex), men were informally allowed to wear long hair, wigs, makeshift dresses, and homemade rouge and lipstick. . . . Normally the only contact between the 'fags' and other prisoners came when the former were marched past the latter on their way to the mess hall."³¹ Chauncey explains that the segregation of effeminate homosexuals reveals how "the fairy was regarded as a distinct social type," how all men were viewed as vulnerable to a fairy's seductive charms, and how integrating fairies into the general men's prison population was understood as a security threat, since "rivalries between men for a fairy's attention would escalate into violent confrontations."³² Regina Kunzel suggests that differences of all sorts between prisoners—age, race, and gender—were understood as potentially erotically charged.³³ She explains, "Nineteenth- and early-twentieth-century prison investigators and officials understood sex between prisoners as an inevitable consequence of the unnatural mixing of inmates of different type and status—differences and hierarchies that were seen somehow either to naturally incline them to each other or to make them vulnerable to the other, or sometimes both."³⁴ Penal administrators seized upon social divisions as a tool for making sense of and, in their view, undercutting the potential for prison violence.

Isolation of gender-nonconforming prisoners in the early and mid-20th century was also imagined to protect a broader population of prisoners from sexual corruption. Elias Vitulli argues that "penal administrators target[ed]

gender-deviant and abnormal bodies as sick and perverse, disruptive and potentially contagious, and thus in need of containment and quarantine to safeguard the security of both the institution and other, more normal prisoners.”³⁵ The 1940s saw increasingly visible gay and lesbian populations and the suggestion that sexual deviance was more widespread than previously believed: Alfred Kinsey declared in 1948 that the majority of men appeared to have had some homosexual experience.³⁶ Ethan Blue notes that the specter of white male effeminacy reflected eugenicist fears about the instability of the white family and the white nation amid post–World War II transformations: “Urbanization, working-class movements, women’s suffrage, mass immigration, and imperial anxiety contributed to fears about dangerously feminized, white, middle-class manhood.”³⁷ In this context, the white pervert was viewed as “already racially contaminated, potentially contagious, and a threat to whiteness.”³⁸ White queens were figured as an existential threat to society, to prison management, and to the new vision of prison as a place that could facilitate positive transformation.

In 1940s San Quentin, a gender-based segregation strategy therefore served a specific purpose. Clinton promoted a vision of prison as a site where the lawless could learn to be hardworking, moral citizens. Yet San Quentin continued to be a site of turmoil and prisoner resistance. To reconcile prison volatility with his new strategy of prisoner social control, he mobilized social divisions as a proxy for conflict management. Mass sexual frustration, he argued, was the foundational challenge for prison administrators: In the absence of normal sex, prisoners “eventually spill over and, like hot lava in a boiling volcano, literally blow their tops.”³⁹ He viewed queens as the spark that could ignite the populace and doom them to enduring deviance. Clinton’s ability to successfully carry out his reforms hinged upon the maintenance of order inside the prison. Any provocateur who could disrupt this program would have to be locked away.

TYOLOGIZATION IN THE NEW PENAL BUREAUCRACY

How did the strategy of a renegade reformer become formal state policy? First, there had to be uniform state prison policies in the first place. From the 19th century though the beginning of Clinton Duffy’s career, California prison wardens held autocratic control over their facilities.⁴⁰ A prison board existed to appoint prison wardens, but each prison was essentially a fiefdom.⁴¹

It wasn't until 1944, when the California state legislature passed the Prison Reorganization Act, that California's four existing prisons were integrated into a unified California Department of Corrections.

California Governor Earl Warren, a former district attorney and state attorney general, ran for election in 1942 with prison reorganization at the heart of his political agenda. Viewing the state's prisons as lax in discipline—he was particularly outraged by Lloyd Samsell, who had been sentenced to 15 years to life but was repeatedly spotted nightclubbing around San Francisco on weekends—Warren appointed a committee to investigate penal affairs in 1943.⁴² The committee reported that prisons were flagging under mismanagement and that prison staff had ceded control to “con bosses.”⁴³ They urged Warren to create a centralized Department of Corrections with a trained penologist at the helm.⁴⁴

Warren pushed forward the reorganization in 1944, appointing Richard McGee as the CDC's first director.⁴⁵ McGee had wide networks in the field of penal management, having served as the warden of Rikers Island jail in New York and having headed the national American Prison Association.⁴⁶ He invited professional penologists, criminologists, sociologists and psychologists to join him in constructing policies for California's penal bureaucracy.⁴⁷

The creation of the CDC transformed how imprisonment was conceptualized and which actors were best positioned to shape penal policy.⁴⁸ As sociologist Joshua Page explains, “Legitimate authority . . . was [now] based primarily on penological expertise” with “the state's penal agencies wielding the most authority in the imprisonment field.”⁴⁹ The social scientists newly in charge of CDC policy were invested in a granular understanding of criminal deviants and in the use of sociological and psychological profiling to guide prison management.⁵⁰ In this approach, they arguably sought to more fully materialize the ideals of Progressive prison reformers from the turn of the 20th century. Nineteenth-century prisons were brutal, overcrowded institutions that relied heavily on corporal punishment and commonly mixed groups of prisoners together regardless of age or criminal history.⁵¹ Progressive-era reformers introduced classification as part of their broader efforts to reform criminal justice institutions and to advance a psychotherapeutic model of criminality. The mobilization of medical concepts and techniques served to legitimize the fields of criminology and penology, which were at that time newly emerging and less prestigious. Classification based on psychiatric interpretation of social deviance was one key technique adopted from the model of medical diagnosis. In a prison context, classification was asserted

as a means to drive “individualized treatment based on psychological and sociological categories,”⁵² but in practice it served as “much more of a labeling than a curative instrument.”⁵³ Classification provided turn-of-the-century prison administrators and staff with a new tool for organizing space and governing incarcerated populations. It allowed prison officials to “revamp custodial practices,” and it “became a practical device to segregate troublemakers and to create categories, within the prison system, that ranged from maximum to minimum security.”⁵⁴ Since prisons of the early 20th century had very few psychiatrists or psychologists on staff, prison officials (wardens and parole board members) were largely the ones determining which types of prisoners should have which types of prison experience and when any given prisoner was sufficiently “cured” to deserve release. But centralization of imprisonment in California and beyond marked an evolution in the social organization in penalty: the shift “from a personalistic, charismatic regime towards a rational-bureaucratic one.”⁵⁵ Under McGee’s direction, administrative processes for classification would be institutionalized across the CDC. Despite its more bureaucratized form, classification would continue to serve a custodial function.

As part of creating the CDC, the 1944 Prison Reorganization Act established Guidance Centers to carry out a “scientific study of each prisoner, his career and life history, the cause of his criminal acts, and the recommendation for his care, training and employment, with a view to his reformation and the protection of society.”⁵⁶ The Guidance Center at San Quentin began receiving nearly all prisoners upon admission for assessment in a psychiatric and diagnostic clinic.⁵⁷ In 1946 McGee created the Bureau of Classification and Treatment to oversee and manage the daily work of classification. He appointed Norman Fenton, who held a PhD in sociology, to run the bureau.

Staff at San Quentin’s Guidance Center played a key role since the cumulative case summaries they compiled were used to determine where prisoners were sent and what their prison experience would look like. These case summaries—produced by a staff of psychologists, psychiatrists, sociologists, and educational and vocational counselors—were epic texts that could easily span more than 100 pages. Each summary included circumstances of the offense, the prisoner’s version of the offense, prior prison terms, a summary of social data, a medical history, physical examination records, a social evaluation, a vocational evaluation, a psychological examination, a custodial evaluation, a religious evaluation, a guidance counselor’s report, and a psychiatric summary.⁵⁸ Legal records commingled with medical

information, and judgements on a prisoner's psyche sat alongside rumination on his spiritual state. After carefully evaluating this dossier of expert data, staff recommended a plan for the individual's incarceration, including the institution he should be sent to, his custody level, educational and religious programming, and his institutional work assignment.⁵⁹

Although prisoner evaluations were highly personalized, they effectively shunted prisoners onto one of two paths: treatment or custody.⁶⁰ Classification helped the CDC distinguish between those prisoners they believed had potential for reform (who could be assigned to an educational program or group counseling) and "those exceptional inmates whose criminality seems to be relatively incurable in terms of present-day knowledge [who] are assigned by classification procedures to humane, but also secure, custodial care."⁶¹ McGee and his team of experts sought to understand the particularities of prisoners in excruciating detail, proclaiming the possibility of reforming incarcerated men through tailored programming. But the corresponding and co-constitutive counterpoint to this notion of individualized rehabilitation was custody of those they deemed incorrigible.⁶²

If classification could maximize the efficacy of punishment, administrators also hoped it could also address dangers of prisoner mixing. McGee—and many others—felt particularly uneasy about feminine homosexuals. Queens were seen to hold a contaminative power that made them the enemy of the rehabilitative mission. What if they awoke deviant desire in the "normal men" CDC staff wished to treat and restore? In order for reform to succeed, queens would need to be isolated.

SEGREGATION OF THE INCORRIGIBLE

The practice of isolation runs deep in the history of American imprisonment. Reformers in New York and Pennsylvania established in the 1810s and 1820s what we recognize today as the first prisons.⁶³ Their approaches, which would come to be known as the Auburn System and the Pennsylvania System, respectively, are often contrasted: The Auburn model emphasized congregate work in prison shops, and the Pennsylvania model emphasized individual repentance through solitary confinement. Yet advocates for both models sought rigid control over prisoners' contact with each other, believing it could undermine the potential for reform.

Even at Auburn, prisoners were forbidden from speaking to each other while working or eating, and all prisoners slept in separate cells.⁶⁴

Thus, from the inception of American imprisonment, ideas about the prison's purpose have been bound up in spatial and relational control. In the words of one 19th-century association, the Boston Prison Discipline Society, "the prospect of improvement in morals, depends, in some degree, upon the construction of buildings."⁶⁵ For the early architects of American imprisonment, isolation was considered a generalized good, instilling discipline in social deviants and producing the law-abiding citizens a republican order required.

By the mid-20th century, California prison administrators had settled upon a different approach to isolation, one based in their classification practices. The 1944 legislation that created the CDC authorized the creation of a prison hospital to serve a number of functions: "to segregate and treat male felons who are either physically ill, mentally defective, epileptic, addicted to the use of narcotics, or otherwise physically or mentally abnormal, such as psychopaths and sex offenders." Yet not all of these purposes were of equal importance. The report writer went on to assert, "Still more important is the segregation of inmates who have contagious diseases and abnormal sexual tendencies. Segregation for these reasons is extremely desired in order to protect the health, safety and welfare of the normal, healthy inmate."⁶⁶ Isolation, which 19th-century prison officials envisioned would serve a generalized reform mission, was repurposed to serve a new logic of containment. Segregation became the prescription for those excluded from reform in order to maximize the reform of others.

The CDC's 1951 classification guide instructed staff on three forms of segregation, including psychiatric segregation for those who had been "diagnosed as homosexual."⁶⁷ As of 1951, Queen's Row seems to have remained the appointed site of containment: Policy dictated that if "the prisoner is an effeminate homosexual who requires institutional segregation," said prisoner should be sent to San Quentin.⁶⁸ But things had changed by 1953, when the state designated Soledad State Prison as suitable for housing "inmates trainable in agriculture and trades" and included a "unit for homosexuals" in the facility.⁶⁹ The following year, CDC director Richard McGee circulated a memo affirming that "inmates who have definite effeminate characteristics and/or who consistently play the feminine role in sex relationships" should be sent to Soledad.⁷⁰ A Soledad transfer was contingent upon segregation. The

1955 CDC classification manual explicitly notes that “men who had a definite homosexual orientation shall not be recommended for the general population at Soledad. If there is suspicion of homosexuality or an isolated act in the history, caution shall be exercised in recommending Soledad placement.”⁷¹ Soledad provided a solution for the problem of prisoner homosexuality only insofar as it offered a specialized site for isolation; staff feared prisoner mixing within Soledad’s general population as much as they did in any other prison.

CDC administrators constructed their own rationales for why effeminate homosexuals were dangers to be contained rather than subjects for rehabilitation. In his 1953 training manual, *An Introduction to Classification and Treatment in State Correctional Service*, sociologist and deputy director of classification and treatment Norman Fenton explained that treatment was intended to help prisoners adjust to institutional life and succeed after prison. Yet he then clarified that “the segregation of the confirmed passive homosexual has value for prison management.”⁷² In the glossary of his manual he defined segregation as “placing different types of men together, as the men with tuberculosis at Medical Facility, the older habitual criminals at Folsom, or the effeminate homosexuals at Soledad.”⁷³ While wrapped in the rhetoric of mid-century social science, the CDC’s segregation policy thereby echoed the managerial ethos of Clinton Duffy a decade prior.

Effeminacy continued to function as the identifier for whether someone’s same-sex desires and practices constituted an innate pathology (in need of containment) or an aberrant practice (that could be repressed and replaced with prosocial behavior). From the origin of the CDC, we can see prison administrators drawing a distinction between queens and their masculine partners (believed to be only circumstantially gay). In a 1944 study undertaken to determine whether a psychopathic hospital was needed, study administrator Lawrence Kolb concluded, “The passive sexual psychopath and those guilty of crimes against children are definitely abnormal. Some of them can be benefitted from proper handling, and it would be desirable to treat them in a special institution. It is desirable in any case to separate the passive group from the aggressive male ‘wolf type’ of pervert prisoner. Some of the latter are very likely not fundamentally sexual psychopaths but indulge in pervert practices in prison.”⁷⁴

In building a profile of the effeminate homosexual—a lascivious deviant with an ingrained tendency to play the feminine role in relationships with men—prison administrators found themselves needing to contend with prisoners who didn’t fit this profile but were nevertheless engaging in same-sex

sexual activity. The early CDC classification manuals simmer with anxiety over this challenge. The 1955 classification manual, along with its specification that effeminate homosexuals were the ones to be segregated, outlines a typology of other kinds of people who might engage in same-sex behavior and the corresponding forms of captivity to which they should be subjected. Some of the matching followed from different prisons' architecture. For instance, the manual urged caution in sending men with histories of homosexual activity to the California Institution for Men in Chino since the "nature of the open type institution makes control of homosexual activity difficult and may introduce a serious management problem."⁷⁵ In administrators' eyes, Chino's architecture posed a problem because it might create opportunities for slipping into same-sex sexuality among those tempted by circumstance.

One's gender normativity ultimately determined staff's perceptions of how reformable someone was. Masculine men who engaged in same-sex activity could be transferred to prisons with rehabilitative programs, but the "confirmed passive homosexual" was seen as constitutionally deviant, an inevitable disruptor of prison life. Duffy's targeted containment of gender transgression, which materialized in Queen's Row, thus persisted as policy for the newly scientific penal bureaucracy.

For effeminate homosexuals, same-sex sexuality was interpreted as the outer expression of an inner truth. But for masculine men, clinical penological theory at the time understood both same-sex sexuality and prison aggression as pathological responses to imprisonment. In the 1953 classification manual, Fenton explains that there are five ways that prisoners might adapt to captivity. A prisoner might adapt through a "wholesome" adjustment in which he "accepts being in prison realistically and manfully."⁷⁶ But he might also respond with aggression, compensation, projection, or escape. For instance, one might respond with "aggressive hostility," projecting anger from prior rejection onto prison staff and engaging in fighting, bullying, disobedience, or "a resentful antagonistic attitude."⁷⁷ One might also engage in escape or evasion, in which one refuses to accept the reality of incarceration in a men's prison and may express symptoms like "sexual problems (including crushes and perversions)."⁷⁸ All "chronic disciplinary cases and other markedly aggressive inmates" were to be sent to Folsom for "maximum custodial supervision."⁷⁹

The 1955 manual therefore illustrates a period of institutional reshuffling and the establishment of multiple frames through which classification staff sought to differentiate various types of same-sex actions, identify underlying

orientations, and forecast future behavior. In Clinton Duffy's segregation of homosexuals to decrease prison violence, he imagined homosexuals as drivers of prison disorder. The 1955 CDC classification manual illustrates a growing conceptual and managerial split between aggressive perpetrators of violence, who were to be treated as security threats, and effeminate homosexuals, who were to be clinically identified and then isolated. Both populations were imagined to have a more fixed character than the general prison population who might engage in an isolated act of same-sex sexuality. As we will come to see, the distinction in forms of sexual deviance—feminine homosexuality versus sexual aggression—was also underwritten by ideas of racial difference.

RACIALIZED CLASSIFICATION AND CONTROL

Tasked with carrying out this extensive classificatory process, staff leveraged new clinical methods. Because male effeminacy “had come to be the sexual deviant’s primary referent,”⁸⁰ administrators sought to identify homosexuals through the administration of what was popularly known as the M-F test, a tool developed by Stanford psychologists to measure “mental masculinity and femininity.”⁸¹ While race was not explicitly written into the CDC’s new administrative system for regulating gender boundaries, it was foundational to whether prisoners were viewed as gender nonconforming or gender normative.

As with much of formal prison policy in the mid-20th century, the policy of segregating effeminate homosexuals was ostensibly race-neutral. In practice, however, it was a different story: Prison officials identified and segregated white men. When Alfred Kinsey’s researchers interviewed prisoners in Soledad’s segregated Z wing for homosexuals between 1953 and 1955, they reported that every one of the 111 men housed there was white.⁸² The racial specificity of the prison’s effeminate homosexual classification reflects racialized conceptualizations of deviant sexuality during that period.

Between 1945 and 1949, California’s prisoner population and the subset of men convicted of sex offenses were both predominantly white. Disaggregating this data, however, shows that Mexican men were disproportionately convicted of rape and white men received the bulk of the lesser convictions for “L & L [lewd and lascivious] and other sex offenses.”⁸³ Black prisoners were convicted of all sexual crimes at the lowest rates, even as they made up a larger percentage of the prison population than Mexican prisoners.⁸⁴ This is a slight

variation on the racialized ways sex was policed nationally at mid-century, when white men were overrepresented among those criminally charged for minor sexual offenses and/or for sexual relations with minors, while Black men were overrepresented among those convicted for rape.⁸⁵ Observing that white men convicted of sex offenses were likelier to experience psychiatric treatment, while Black men were likelier to be imprisoned or executed, Estelle Freedman concludes, “White men who committed sexual crimes had to be mentally ill; black men who committed sexual crimes were believed to be guilty of willful violence.”⁸⁶

To some extent we can understand racialized conceptions of sexual deviance in prison as beginning with such racialized policing and court processes. Descriptive registers of prisoners received at San Quentin and Folsom State prisons from 1944 to 1946 illustrate that those convicted of crimes of queer sexual deviance were overwhelmingly white.⁸⁷ White cook Emil was picked up in Los Angeles for lewd contact with minors. White sailor Vaughn was picked up in San Francisco in 1944 for lewd conduct; he had been sent to a US naval prison for scandalous conduct in 1930, ending his military service. White carpenter Joe was picked up in Merced and charged with lewd and lascivious conduct. White truck driver John was picked up in San Francisco and charged with a crime against nature.

But the whiteness of Soledad’s Z wing for homosexuals also reflects how the postwar rehabilitative regime facilitated the conversion of racial distinctions into different custodial pathways. Prison census records from 1952 and 1953, for instance, demonstrate that across the prison population, California’s white prisoners were disproportionately sent to facilities designated for psychiatric treatment and maximum custodial supervision, Black men to facilities for maximum custodial supervision, and Mexican men to facilities for vocational training.⁸⁸ Thus, in this typologizing era of the California prison, white men were either targeted for psychiatric treatment or isolated from more reformable white men. Black men were labeled as incorrigible and beyond treatment, and they were disproportionately subjected to intensive custody. And Mexican men were targeted for compulsory work. In this context of racially gendered scrutiny, the white effeminate homosexual became one among other types of white men who threatened the rehabilitative project and thus had to be assigned to confinement.

Imprisonment, racism, and gender regulation intersect differently in different historical periods. As Kelly Lytle Hernández documents, Los Angeles jails from 1880 to 1910 largely incarcerated white men.⁸⁹ She argues that this is

because authorities in Los Angeles targeted poor white men (labeled as tramps or hobos), whom they perceived as a threat to the white middle-class enclave they were seeking to build. Itinerant white men refused to pick up the mantle of white settler masculinity: forming nuclear families, adopting an industrial work ethic, and taking up permanent reproductive settlement on Native land. Instead, they were drawn to radical anarchist and labor politics, and they created lifeworlds among other men, including adopting nonnormative gender expressions and same-sex sexuality. Los Angeles elites sought to incarcerate white itinerants on public order charges and thus disappear the white men who threatened the white settler order from within. The focus on segregating white effeminate homosexuals in the mid-century prison system was thus both distinct and not the first time that carceral control in California targeted white men in the service of reproducing white supremacy.

NAVIGATING PRISON GENDER BOUNDARIES

Having examined the new penal bureaucracy he was entering, let us return to Malcolm. Malcolm quickly observed that the California Department of Corrections had a distinct way of viewing prisoners and the causes of their incarceration. If the Nevada prison system sought to sanction, California prisons sought to identify psychological maladies at the root of deviant behavior. Malcolm's introduction to prison in California began with three months in an orientation unit at the San Quentin Guidance Center. When he asked the purpose of this time, a prison attendant retorted, "Sit around and take a bunch of tests."⁹⁰ Indeed, this time was intended for gathering information on each new prisoner so that the Classification Committee could determine how and where that person would spend his sentence.

All prisoners were assigned to a counselor whose job was to explain prison protocols, facilitate testing, and sit in on the Classification Committee process at the end of the three-month period. Malcolm hoped to avoid the jute mill, which he knew was the worst work assignment. But he also worried about following Bob's path. Soon after arrival, Bob told CDC staff that he was homosexual. From Malcolm's perspective, this disclosure doomed Bob to a wretched fate: "He served his sentence limping along at the end of Queen's Row."⁹¹ The prospect of a similarly dismal destiny was causing Malcolm anxiety, as Malcolm's prison-assigned counselor, Penny, suspected that Malcolm's underlying psychological problem was latent homosexuality.

When Malcom arrived at San Quentin, he learned about Queen's Row. He heard it had been created because "there were too few queens, too many potential lovers and there were some killings."⁹² Queen's Row came with extreme deprivations and restrictions, a life Malcolm believed "was even drearier than a mainliner's. They were strictly segregated and celled by themselves in the Old Spanish Prison, the first block ever constructed on the site, without toilets or running water, and they were marched everywhere, isolated in a strutting and giggling squad, and the only work to which they were assigned was in the prison laundry. An ironic footnote to the feminist movement—even these false females were put to woman's work."⁹³ Malcolm was determined that this not be his fate.

It's unclear why Malcolm's counselor, Penny, suspected Malcolm of latent homosexuality, though this was a frequent perception throughout Malcolm's life. Perhaps it was partially due to Malcolm's literary airs and love of poetry. At reformatory school, peers graffitied on the bathroom walls that the editor of the newspaper (Malcolm) was a punk. Perhaps it was something about his appearance. Though Malcolm claimed he never had sex with his cellmates (an assertion slightly undermined by other details he provides), he reported that rumors occasionally circulated that his cellmates were "fucking me." Malcolm suggested such gossip was due to the fact that he was seen as "pretty sweet looking."⁹⁴ Having developed his suspicion, Penny was quick to pick up on anything that seemed to be corroborating evidence. After Malcolm played poorly in one baseball game, Penny called out patronizingly, "I'm sure now you need help. . . . It's apparent to everyone."⁹⁵

As the San Quentin attendant foretold, the focal activity for prisoners at the Guidance Center was taking tests. Malcolm's cohort made their way through the Minnesota Multiphasic Personality Inventory, and Penny insisted that Malcom take the M/F index.⁹⁶ Malcolm worked through the 1,200 yes/no questions with trepidation. Noticing "a series of questions that appeared tautological," he suspected the stakes of an affirmative response to statements like "If I were a reporter, I would like to cover the ballet" versus "If I were a reporter, I would like to cover sporting events." Determined not to end up trapped in Queen's Row, Malcom therefore lied strategically, yielding a classification "firmly in the safe male zone of the M/F index, but not so firmly as to open the suggestion of overreaction."⁹⁷ To Malcom's great relief, this worked: the Classification Committee decided not to segregate him and sent him to general population.⁹⁸ Years later, it came out that Malcolm's M/F test had raised existential panic for the psychologists administering it.

A 1979 *Washington Post* article declared: “A prison shrink given to pride in his intuition, was once hugely disappointed when tests showed Braly possessing precisely the average portion of masculinity.”⁹⁹

Malcolm’s story illustrates the limits of the CDC’s classification process, intensive though it was. Same-sex sexuality continued on the mainline. Once he arrived in his new housing unit, Malcolm received oral sex from a few queens who had avoided segregation, including one queen nicknamed Betty Boop. Malcolm recalled, “Boop was a short, squarely built queen with a muddy man’s face and I wanted him mostly to prove to myself I could have him, but how could I kiss and romance him? All the pretty queens, with whom it might have been different, were locked up on the row with Bob.”¹⁰⁰ It’s difficult to know how different prisoners approached test-taking and how they thought about the prospect of being sent to Queen’s Row, if they even knew that was a possible consequence of their test results. Malcolm’s experience with Betty Boop shows only that multiple prisoners who might have been classified as effeminate homosexuals and subjected to segregation managed to slip through the cracks.

There does not seem to have been collective resistance to Queen’s Row or the segregated unit in Soledad, though this may be partially a reflection of the limits of archives. When Clinton Duffy and Malcolm Braly talk about the people sent to the unit, they almost always describe them as a group: giggling, working in the prison laundry, moving through the prison together. It is hard to imagine that this forced closeness and shared fate did not generate some sense of collectivity. It is also hard to imagine that other prisoners were in favor of the forced segregation. The integration of queens into the mainline life of the prison was enough a part of prisoners’ collective memory that Malcolm learned of it even though he arrived at San Quentin after Queen’s Row had been established. He heard tales of the Jocker’s Ball, an annual party where queens in drag danced with their male lovers, accompanied by the prison orchestra. Did queens protest their new isolation through hunger strikes or work stoppages? Did their lovers? Did queens find ways to communicate with friends who remained on the mainline, perhaps passing notes through prison staff or leaving tokens on the yard for each other to find? Given the CDC’s fixation on identifying and segregating white queens, how did Black and Mexican queens understand and react to this new regulatory system to which they were strangely illegible?

Perhaps we do not know about prison queens’ collective action because there were no outside organizations supporting and documenting their efforts.

The 1940s and 1950s were a period of moral panic about sexuality and a time when same-sex sexual practices, cross-gender expression, and efforts to physically change one's sex were explicitly criminalized. World War II had mobilized millions of Americans from across the country, organized them into sex-segregated military environments, and dropped them into booming urban port cities where, according to historian John D'Emilio, they "learned to think of themselves as gay, located gay nightspots, met each other, formed relationships, used new language, followed new codes of behavior, and carved out places for themselves in the world as gay men and lesbians."¹⁰¹ Military officials coordinated with municipal police and state liquor agents on anti-vice crackdowns across many US cities, including San Francisco, raiding and revoking licenses to gay bars and arresting military personnel who patronized them.¹⁰² The end of World War II and rise of the Cold War intensified official state prosecution of homosexuality. Anti-Communist hysteria manifested, in part, through the mid-century Lavender Scare: an effort to identify and dismiss all homosexuals from state employment based on the idea that their illegal lifestyle made them susceptible to blackmail or manipulation by communist agents and that they thus posed a national security threat. More than 5,000 government workers were fired for the supposed security risk their alleged homosexuality posed—more people, historian Margot Canaday notes, than were fired during this period "for alleged Communist ties."¹⁰³

Those seeking to transform their sex often did so secretly, under threat of legal persecution. Such an environment was chilling for those might have been allies. In 1949, sexologist and doctor Harry Benjamin sought to assist a patient with an urgent desire for surgery to address her cross-gender identification. Benjamin contacted California district attorney Edmund G. Brown asking about the legality of such a procedure in the state, and though initially sanguine, Brown ultimately decreed that such surgery would legally constitute "mayhem" and expose surgeons who performed it to criminal prosecution.¹⁰⁴ Benjamin then reached out to a friend in Chicago, but on the advice of his lawyer, this doctor, too, refused to perform surgery. Even Alfred Kinsey, who had initially referred the patient to Benjamin, decided against endorsing her pursuit of surgery.¹⁰⁵ The few sex-reassignment surgeries carried out in the United States in the 1950s were carried out in secret, most of them by a Los Angeles surgeon friend of Benjamin's.¹⁰⁶

This is not to say that there was no collective action against state organized homophobia in the 1940s and 1950s. Some fought to defend gay nightlife and urban infrastructure against intensified policing. The management of

San Francisco gay bar The Black Cat responded to the 1949 indefinite suspension of their liquor license by challenging the decision all the way up to the California Supreme Court; in 1951, the Supreme Court ordered the restoration of The Black Cat's liquor license, and their decision—*Stoumen v. Reilly*—established the legal right to public assembly for homosexuals in California.¹⁰⁷ Gay and lesbian activism in the 1950s, however, was also characterized by the rise of homophile groups like the Mattachine Society (founded in Los Angeles in 1950) and the Daughters of Bilitis (founded in San Francisco in 1955).¹⁰⁸ These groups advocated for gay people's civil rights, circulated know-your-rights-style wallet cards for gay men to use in the case of arrest, and challenged issues of censorship and entrapment.¹⁰⁹ Yet their guiding vision was primarily one of assimilated gay people confining their respectable same-sex sexuality behind closed doors. The homophile groups organized private gatherings for gays and lesbians apart from working-class bar culture and pushed for public acceptance on the basis of shared middle-class cultural values. An article in the *Mattachine Review* asserts, "We earnestly support law enforcement aimed at preventing sexual indecencies in public."¹¹⁰ The homophile groups disavowed cross-dressers and sex offenders, even in a moment when the law considered same-sex kissing and same-sex dancing sex crimes. As historian Nan Alamilla Boyd observes, "It was as if a line had been drawn between those homosexuals who contained their sexuality to the privacy of homes (and masked gender-inappropriate behaviors) and those who brought their sexuality (and gender) out in public."¹¹¹

This context suggests that a lack of evidence of organized gay prisoner solidarity in the 1940s and 1950s is not only a reflection of archival limits. The bar cultures that imprisoned people were likeliest to come from were focused on protecting queer public space and asserting the collective right to association. Homophile organizations were challenging discriminatory arrests and pushing for individual civil rights, yet they framed the homosexual deserving of citizenship as distinct from the gender-transgressive, public, and working-class queer sexual worlds that they disavowed. What would prison queens have demanded if their voices were amplified and their struggles supported?

CONCLUSION

In the newly centralized California prison system of the 1940s and early 1950s, staff created a distinction between reformable prisoners assigned

to treatment and incurable prisoners subjected to harsh confinement. In this context, administrators identified a type of white man—the effeminate homosexual—whose behavior they believed could ignite widespread same-sex sexuality and undermine the project of white men’s rehabilitation. Feminine prisoners were thought to awaken deviant desire in “normal men,” perverting their masculinity and luring them into liaisons that would have the additional problem of causing jealousy and fights among the prisoners. In the eyes of administrators, queens created management and security problems in the short term, and they threatened the whole rehabilitative mission in the long term. Without facilities for the psychiatric treatment of effeminate homosexuals, these prisoners were interpreted as a custody issue and subjected to quarantine. Yet a classification system rooted in social science evaluation was easily subverted. Prisoners like Malcolm, who suspected that classification as an effeminate homosexual would land them in long-term segregation, were able to resist by answering diagnostic tests in ways that minimized their “mental femininity.”

Malcolm’s experience attests to the simultaneous menace and impotence of the CDC’s gender management strategy in its early years. We can see the dynamism of sexual desire seeping beyond the spaces into which prison administrators sought to contain it. We can see the relative ease with which Malcolm escaped the constraints of the segregation that he most feared. But Malcolm’s mobility was enabled by his whiteness: If he could shake off the taint of effeminate homosexuality, he would be able to assume the mantle of reformable subject. Perceptions of his gender made a difference because of the prison system’s logic of racial domination in which whiteness was the precondition for individual distinction.

The case of segregated effeminate homosexuals also illustrates the complexity of the so-called rehabilitative era of incarceration that many scholars argue began after the end of World War II. While post–World War II prisons adopted a disciplinary mode of incarceration for many prisoners (one that has been duly critiqued for its coerciveness), it also maintained its prerogative to engage in brute force and containment. In the 1940s and early 1950s effeminate homosexuals were not disciplined into normativity or subjected to gender or sexual retraining; they were isolated and kept in their cells.

Correction

GINA¹ WAS BORN IN COMPTON IN 1944. Home wasn't exactly hostile, but her mother was always indirectly communicating "that homosexuality was no good." After graduating high school, Gina moved out and hit the streets. This was early 1960s Los Angeles, and she took comfort in the fact that at least she wasn't alone. Growing up, Gina had thought she was the only person who felt the way that she did. Now, she was surrounded by a community of Black queens. "I wanted to do what they were doing," Gina recalled. "I felt they understood because they were like I was."

The women relied on sex work for money, and evenings were dedicated to turning tricks. But during the day, they would travel around and enjoy the city together. One day they went horseback riding. Another day they went to an amusement park. Gina remembered the joy of this time and the nourishment that came from their intimacy. "We just had fun trying to be ourselves. Instead of all the ridicule and all that we probably knew we were getting, we didn't care. We ran together like we were in a group. We were always together."²

Gina's yearning towards womanhood was deep and intimate, but the ways she came to express it emerged from collectivity. Almost 50 years later, her memory was vivid as she recalled how her friend Kayla taught her to dress and move in the world.

She taught me those little things that you needed to know if you were going to wear female clothes at the time just in order to pass and get away with it, which she did beautifully. We went to parties and all that. We had to be on the streets walking. That was hard back then because the police would be around anywhere. So we had to go through back streets and all that to get to a party or something like that in order to go out if we were in drag. The first

time she put me in drag I had on a wig, a straw hat, a white blouse, a beige skirt, and sandals. That's what I remember. . . . I remember because it was my first time, my very first time. I was scared to death, but I was with her so I didn't feel too self-conscious.

Gina learned how to do her gender like all people do: through instruction, through implicit norms communicated by role models, and through discovering the conditions for sanctioning. She learned the pleasures, dangers, and practical activities that went into expressing womanhood from other Black queens, who taught her how the Los Angeles police were regulating gender on the streets where the women spent their days.

Gender expression could be legal grounds for arrest. Sumptuary laws in place at the time allowed police to arrest people for cross-dressing.³ As Gina related, "They used to call it masquerading. If you were wearing two or three or more items for whatever sex you weren't." But more often, at least in Gina's estimation, police treated gendered surveillance as a stand-in for managing the sex trade. They viewed queens' gender expression as evidence of intent to engage in solicitation.

Sometimes the women were on the stroll for potential clients, but other times they were simply existing in public. In the face of the police's determined efforts to arrest them, it seemed to make little difference. They could try to explain that they were simply walking in the neighborhood, but their protests were mostly to no avail. Gina explained, "Most of the time, they [the police] didn't really go for that because they wanted to lock the girls up. That's what they did. They just locked us all up." Gina was 17 at the time of her first arrest. She was sent to the "Queens' Tank" in the Los Angeles county jail.⁴

Gina didn't know Rachel, but they could have easily crossed paths on the streets of Los Angeles. Rachel was born in Brooklyn in 1954.⁵ In 1969, when she was 15, her family moved to Los Angeles. Like Gina, she met other Black queens there who taught her the ropes. She remembered a good friend "who taught me really the facts of being a transsexual. And them days, you had to really, really look good. You had to pass. Because back then, the police were terrible." Rachel started living and working in Hollywood, doing sex work, and building community. She felt on top of the world in Los Angeles, recalling, "Oh my god, that was such a lovely feeling, because really, being in Hollywood, you know you was doing it."

But the cops were a constant problem. At 17, Rachel was arrested for the first time and sent to county jail. She found herself doing stints in and

out of Youth Authority, the state's juvenile justice system. The juvenile detention center was tough, though Rachel met some of her first loves there, including a boy named Larry who was a member of the Crips and who gave her a wedding ring. In 1974, when she was 19, Rachel caught the case that ended up sending her to prison with a sentence of six months to 10 years. She was categorized as a B-category effeminate homosexual and sent to a segregated unit at the California Medical Facility (CMF) at Vacaville. Gina arrived in the same unit several years later.

Rachel's and Gina's experiences at Vacaville in the 1970s illustrate how a transformation in the state's prison system prompted new modes of controlling gender variance and new ways for prisoners to push back. The previous chapter, Chapter One, traces the earliest years of the newly centralized California Department of Corrections (CDC). The dominant penal strategy for managing gender variance at that time was containment: isolating prison queens from the general population in the name of preventing violence and the moral corruption of more reformable men.

In this chapter I will explain the expansion of new therapeutic mechanisms for labeling and controlling femininity in men's prisons, as well as new opportunities for feminine prisoners to use classification to get things that they needed. The rise of penal-welfare principles alongside state investment in new prison facilities, like CMF Vacaville (opened in 1955), provided ideological and institutional resources to manage gender variance as pathology. Spatial and relational distance between queens and "normal men" could be maintained, even as the technique of control switched from containment to medicalization. I will also chart a change in the racialization of femininity in men's prisons. The prior emphasis on controlling white male effeminacy became supplanted by the idea that culturally pathological Black and Latino communities produced both machismo and hyperfemininity among individuals designated as men.

These changes in the architecture and administration of punishment allowed prisoners to both leverage and subvert medicalization. In 1977, Rachel became part of an organizing campaign led by a multiracial group of trans women to gain access to bras and hormones in prison. They mobilized their identification as transsexual to frame their demands as medical necessity, a strategy that was ultimately successful. Yet incarcerated people were attuned to the prison's fundamental coerciveness and did not concede full discretionary power to the prison's so-called medical experts. When Gina arrived at Vacaville in 1979, she saw the policy changes that

her sisters had brought into being, but she did not appeal to medical gatekeepers. Instead, she participated in a new informal prisoner economy for distributing hormones.

THE “REHABILITATIVE” MODEL

While criminologists generally agree that 1945 through 1965 constitutes the rehabilitative era, thinking in terms of penal epochs can have limitations. Lofty rehabilitative discourses surrounding mid-century California prisons coexisted alongside punitive practices, and internal conflict over penal goals was high; prison officers and some administrators advanced a law-and-order perspective and pushed back against therapeutic visions and programs.⁶ Even if we agree that the generally rehabilitative orientation of mid-century imprisonment constitutes an era, we might disagree about where to delineate the beginning of one period and the end of another. Joshua Page points to the signing of the 1944 Prison Reorganization Act as the beginning of California’s era of treatment, as it marked the rise of Richard McGee and his penological compatriots’ construction of a new penal field organized around evaluation, classification, and treatment.⁷ However, legislative foundations and rehabilitative discourses do not immediately or evenly translate into the transformation of penal practice. John Irwin identifies the 1950s as the time when correctional institutions—which “looked different, were organized differently, housed different types of prisoners . . . nurtured different prison social worlds . . . [and] had a different effect on prisoners”—became the prevailing type of prison.⁸ Jonathan Simon also argues that it wasn’t until the 1950s that a material basis for a clinical model of parole really took off.⁹ Other scholarship suggests that efforts to medicalize and correct prisoners began decades earlier. Historian Ethan Blue, for instance, shows how San Quentin’s chief surgeon, Leo Stanley, experimented with implanting testicular material into incarcerated men in the name of increasing masculine vigor from 1918 through 1928, and how he conducted the putatively voluntary sterilization of approximately 600 incarcerated men between the years of 1936 and 1940.¹⁰ I will discuss this background, and Stanley in particular, in the pages to come.

Discourses about gender and sexual deviance requiring penal treatment thus existed in the early years of the 20th century and shaped calls for therapeutic infrastructure as part of the 1944 Prison Reorganization Act. Prison staff and professional experts drew on these discourses to subject prisoners

to forms of medicalized control. I agree with Philip Goodman, Joshua Page, and Michelle Phelps¹¹ about avoiding rigid penal epochs, and I am not overly invested in quibbling over historical dividing lines. I do not claim that rehabilitative perspectives and practices only first emerged in California prisons in the 1950s or that they were uniformly imposed or internalized schemas.

Nevertheless, I argue that the 1950s through 1970s were the time when the model of rehabilitative imprisonment assumed its greatest capacity and coherence. I use the term *model* as Jonathan Simon does: to represent my “retrospective effort to describe the underlying logic of these practical ensembles” of penal practices and discourses.¹² As I will show, the rehabilitative model provided new technologies for acting on prisoners’ bodies, for conceptualizing their selfhood, for managing their practices of desire, and for controlling their social relationships with other prisoners. Through this model, gender variance became understood as pathological deviance requiring psychiatric study and correction. The opening of CMF Vacaville in 1955 played a significant role in enabling the CDC to implement the therapeutic model that had been envisioned since the department’s creation in 1944.

The expanded role of therapeutics in penal discourses and practices prompted prisoner resistance strategies that leveraged medicalization for their own ends. Incarcerated people mobilized medical discourses of transsexuality to demand resources from the prison and created new internal economies for commodities like hormones. Gay advocates organized in solidarity with prisoners to challenge the violence of medical experimentation and behavior modification, but perhaps because of gay disavowal of medicalized frames for understanding sexuality in that period, they did not join in the struggles to support the medical demands of prisoners newly self-articulated as transsexual subjects.

LEO STANLEY AND THE EARLY FOUNDATIONS OF GENDERED MEDICAL VIOLENCE

Perhaps the most egregious example of medical violence inside the California prison system in the first half of the 20th century can be found in the career of San Quentin’s chief surgeon, Leo Stanley. In his study of San Quentin from 1913 through 1951, historian Ethan Blue shows how Stanley experimented on prisoners in the name of restoring manhood and curing criminal tendencies.¹³

Stanley was an ardent eugenicist who engaged in both “negative eugenics” (sterilizing prisoners, a population he did not think should be reproducing) and “positive eugenics” (implanting testicular material from animals and executed prisoners into other incarcerated people to promote virility). Stanley’s first experiment with testicular implantation involved implanting testicular material from an executed Black prisoner into a 72-year-old white prisoner. Stanley’s published article on his experiments reports that “three of the first four ‘donors’ were non-white—one Negro, a young Indian, and a Mexican,” and Blue observes that “none of the recipients’ races were noted, which may have indicated that they were white.”¹⁴ Stanley ceased his experiments with testicular implantation after his endeavors were discovered by the mother of an incarcerated prisoner and protest ensued. Yet he remained San Quentin’s chief surgeon, and he continued to be preoccupied by sex. Stanley sterilized approximately 600 prisoners between 1936 and 1940. A survey Stanley conducted of the 136 people he sterilized in 1936 records their racial and ethnic demographics and suggests that a large majority were white.¹⁵

While Stanley feared a crisis of white manhood and targeted his efforts towards what he believed could cure this problem, he and others shifted away from explicitly racialized language of population control after World War II in order to differentiate their program from Nazism. In this period, eugenicists like Stanley focused on biological correction of deviant manhood in the name of advancing healthy families and the nation. Though there was no record of Stanley “giving [testosterone] shots to ‘prison queens,’”¹⁶ he was distressed about homosexuality and spoke about an effeminate homosexual prisoner as a “monster.”¹⁷ In this way, Stanley’s career bridged the late 19th-century conceptions of anatomical criminality (based in racial typologies) and the 20th-century psychotherapeutic rehabilitation of prisoners.

Gendered anxieties and sexual regulation were thus definitively at play in early 20th-century California men’s prisons. But the imagined problems and solutions that clustered around gender and sexuality were meaningfully different from what was to come. Stanley focused on prisoners’ sex hormones and sexual organs in the name of a eugenic reproductive mission. Yet he was not focused on homosexual identities or correcting homosexual behavior. Furthermore, Stanley’s practices were not broadly representative of the time. It is best to view Stanley as someone whose work prefigured and set the stage for medicalized sexual regulation as a key dimension of the mid-century prison system.

EXPANDING CAPACITY FOR “REHABILITATIVE”
IMPRISONMENT: THE CALIFORNIA MEDICAL FACILITY
AT VACAVILLE

When CMF Vacaville opened in 1955, it symbolized and ushered in an era in which incarceration was imagined to serve the purposes of social engineering. The medicalization of gender-boundary violation emerged as part of this broader transformation in the architecture, logic, and practice of punishment.

Since the CDC’s inception, administrators and policymakers had imagined a prison hospital playing a central role. Indeed, when the California Legislature passed the Prison Reorganization Act of 1944 that inaugurated the creation of the CDC, they commissioned Dr. Lawrence Kolb, assistant surgeon general of the United States Public Health Service, to assess the need for a “psychopathic hospital.”¹⁸ As the previous chapter describes, those envisioning the purpose of such a hospital were particularly concerned with contagious diseases and “abnormal sexual tendencies,” asserting, “Segregation for these reasons is extremely desired in order to protect the health, safety and welfare of the normal, healthy inmate.”¹⁹ Because queer deviants were top-of-mind as the sorts of prisoners who would be confined in a future prison hospital, Kolb’s report includes a 1944 study of psychosis among the Folsom population listing 402 prisoners with “mental abnormalities,” including 27 homosexuals.²⁰

Yet even in these early days, the men who would construct a therapeutic carceral regime envisioned the purpose of such a prison as complementing segregation and treatment with a new function: research. And sexuality was the axiomatic example of the type of issue such a facility might enable research into. The introduction to Kolb’s report declares, “Another function of the medical facility is research to help solve the problem of sexual deviates. . . . The State of California, through the medical facility, has been carrying on a limited research program in an effort to shed some light on the vexing problems surrounding the etiology, treatment and disposition of the sexual deviate. This research program will be expanded upon completion of the Medical Facility institution at Vacaville, California.”²¹

Thus, from its origin, Vacaville materialized a conceptualization of the prison’s role in rehabilitating mental and social defects, of which homosexuality was a central example. California prisons in this period not only

sanctioned gender and sexual variance but also played a primary role as laboratories to understand homosexuality and to develop ways to control it.²²

Many 1950s pre-Vacaville efforts to apply medicalized scrutiny and control to incarcerated people were characterized by logistical delays and work-arounds. Karl Bowman received \$100,000 through the California Sex Deviates Research Act of 1950 to study the causes and possible treatments of homosexuality by studying prisoners.²³ Bowman held tremendous prestige within the field of psychiatry; he had been president of the American Psychiatric Association between 1944 and 1946. His funded plan to research homosexuality in the California prison system included subjects we might today view as transgender. He stated, “One group, the smaller, regard themselves as females and often ask for castrative operations. I have records of two males, both of whom have asked for complete castration, including amputation of the penis, construction of an artificial vagina and the administration of female sex hormones.” Bowman proposed “a careful plan to study a group of these so-called ‘Queens,’” including examining people’s body build, endocrine systems, psychiatric history, and psychology through tests such as the Rorschach.²⁴ In a March 1951 progress report to the state legislature, Bowman noted that he had spent copious time onboarding staff and securing necessary office space but had not begun data collection.²⁵ In an oral history conducted with Bowman in 1968, he referred expansively, if elusively, to his “four year sex research for the state of California,”²⁶ but the only academic work he published on sex offenses and transvestism in the years following his funding drew on secondary sources or his clinical work in the Langley Porter Psychiatric Hospital.²⁷ I was unable to uncover evidence that his proposed prison study was ultimately conducted.

The vision of Vacaville as the facility where psychotherapeutic research and treatment should unfold was clear in the 1940s, but actually constructing and opening the facility took more than a decade. The CDC opened a medical facility on Terminal Island in 1950 as a temporary measure, but due to the lack of space, prisoners continued to be sent to San Quentin for psychiatric services, where there were only five psychiatrists on staff and where a 1950 investigatory committee decreed, “San Quentin’s 5,000 inmates are being systematically broken down and ruined beyond repair.”²⁸ Director of corrections Richard A. McGee was insistent that the envisioned prison medical facility had to be constructed with greater haste. In 1951, he sent a memo to the California Department of Public Works arguing that the need for a

psychopathic prison was even greater at present than it had been in 1944. Funds had been provided for the first unit of construction, and the state architect had completed the plans. Take action, he implored: "It is our opinion that this is the most urgently needed piece of construction in the State building program and we believe the National Production Authority should give this project top priority."²⁹ McGee was successful in his advocacy, and construction moved forward.

In his 1954 dedication address, Governor Goodwin J. Knight celebrated the opening of the new penal hospital as marking "the beginning of an epoch in California's penological and medical history."³⁰ "This great institution will provide for the treatment of abnormal and handicapped violators of the law," Knight asserted. "Here, in this institution, these violators will be treated as disordered personalities. The old theory that punishment alone will reform and cure will be revised. . . . It is the hope that many of the inmates confined here will be re-established as normal human beings through programs of individual and group diagnosis and treatment."³¹ Yet, the treatment he lauded rings eerily. "Shock therapy, psychotherapeutic, and other standard measures are employed daily in the treatment of those afflicted with major mental illness," he trumpeted.³² Like asylums, the penal hospital intensified the coerciveness of abusive psychotherapeutic practices of the era by making them routines of a total institution.

The opening of Vacaville in 1955 reflected and facilitated the heyday of penal welfarism, which would continue through the late 1970s. It was a time of optimistic rationalism, with scientific expertise thought capable of explaining all social problems and providing informed solutions. Reformers posited the prison as "America's laboratory for social change."³³ Social work professionals took on positions of influence within the criminal justice system and implemented practices of individualized assessment and clinical treatment.³⁴ The era's indeterminate sentences were said to provide release based on programming participation and the demonstrated cure of one's "criminogenic ailments."³⁵ Compulsory work, which had existed in prior periods, was reframed through narratives of psychosocial transformation as a way to return prisoners to healthy, gendered citizenship.³⁶ Prison space was medicalized and psychologized. Such a system generated penal subjectivities based on determining a person's particular sickness and guiding their psychosocial restoration. Because homosexuality was widely perceived as a psychological and social problem, the prison was understood as the ideal site to understand and fix this malady.

Prison staff and administrators scrutinized gender to determine whether a prisoner's homosexual activity reflected a core pathology requiring treatment. In doing so, the proponents of penal welfarism oriented towards effeminate homosexuals like the penologists who preceded them. They too believed that femininity indicated an essential homosexual disposition. Masculine men might engage in same-sex sexuality given the opportunity, but their behavior could surely be minimized with proper controls. Identifying effeminate homosexuals and sending them to CMF Vacaville continued a pattern of gender-based segregation in the name of controlling sexuality. Indeed, isolating effeminate homosexuals was such a high priority that the 1963 California Department of Corrections *Procedures for Inmate Classification and Transfer* directed staff to prioritize the new CMF beds for either effeminate homosexuals or prisoners who were actively psychotic: "Due to the demand for beds at this service institution, it is essential that the most effective use be made of the space available. It is therefore the policy of the Director of Corrections that inmates transferred to CMF be those who can derive the most benefit from the available programs. Those inmates who are actively psychotic and require in-patient care and those effeminate homosexuals whose overt behavior is so disturbing that segregation is mandatory shall be transferred to CMF."³⁷

We can see the significance of gender in connoting essential homosexuality by comparing how the same classification manual was oriented towards other prisoners engaging in same-sex sexuality: "Inmates whose homosexual behavior is opportunistic in nature and does not reflect extensive sexual deviation, or who are inadequate individuals who easily succumb to any sort of pressure, will not necessarily be transferred to a segregated facility."³⁸ Femininity connoted internal deviance. Other prisoners, unmarked by gender (and thereby coded as more masculine), could remain among the general population provided the external environment be cleansed of the corrupting and alluring presence of femininity. Feminine prisoners in the men's prison system would face segregation yet again, but this time it would be separation compounded by coercive medicalization.

RESEARCH, MEDICAL COERCION, AND SHIFTING RACIALIZATION

The opening of Vacaville changed where effeminate homosexuals were segregated, but more significantly, it changed the nature of penal control directed

towards them. With the rise of the prison's rehabilitative era and rigidifying psychotherapeutic understandings of homosexuality, prison staff began to treat gender and sexual variance as a pathological identity to be studied and corrected. This was easier than ever inside a prison system that prided itself on being a site for research.

Scientists had previously conducted research on incarcerated people by creating agreements with individual prison wardens. A team from the Stanford University School of Medicine published an article in 1949 describing how they had administered increasingly high levels of a streptococcal vaccine to 32 healthy male prisoners to test the point of hazardous toxicity, a paper they concluded by thanking Warden Clinton Duffy and "those prisoners of San Quentin prison whose voluntary cooperation made this work possible."³⁹ That same year the *Los Angeles Times* reported that a University of California, Berkeley, professor had coordinated with Warden Duffy to inject 10 San Quentin prisoners with radioactive iron to study the effects on their blood.⁴⁰ Just as other aspects of prison management were being centralized and bureaucratized, so were these partnerships with scientists who sought to experiment on incarcerated people.

In 1958, the CDC created a full-time correctional research unit—the first in the country.⁴¹ In the 1960s, Vacaville administrators approved numerous proposals for research to be conducted on incarcerated people, from testing bronchial dilator compounds to testing drugs designed for hypertension.⁴² The department did not approve all studies and was acutely aware of the potential for negative publicity. In a 1962 memo to the Vacaville superintendent, director of corrections Walter Dunbar said that five subject proposals should be rejected "because of the possibility of damaging public relations in the form of the department being accused of indiscriminate aiding of commercial drug companies or using inmates for guinea pigs."⁴³ The following year Vacaville's medical director, Lester Pope, opposed a proposed study on similar grounds: it was "in reality using the inmates for guinea-pigs."⁴⁴ The study was indeed heinous. As Pope elaborated in his memo to the head of Vacaville's Research Division, "They want to use already known toxic drugs and in doses greater than their previous reports. They also plan liver biopsies and surgical biopsies of the thyroid gland to correlate tissue sections with bio-chemical changes."⁴⁵

Still, controversial and exploitative projects abounded. In 1970, a scandal emerged regarding the use of succinylcholine (Anectine) at Vacaville. Prison staff had administered the drug—which causes temporary muscle paralysis

and respiratory arrest—to 64 prisoners with the stated aim of deterring future “acting-out behavior” by associating such actions with “the drug Anectine (and its frightful consequences).”⁴⁶ Pope, having risen to become Vacaville superintendent, defended the Anectine program to the CDC’s director by claiming that the drug was administered according to clinical guidelines as part of psychiatric treatment.⁴⁷ Pope protested that the Anectine program hardly deviated from other standard practices at Vacaville: “The clinical application of the known pharmacological effect of Anectine in the way we used it in this institution was not ‘experimental,’ but rather given in the same treatment room and with the same precautions (same doses, availability of oxygen mask, etc.) as electric shock therapy and given by the same experienced physicians. Anectine is a standard adjunct to electric shock. The only difference was that we omitted the electric shock.”⁴⁸ Unrepentant, Pope thus asserted that the Anectine program aligned with prevailing medical practice and claimed that Vacaville staff had found the drug quite effective as a treatment. In his eyes, the only issue had been a public relations one. He conceded that they would not resume the program since “it has caused unwarranted strong emotional publicity.”⁴⁹

Along similar lines, in 1971 a corrections commissioner proposed conducting brain scans on all violent prisoners at Vacaville and performing psychosurgery on all with cerebral perturbations (though this proposal was abandoned after exposure and public outcry).⁵⁰ California legislators sought to impose stricter oversight but didn’t ban such prison practices outright. In 1972, Oakland assembly member March Fong introduced a measure that would require that “all medical and surgical experiments on prisoners must be approved by a nine-member medical advisory board.”⁵¹ These actions reflect the logic of the era’s penal regime. Highly invasive medical practices were acceptable as long as they reflected medical expertise and served the prison’s purposes, not simply external research goals. Administrators imposed some guardrails against exploitation (at least for public appearances) while simultaneously championing medical abuse in the name of treatment.

In alignment with the times, effeminate homosexuals at Vacaville were subjected to coercive therapeutic control. As of 1972, the Jenner Unit at Vacaville contained five wings, approximately 1,400 prisoners, and—according to the gay newspaper the *Bay Area Reporter*—“between 75 and 80% of the inmate population” in the unit was homosexual.⁵² Gay advocates publicized the specific violence visited upon their community members behind bars. Activist Don Jackson was particularly prolific in spreading

the word across an array of gay publications. In an article for *Gay Sunshine*, Jackson raised the alarm about gay prisoners at Vacaville having to carry identification cards listing their status as homosexuals and being subjected to shock therapy with electrical wires attached to their genitals as a “cure for homosexuality.”⁵³ In an article for the *Bay Area Reporter*, Jackson elaborated,

Vacaville doctors continue attempting to “cure” homosexuals with electroconvulsive shocks that destroy brain tissue, personalities and memories. The paralytic drug treatments that are supposed to scare out the devil of homosexuality by causing the patient to believe he is dying is still used, but doctors say it is on a “voluntary” basis. Inmates say that they are coerced into submitting to the treatment with promises of early parole and release from solitary confinement. Recently released prisoners report that the latest treatment is an electrode attached to the penis that gives an electrical shock every time the man gets an erection. The treatment is supposed to turn the “patient” off to sex.⁵⁴

In an article for *Gay Liberator* entitled “Therapeutic Police State,” Jackson announced that “surgical castration has been extensively employed as a cure for homosexuality and other sexual nonconformity and recently, chemical castration with the drug cyproterone acetate is in widespread use.”⁵⁵ Anectine, a paralytic drug, was “supposed to frighten the ‘patient’ and cause him to lose the desire to engage in disapproved behavior” while Prolixin, a personality-altering drug, caused a terrifying detachment from reality and was similarly used to scare prisoners into behavioral change.⁵⁶ Anti-testosterone, as CDC psychiatrist Dr. George Bach-y-Rita reported at a prison conference held at the University of California, Davis, in 1971, was used to counteract sex-drive.⁵⁷ In a 1979 journal article summarizing knowledge of Vacaville, three progressive psychiatrists confirmed, “In the Jenner Homosexual Unit [at Vacaville] in particular, several drugs were used to modify behavior: antitestosterone [sic], which destroys sexual impulses by atrophying the testicles; anectone [sic], which paralyses the muscles and can even cause respiratory incidents (it produces an effect which the convicts have compared to the sensation of death by drowning).”⁵⁸ Those sent to Vacaville for effeminate homosexuality faced forced drugging and shock therapy as part of staff efforts to undo their sexuality and to literally scare them straight.

The lack of archival evidence makes it challenging to know the racial demographics of those sent to Vacaville’s unit for B-category, effeminate homosexuals in its first years. It seems probable that medical efforts directed towards effeminate homosexuals at Vacaville in the 1950s and 1960s targeted

white men, continuing the focus on white effeminate homosexuals from the prior period, because the CDC's emphasis on rehabilitating white men and containing men of color persisted after Vacaville's construction. A few years after opening Vacaville to rehabilitate the reformable, the CDC opened a solitary confinement unit at San Quentin, dubbed the Adjustment Center, to contain those deemed most incorrigible. Prisoners sent to the Adjustment Center faced 23 hours a day in their cells with little programming, and men facing the harshest confinement were nearly all Black and Hispanic.⁵⁹ Indeed, while African Americans have been consistent targets for much of the most dangerous medical experimentation,⁶⁰ they were excluded from some research studies through the 1960s "because participating in prison research was considered a privilege."⁶¹ Sociologist Jonathan Metzl, who has studied the historical development of racialized psychiatric knowledge, explains, "Race was rarely a category of comparative analysis in psychiatric research in the 1950s. At that time, the *American Journal of Psychiatry* contained few comparison studies of 'black' versus 'white' groups of patients, and many key articles described research done on segregated, white-only wards."⁶²

While the racial demographics of the Jenner Unit in the 1950s and 1960s are less certain, formerly incarcerated trans women I interviewed reported that the unit was interracial by the 1970s. Black trans woman Rachel arrived at Vacaville's unit⁶³ for effeminate homosexuals in 1974 and told me about making friends with lots of "pretty girls," including an "Indian girl with long hair." It is difficult to chart precisely how this transformation happened or definitively state the reasons behind it. Race is both foundational to the logic and functioning of the prison and a ghostly absence in the archival materials. But I propose that this change in the racialization of gender boundaries can be explained by broader shifts in the racial demographics of California prisons, as well as by the prison's response to 1960s and 1970s racial justice activism inside and outside of prison.

Unlike many prisons in the South, which have predominantly incarcerated African Americans since the aftermath of the Civil War, California prisons were majority white through the early 1970s. CDC census data reveals the size and demographics of the men's prison population according to their internal racial categorization schema (see table 1).⁶⁴ Though they did not report the racial demographics of the prison population in every census report, the gradual increase in the total prison population and the shift in its racial composition (from majority white to majority people of color) is clear. News coverage tells a similar story. A 1970 *Los Angeles Times* article reported

TABLE 1 Men's Prison Population by Race, California Department of Corrections Census Data

Year	Total Prison Population	% White	% Mexican American	% Black
1950	10,101	65.0	13.1	19.6
1960	17,840	57.5	17.1	23.1
1972	15,382	49.8	16.7	32.0
1978	17,312	41.2	22.2	34.6

SOURCES: *California Prisoners: Summary Statistics of Prisoners Received and Released from Prisons and Parole During Calendar Year 1950* (Department of Corrections, n.d.); *California Prisoners 1960: Summary Statistics of Prisoners and Parolees* (Department of Corrections, n.d.); *California Prisoners 1972: Summary Statistics of Felon Prisoners and Parolees* (Department of Corrections, n.d.); *California Prisoners 1977 and 1978: Summary Statistics of Felon Prisoners and Parolees* (Department of Corrections, n.d.)

that people incarcerated in California men's prisons were 53% white, 28% Black, and 16% Mexican.⁶⁵ By 1980, 41% of incarcerated men were white, 35% were Black, and 23% were Hispanic.⁶⁶

The racial composition of California prisons thus began to change after World War II and the racial transformation was intensified by 1960s and 1970s calls for a restoration of law and order—a backlash to domestic racial justice movements and anti-colonial struggles abroad. Tough-on-crime attitudes manifested in increased federal funding for law enforcement, increased mandatory minimum sentences, and more punitive decision-making at all levels of the criminal justice system.⁶⁷ Racially coded appeals linked street crime and political protest, demonizing and justifying heightened punishment of both. The policing and incarceration of people of color escalated in the 1960s and 1970s, and the racial disproportionality would only heighten in the years to follow.

Racial justice struggles of the time also gave meaning to the changing composition of California's incarcerated population. As anti-colonial struggles surged across the globe, robust social movements inside the United States—the civil rights and Black Power movements, the American Indian movement, the movement for Puerto Rican independence, and the Chicano movement—pushed for sovereignty, self-determination, a new economic order, and an end to white supremacy. In this context, imprisonment was a tool leveraged to contain radical potential. Local law enforcement and agents in the FBI's COINTELPRO program surveilled activists, arrested them on false charges, raided their offices, infiltrated their organizations, and assassinated key leaders.⁶⁸ Members of the Black Power movement were targeted for some of the highest degrees of repression.⁶⁹ FBI director J. Edgar Hoover called the

Black Panther Party (BPP) the “greatest threat to the internal security of the country” and called on law enforcement to “neutralize the BPP and destroy what it stands for.”⁷⁰ Policing and incarceration were mobilized to quell Black organizing, but prisons were also a social location for incubating further resistance. Historian Dan Berger documents how prisons were a potent symbol of the oppression and confinement of Black life and how they became “schools of liberation” for the recruitment and political development of Black radical leaders.⁷¹ Black prisoners were active contributors to movements that crossed prison walls—George Jackson, for instance, wrote for *The Black Panther* newspaper and was a designated BPP field marshal tasked with recruiting other incarcerated men to the party.⁷² Black prisoners were also crucial contributors to rebellions inside the prison, like riots and interracial work strikes that challenged everything from conditions of confinement to the institution of prison itself.⁷³ As sociologist John Irwin documents, a kitchen-worker strike led by Black prisoners in 1967 to protest discriminatory treatment prompted communication among Black, Chicano, and white prisoner leaders about future unified protest activities. This culminated in multiple interracial unity strikes in 1968, the largest of which was carried out by several hundred prisoners and supported by several hundred people and a rock band outside of San Quentin’s gates.⁷⁴ Black prisoner radicals exploded the mythos of the prison’s treatment era⁷⁵ and challenged the structure of society writ large.

In this era of acute political struggle in which the prison played a primary role, penologists developed new frames for understanding Black and brown communities as culturally deviant. Jonathan Metzl documents how “civil rights-era anxieties about racial protest catalyzed associations between schizophrenia, criminality, and violence.”⁷⁶ Schizophrenia, which had been viewed as an affliction of overly sensitive white middle-class women in the 1920s, was recast in the 1960s and 1970s as a pathology of urban Black men driven to delusions, volatility, and aggression by the Black Power movement.⁷⁷ The construction of Black protest as mental illness enabled the field of psychiatry to cast itself as an authority for restoring social order in a time of profound political contention.

The shifting racialization in the characterization of damaged psyches extended to explanations of gender and sexual expression in prison. Historian Regina Kunzel has documented how the 1960s and 1970s were a time when cultural understandings of prison rape came to emphasize Black aggression and white victimization, sometimes attributing such sexual violence to Black men’s damaged and compensatory masculinity and sometimes

suggesting rape was a political assertion of Black racial dominance.⁷⁸ Earlier characterizations of sexuality behind bars often blurred the distinction between feminine prisoners and those feminized through sexual victimization. Kunzel notes that 1960s and 1970s social scientific and popular cultural depictions of white prison-rape victims framed them as definitively heterosexual and thus doubly violated through same-sex assault.

As male victims of sexual violence were inscribed as white and heterosexual, both masculine aggression and feminine expression in men's prisons were inscribed as nonwhite.⁷⁹ According to this logic, racialized lower classes emphasized machismo, which created exaggerated dichotomous sexual scripts (the stud and the sissy):

These social class, ethnic, and cultural differences explain *why more black and Chicano homosexuals than white homosexuals behave like queens in prison*. It is our view also that the preponderance of overfeminized roles among the vast majority of homosexuals in prison, regardless of race, can be explained as the acting out of culturally dictated roles and scripts learned on the outside and perpetuated in prison. Likewise, self-defined heterosexual inmates from these lower-class cultural backgrounds have fewer moral inhibitions concerning male sexual activity as long as they maintain the dominant, aggressive role. *These patterns serve to explain the higher incidence of sexual activity by black and Chicano heterosexuals in prison.*⁸⁰

The racialization of gender-boundary violation took on a new form: There was a declining preoccupation with the corrupting influence of white male effeminacy and a heightened focus on nonwhite prisoners as predisposed towards deviant gender expression and sex behind bars. This aligned with administrators' declining concern with white men's rehabilitation and their increasing fixation on controlling what they viewed as a pathological, racialized underclass. This had material effects for prison classification. By the 1970s, staff were sending an interracial group of effeminate homosexuals to Vacaville.

PRISONER ORGANIZING FOR HORMONES AND BRAS

There were things that Rachel liked about Vacaville in the early 1970s. Officers called her by her female name and allowed her to wear high heels. The prison screened movies on Saturday nights, and the girls would dress up to watch the films with their boyfriends. Gina too reflected that life at

Vacaville wasn't *all* bad, especially when compared to the federal prison where she also spent time. She mused, "What I can remember about Vacaville is it didn't seem like a prison at all. The reason why it didn't seem like a prison was because we had the girls there. They were all hooked up with somebody. We used to all go to chow and our husbands would be there waiting for us."

Rachel even had a surprising perspective on some of the research testing done at Vacaville. While she conceded that "Vacaville was really the guinea pig to test all major products," she noted that some of the products tested there were cosmetics like makeup, fragrance, and soap. You could earn a small amount of money for participating as a test subject as long as you were older than 21. Prisoners ran the testing unit and, in her view, "didn't give a damn" about enforcing the stated testing protocols. She recalled how they would look the other way when their peers would tape testing patches intended for their skin onto lockers. The incarcerated men running the unit would pass her high-end cosmetics, including full vials of Estée Lauder. "Perfumes," she recalled, "they would let us have all the perfumes that they had."

Expanded access to transgender medical care outside of prison would come to change the dynamics and collective action of trans women inside prison by the mid-1970s. Between 1966 and 1968, trans women activists based out of San Francisco's Tenderloin neighborhood worked with staff at the city Department of Public Health's Center for Social Problems to streamline services for people in the Bay Area. Volunteers created and ran the first known transsexual peer support group in the United States out of the Tenderloin's progressive Glide Memorial United Methodist Church, and they directed people towards the Center for Social Problems for counseling, hormones, and referrals to the sex change clinic at the Stanford University School of Medicine.⁸¹ The mid-1960s through late 1970s marked what Susan Stryker calls the Big Science period of transgender history, a time when university-based programs that evaluated trans people for hormone treatment and genital surgery were on the rise.⁸² Instead of needing to travel abroad or pay exorbitant amounts of money, people found eligible for these programs now had domestic institutions where they could make desired changes to their bodies for low or no cost. These medical research programs were often intensively invested in traditional gender norms, and some, like Johns Hopkins, are now recognized as sites of extreme medical violence for having promoted and carried out the surgical "normalization" of intersex infants.⁸³ Nevertheless, these programs did expand medical access for some

trans people who previously lacked avenues to services. The programs also promoted a medical understanding of transsexuality.

Rachel's first prison term was short, but in 1977 she found herself incarcerated again, back at Vacaville. She remembered, "Things had changed. This is when the girls started coming up with little breasts." Gina recalled this time as well: "When I was there [in the late 1970s], they were just in the process of getting hormones. We had some girls coming in with some signs of breasts." Trans women were beginning to arrive at Vacaville having accessed transition-related medical care on the outside through the new web of medical services that activists, academic institutions, and public health professionals had established. The Supreme Court's 1976 ruling in *Estelle v. Gambell* that prisoners had a constitutional right to medical care provided a legal basis for these women to claim access to facilitated femininity behind bars.⁸⁴

In 1977, an interracial group of trans prisoners at Vacaville leveraged their identification as medicalized subjects to demand bras and hormones. Rachel recalled this vividly. The fight over hormones began with Tammy and Stephanie, two trans women from San Francisco who had been taking estrogen prior to entering prison. Upon arrival at Vacaville they started talking to each other about the negative impacts of stopping. Conversations built on each other until the women ultimately decided to challenge the policy with the assistance of their friends and peers.

Around the same time that Tammy and Stephanie began to fight for hormones, other women on the unit started fighting for bras. They supplemented the filing of administrative grievances with direct entreaties to prison medical officials. To start, the women appealed to a clinical doctor in their unit. In Rachel's words, "It was unheard of. He said no way, but we appealed that." The women decided to go over the doctor's head, challenging his decision and directing their demand to Vacaville's chief medical officer. Remarkably, he agreed. Rachel remembered that a slew of provisions accompanied the concession to provide the women with bras: the prison would have to issue them and the bras would be changed every six months. But none of that could take the shine off of their triumph. As Rachel relayed, "Gloria and Zenobia were the first two to wear bras." Tammy and Stephanie also prevailed in their advocacy for hormones. Across the board, the women had won.

According to a CDC spokesman, by 1978, 13 transsexual prisoners at Vacaville were receiving estrogen, and most of those prisoners were also wearing bras, though he added that "state officials do not let the transsexuals wear skirts."⁸⁵ Dr. Gene Prout, Vacaville's chief medical officer, downplayed

prisoner agency in the change, telling the *Los Angeles Times* that he had decided to distribute bras after vetting prisoners based on his own medical expertise. He asserted, "It is established as the ethically and morally proper thing to do to assist people in their change to whatever their sexual identity seems to be."⁸⁶

The prison altered its classification system to accord with this reconceptualization of gender and sexuality. In 1976, prior to the policy change, the prison's classification manual characterized B-category effeminate homosexual prisoners based on both sexual behavior and gender expression: "inmates with a recorded history of passive homosexual involvement" and "continued and recurrent homosexual behavior" who were also "effeminate and whose current conduct is of a flamboyant and uncontrollable nature." In 1977, the revised classification manual introduced language of transsexuality for the first time, defining B-category prisoners as

inmates defined as either preoperative or postoperative transsexuals who are committed to the department as males, male transvestites who have a well established pattern of transvestism or prostitution which manifested itself prior to the current commitment, and male homosexuals and bisexuals with passive female personalities who are easily pressured by other inmates.⁸⁷

The women's advocacy appears to have pushed the prison to adopt an approach more in line with medical approaches to transsexuality outside of prison. Prison officials may also have been evaluating their medical practices following the *Estelle v. Gambell* decision to minimize litigation. But was the prison feeling the pressure from external gay groups?

PRISONER SOLIDARITY AND THE BOUNDARIES OF COLLECTIVITY

In the 1970s, newly established gay newspapers were creating platforms for those whom they described as "the prison Gay Liberation Fronts"⁸⁸ to speak to the broader gay community.⁸⁹ In March 1972, the *Bay Area Reporter* printed what they referred to as the Vacaville papers, a set of documents including "prison records, sworn affidavits, a petition, and a story, which were smuggled out of the Jenner Homosexual Unit" at Vacaville and which concerned the death of a 25-year-old prisoner, Westley Ashmore (nicknamed Little Bit). Westley had received a one-year-to-life sentence for

lewd and lascivious conduct and had been repeatedly refused parole because of immoral conduct while in prison.⁹⁰ He hanged himself after a third parole denial. His friend Donald Stay, who occupied the cell across the hall, described watching guards leave Westley hanging and fail to use resuscitation equipment. Donald knew how to use the equipment and pleaded in anguish with guards to let him out to save his friend's life. Westley was still breathing at the time he was discovered by guards but declared dead when, almost an hour later, a prison doctor arrived. Donald and other prisoners petitioned the Solano County Superior Court to bring murder charges against the prison guards whom they held responsible for Westley's death.

Gay activists protested Westley's death in solidarity with their incarcerated brethren. Members of the San Francisco Radical Gay Caucus held a demonstration on the highway in front of Vacaville on March 25, 1972, holding signs like "What's being done to Gays behind the walls of Vacaville that made Westley Ashmore hang himself?" and "We want an investigation."⁹¹ Ray Broshears, president of the Gay Activist Alliance, visited Vacaville a few days later to meet with an incarcerated member of the Gay Activist Alliance and discovered the man was in poor medical condition due to electroshock therapy. When Broshears met with a Vacaville doctor to protest, he was told that agitator prisoners were going to be sent south to the California Men's Colony (CMC) in San Luis Obispo to "put them out of the range of the San Francisco Gay Militants."⁹² Over the following months, the *Bay Area Reporter* chronicled how Vacaville did indeed establish a rotating system with CMC, transferring prisoners back and forth erratically and making it difficult for attorneys and outside advocates to stay in touch with their incarcerated compatriots.⁹³

The prison system deployed different strategies of spatial control concurrently. On the one hand, Vacaville officials punished gay prisoners by moving them away from their strongest networks of support, and at the same time, they tightened the infrastructure for targeted confinement. The end of 1972 saw the promotion of Dr. T. L. Canon, advocate and performer of psychosurgery on prisoners, to Vacaville superintendent; Canon more fully segregated gay prisoners into two units.⁹⁴ Despite these dispiriting developments, gay advocates persevered in pursuing connection across prison walls. In December of 1972, the Gay Activist Alliance coordinated a Christmas caravan from San Francisco to Vacaville prison in order to bring gifts and hold a short religious service outside the gates in symbolic communion with community members behind bars.⁹⁵

Gay activists were building a cross-walls movement to put direct pressure on prison decision-makers. Join Hands, a grassroots organization founded in 1971 and focused on the experiences of gay men in California prisons,⁹⁶ held a conference about gay prison issues in San Francisco in January 1973.⁹⁷ Attended by more than 100 people, the conference made fractures within the gay movement visible. Don Jackson noted the conspicuous absence of the Society for Individual Rights (SIR), one of the Bay Area's most influential gay groups, and suggested that SIR's lack of attendance was likely due to political differences. He stated, "S.I.R.'s absence is probably do [sic] to the conservative dogmatism of S.I.R.'s leadership, in this instance the dogma that crime is the result of personality defects rather than the result of social injustice. S.I.R. leaders often verbalize the dogma by saying 'We don't approve of public sex.' Therefore, they feel that Gay prisoners are being justly punished."⁹⁸

Moderate gay organizations resisted the critique of criminalization as social control advanced by the gay left, but the largely heterosexual anti-prison movement could be a challenging space for gay activists to integrate into. Gay former prisoners tried to elect one of their own to the board of directors at the founding convention of the California Prisoner's Union in 1971 but were unsuccessful. In 1972, two statewide anti-prison conferences were held. Gay activists walked out of the first "because Gay speakers were not allowed on the panel, and no Gay workshop was scheduled." They held a workshop at the second, but attendance was low, and the workshop was the only one not permitted to report back to the full convention, leaving gay activists to feel "they were talking to themselves, that hets really aren't concerned."⁹⁹

Finding it difficult to collaborate with other prisoner solidarity groups, gay organizations created their own programs and campaigns. The Gay Community Services Center in Los Angeles hired paid staff members who assisted incarcerated people with the parole process by connecting them to jobs and housing. The Metropolitan Community Church, whose pastor, Reverend Gordon, was formerly incarcerated himself, conducted visits to gay men in California prisons and sued the California Department of Corrections after their ministers were banned.¹⁰⁰ The Join Hands collective was composed of eight gay men (including former prisoners), and by 1976, they had communicated with around 700 prisoners, mostly gay and mostly in California. They started a newsletter, mailed to incarcerated people, that published almost exclusively prisoners' writings.¹⁰¹ Join Hands also

engaged in policy advocacy. The organization testified before a Senate Select Committee on Penal Institutions in 1974 about anti-gay discrimination in the parole process. They declared that California prisons were operating “on archaic ideas of homosexuality” and announced that they had gathered 15,000 signatures on a “petition for gay rights in California Men’s Prisons,” which they had circulated the previous winter.¹⁰²

Given the robust documentation of gay prisoner solidarity in the 1970s, it is striking that there is no mention of solidarity with trans women’s activism at Vacaville in this period. Despite publishing letters from gay prisoners across the California prison system, *Join Hands* includes nary a word about trans women’s organizing around bras and hormones. There are, however, traces of a rift between queens and noneffeminate gay men that reflects a broader dynamic in the 1970s gay community and that can perhaps explain why trans women at Vacaville appeared to carry out their organizing without outside support.¹⁰³ In the first issue of *Join Hands*, a letter from a gay prisoner at CMC in San Luis Obispo describes the prison world of queens and their husbands as antithetical to the project of gay liberation: “Maybe I should explain that you don’t have gays here at the Colony. There are ‘men’ and ‘women.’ The ‘men’ are ‘straight’ and the ‘women’ are queer, punks, fags, etc. All of the labels that the gays on the outside fight against. And need I tell you whose fault this is?! The queens. They are so much in competition with each other that they have no idea what gay pride is.”¹⁰⁴ Others pushed back against these divisions. A prisoner at San Quentin wrote to *Join Hands* declaring, “The Queen and the Macho etc. I think that those are not the issues. . . . both are Gay, this is the common point—should be the Unity point. We are a minority! Period. Kicking and fighting upon ourselves—words or blows leave us divided.”¹⁰⁵

The newspaper reflected contestation over whether queens should be considered a part of the gay community. A published letter from a prisoner at Tracy prison declared, “From what I understand, *Join Hands* is a group who wish to continue bickering about whether queens are acceptable to be part of the gay society and if we should be cast out even further into oppression *by our own brothers and sisters*.” Although this prisoner distinguished himself from the trans women who were beginning to organize around clothing at this same time—“Don’t get me wrong, we’re not asking to be able to walk around the joint in drag”—he nevertheless identified as one of the prison’s “effeminate gays (drag queens)” and said, “We in here spend 90% of our time

fighting C.D.C. staff about our rights to be sexually free and live our lives, in or out of prison as we choose, whether it be masculine or feminine.”¹⁰⁶

Join Hands published more letters arguing for the inclusion of queens than letters arguing for separation. But perhaps we can see where the outside collective members stood on this issue based on the fact that they did not publish any letters from queens in the Vacaville unit for effeminate homosexuals, nor did they discuss their ultimately successful organizing for bras and hormones. The standpoint given the most space in prisoners’ published letters was a call for unity and an understanding of queens as part of shared gay struggle both in and out of prison. But the *Join Hands* collective seems to have lacked the relationships and perhaps the political will to make this happen.

It does seem paradoxical that a gay prisoner solidarity group might take no part in the historic struggles of effeminate homosexual prisoners to access medical care behind bars. But the 1970s were a time when previously interwoven understandings of gender and sexuality were disentangling. Gay, lesbian, and transgender community members increasingly understood themselves as distinct at best and politically opposed at worst. Some of this had to do with crosscurrents of medicalization. Since the 1950s, gay activists had sought to depathologize homosexuality by removing it from the *Diagnostic and Statistical Manual of Mental Disorders*, an objective they ultimately achieved in 1973 for the third edition. Yet at the same time, trans activists had been seeking to standardize diagnostic and treatment protocols that could expand access to gender-affirming medical care. “Gender identity disorder,” which institutionalized these protocols, was added in the fourth edition, published in 1980.¹⁰⁷ As Susan Stryker explains, “Because gays were now ‘liberated’ from the burden of psychopathology, homosexual and transgender communities no longer had a common interest in working to address how they were treated by the mental health establishment.”¹⁰⁸

Compounding the challenge of the evaporation of this shared issue was the perception of some gay liberation activists that trans people who remained invested in engagement with the medical system were “‘not liberated’ and lacking in political sophistication.”¹⁰⁹ Some lesbian feminists went a step further, characterizing transsexual women as agents of patriarchal oppression whose efforts to medically transition constituted, in the words of Janice Raymond, the “rape [of] women’s bodies by reducing the real female form to an artifact, appropriating this body for themselves.”¹¹⁰ If trans people were derided as regressive and oppressive by radical gays and

lesbians, they were also ostracized from the assimilationist segments of the gay and lesbian community who were asserting their normativity. Gay men in particular asserted a private sexual subjectivity with masculine prowess and a middle-class orientation, a subject position they took pains to differentiate from the figure of the poor, racialized, criminalized drag queen.¹¹¹ This created a situation where incarcerated trans people were transforming the California prison system in unprecedented ways, but they were doing so largely without external solidarity.

PRISON LIFE AFTER INSTITUTIONALIZED TRANSSEXUALITY

Vacaville's new medical offerings for trans prisoners made waves, drawing the attention of the press and public officials. Rachel recalled a group of important people being brought to her cell because they wanted to see what transsexual prisoners looked like. She also remembered reporters from *People* magazine coming in to interview Tammy and Stephanie, the women who had been at the forefront of the fight for hormones. It was 2017 when Rachel and I sat together over tea as she pulled this decades-past history from her memory like precious jewels from a satchel. As soon as we left each other, I scoured the archives for traces of the article. While the reporter was actually from the *Los Angeles Times*, almost everything else was as Rachel remembered: The article was entitled "Transsexuals' Limbo in a Prison for Men" and published in January 1983.¹¹² Tammy and Stephanie are pictured standing in the hallways of Vacaville and gazing into the camera lens with poise and subtle defiance. The photograph graces the cover of this book.

I wonder how these two women decided that they would fight the CDC. I wonder if one decided first and pulled in her friend. I wonder if they both decided separately, then found each other in shared purpose. I wonder if they, one white and one Black trans woman, talked about the differences in their lives before and inside prison. I wonder if they talked about broader political visions for change and the world they wanted to see. I wonder if they felt the brutality and coercion of everyday life so crushing that it was hard to think about much beyond immediate concerns. I wonder about the composure in their faces in this photograph as they stand in the Vacaville prison hallway. Was this a feigned affectation of ease, two women with a model's understanding of how to offer a fantasy to a camera while camouflaging their own

discomfort? Or does the photograph show glimmers of some real happiness and comfort, possible even under these conditions? Rachel talked about this day when the journalists came into the prison with such pride over their accomplishment. She wanted this history to be known. Maybe these women, too, were proud to be seen and commemorated.

The women really had changed things. Gender and sexuality were organized differently inside of California's men's prisons. One might expect that formal policies for trans-related resources and avenues for institutional recognition would eliminate the need for informal work-arounds. Yet the increased availability of hormones in prison also enabled some women to access them without going through official channels. When I asked Gina about taking hormones, she replied, "I started taking hormones in 1979. . . . I was taking hormones in prison, but I wasn't doing it legally." While some women mobilized transsexual identity to make demands of the prison, Gina wanted the prison to know as little about her as possible. As she said, "I don't think it's necessary for anybody to know that much about anybody, especially about me."

Gina valued her privacy and sought to preserve a degree of unintelligibility to the prison. Nevertheless, as other women made successful claims for trans-affirming medical care at Vacaville, Gina was able to use this increased availability of hormones to gain access while still staying under the radar of the institution. She explained, "I was making a lot of money as head of food service in the prison. I was the number one cook. . . . I just decided to give [my friend] \$10 a month. She'd give me hormones every day. The hormones didn't really do for me what I—it started to be a waste of time. Eventually, I just stopped taking them."

Here, prisoner rights and identity discourse slip out of the neat relationship imagined by civil rights litigation. Policy changes that increased the circulation of estrogen at Vacaville enabled Gina to access it but not by appealing to the prison as an individual subject entitled to the provision. Rather, the policy change created a new economy of trans living, one in which trans women could trade hormones for money according to their own needs and negotiations. This enabled Gina to start, and ultimately stop, using hormones as she chose, never needing to contort herself into compliance with the expectations and dictates of prison gatekeepers.

Winning rights as transsexual prisoners meant that those who wanted to claim these resources had to continue to inhabit segregated spaces structured around medical and psychiatric control. Decisions about trans medical care

were therefore not solely about identity or even about desired embodiment but about how women sought to navigate carceral space. Rachel understood that access to hormones also meant acquiescing to segregation. Soon after the victory of bras and hormones, Rachel therefore chose to slip out of the B-category designation. She reflected on her thinking: “I’m not going to sit off in this wing all day long and be around the girls, not doing nothing.” Rachel applied to be the clerk for the watch commander, and after doing that job, her counselor asked if she wanted to put in for a transfer to CMC East.

Prior to 1977 and the institutionalization of transsexuality, Rachel fell within the prison’s classification of effeminate homosexuals. But as gender boundaries shifted and their crossing came to be associated with a newly medicalized transsexual subject, this introduced new criteria for categorical membership. Rachel’s positioning needed renegotiation. Because she had never taken estrogen, she had two options: claim transsexual identity and access bras and hormones at Vacaville or denounce the designation and move to a new facility. As she explained, “You couldn’t have titties and go there [to CMC East]. . . . If you have any kind of breasts, that’s where you’re going, is Vacaville.” When she evaluated the prison landscape, she ultimately decided to prioritize the mobility and job options she could access outside of Vacaville rather than the clothing and medical options she could claim as a transsexual subject.

Rachel was glad to move into the general population at CMC East, which she remembered as being more lenient than Vacaville. She even had her own key to her cell. Although formal prison recognition and medical facilitation of femininity existed only at Vacaville, she found ways to make do. California’s state hospitals donated some of the prisoners’ clothing, and she was able to salvage skirt suits to wear around the prison as well as dresses to wear in her room. CMC East provided a range of jobs, including what she considered the best jobs with Prison Industry Authority, where incarcerated people could make \$148 a month in the late 1970s. She took college courses in business and became a radiology technician.

Rachel’s rumination on her decision to move to CMC East after participating in historic trans organizing at Vacaville illustrates the nuances of navigating carceral gendering. On the one hand, she was proud to be one of the originators who fought to change the California men’s prison system by bringing in bras and hormones. She considered herself and her peers to be mothers of a movement, advancing a more livable world for trans women who came after. Yet she was clear-eyed about the ways that her dreams for herself transcended issues of gender. And she was acutely aware that the prison’s

classification of her gender would impact her ability to set those dreams in motion. She remembered considering what would be possible for her at Vacaville after 1977, “but my mind started going elsewhere. I wanted to do something with my life.”

Despite her closeness with the other trans women at Vacaville, her tone shifted when she reflected on leaving them: “You can be who you want. You can look how you want. But what do you really want to do? I had to learn that. Because why would you waste your life being pretty and not in college or nuthin’, in prison, when they offered it? The prison, they offered so much. They offered so much at your feet, and you can take it. I took it, and I became successful, and I’ll tell you that.”

Rachel had been part of a collective trans struggle, but on the other side of victory, she confronted the expansiveness of her desires amidst the constraints of captivity. She wanted more for herself. The few options available for incarcerated people to get an education or job training—anything that could cast a line of opportunity forward into the future—existed outside the cloistered space where trans women were sequestered. “*Why would you waste your life being pretty?*”

As I return again and again to Rachel’s voice, I try to listen around the corners and undersides of her words. She sounds frustrated with the other women who, she implies, chose vanity over ambition. Yet at so many other points in the conversation, it is clear that trans women are the center of her world, her most cherished community. I think that she is not dismissive from a place of distance but rather demanding from a place of aching proximity. Staring unflinchingly at brutalizing conditions both inside and outside of prison, she nevertheless understood the strength of trans women to be much vaster than anything that can be contained or dimmed by a cage. I wonder if the intensity of her words reflect her yearning for other trans women to stretch into the fullness of their humanity in the face of the world’s crushing encroachments. *Fight for yourself!* She seems to be calling out to her sisters. *Do not be complacent. Scrounge up the scraps and will yourself forward. You deserve it all.*

CONCLUSION

In California’s new prison medical facility at Vacaville, rhetorics of penal welfarism began to assume fuller material force. Prison administrators in the

1940s had invoked the idea of correcting sexual deviance, but without the therapeutic capacities to make this viable, they fell back on logics of segregating the incorrigible and containing security threats (as Chapter One describes). Vacaville changed the equation. In this new facility, psychologists, psychiatrists, and therapists abounded, and they mobilized the discourses and techniques surrounding homosexuality from the fields of which they were a part. Staff began to direct exploitative medical research and conversion therapies toward effeminate homosexuals.

There is a tension between the threats and opportunities of the rehabilitative penal regime. Vacaville's location at the nexus of medical and carceral authority ultimately made its staff responsive to prisoner demands articulated through the new medical discourse of transsexuality. A group incarcerated in the unit for effeminate homosexuals at Vacaville was able to pressure the medicalized prison system into facilitating their gender expression by embracing a transsexual identity. Their efforts enabled trans women in prison to access bras and hormones for what, by all accounts, seems to have been the first time in United States history.

Yet the struggle between the regulatory power of the prison and prisoners' capacity to resist did not end after the policy change. Indeed, in talking with Rachel and Gina, it is striking how much of their decision-making after 1977 confounds a triumphal narrative of gender affirmation that one might expect from such a policy victory. Rachel supported the organizing for bras and hormones, but after their success, she decided to leave Vacaville altogether. Realizing that prisoners at other facilities could access education and job training unavailable to women at Vacaville, Rachel saw how the interpretation of her gender affected her ability to propel herself onto another path after prison. She transferred out. Gina arrived at Vacaville after the policy change had gone into effect, and she was interested in accessing estrogen. But she was wary of submitting herself to the surveillance and discretion of prison gatekeepers. Therefore, she paid another trans woman in the unit to access some of her hormones. Gina circumvented the medical bureaucracy of the prison, entering into a new economy of trans care enabled by increased institutional access.

Risk Management

JASMINE WAS BORN IN SAN FRANCISCO IN 1964. Home was a fractured and uncertain place. Jasmine didn't know her mother or father and was raised by her grandma. In a house filled with other people, solitude was hard to come by. She felt a nascent girlhood prickling in her chest. The other children accepted her femininity, orienting towards her as mommy when they played house or as Batgirl when they played superheroes. But her grandma disapproved of her femininity, and sometimes this escalated into physical violence. Even embedded in the deep sociality of shared childhood, Jasmine felt an aching absence of care. In distilling her youth, Jasmine reflected, "I just didn't feel loved at all."

Jasmine shared a bedroom with a teenage uncle who began to molest her in her preteen years. At age 13 she ran away from home for the first time. The potential dangers of the streets paled in comparison to the known dangers of being at home. She was walking around downtown San Francisco, fighting off the flu, when she met the trans woman who would, years later, become her chosen mother. Ebony was only five years older, still a teenager herself, but it seemed like she had her whole life together. She took Jasmine back to her hotel room and began nursing her back to health. On the third day there was a knock at the door. A man came in, noticed Jasmine, and told Ebony that if a new girl was here, she had to start doing sex work to earn her keep. Ebony resisted; the man beat her. After he left, Ebony put Jasmine in some makeup and a dress and took her downstairs. She hailed a cab and gave her \$20. "Go home, don't ever come back down here again," she said. Jasmine recalled crying as she got into the cab, feeling like the vulnerabilities of staying with Ebony couldn't possibly be worse than leaving.

Home hadn't improved when Jasmine returned, and she worried about her younger sister. The two children ran away, trying to scrape together survival on their own terms. Jasmine would take her sister to the Greyhound bus station, give her a bottle of water, tell her to watch TV, and then go turn tricks for money. "I used to prostitute so you wouldn't have to," she remembered thinking. "I was protective of you"

As she hustled to make ends meet, Jasmine's run-ins with the cops were routine.¹ In 1980, when she was 16, she was sent to juvenile hall, overseen by the California Youth Authority (CYA), for the first time. CYA had grown into the largest juvenile detention system in the country,² and an independent investigation in 1982 concluded that the conditions were so abominable—overcrowded, understaffed, and full of violence—that an external oversight body ought to be created.³ Surprisingly, Jasmine felt that her femininity was recognized within the CYA facilities: People might not use your chosen name, but "for the most part, everybody treated you as a girl." Lengths of confinement were increasing in CYA at this time under a new determinate sentencing structure: An average confinement period of 13.9 months in 1980 had risen to 19.8 months by 1984 and 25.2 months by 1989.⁴ But everything Jasmine was being charged with fell into the lowest levels of the sentencing guidelines. Her life became a churn between juvie and the streets.

In 1988, 24 years old, Jasmine entered adult prison for the first time. Even after having spent much of the past decade inside locked facilities, she was frightened and felt this marked a turning point. "I'll never forget that day," she recalled, summoning the moment she got off the bus at Vacaville state prison. "It's always etched in my mind." Jasmine was at Vacaville because she had been classified as a B-category effeminate homosexual. The intensity of her fear faded as she found herself surrounded by other trans women. "Vacaville is gay heaven," she explained. Whenever she wanted to chat with someone, she had plenty of girlfriends.

Like her prior stints in CYA, Jasmine's prison term was short. Yet almost immediately after exiting Vacaville, she caught a new case. In 1990, she entered the California prison system again, but this time she wanted a different experience. She decided to drop the B-category designation so she could be housed with the men. "I just told them I wasn't gay no more," she told me. In a prison system increasingly concerned with managing populations en masse and decreasingly concerned with individual specificity, this would prove to be enough. Prison officials removed Jasmine's classification as an effeminate homosexual and transferred her to High Desert State Prison.

Jasmine's decisions about navigating the California prison system of the mass incarceration era offer insight into its shifting logics, tactics, and architecture. An orientation towards obsessive scrutiny and tailored management of femininity would be replaced by a risk management strategy that assimilated gender into broader systems of actuarial control. This would create room for trans women like Jasmine to slip out of gendered classification when it suited them. But it would also mean that needs and vulnerabilities emerging from a uniquely gendered embodiment would become less legible within the carceral system. Trans women gained access to greater gender opacity and the potential to sidestep gendered coercion and segregation. Yet in a ravenously expanding prison system characterized by hyper-punitiveness, overcrowding, and progressively devastating conditions, no incarcerated person could sidestep brutality. Trans women claimed a new kind of mobility relative to gender classification, but this was within a prison system where one's ability to survive day-to-day was an increasingly open question.

When it came to collective action, this period also marked a departure from the former. As feminine expression became less central to prison decisions about housing, trans prisoners had less of a shared experience and did not always occupy shared spaces where they could find common cause. Outside of prison, transsexual and transgender identities were institutionalizing: gaining social, cultural, medical, and legal salience as frameworks for understanding gender nonnormativity. But inside prison there was little corresponding action in the name of trans subjectivity. Prisoner organizing centered on health care neglect amidst the ravages of the AIDS epidemic as well as on solitary confinement. Some feminine prisoners participated in such organizing. For others, this period of blurred gender boundaries meant adopting more individualized strategies for survival.

RISK MANAGEMENT

Criminal justice in the mass incarceration era pivoted from a nominally rehabilitative endeavor to an enterprise emphasizing incapacitation.⁵ Malcolm Feeley and Jonathan Simon characterize this model of punishment as the new penology. The new penology involved aggregate-level management, an emphasis on probability and risk instead of correction, and a turn toward internal institutional metrics of success (like security or efficiency) over external societal goals (like reducing recidivism).⁶ Prisons had new ways of

conceptualizing their mission and their captives as well as new techniques for acting upon them.

As Chapter Two describes, the mid-century clinical model relied on the opinions of experts to make decisions about prisoners' lives, like where they should be housed or whether they were ready for parole. Prisons asserted a transformative or rehabilitative mission, claiming to normalize individuals after diagnosing their core criminal pathologies. In the service of this project, clinicians ascribed specialized statuses to prisoners and directed them towards prisons with specialized functions. Under the new regime of risk management, statistical prediction methods supplanted these experts' discretion. All prisoners were viewed across a continuum of risk, and prisons were reorganized according to the risk level of prisoners that they could receive.⁷ Clinical evaluation and intervention ceased to matter as much as the analysis of risk indicators to improve the efficiency of the prison's control apparatus.⁸ Risk management foregrounded institutional security as its primary imperative.

As individual normalization ceded ground to the project of aggregate risk management, individual deviant behaviors became less salient as grounds for directing targeted intervention. Instead, individual prisoners were defined by their statistical profile along a broader distribution of criminalized people. The "drug user" would no longer be mandated to participate in programming at the dedicated California Rehabilitation Center. Now, the "high risk offender" would be sent anywhere in the state where his risk level suggested he could be effectively controlled at minimum cost.⁹

The risk management model transformed prison regulation of gender boundaries. Under the clinical model, effeminate homosexuals and later transsexuals were identified and sent to the California Medical Facility for behavior modification and research at the hands of clinicians. Under the risk management model, gender expressions that previously delineated a specific type of prisoner and directed that prisoner along a specific rehabilitative path would cease to hold the same significance. Classification of effeminate homosexuals lingered loosely in institutional practice, but the primary mode of classifying and organizing prisoners switched towards quantified risk levels. Trans prisoners, including those presenting as women, were sent across the state to prisons with security levels corresponding to their assigned risk scores. Staff in those facilities created makeshift strategies for managing what they viewed as the potential security disruption of trans women's presence. Separated from each other, many women developed

individualized approaches for navigating the dangers of life behind bars. But trans women, whose prison experience in the previous decades was defined by their gendered singularity, also had much in common with other incarcerated people. Trans women's collective action in this period was characterized by systemwide solidarity around issues of shared concern: medical neglect amidst the HIV/AIDS crisis and solitary confinement.

THE RISE OF MASS INCARCERATION

California's state prison population, 22,500 in 1980, hit 106,000 in 1992¹⁰ and 160,000 in 2000.¹¹ Harsh sentencing laws, expanded drug criminalization, and diminishing parole rates, alongside increased parole and probation revocations, meant that more people were being sent to prison, and they were staying there for longer periods of time. The shift towards punitive sentencing reflected a change in penal ideology and a rejection of the therapeutic rationality that was previously ascendant. Throughout the mid-20th century, official rhetoric held that prisons were sites of rehabilitation, with indeterminate sentences imagined to provide incentives and rewards for prisoners who could demonstrate their reform before the parole board. A critique of coddling prisoners from the right and a critique of the prison's coercive discretion from the left resulted in a shift to determinate sentences in the late 1970s, whereby one's actions would result in "just" and standardized consequences. Between 1977 and 1982, 11 states, including California, passed determinate sentencing laws.¹²

Though progressives and conservatives had both criticized indeterminate sentences, new sentencing legislation was overwhelmingly punitive. Legislators set high mandatory minimum sentences, created sentence enhancements, passed three-strikes legislation, implemented truth-in-sentencing laws, and abolished parole for certain convictions. The discretion previously held by judges to determine sentences moved to prosecutors, who decided what to charge. By the end of the 1990s, anyone convicted of burglary had to serve prison time, and anyone convicted of homicide faced a sentence of 25 years to life.¹³ New guidelines also created cumulative impacts for previous convictions: Anyone with a prior felony conviction had five years added to their sentence, and anyone convicted of three felonies faced a life sentence.¹⁴ National legislators provided billions of dollars for states to hire more police officers and build new prisons, sometimes making such funding contingent

upon states' adoption of more punitive sentencing practices. The 1996 Violent Offender Incarceration and Truth-in-Sentencing Incentive Act provided up to \$3 billion to states that passed laws requiring that people convicted of violent crimes serve up to 85% of their sentence.¹⁵

While the legislature passed harsher sentencing legislation across the board, they also created a slew of new mandatory minimum sentences for drug offenses and began pursuing drug criminalization more aggressively. Between 1980 and 1990 the number of people California sent to prison annually for drug offenses increased from 1,000 to 10,000.¹⁶ Legislators escalated drug criminalization through the Anti-Drug Abuse Act of 1986, which created 29 new mandatory minimums, including a five-year minimum sentence for possession of 400 grams of cocaine or five grams of crack cocaine.¹⁷ These new policing and sentencing practices targeted Black communities. Indeed, tactics used to target Black political movements in the 1960s and 1970s were repurposed for the war on drugs in the 1980s.¹⁸ While people of all races use drugs at similar rates, by 1989 national drug arrest rates for Black people were 1,460 per 100,000 people as compared to 365 out of 100,000 for white people.¹⁹

A California-specific driver of mass incarceration was the parole process. In the 1980s and 1990s, the California Board of Parole Hearings and California governors released fewer prisoners.²⁰ Simultaneously, parole and probation revocations soared. Between 1978 and 1991 the number of adult parole violators returned to prison annually grew from 1,011 to 41,573. Parole violators went from being 8% of the state's annual prison admissions in 1978 to 47% in 1991.²¹ At least half of these revocations were due to drug testing, which had been implemented in many community corrections sites.²²

So, starting in the 1980s, California began the most mammoth incarceration surge and prison construction program ever seen. After opening 12 prisons between 1852 and 1965, California built 20 new prisons in a little more than a decade (1984–1996); four facilities opened in the single year of 1987.²³ Between 1984 and 1992 alone, the California Department of Corrections constructed 36,000 prison beds²⁴ and spent \$3.3 billion on prison construction.²⁵ Despite the prison construction glut, prisons in the 1980s and 1990s were increasingly overcrowded and decrepit. In this punitive climate, politicians cut spending to educational, vocational, and mental health programs for the incarcerated.²⁶ Administrators pointed to Black prisoner radicals as violent instigators requiring draconian containment and built new supermax prisons, in which prisoners were subjected to 23 hours of solitary confinement every day.²⁷ Where the penal-welfarist logics of the mid-century suggested

that prisons should be sites for individualized treatment, California's metastasizing prison system began to act on prisoners en masse, adopting practices like mass lockdowns and probabilistic risk profiling to "manage groupings sorted by dangerousness."²⁸ The veneer of rehabilitation had been stripped away. Prisons were now seen as places for punishment, and people were landing there to languish for life.

GENDER INTEGRATION IN THE MASS INCARCERATION ERA

As mass incarceration swept more women into the clutches of the prison system, penal policy and the legal apparatus for prisoner advocacy shifted to adjust to this new reality. Scholars and policymakers began to pay greater attention to the pathways driving women's imprisonment and to comparisons between women's prison experiences and those of men. While women prisoners had previously been managed in separate institutions under unique rules, lawyers made equal protection arguments that the treatment and conditions facing women prisoners should mirror those of their male counterparts.

Women constituted a small percentage of the overall mass incarceration boom, but during this time women's incarceration increased at even more dramatic rates than men's. In California, the women's prison population increased 450% from 1980 to 1993: from 1,316 to 7,232 people.²⁹ The Central California Women's Facility, opened in 1990, was the largest women's prison in the world.³⁰

The growing women's prison population was disproportionately composed of Black women convicted of drug offenses and minor property crimes, such as theft.³¹ While 14% of women sent to prison in 1984 were charged with drug offenses, drug offenses accounted for 41% of 1992 admissions.³² Expanding drug testing in community corrections also heightened women's reincarceration for parole revocation. In 1993, 32% of the 6,000 women sent to California state prison that year were imprisoned for parole violations.³³ These rates, alongside the shrinking of women's median served prison time between 1980 and 1991, suggests that over these two decades women's prisons were changing from exceptional spaces for women with more serious charges to revolving-door warehouses for women charged with minor offenses.³⁴

California women's prisons had previously operated separately from the legal, bureaucratic, and architectural apparatuses constructed for overseeing the state's prison system as a whole. Female staff and reformers had run

women's prisons, which were seen as their rightful domain. Starting in the 1980s, women prisoners and their advocates won a slew of lawsuits, often relying on equal protection arguments to challenge conditions that deviated from those of their male counterparts.³⁵ These lawsuits codified a move away from feminized rehabilitation and towards an ideal of equal treatment. Women prisoners won lawsuits challenging their lack of access to vocational programming and what they viewed as infantilizing monitoring.³⁶

As more women were incarcerated throughout the 1980s, activists, policymakers, and scholars probed the relationship between gender and punishment. Legal advocates pushed back against the deplorable conditions incarcerated women faced by asserting that women deserved a prison experience comparable to men. Their critiques responded to the history of women's prisons as administratively separate and as underwritten by coercive efforts to discipline women into gender normativity.³⁷ Yet demands for gender parity were no certain pathway to improving incarcerated women's lot. Pointing to former Michigan women's prison Warden Tekla Miller, scholar and activist Angela Davis observes that equal treatment approaches could lead in disturbing directions. Davis explains, "Miller's position was that the guards should be instructed to shoot at women [escapees] just as they were instructed to shoot at men. She argued that parity for women and men prisoners should consist in their equal right to be fired upon by guards."³⁸ In reflecting on this legacy, Davis concludes, "Paradoxically, demands for parity with men's prisons, instead of creating greater educational, vocational, and health opportunities for women prisoners, often have led to more repressive conditions for women."³⁹

Questions of a gender difference or gender parity approach also played out among the California prison population administratively designated as men. For decades, prison officials had singled out those they labeled as effeminate homosexuals or transsexuals. In the era of mass incarceration, the men's prison system would experiment with treating these long-differentiated prisoners similarly to their peers.

THE RISE OF RISK IN CLASSIFICATION AND HOUSING DETERMINATIONS

Outside of prison, the 1980s marked an increase in legitimacy for the medical management of transsexual people. The decade began with the third

edition of the *Diagnostic and Statistical Manual of Mental Disorders* adding “transsexualism” and “gender identity disorder” as psychiatric diagnoses.⁴⁰ Yet the medicalized strategy of feminine prisoner management dominant in the 1950s through the 1970s would decline in favor among California Department of Corrections officials at precisely this time. Outside of prison, transgender identity was growing in salience as both a cultural category and a basis for social movements.⁴¹ But as the prison system grew less and less concerned with the humanity and individuality of its captives, the framework of transgender identity had little impact on penal practice.

The pace and scale of prison expansion rendered prior strategies of individualized assessment and treatment all but impossible. The shift in penal orientation from rehabilitation to warehousing made prior strategies politically undesirable. Prison officers and old-school administrators had challenged the treatment-oriented staff throughout the rehabilitative period, resenting their increased status, resources, and authority to shape prison life.⁴² Prison guards’ influence over prison operations skyrocketed in the 1980s, with the California Correctional Officers Association (established in 1982) playing a key role in shifting the state’s penal policies towards containment and retribution.⁴³ The prisons of the 1980s and 1990s continued to employ experts, but social workers and psychologists were supplanted by prison staff with training in “operations research and systems analysis.”⁴⁴

Prisons of the mass incarceration era replaced psychiatric evaluation and therapeutic control with actuarial techniques for efficient population management. These techniques were widely adopted not because of their emergence during that time—such instruments had been developed decades earlier—but because they provided “new grounds of credibility.”⁴⁵ By the late 1970s, the rehabilitative enterprise was widely viewed as a failure by both progressives and conservatives, and California’s 1977 determinate sentencing law mandated uniformity in punishment. Risk assessment tools seemed to meet the political and legal demands. In 1981, the California Department of Corrections created a classification system to score prisoners across four security levels.⁴⁶ A prisoner’s point total was based on the length of his sentence, behavior during prior prison terms, and stability factors (such as being over 26 years of age or having a high school diploma).⁴⁷ The sum determined institutional assignment: For instance, 0–18 indicated minimum security confinement, while a risk score above 52 led directly to placement in a maximum security facility.⁴⁸ In 1982, “known homosexuals” were officially classified as Level III risks, assimilated into the overarching management paradigm, and

subjected to medium security control.⁴⁹ The quantification scheme ossified an administrative equivalence between effeminate homosexuals and other prisoners of their risk level.

Vacaville remained the prison designated for B-category effeminate homosexuals through the 1980s and 1990s.⁵⁰ In 1983 there were 91 prisoners at Vacaville classified as B-category and 24 categorized as transsexual.⁵¹ But as new prisons popped up across the state, feminine prisoners were dispersed widely. Transgender women I interviewed spent time at 13 different prisons between 1980 and the end of the 1990s: Avenal, the California Institution for Men, California Men's Colony East, Corcoran, Deuel Vocational Institution, Folsom, High Desert, Mule Creek, Pelican Bay, San Quentin, Solano, Soledad, and Vacaville.

Black transgender woman Ashleigh was moved among five prisons in the 1980s as her efforts to defend herself raised her risk level:

I had a S1 classification which was effeminate or a B-category, flamboyant homosexual. So they had to shop around [to assign housing placement]. I went to Vacaville first from CMF Main, which gave us hormones. From there I went to Old Folsom. From Old Folsom I went to San Quentin. From San Quentin I went to DVI. I hit somebody in the head with a television that kept having too much sex with me and beating me up. Then I went to Pelican Bay. . . . When I went in, I was a Level III. It was medium guard. But I kept fighting, not following staff directives, getting caught out of bounds, and my points were jacked up to a Level IV.

Administratively, Ashleigh was treated like other Level III prisoners. As she defended herself against sexual violence, her custodial points accumulated, her risk level increased, and she was moved to higher custody prisons. Ashleigh's trajectory reflected the standardization of actuarial techniques: Risk to others and risk from others are folded into the same category because in the eyes of prison staff, both reflect an individual's likelihood of catalyzing population-level disorder. Perhaps staff perceived her as an instigator of violence, reflecting prison administrators' narratives about Black prisoners as particularly volatile and threatening.⁵² Perhaps staff viewed her an inevitable victim. Regardless, as her risk score increased, she faced harsher confinement, eventually ending up in solitary confinement in a supermax prison.

Without enough physical space to house all feminine prisoners at Vacaville, and concurrent with the rise of risk as a framework guiding housing placement, California's feminine prisoner population was separated, sometimes through repeated transfers across facilities. Actuarial risk score and HIV

status (a new proxy for sexualized risk) became central ways that the California Department of Corrections organized the prison population. Feminine presentation ceased being a primary, privileged reason for singling people out.

By the late 1980s, California prisons had created a policy to segregate everyone who was HIV-positive or had AIDS. In a 1988 letter from Alison Hardy to Judy Greenspan of the ACLU National Prison Project, Alison describes her efforts to get the Prison Law Office's AIDS in Prison Project off the ground and provides a detailed description of the situation. At the time of Alison's writing, the state had created three AIDS units, one at Vacaville (housing 140 people), one at the California Institution for Men (housing 80 people), and one at the California Institution for Women (housing 11 people). The AIDS unit at Vacaville opened in 1985 and initially held prisoners in solitary hospital cells for 23 hours a day. Following a lawsuit filed by the ACLU, the Prison Law Office, and a private law firm, the prison finally hired an AIDS specialist to work on the unit for 25 hours a week. However, prisoners existed in a state of quarantine, kept apart from the mainline and from loved ones on the outside: They were not allowed to participate in any vocational programs or to have family visits.⁵³ Nor were they allowed to serve food to other prisoners (a ruling upheld by a federal judge in 1994, after other discriminatory measures had been overturned). Perhaps the health risks were minor, but the court sided with prison officials who argued that perceived risk could result in a prison riot.⁵⁴

A segregated unit that prioritized HIV status above all else created tensions and an almost incessant state of loss. Alison reflected,

Because prisoners of all security levels are housed on the AIDS units, tension is high. Minimum security parole violators are housed with lifers who have little incentive to abide prison rules. Prisoners with serious mental illnesses are housed in the AIDS wings because the facilities for the mentally ill refuse to accept prisoners who test positive. Prisoners who have been in the unit since it opened have watched more than thirty of their fellow prisoners die. All of these factors work together to make the AIDS unit depressing and highly stressful.⁵⁵

The AIDS unit at the California Institution for Men, called Del Norte, followed a similar strategy of isolation. The 80 men there were "locked into their wing where they have no educational, vocational or rehabilitative programs. Although the local AIDS foundation is eager to go into the prison to provide AIDS education and support groups for the men, the institution has ignored their requests for authorization to visit."⁵⁶ Although two doctors

worked on the unit, they knew little about AIDS or how to monitor the men taking AZT, an early HIV drug with high toxicity.⁵⁷ In the absence of access to medical experts, either inside or outside of the prison, incarcerated people in the unit began doing AIDS education with each other.⁵⁸

In the courts of both law and public opinion, segregation would win out. In 1988, a federal district court did rule in favor of New York state prisoners in *Doe v. Coughlin*, granting a preliminary injunction against the involuntary transfer of all HIV-positive people to a segregated dorm on the grounds that this violated their right to privacy regarding their HIV status.⁵⁹ But a class action lawsuit out of Alabama was the epicenter of the fight over the legitimacy of mandatory testing and segregation of HIV-positive prisoners. In advocating for segregation, proponents affected a slippage between homosexuality and the medical risks of HIV that reflected the longstanding quarantine logic around queer sexuality. In a 1989 *New York Times* article, the warden of a prison in Limestone, Alabama, J. D. White, asserted, “Two things you are going to have in prison are homosexual activity and drug use. Those are the two main ways this disease is transmitted. I believe the general population has constitutional rights equal to the HIV-positive population and has the right not to be exposed to those people.”⁶⁰ In a 1989 *Newsweek* article about involuntary segregation of HIV-positive people, the specter appeared again: “Several states, including California, cite the threat of homosexual rape and needle sharing to justify quarantine policies.”⁶¹ When a federal appeals court unanimously upheld Alabama’s policy on separating prisoners with HIV/AIDS in what was considered a national test case, the isolation of queerness persisted as a corollary justification.⁶² Reporting on the verdict, *The New York Times* declared, “Alabama prison officials contend that the prevalence of high-risk behavior behind bars, including drug use and homosexuality, makes it necessary for them to take steps to control the spread of AIDS.”⁶³

In some ways, HIV/AIDS segregation continued the practice of segregating those viewed as sexually deviant, a practice that the prior chapters have traced from the emergence of Queen’s Row in 1941 through the Jenner Homosexual Unit, out of which trans women organized in the 1970s. But notably, in the mass incarceration era, HIV status replaced femininity as the prison’s key indicator of dangerous sexuality. This meant that AIDS wards included masculine prisoners (heterosexual and gay) who would never have been segregated as effeminate homosexuals under prior penal regimes, and it meant that very feminine prisoners (including trans women who had taken steps to change their bodies) could avoid segregation if they were HIV-negative.

Furthermore, prison AIDS wards were distinct from the medical-therapeutic penal facilities from which trans women had demanded bras and hormones in the 1970s. Medical personnel staffed the new AIDS units, and a medical diagnosis was a precondition for being housed there, but the AIDS wards were governed by the penal system's overarching logic of containing risk rather than by a logic of intensive medicalization. In the early 1990s, San Quentin hired Dr. Andrews⁶⁴ to create an HIV program that included testing, staff education, and a care unit. When he first arrived, he was given space on the top floor of an "old, old building." The 20 or 25 HIV-positive people were held in hospital rooms and kept entirely separate from the general population. But within a year, cases had risen to several hundred. San Quentin filled their gymnasium with bunk beds and turned it into an AIDS ward. Dr. Andrews vividly remembered several trans women on the unit, which he said "was a place where your gender identity could be affirmed and supported—without hormones." Most of the women had been taking hormones prior to incarceration, but the only facility where hormones could be continued was Vacaville. Prisoners with HIV/AIDS were treated as security risks to be managed more than medical cases to be treated, which meant that trans women in the AIDS units could not leverage their seeming proximity to medicalization to obtain trans-related medical care.

Within the prisons of the mass incarceration era, gender boundaries blurred. Prisoners could still be categorized as effeminate homosexuals, but this designation now led to a risk score that steered prisoners so-labeled towards any Level III prison. Actions that increased one's risk score (like fighting in self-defense) prompted transfers to higher security prisons. Perceived effeminate homosexuality—which once played a determinative role in shaping one's prison experience—now became one factor among many that shaped an aggregate risk score. Simultaneously, HIV status both supplanted and served as a proxy for sexualized risk requiring segregation, which was previously imagined to inhere in the feminine prisoner's body.

"I WAS JUST DOING MY THING":
TRANS LIFE OUTSIDE TARGETED CONFINEMENT

This shift in penal logic and in techniques of control changed how gender nonconformity was perceived and how prisoners navigated gendered assessment. Correctional staff and technocrats brandishing actuarial instruments

subjected feminine prisoners to different modes of scrutiny than their predecessors, who had fixated on them as sites of unique pathology. And the erosion of the medical resources that had been available under the rehabilitative regime—albeit organized coercively—meant that there was now little incentive for prisoners to embrace a medicalized identity. As risk level and medical testing took precedence over psychiatric assessment, transgender women who wished to move out of the B-category effeminate homosexual designation gained leeway and motivation to do so.

This returns us to Jasmine, the woman who opened this chapter. When Jasmine first went to prison in 1988, she was classified as B-category and sent to Vacaville. When she went back to prison in 1990, she had her classification removed: “I just told them I wasn’t gay no more. And of course, they were like, ‘Are you sure?’ It’s like, ‘Honey, I’m not gay, okay?’ And it was obvious that I was gay, but I said I’m not gay.” Jasmine was “tired of being around a bunch of sissies.” She wanted to be in relationships with men, so she opted out of the category that was causing her segregation. Following her renunciation, prison staff removed Jasmine’s B-category designation and transferred her from Vacaville to High Desert.

Whitney took a similar approach. She arrived at Vacaville in 1991, classified as a B-category effeminate homosexual, but she had her classification removed so that she could live with her prison husband. Whitney explained that opting out of this administrative category could be a bit absurd, but it was useful in expanding her mobility within the prison: “So when you have your B-cat dropped, that means you no longer carry the queen status. . . . you could move about the prison, live with the men now. You can go and move into the dorm, even though you got titties out to here and all that shit.” In the late 1970s, Rachel had to choose between presenting as female (which would mean staying at Vacaville) and a transfer to a prison where she anticipated greater opportunities. In the mass incarceration era, prisoners with clear feminine embodiments moved throughout the system.

The California Department of Corrections lacked formal rules for managing gender variance outside of Vacaville, yet a growing number of trans women were moving to different facilities. In this context, staff adopted a range of informal control practices. In the absence of segregation as a tactic for managing the imagined disorder that feminine prisoners’ presence could create, correctional officers often forced them into heterosexual pairings.⁶⁵ After arriving at Corcoran, prison staff told Whitney to hook up with a man. She explained that this was common practice: “You in there and they tell you

if you look a certain way and you've got that femininity thing going on, tits and all that, they would tell you when you get in there, 'You find a husband because we don't want no shit out of you.'

Jasmine too experienced this pressure to couple up immediately after arriving at High Desert prison in Susanville:

The sergeant or whoever came, snatched up my shoes, threw them to me, and said, "Bring your gay ass with me, and how the fuck did you get up here?" This is way up there in Susanville. And I thought, "I don't know." So he said, "You have three days to find a man or we're putting you in the hole [in solitary confinement]." On the third day, he said, "Did you find a boyfriend?" I said, "No." He said, "You have exactly to 5:00, because I'm locking you up." So I was like, "What is that about?" He said, "Because it's been my belief that if you have a man, you'll get in less trouble."

Trans women not administratively labeled as B-category had the potential to move into general population and to institutions beyond Vacaville while still presenting as women. But in these facilities they faced targeted and non-bureaucratically-prescribed regulation of their bodies. When Brianna arrived at San Quentin in 1994 with a three-year sentence for petty theft, she was put in a cell on death row. Her days at San Quentin contained an ongoing litany of harassment: "So, when they would shower me, they would harass me by making me not wear a top and boxer shorts going to the shower. So my breasts were exposed, and the inmates were looking and, you know, making—or some of 'em be jacking off in the cells and stuff like that, you know, trying to dehumanize me." Staff threatened to cut off her long blonde hair and persistently belittled her, saying, "You ain't no woman."

In the mid-1990s, Ebony was transferred from Vacaville to Avenal. At Avenal she stopped receiving access to hormones, but she had brought her bra with her and it wasn't taken away. In fact, it seemed to her that Avenal staff tried to control her body by covering her up:

Avenal was nervous of me because I was the first transgender there that had breasts. And Avenal, they requested that—well they tried to make me but they couldn't, make me wear three or four T-shirts when I went into the shower. It was that horrible. Face the wall when you shower. I told them I wasn't gonna humiliate myself for the comfortability of them.

Avenal was a lower-security prison than Vacaville, and in terms of the employment and programming options available, she thought it was a good place to be: "[Avenal] gave you a job very quickly, very easily." But as a very

visible trans woman living in dormitory-style housing, Ebony also faced the almost incessant risk of violation. “I don’t talk too much about Avenal,” she concluded, “because I got raped in Avenal.”

Throughout the 1980s and 1990s, Vacaville continued to have a B-category dorm where prisoners could be prescribed hormones and receive bras. When Jasmine was there in the late 1980s, she was able to wear her own women’s clothing because prisoners could receive packages from home. But trans women at other prisons lacked formal access to gender-affirming property. They adopted strategies to present their gender with the materials they had. At Mule Creek in the 1990s, Dominique dressed as a woman “to the best of my abilities.” She would use dry pastel from the prison arts and crafts programming for makeup, commenting during our interview, “I still think pastel right now is better than some of this makeup out here.” Faye was bounced between prisons in the 1990s, but she made do wherever she was. She would trim her eyebrows, wear Vaseline as lip gloss, and wear skinny jeans or a tiny pair of shorts. At New Folsom there was a dress code, but Tara noted that you could wear tight clothes and create makeshift makeup. Tara remembered,

Yeah, some of the girls there used to come out looking so pretty, so beautiful, like, *wow*. I don’t know if they really had real, true makeup, but I know that I used to have colored pencils and grease pencils. I used to have red and black and green and burgundy and purple, so I would blend my colors. . . . It was so cute, and then when I lost my hair because I was messing with those chemicals in my hair, when I lost my hair, I decided, “You know what? I don’t care. They’re going to accept me for who I am or not accept me at all.” So guys started getting really turned on when they seen me baldheaded, had my makeup on, and I was just doing my thing.

In 1994 Brianna wasn’t receiving hormones from the prison, but she was romantically partnered with a male prisoner who paid correctional officers to bring in nail polish and hormone pills for her. Officers also provided goods to some trans women directly, albeit usually in ways tinged with an ambiguous sexual change. Whitney explained that officers would bring lipstick or eyeliner in for the women as well as bras or panties: “They joke around with you, ‘Oh, you probably look nice in these.’” Though Jasmine wasn’t allowed to wear women’s clothing at High Desert or Soledad, officers would bring her panties.

Dr. Andrews remembered trans women in the HIV/AIDS unit at San Quentin implementing similarly inventive strategies for expressing their femininity. He recalled,

People made lipstick and rouge and eyeshadow out of whatever they could. Very creative people. And you're incarcerated—you use what you got, just like anybody would, anywhere. And you could only wear this denim shirt, and blue jeans, and these boots. But a real woman could put that together in a way that's quite lovely.

Although Vacaville continued to be the prison designated for effeminate homosexuals throughout the 1980s and 1990s, individual prisoners were subjected to less gender scrutiny. Some trans women opted out of the B-category designation because of the restrictions it conferred, developing unique pathways to express their gender in the new prison environments to which they were sent. Some brought clothing from home, others created makeup from prison art supplies, and still others received hormones and undergarments from prison guards or boyfriends who had purchased them through the prison's underground economy.

FIGHTING FOR COLLECTIVE SURVIVAL: CHALLENGING MEDICAL NEGLECT AND SOLITARY CONFINEMENT

In the 1980s and 1990s, incarcerated people came together to challenge the conditions they were experiencing inside the ravenous jaws of California prisons. Although outside of prison this was a period when transsexual and later transgender identity were forming a more stable basis for collective action, inside prisons trans people sought to participate in struggles over conditions that exceeded trans specificity. Key areas of shared concern were HIV/AIDS and solitary confinement.

The devastating effects of the AIDS epidemic and prisoners' organizing to fight for each other's lives are rarely a part of the mainstream story of mass incarceration.⁶⁶ Yet it is hard to overstate the significance of the epidemic. In 1991, 28% of all deaths in state prisons were attributable to AIDS.⁶⁷ That year in New York and New Jersey prisons, two-thirds of deaths were caused by the virus.⁶⁸ At that time, contracting HIV almost certainly meant you would ultimately die of AIDS. But in the absence of proper diagnosis and access to treatment, incarcerated people were dying much faster. In 1988, a New York state study found that prisoners with AIDS were surviving an average of only four and a half months, eight months less than those living on the outside.⁶⁹

In a 1990 letter, a man incarcerated at Del Norte named Matthew reported that hospitalization numbers were rising, no medical staff were qualified to deal with the disease, and even though the unit had been opened in 1988, there was still no AIDS specialist.⁷⁰ Amidst his detailed account of the devastating conditions, he implored those on the outside to raise the alarm: “I say again, we need an AIDS specialist! It is a matter of life and death. We are dying under these conditions! A life is a terrible thing to waste!”

An early demand from both prisoners and outside activists was for compassionate release—the discharging of people with terminal illnesses so that they can die at home with loved ones. Although California created a compassionate release policy in the mid-1980s, as of 1989, only two prisoners had been allowed to go home to die.⁷¹ In the prison’s eyes, imminent death from AIDS was insufficient reason to allow someone’s release. At the same time, HIV status was sufficient reason for quarantining prisoners, even in the absence of symptoms. In 1987, the World Health Organization’s Special Program on AIDS gathered specialists from 26 countries who adopted policy recommendations for prisoners with AIDS, including that prisoners receive treatment of the same quality as that available in the community at large and that they not be subjected to discriminatory practices, such as involuntary testing, segregation, or isolation.⁷² But segregation remained a common way for United States prisons to respond to the virus. As of 1989, 20 states segregated prisoners diagnosed with AIDS and six states (including California) segregated everyone who was HIV-positive, regardless of whether or not they had symptoms.⁷³

In Matthew’s letter, he pushed back against the practice of segregation. In his words, segregation not only failed to meet prisoners’ needs but “only serves to stigmatize, ostracize, and dehumanize this specific group of inmates.”⁷⁴ Perhaps he was one of the 15 HIV-positive prisoners at Del Norte who, the previous year, had smashed 220 windows to protest their involuntary isolation.⁷⁵

The organization that ultimately became ACT UP/San Francisco began in 1986 as a group of 12 AIDS activists calling themselves Citizens for Medical Justice. But the work really took off in 1991. In August of that year, members of ACT UP/SF held a meeting with other groups including the ACLU, the Black Coalition on AIDS, the National Prison Project, and the National Lawyers Guild to discuss doing work together to support HIV-positive prisoners in California.⁷⁶ This coalition would come to name itself CHAIN: the California HIV Activist and Inmate Network. In their initial meeting, issues raised included segregation, inadequate medical

treatment, and limited access to compassionate release. Their brainstormed list of strategies ranged from collaborating with existing prison groups to creating legislation to engaging in litigation, though at the top of the notes for this section is the injunction, “Consensus that all advocacy efforts must be directed by the prisoners themselves with discretion and sensitivity toward prison reality—watch out for imposing your own agenda.”⁷⁷ By 1992, ACT UP/CHAIN had settled on a list of seven core demands for prisoners with AIDS: comprehensive HIV/AIDS treatment, access to clinical trials, equal access to visitation and all prison programs, voluntary and anonymous testing, no forced segregation of HIV-positive prisoners, compassionate release, and AIDS-prevention and peer education.⁷⁸

Conditions at Vacaville plummeted over the course of 1992. The unit’s two HIV specialists quit in March of that year to protest conditions they believed made it impossible to provide a basic standard of care.⁷⁹ On May 4, ACT UP chapters from across the state converged on Sacramento to draw attention to the deplorable state of health care and to exert pressure towards their seven demands.⁸⁰ In the face of California Department of Corrections intransigence, ACT UP/CHAIN returned to the capital for a second demonstration on June 1, featuring formerly incarcerated speakers and a die-in.⁸¹ Things failed to improve. In September, prisoners with AIDS died on the 2nd, 16th, 18th, and 20th. Outraged and desperate, on September 20, 150 prisoners began a medication strike, refusing all AIDS medications. By early October, at least 39 prisoners remained on medication strike to protest the deteriorating medical care.⁸² On October 21, another prisoner with AIDS died in his cell, and several prisoners began a hunger strike,⁸³ which ACT UP sought to amplify by holding a 24-hour vigil in downtown San Francisco.⁸⁴

If the prison system remained brutal and unyielding, activists inside and outside were at least getting the attention of California legislators. In November, the Committee on Public Safety of the California State Assembly released a report about medical care for HIV-positive prisoners at Vacaville that included 25 recommendations.⁸⁵ On December 5, 1992, World AIDS Day, ACT UP/SF gathered outside of the gates at Vacaville to express solidarity with the 20 prisoners still on medication strike and to uplift the demands still unmet.⁸⁶ Prisoners in the AIDS unit at Vacaville released a statement for the World AIDS Day protest, expressing encouragement at the California legislature’s investigation and their belief that, if implemented, the recommendations would better their conditions.⁸⁷ Many of these recommendations tended towards the weak and superficial (i.e., “consider placing

emergency buzzers in the cells of HIV positive inmates”)⁸⁸ rather than providing the sweeping action so urgently demanded. But in the face of inaction and escalating death, perhaps any improvement seemed promising.

As Che Gossett and Eva Hayward observe, there is a striking “absence of AIDS scholarship in transgender studies . . . and equally, trans scholarship in AIDS studies.”⁸⁹ Recovering trans lineages in prisoner AIDS activism raises even greater challenges. Though I interviewed many trans women who were incarcerated in California during the 1980s and 1990s, very few of them were HIV-positive. The women I interviewed who were HIV-positive seroconverted later, after antiretroviral therapy had become available. I feel a present absence: the stories of the women who may have been a part of AIDS organizing but who did not survive to share their memories with me and who do not linger in the archive because they were not selected to be spokespeople, to have their letters published in newsletters, or to have their experiences amplified in demonstrations.

ACT UP/SF was in contact with trans women. In April 1992, Carrie wrote to the organization from San Quentin’s death row.⁹⁰ She was the only HIV-positive prisoner and the only trans prisoner on the row, but surprisingly, she said that she believed she was receiving “proper medical treatment” for HIV, and she had even self-advocated for access to estrogen: “I’m also the only transsexual here. I was on hormone therapy before I arrived here and after a nine-month battle with the administration, my hormone therapy was resumed.” Despite these advocacy victories, Carrie expressed loneliness and a desire to connect with the activists: “Being the only HIV-positive and TS [transsexual] here leaves me without anyone to relate with. If you know anyone who might like to correspond, or perhaps even come to visit with me, that would really be a comfort.” I found no evidence that anyone from ACT UP responded to Carrie or sought to involve her more deeply in the chapter’s work. Is this a gap in the archival record or was this a missed moment of solidarity?

In 1995, incarcerated trans woman Jacqueline had more success when she wrote to Judy Greenspan.⁹¹ Judy was hired by the ACLU’s National Prison Project in 1988 to start the organization’s work with HIV-positive prisoners. Judy had been involved in political prisoner support and moved west after lesbian political prisoner Linda Evans was sentenced to prison in California.⁹² Upon arriving in the Bay Area, Judy became a member of ACT UP/SF and joined their Prison Issues Committee. In her letter to Judy, Jacqueline said that she entered prison in 1987 and was housed at Vacaville, where she remained after testing positive for HIV in 1989, though at that point she was

moved to the facility's segregated AIDS wing.⁹³ However, after assaulting another prisoner, she was issued a security housing unit (solitary confinement) term and sent to Corcoran. As Jacqueline explained, "I'm a *documented* transsexual and feel this facility is an inappropriate place to house me because (A) I have large 4C-D's and they refuse me to wear or have my bras, (B) they provide no psychological treatment for my gender dysphoria here, (C) they deny me my hormone medication here." As Jacqueline explained, medical care overall at Corcoran was nonexistent: The only specialized care for HIV-positive prisoners was an extra bag lunch.

Corcoran state prison, opened in 1988, was one of California's new supermax facilities. The other supermax, Pelican Bay, opened the following year. Both prisons had been designed for a new mode of hyper-confinement. Along with automated doors that reduced prison staff contact with their captives, the prisons' primary feature was their thousands of windowless eight-by-ten-foot cells—Corcoran contained 1,500.⁹⁴ Between Corcoran and Pelican Bay, the prisons were built to hold 3,000 prisoners in long-term solitary confinement with one person to a cell, though overcrowding would soon prompt double-bunking.⁹⁵ As if the torturous nature of prolonged solitary confinement were not enough, Corcoran soon became infamous for prison guard abuse. Guards set up blood sport fights between incarcerated people, bet on the winners, and then shot into the yard where fights were taking place⁹⁶—this resulted in injury or death to 45 prisoners between 1989 and 1994.⁹⁷ In 1995, eight prison staff (including an associate warden) dressed in riot gear met a busload of Black prisoners arriving for processing and then beat the handcuffed prisoners with clubs.⁹⁸ Sending trans prisoners into this bleak and brutalizing environment illustrates how fully the coercively therapeutic control trans people had experienced through the 1970s had been supplanted by deindividualizing population management.

Yet it was at Corcoran that trans prisoner organizing began to gather steam. Trans issues had not been a driving concern for the advocates who would end up working in solidarity with the trans women incarcerated at Corcoran. California Prison Focus was centrally concerned with the human rights violations in security housing units. But trans women were among those suffering inside the facility, and activists integrated their needs and voices into the broader campaign. Judy Greenspan recalled,

In the security housing unit, that's where we met a lot of the transgender prisoners and began advocating on their behalf. Even to the point of trying to

get them their hormones and trying to get them even things like proper—it was so sad. They would tell me that when they got to Corcoran, they took away their bras, they took away their undergarments. They totally took away their dignity, right? Never mind their meds, which they didn't have access to.

From 1995 to 1998, Judy had been running the HIV/AIDS in Prison Project as part of Catholic Charities of the East Bay. In 1998, Judy moved the work over to California Prison Focus and renamed it the HIV/Hepatitis C in Prison Committee. Before Judy came on board, the organization mostly visited Pelican Bay. But Judy incorporated visits to Corcoran as well:

I felt that the people who needed us the most were the prisoners at Corcoran. I convinced CPF [California Prison Focus] to call a demonstration in '98. It was the first demonstration outside of Corcoran, and it was around all of the issues, from transgender care to HIV care to the security housing unit. There were about 300 people and a lot of family members. And the prisoners wrote statements.

This demonstration was the October 17, 1998, Caravan for Prisoners' Human Rights. As California Prison Focus explained in their newsletter, *Prison Focus*, "We proudly carried our new banner, 'Corcoran = Death for Prisoners with HIV/AIDS, Shut it Down!' in front of the gates of Corcoran state prison. The event marked the first time that our issue—the fight against medical neglect and abuse—was linked with the overall struggle against force and physical brutality against prisoners."⁹⁹

This demonstration reflected the nature of collective action during a prison regime of blurred gender boundaries. Feminine gender expression was no longer a primary driver of prisoners' classification and custodial pathways. HIV status and risk level had become central to the labeling and sorting of prisoners. Consequently HIV status and risk level (with resulting placement in solitary confinement for those at the highest levels) became key axes around which organizing emerged. This enabled a kind of alliance politics. Organizing took form not around identity categories but across lines of difference based in a shared opposition to the prison's deadly force.¹⁰⁰

CONCLUSION

From the 1940s through the 1970s, prison staff agreed that, regardless of other characteristics, prisoner femininity required unique administrative

treatment. During the rehabilitative era, gender boundaries were bright with low levels of ambiguity about group membership and a strongly institutionalized medical lens shaping understandings of gender variance. But throughout the buildup of mass incarceration, gender boundaries blurred. The prison's risk management project flattened all forms of individual difference into risk level. The astronomical growth in the prison population and the turn toward hyper-punitiveness required prison staff to abandon prior strategies like individualizing treatment or grouping all effeminate homosexuals within a single facility.

Incarcerated trans women in the 1980s and 1990s faced a staggeringly brutal prison system that cared little for prisoners' gendered individuality. Feminine gender expression was less important to prison management than risk level and HIV status when it came to key issues like housing. Gender classification was porous. For better and for worse, trans women were relatively integrated into the mainstream of prison life. The blurring of gender boundaries meant that some trans women were able to detach themselves from the effeminate homosexual category in order to access desired relationships in other facilities and wings of the prison.¹⁰¹ At the same time, this regime subjected all those labeled high risk to even more coercive punishment.

In a context of blurred boundaries, there are lower degrees of social distance between groups.¹⁰² Incarcerated trans women were more isolated from each other but more connected to other incarcerated people. This shaped their resistance strategies. As trans women moved throughout the prison system, they created makeshift, often solitary, strategies for expressing their femininity and for navigating the informal control strategies prison staff directed towards them. At the same time, some trans women created affinities with other incarcerated people and participated in collective struggles that included but also exceeded their gender particularity.

Carceral Humanism

GROWING UP, ZOE FELT LIKE she was living two lives. With her mom and her female friends, she could loosen into what felt most natural: helping to cook family meals or playing hopscotch. She had a strong sense of her own girlhood. As early as age five, she would answer the phone using a chosen female name. She felt seen by her mom, who, she reflected, “knew that I was just a little girl. My mom was very comforting, nurturing. And she just understood me, and that’s I think why we had such a close connection, and that’s why I love her so much.”

But things were a different story with her father and brothers. While he never physically abused her, Zoe’s father derided her femininity and constantly demanded that she live up to his vision of what a son should be. “I was verbally abused,” Zoe explained, “because he would call me a faggot, a punk, saying, ‘Man up. Go outside and play with your brothers. Do pushups. Do things that boys do.’” It was hard for Zoe not to internalize this criticism and to feel that there was something wrong with her. Though her brothers didn’t harass her, Zoe felt pressure to be masculine whenever she was with them. “I felt like I had restrictions and limitations because of what my father would think, what my brothers would think, what they would say,” she concluded. She was worried about “embarrassing the family.”

By the time she entered adolescence, Zoe had absorbed the idea that her femininity and nascent desire for boys were things that had to be kept hidden. “Being a teenager wasn’t really hard for me,” she said, “because I was actually in denial of who I wanted to be.” From her clothes to her mannerisms, Zoe tried her best to embody heterosexual masculinity. It wasn’t until she arrived in prison that Zoe first started dating and sleeping with men and that she first heard the word *transgender*.

Zoe entered prison in 2008, 21 years old and staring down an 11-year sentence. Soon after arriving at Soledad State Prison, she saw Savannah. Her first reaction was confusion: “Oh my God, that’s a girl! And what is she doing in a prison with us?” One day when Savannah was watching TV in the day-room, Zoe approached her to try to find out. Savannah explained that she was a trans woman, and Zoe’s whole conception of what might be possible expanded. It was Savannah who taught her what hormone therapy was and what it did to your body. Zoe wrote to Medi-Cal requesting information and started doing research. Confident that this was the path for her, she began seeing a prison psychiatrist in 2010 and was diagnosed with “gender identity disorder.” She started hormone therapy in 2011.

Zoe’s experience would have been quite different if she had gone to prison 15 years earlier. Prisoners in the 1980s and 1990s faced a radical absence of medical care even for life-threatening conditions. Things would also have been different if she had gone to prison 30 years earlier. Trans prisoners in the mid-century rehabilitative era had been able to leverage their position as medicalized subjects to demand hormones, but they were isolated within a single facility (the California Medical Facility at Vacaville). Zoe started hormone therapy while incarcerated at Tehachapi, a supermax prison in Southern California.¹ Before beginning, she had appointments with a prison-contracted psychiatrist every 90 days for a year.

When comparing incarceration in the 21st century to the preceding decades, it can be tempting to fall into a triumphal narrative of progress. Weren’t things better for Zoe than they were for the trans women who came before her? The problem with progress narratives is that they often mystify how and why change happens, implying a world naturally evolving towards justice rather than recognizing that people fight to determine what the future will be. There is no inevitable forward motion to history. Things endure, reemerge, and circle back because of political struggle. If we characterize 21st-century penalty only in terms of progress, we may miss the forces that produced concessions and overlook the suffering that persisted.

So how instead might we understand the rise of trans prison policy in the Golden State? The 21st-century California prison system faced pressure from social movements, legal advocates, and federal courts to address mass incarceration and the devastating conditions in its penal facilities. The recently renamed California Department of Corrections and Rehabilitation (CDCR)² lost control over its medical system as it was placed in receivership, which created a new set of external actors with decision-making power over

internal prison procedures. Amidst this crisis of authority and legitimacy, CDCR pursued *carceral humanism*, or “recast[ing] the jailers as caring social service providers.”³ The prison system pulled back on the explicitly retributive rhetoric that had characterized the mass incarceration era and took certain steps to meet prisoners’ fundamental medical and mental health needs. CDCR also created new bureaucratic procedures around legally recognized groups⁴—including trans prisoners and prisoners with disabilities—which created grounds for those groups to assert demands. Trans people across the California prison system gained greater access to medical care and gendered property items. As in the mid-century rehabilitative era, specific institutional policies became attached to the figure of the gender-variant prisoner.

Yet those interested in the new trans-related resources faced issues of access and quality. Though carceral humanism was shifting the California prison system, these new logics and practices were taking root in a system that retained architecture, policies, and staff from the not-far-gone buildup of mass incarceration. The period in which CDCR began declaring its concern with the safety and needs of transgender prisoners, for instance, was the same period in which CDCR’s practice of indefinite solitary confinement prompted the largest prisoner hunger strike in history. Trans-identified prisoners made decisions about their bodies and self-expression in this complex context. Though many sought to work through the new official channels, others observed the ongoing brutality and rejected the prison system as a trustworthy provider of anything.

THE END OF MASS INCARCERATION?

Crime rates began declining in the 1990s even as the size of the United States prison population continued to grow.⁵ Punitive laws were sending more people to prison and keeping them there for more time. Mandatory minimum sentences and sentencing enhancements made it likelier that people would receive long prison terms, while truth-in-sentencing laws eliminated opportunities for early release and required that people serve a substantial portion of their court imposed sentence.⁶ In 2006, the California prison population hit its all-time peak of 175,512 people.⁷ Around 25% of incarcerated people were serving time under the three-strikes law.⁸ The state’s prison system was operating at 200% capacity.⁹ Yet looked upon retrospectively, this would prove to be a turning point for California and the country at

large. Incarceration peaked nationally in 2007 and then began to gradually decline, with nearly every state in the country pursuing some reforms that would reduce the prison population.¹⁰ In California, the shifting landscape of incarceration was driven by class action litigation, grassroots organizing to halt prison expansion, and expanding interest in decarceration among officials and members of the electorate.

Since the 1990s, legal advocates and incarcerated people had been challenging the widespread medical and mental health abuses that mass incarceration was producing. In the 1995 *Coleman v. Wilson* decision, a California district court found that the state was violating the constitutional rights of 15,000 prisoners with mental illness by failing to provide them with adequate treatment. The judge who handed down the decision appointed a special master to gather data on mentally ill prisoners and to facilitate reforms that would improve their mental health care.¹¹ Also in 1995, Charisse Shumate became the lead plaintiff in a class action lawsuit for women prisoners who asserted that the medical care they had access to was so negligent as to constitute cruel and unusual punishment. *Shumate v. Wilson* was settled in the women's favor, producing a settlement agreement with 56 separate terms intended to improve things. Incarcerated women's organizing created sufficient political pressure to prompt the California state legislature to convene hearings inside two of the state's women's prisons to investigate medical care and other prison conditions.¹² And still, widespread medical neglect and abuse persisted. In 2001, prisoner-rights attorneys filed a federal lawsuit (*Plata v. Davis*) on behalf of all prisoners, making the radical argument that California's metastasizing prison system was incapable of meeting prisoners' fundamental medical needs, and CDCR thus exposed all incarcerated people to the risk of harm and death. Here again, the court ruled in the prisoners' favor, and in 2005, after several years without improvement, it placed the prison's medical system under a federal receiver. This extreme measure essentially held that necessary reforms could not take place without entirely removing control of the medical system from correctional officials and placing decision-making power in the hands of independent outsiders.¹³ Even still, the suffering continued.

In 2009, a three-judge federal panel ruled in *Coleman v. Schwarzenegger* (combining the *Plata* and *Coleman* cases) that years of court action had been unable to make a dent in the crisis of medical and mental health care inside of California's prison system. Overcrowding made humane conditions impossible. The panel handed down an injunction requiring that CDCR reduce

its prison population to 137.5% of its capacity (amounting to the release of approximately 40,000 people) within two years. The Supreme Court of the United States upheld this decision in *Brown v. Plata* (2011).¹⁴ Class action litigation, pushed forward by tireless legal advocates and incarcerated people, had produced a legal mandate from the highest court in the nation for the prison system to shift course.

Had this been a decade earlier, perhaps mass prison construction would have been the path the state chose to address overcrowding. Jonathan Simon notes that the *Coleman v. Schwarzenegger* decision “left the state free to meet that target [of 137.5% of design capacity] through a rapid program of constructing new prisons.”¹⁵ CDCR did ultimately build one new adult prison (the California Health Care Facility in Stockton) on the site of a former youth prison, with the design of housing 2,951 “inmate-patients.”¹⁶ However, abolitionist organizers had been developing strategies for blocking prison construction. These organizers deserve a great deal of credit for disrupting the status quo of rapid prison building and for shifting legislative and public interest towards decarceration.

The fight against what is colloquially referred to as the Delano II prison in California is widely recognized among abolitionists for developing a playbook for anti-expansion fights.¹⁷ The Delano II campaign created broad-based alliances, highlighted the harmful human and environmental costs of incarceration, and deployed a multipronged strategy that combined legislative, media, legal, and grassroots organizing efforts. At the turn of the 21st century, when newly elected Governor Gray Davis proposed his plan to build another state prison at Delano, there was little indication this would be any different from the preceding 15 years of rapid prison expansion. Between 1984 and 1996 California had built 20 new prisons. Davis pushed his plan easily through the 1999 legislative session. But here, activists stepped up and pushed back.¹⁸ Abolitionist organization Critical Resistance filed an environmental lawsuit in 2000 and built an expansive coalition of opposition to the prison construction—partners included municipal agencies like the California Department of Transportation, racial justice organizations like the National Association for the Advancement of Colored People, and advocates for the region’s endangered species like Friends of the Kangaroo Rat. The coalition worked with the Drug Policy Alliance to commission the governor’s pollsters and survey Californians on their views toward prison construction; finding that the majority of people polled favored a freeze on prison building, the activists disseminated the results widely to legislators and the media.

A California superior court ruled in favor of the activists' lawsuit in 2001, declaring that prison construction could not move forward because the existing environmental impact review did not adequately account for the negative effects the prison would have. This stalled the project for two years until the activists lost on appeal.

Because the legislature had approved the funding for prison construction, they were the only ones who could withdraw the funding and cancel the build. Activists directed their energies towards Sacramento. They almost won, succeeding in getting the prison construction eliminated from the senate's 2003–4 budget with language that would end the project for good. Yet the project remained in the assembly budget, where, notably, a current California Correctional Peace Officers Association member and parole agent on leave headed the assembly budget subcommittee that oversaw prison spending. After repeated late-night reconciliation sessions, the final budget was handed down with the Delano prison construction included. The prison was built and opened in 2005. However, as activists Rose Braz and Craig Gilmore explain, "The extremely protracted battle leading up to this event forced the CDC [California Department of Corrections] to declare Delano the end of the current prison-building era. Agency officials reiterated that this was the first time in two decades that California did not have a prison in planning or construction. The movement built in opposition to Delano II is now working to sustain this new status quo, while proactively pushing for reductions in the number of Californians in cages and [to] close prisons."¹⁹ The activists had helped shift the political direction and common sense on incarceration in the state of California.

In response to the *Coleman* and *Plata* rulings requiring redress for prison overcrowding, and in a climate where mass incarceration was increasingly contested, California legislators began to take steps to shrink the state's prison population. In 2007, the state passed a law (SB 678) designed to reduce prison admissions by incentivizing counties to decrease probation revocations.²⁰ In 2011, seeking more expansive strategies to achieve the 40,000-prisoner reduction mandated by the three-judge panel, the state passed AB 109 (known as Realignment), which ordered that people with certain low-level convictions and short sentences serve their terms in county jails rather than state prisons. California voters had been souring on the state's bloated prison expansion project almost since it began—they voted against prison construction bonds in 1990 and in 1996 by a two-to-one margin.²¹ Nevertheless, voters passed numerous hyper-punitive ballot initiatives throughout the 1990s that

fueled the prison population boom.²² By the 2010s, California voters were interested in eroding the harms of mass incarceration and moving their state in a different direction. Driven by considerable activist energy, voters passed Proposition 36 in 2012 to scale back the three-strikes law and Proposition 47 in 2014 to reclassify a number of theft and drug-possession offenses from felonies to misdemeanors and to authorize resentencing under the new provisions.²³

The emergent wave of reforms in the 2010s carried tremendous opportunity but also a new set of challenges. For one, reforms sometimes hinged upon asserting distinctions between deserving and truly dangerous prisoners (or, at the statutory level, creating different sentencing paths and different eligibility for people convicted of nonviolent versus violent crimes). States passed drug policy reforms and other kinds of decarcerative measures for those convicted of nonviolent crimes at the same time as they expanded life without the possibility of parole sentencing for those convicted of felonies.²⁴ Christopher Seeds argues that penal policy reforms of this period reflected not a turn away from punitiveness but a bifurcation: maintaining the notion of a dangerous class requiring control and containment while simultaneously asserting their difference from another class of people deserving of alternatives.²⁵ Secondly, although Realignment did shrink the state prison population, the law increased the population of county jails (which had deplorable conditions of their own, as well as fewer programming options), arguably masked the degree of the incarceration crisis, and created a foundation for counties to demand funding for their local jail systems.²⁶ As the decade moved forward, jails replaced prisons as primary sites of contestation over carceral expansion.

Evaluating the landscape in 2014, and paying particular attention to conservative politicians' interest in criminal justice reform, theorist and activist James Kilgore proposed that the United States had entered a period of "carceral humanism."²⁷ Kilgore argued that the tide of public opinion was turning against mass incarceration. Grassroots organizers had waged powerful campaigns against policies like stop and frisk, prisoners were engaging in mass protest, and the racial injustices of the criminal justice system were becoming a widely agreed upon outrage. More and more people were coming to view "mass incarceration as a systemic problem that can only be solved with a vast redirecting of resources into the communities that have been devastated by imprisonment."²⁸ Amidst this political and ideological pressure, the criminal justice system would need a new paradigm in order to retain its authority. Kilgore argued that the paradigm shift seized upon by those invested in maintaining the carceral status quo was carceral humanism:

“recast[ing] the jailers as caring social service providers.” This involved using new discourses to justify old practices—for instance, pushing for prison or jail construction in the name of better meeting the needs of incarcerated people. Carceral humanism also involved the creation of new social service funding streams, programs, and partnerships inside of penal institutions. Kilgore characterizes these as cosmetic reforms to contrast them to reforms that would shrink the reach and power of the prison system.²⁹ Parsing out how the epoch of carceral humanism differed from the mass incarceration era that preceded it can deepen our understanding of how imprisonment endured in the face of a major crisis of legitimacy. The period’s unique features can also explain why it fomented the emergence of trans prison policy.

The logics, practices, and key actors of the carceral humanist era facilitated a new kind of penal control. Carceral humanist projects from the 2010s and onward—including efforts to construct new jails, to expand drug courts and electronic surveillance, and to embed probation more fully into community³⁰—resurrected the mid-century ideology of penal welfarism, the idea that the criminal justice system facilitated treatment and rehabilitation. Yet this ideology took root in the context of radically transformed carceral capacity. Logics of professionalization and therapeutics resurfaced in prisons built for mass confinement, in prison systems whose population had increased by multiple orders of magnitude, and in political environments where prison guard unions had assumed major influence over penal policy. The actors shaping the 21st-century carceral landscape also differed in some significant ways from their predecessors. As criminologist Judah Schept explains, liberal proponents of carceral humanist reforms viewed “incarceration [as] simultaneously the problem and the solution.”³¹ Unlike mid-century social workers, politicians, researchers, or correctional officials who articulated a resolutely optimistic vision of incarceration, 21st-century actors mobilized an analysis of penal failure to bolster their endeavors to “make prisons better.”³² This model of punishment had the potential to enlist new progressive actors in carceral expansion, co-opting the energy anti-prison activists had been building to push for shrinking of the criminal justice system altogether.

COMPETING VISIONS OF GENDER JUSTICE

Amid these broader penal shifts, activists and scholars advanced competing understandings of mass incarceration’s gendered injustices and remedies.

The skyrocketing rate of women's imprisonment—an 800% increase between 1977 and 2004³³—prompted new conflicts over the criminal justice system's role in helping or harming women. For much of the 1980s and 1990s, the mainstream anti-violence movement engaged in what has been called carceral feminism.³⁴ Sociologist Elizabeth Bernstein defines carceral feminism as the embrace of the punitive state apparatus (in forms like expanded policing or increased criminalization) as the preferred remedy for issues of gender and sexual injustice.³⁵ Underlying the political program of carceral feminism is the ideal of the criminal justice system as a protector of women.

In the prison context, the carceral feminist corollary took the form of advocacy for gender-responsive prisons. The most illustrative and politically impactful example is Barbara Bloom, Barbara Owen, and Stephanie Covington's 2003 report *Gender-Responsive Strategies*.³⁶ The principles in this document have been cited and used to shape penal reforms around the world.³⁷ The document describes women's unique criminal pathways (highlighting issues like trauma and economic marginality) and their specific experiences in custody, arguing that the prison environment ignores these differences because it is based on an imagined male offender. The document then suggests that women's prisons should have specific policies, practices, and services that reflect "an understanding of the realities of women's lives and address . . . the issues of the women."³⁸ Like carceral feminism, gender responsiveness presents the prison as helping to solve women's problems if only it can be sufficiently tailored towards their gendered realities.

Feminist critics of gender responsiveness argued that these policy initiatives served "only to legitimise and extend the life of the prison."³⁹ Indeed, in 2006, Governor Arnold Schwarzenegger leveraged the rhetoric of gender responsiveness to propose new prison expansion. Schwarzenegger wanted to build two new full-scale prisons and 30–50 new community correctional facilities, which he claimed would better meet women's needs. Four thousand five hundred incarcerated women that CDCR identified as not needing to be in state prison would be transferred to these new facilities. Schwarzenegger said this would free up space in state prison for male prisoners designated as higher risk and would move women closer to their families.⁴⁰ While the rhetoric of less coercive confinement and attentiveness to women's family relationships appealed to liberal sensibilities, advocates were quick to point out that this language was masking the substance of what was being proposed. Schwarzenegger's plan would increase the state's prison beds for incarcerated women by 40%.⁴¹

Incarcerated women and abolitionist activists voiced a resounding rejection of the plan and what it represented. In the words of advocacy organization Justice Now, the proposal “perpetuates the unjust imprisonment of women whom the Department of Corrections and Rehabilitation have deemed suitable for release.”⁴² They argued that decentralizing and expanding the women’s prison system would “exacerbate the egregious human rights abuses and gross medical neglect within CDCR facilities.”⁴³ One thousand people imprisoned at the Central California Women’s Facility and Valley State Prison for Women signed a petition in opposition—the final document delivered to the governor was 25 feet long.⁴⁴ These activists emphatically rejected the notion of “kinder, gentler, gender responsive cages”⁴⁵ and called for women’s release so they could receive needed services outside of a correctional setting. As they lobbied against the bill and mobilized the media to frame gender-responsive prisons as a sham reform, they began to erode legislative support.⁴⁶ Assemblywoman Jackie Goldberg, who had introduced the legislation, even removed her name as a signatory to the plan. She explained that even though the proposal was consistent with the recommendation of CDCR’s Gender Responsive Strategies Commission and she’d initially believed the proposal would be supportive of incarcerated women, “today, this idea has become part of a larger poorly constructed, short-sighted plan to build more prisons. The real concerns and needs of women in prison have been manipulated to support a prison expansion package that will harm thousands of women and children throughout California.”⁴⁷ Goldberg’s shifted perspective illustrated her concern for women’s well-being alongside her belief that prison expansion undermined the possibilities for such well-being. This viewpoint reflected the analysis of the abolitionist feminist organizers who had reached her.

Abolitionist feminists called for noncarceral strategies to support survivors and prevent gender-based violence.⁴⁸ They advocated alongside incarcerated women for reforms that would make their prison terms more survivable, but they viewed prisons as primary perpetrators of gendered and sexual harm, as institutions that needed to be overthrown as part of a broad program of social transformation.⁴⁹ Those operating in the vein of gender responsiveness tended to think that prisons were an inevitable feature of the landscape, and it was thus important to make them as humane as possible.

Twenty-first-century advocates concerned with transgender prisoners did not always articulate their efforts through the competing frameworks of gender responsiveness and abolition feminism. Yet these struggles over gender

and punishment informed how trans prison policy emerged. A diverse range of actors seized upon transgender prisoner issues as a source of concern, but as I will show, they differed in their interpretation of the situation and in their attitudes about what ought to be done. Some coordinated with prison administrators to collect data on the trans prison population, to train staff, and to recommend new policies. Others coordinated with incarcerated trans people to push for reforms to conditions while also engaging in efforts to block jail construction, close prisons, and pass decarceration legislation.

INSTITUTIONALIZING TRANS PRISONER POLICY

As this book has been arguing throughout, terms for identifying oneself and others are social products, not transparent descriptors of reality. The meaning of prison gender-variance is shaped by how prisons view and seek to control incarcerated people in different historical periods. The prison's institutional logics, modes of expertise, architecture, and management practices all inform how prison staff interpret and act towards those with nonnormative gender and how incarcerated people shape their own subjectivities and embodiments. Therefore, to note that *transgender prisoner* became a salient category for penal administrators, researchers, and advocates at the turn of the 21st century is not to say that the crossing of gender boundaries began at that time—indeed, this entire book mitigates against such an argument. Rather, these diverse actors reshaped the field of knowledge around gender and sexuality in this period, establishing *transgender* as a category to conceptualize experiences, bodies, and identities that would previously have been understood differently. The institutionalization of the transgender prisoner as a penal category was a historical process, and it produced a range of social, analytic, political, and administrative effects.

To understand the institutionalization of trans prison policy, let us first back up to the turn of the century. As described in Chapter Three, the HIV/Hepatitis C in Prison Committee (HIP) of California Prison Focus began to build relationships with HIV-positive trans women seeking HIV medication and trans-affirming health care behind bars in the late 1990s. The tide turned in 1998 as HIP added targeted advocacy in the name of transgender people to their coalition work. That was the year that HIP began a campaign to support trans people seeking access to hormone therapy at Vacaville.⁵⁰ In

response to HIP's advocacy, in 1999 Vacaville's chief medical officer, Joe Bick, hired a doctor from the University of California, San Francisco, Lori Kohler, to open a gender clinic to prescribe hormones to transgender prisoners.⁵¹ In our interview, Judy Greenspan recalled "these really unpleasant phone calls" when they would call Bick to complain that people weren't receiving access. Nevertheless, between 1999 and 2005, Dr. Kohler provided hormones to 3,000 separate individuals at Vacaville's Gender Clinic.⁵²

In 2005, CDCR's medical system was put under federal receivership. Activists seized the opportunity to appeal to an external authority who now held decision-making power over prison medical care. In 2006, a coalition including the California Coalition for Women Prisoners, the Transgender Gender-Variant & Intersex Justice Project, and the Transgender Law Center met with the federal receiver to demand a remedy for the abysmal health care faced by transgender prisoners.⁵³ The activists were successful in applying their pressure. By 2007, CDCR had updated its policy for "gender identity disorder," stating that transgender inmate-patients at any facility would now be able to meet with a clinician to begin or continue gender-affirming hormone therapy.⁵⁴

Julie⁵⁵ started working as a consultant for CDCR in 2008. Since CDCR's health system had just gone into receivership, the University of California, San Francisco, received a large grant to send people into the prison to assess the health care under the umbrella of their newly created Correctional Medicine Consultation Network. Julie had been working as the medical director at an LGBT community health clinic in San Francisco where she had numerous trans clients. She had always been interested in providing health care for incarcerated people but had been wary of working directly for CDCR. This new consultation network seemed to offer the perfect vehicle. She recalled, "When UC got that grant, I said, 'I'll go in that way—under the cover of the academy, and with that protection.'" One of her first tasks was using the protocols that Lori Kohler had been using for trans health care at the California Medical Facility in Vacaville to write protocols that would operate statewide.

CDCR decided that contracted endocrinologists would provide the consultations for trans patients seeking hormones across the state. In Julie's opinion, this ended up being a bit of a disaster. Endocrinologist consultations were carried out via telemedicine, which expanded access, but these providers generally had no prior knowledge of trans health care and

no clinical contact with trans patients in the course of their work outside of prison. This could lead to misinterpretation and misdiagnosis. She recalled,

You had all these endocrinologists in these remote places who never even met a trans person, much less taken care of one. So they're reading about like, "Oh, somebody on estrogen has a high prolactin. They must have a brain tumor. They must have a pituitary adenoma." Then they're scanning people's brains. It's like, no, no, this is a known side effect. We monitor this. Anyway, it was stuff like that that was sort of unfortunate because they're [i.e., CDCR is] like, "Oh, we need trans providers." That's really been the purview of community health centers and grassroots activists educating physicians about care and then sort of everyone coming together to do it the safe way. And that's not part of the training of endocrinologists.

While the quality of achieved care was questionable, this was nevertheless a time when advocates were making tremendous gains in reducing barriers to health care for trans people in prison. In 2011, the World Professional Association for Transgender Health released their updated standards of care, specifying its applicability to people in prison.⁵⁶ In December of that year, CDCR released a care guide for "gender identity disorder" that elaborated diagnostic criteria and monitoring protocols.⁵⁷ It took just weeks for advocates to reach out to the federal receiver and prison health officials in protest. Advocates challenged CDCR's care guide on multiple counts, including their stipulation of 12 months of required counseling prior to the administration of hormone therapy, which advocates pointed out was inconsistent with the World Professional Association for Transgender Health's standards.⁵⁸ When CDCR's care guide was next updated, this requirement was dropped.⁵⁹ The transgender prisoner emerged as a medical-legal subject because the carceral humanist prison system enabled the mobilization of medical knowledge across institutional fields and because CDCR was under heightened oversight for legal compliance.

Legal requirements also prompted research that helped to cohere understandings of trans prisoners and to generate knowledge about their experiences that could be put to various ends. Congress passed the Prison Rape Elimination Act in 2003, which enhanced the prison's legal obligation to reduce sexual violence behind bars and required rigorous data collection on prisoner sexual assault.⁶⁰ CDCR provided \$400,000 to the University of California, Irvine, to research sexual violence in prison with a special focus on trans people.⁶¹ When Professor Valerie Jenness and colleagues released their first resulting report in 2007, their findings—such as the fact that

incarcerated trans women are 13 times more likely to be sexually assaulted than their cisgender peers—shaped CDCR’s internal practices, supported external advocacy, and provided the foundation for contemporary social science study of trans prisoners.⁶²

The formalization of *transgender* as a rights-bearing legal status, academic partnerships to produce knowledge about and policies for transgender prisoners, and expanded penal emphasis on therapeutics culminated in CDCR’s creation of an administrative transgender prisoner category in the early 2010s. In 2012, CDCR replaced the category for “Section 62080.14, Effeminate Homosexuals” with the new designation “Section 62080.14, Transgendered Inmates.”⁶³ For the first time, this category applied to people in both men’s and women’s prisons. The preceding effeminate homosexual label was designated for “male inmates who are pre-operative transsexuals, or active effeminate homosexuals whose appearance and personality make them incompatible with general population housing.” That description went on to stipulate that “this [effeminate homosexual] category is provided only at CMF [the California Medical Facility at Vacaville] and is intended to provide safe, supportive housing for those likely to be easy victims of sexual assault as well as to avoid the conflict and disruption their presence would create in a general population institution.”⁶⁴ By contrast, the “transgendered inmates” category applied to “inmates who have been diagnosed as transgendered, as documented on the CDCR Form 128-C3,” meaning that its provisions extended to anyone receiving a transgender diagnosis, whether they be transgender men or transgender women.

The “transgendered inmates” category not only broadened the parameters for inclusion but also changed the category from holding an association with one specific prison (the California Medical Facility at Vacaville) to inhering inside prisoners (via diagnosis). The consolidation of trans prisoners as a category facilitated the creation of multiple transgender hubs where those so-labeled should be housed. Nine men’s prisons were designated as suitable for “male to female inmate-patients,” and both of the state’s two women’s prisons were designated as suitable for “female to male inmate-patients.” The manual asserted that these hubs would “ensure inmate-patients receive the necessary medical care/mental health treatment.”⁶⁵

The transgender prisoner category absorbed practices and modes of identification previously accounted for by other terms (like effeminate homosexual), and created bridges between experiences previously viewed as distinct (like people with cross-gender identification in men’s prisons and women’s

prisons). This category enabled new modes of collective action and prompted the administrative reworking of wide-ranging domains of prison life, from medical care to property to staff interactions with incarcerated people.⁶⁶

FIGHTS FOR TRANS PRISONERS' LEGAL RIGHTS

For years, even as prisoners won access to hormone therapy, surgery was thought to be out of the question. Michelle Kosilek, a trans woman incarcerated in Massachusetts, made news in 2006 as she petitioned the state for access to gender-affirming surgery as part of her treatment for gender dysphoria.⁶⁷ She had previously broken legal ground in her self-advocacy efforts, successfully gaining access to hormones, laser hair removal, and therapy. However, in the eyes of the judge and the media who covered her lawsuit with scornful incredulity, surgery was beyond the pale. In 2012, a federal judge rendered a different decision. US District Judge Wolf decreed that denying Kosilek gender-affirming surgery violated her right to be exempt from cruel and unusual punishment: She had a serious medical need, as demonstrated by her multiple suicide attempts and efforts at self-castration, and she deserved access to surgery.⁶⁸ As reporters observed, this would be “the first court-ordered, state-funded sex change for a prisoner in the country.”⁶⁹ In 2014, an appeals court initially upheld⁷⁰ but then reversed the landmark order.⁷¹

A different Michelle across the country got wind of what was happening in Massachusetts. In Mule Creek State Prison, Michelle Norsworthy began to file her own petition for access to gender-affirming surgery. Michelle had entered the California prison system in the late 1980s and started taking estrogen in 2000. In her deposition, she said she had long desired gender-affirming surgery and discussed this with her prison therapist and doctors, but after she was told it was impossible, she never leaned into self-advocacy.⁷² Learning of Kosilek's lawsuit inspired her to take things into her own hands.

In 2015, a district judge ruled in favor of Michelle Norsworthy and ordered that the state provide her with gender-affirming surgery, making a similar legal argument that the state's indifference to her serious medical need violated the 1976 *Estelle v. Gamble* Supreme Court decision that medical neglect of prisoners consisted cruel and usual punishment.⁷³ Yet less than two months after this decision and before her surgery could be scheduled, the California Board of Parole Hearings granted Michelle parole. Michelle

had been denied parole on four previous occasions, and on the same day as the parole grant, the state filed to vacate the landmark ruling on the grounds that Michelle was now going home.⁷⁴ Advocates were certain that Michelle had been paroled so that the prison wouldn't have to follow through on its now legally-binding obligations to her. And if Michelle's case was moot there would be no precedent for the future.

Therefore, the Transgender Law Center, who was representing Michelle, filed an almost identical lawsuit demanding gender-affirming surgery on behalf of Shiloh Quine, a trans woman incarcerated in California holding a life without the possibility of parole sentence. CDCR reached a settlement agreement in Shiloh's favor in August of 2015. Under the settlement agreement, CDCR agreed to provide Shiloh with gender-affirming surgery, to move her to a women's prison, and to provide all trans prisoners with access to property that had previously been designated as allowable only within men's or women's prisons (e.g., providing makeup for trans women in men's prisons or boxers for trans men in women's prisons).⁷⁵

In our interview, lawyer Eli⁷⁶ explained that Shiloh's legal team sought to make access to these property items as broad possible. This required considering the in-prison process of determining eligibility. While the settlement agreement extended to all "people who are identified as transgender or having symptoms of gender dysphoria," CDCR came up with a policy that required diagnosis of gender dysphoria by a joint medical/mental health team as a condition of access. Eli explained that advocates' objective was to minimize bureaucratic gatekeeping, so they argued that medical, mental health, and custody staff should all be allowed to independently grant access to gender-restricted property.⁷⁷ The judge concurred that a diagnosis couldn't be required and decreed that either medical or mental health staff could independently grant access. CDCR also wanted to limit access to gender-restricted property items so that trans people could only access these items if housed at designated trans hubs. The legal team challenged this provision and won on this count too. Lastly, CDCR sought to prevent trans women in men's prisons from obtaining a number of items that were allowable in women's prisons, on the grounds that these items could pose a major security risk.⁷⁸ As Eli explained,

So they said they couldn't allow pajamas, nightgowns, robes, and scarves because people could turn them into disguises and escape. They said that they couldn't allow hair brushes and hair clips because they could be used to make weapons. Even though they already allow razors and hot pots and spare

instrument strings and six-foot-long extension cords. And, oh, and they said that they wouldn't allow bracelets and earrings because they could be used as currency or for extortion or gambling, even though they already allow wedding bands and watches in men's prisons and they just limit the value. And they allow things like CD players and musical instruments, which, probably people in men's prisons would like those more than a bracelet. So we fought about all of that . . . and we won on all the specific property items.

Medical care and property were not the only issues being remapped through transgender prison policies. In 2017, the Prison Law Office challenged CDCR's policy of requiring transgender women to be searched by male staff (which they pointed out was a violation of the Prison Rape Elimination Act).⁷⁹ In 2018, CDCR released a departmentwide memo entitled "Communication and Pronoun Usage—Transgender Inmates." The memo instructed staff to recognize that their language was part of "creating a culture of safety and respect, and can ultimately impact the emotional well-being of inmates, especially transgender inmates." To this end, the memo directed staff to either use a prisoner's preferred pronouns or to use "gender-neutral language . . . to avoid being perceived as discourteous" (with the example of calling prisoners only by their legal last name).⁸⁰

While prison gender boundaries had blurred throughout the buildup of mass incarceration, in the 21st century gender boundaries brightened and became less ambiguous. Legal and social movement pressure prompted the bureaucratic articulation of transgender prison policy. It became possible for prisoners to access new trans-related resources across the entire prison system and became likelier that trans prisoners would be treated (and would think of themselves) as a distinct group.

OPTING IN AND OPTING OUT OF TRANS PRISON POLICIES

Many prisoners across the state began to claim the offerings now organized around the category of transgender. When Dominique first came out as transgender at Mule Creek State Prison in the early 2000s, the prison didn't have a protocol for hormone therapy. After the policy change in 2007, though, she recalls, "They just said, 'Hey, you know, if you want hormone treatment and you identify a certain type of way, you can sign up to see a psych and go through a process and go through whatever and be put on hormone

treatment.' . . . So I went and got on hormone treatment." There were a number of other trans women that Dominique was friends with at Mule Creek, and almost everyone got on hormones at this time.

Dominique's process was similar to the experience of Zoe, which opened this chapter. Dominique requested to see a prison psychiatrist who diagnosed her with "gender identity disorder." This diagnosis initiated a lengthy assessment that culminated in her starting hormone therapy:

So once you receive your diagnosis in prison, you cannot start the hormone therapy at least for another year 'cause you have to remain under a mental health delivery system, talking to them every 90 days. Just checking in, making sure you're all right. They wanna make sure that your mind is really set on that, that you wanna take hormone therapy, because it's a serious thing. Transitioning is very serious. So they wanna make sure that you're gonna take it serious. So there was a series of questions I had to answer or a series of meetings that we had to have. And every meeting that we had, I was always for sure in my heart and in my mind that this is what I wanted to do. So I started receiving hormone therapy in 2013, and I've been on hormones ever since.

Expanded access to gender-affirming medical care provided trans women with a new set of options for navigating the relational dynamics of prison. Faye first went to prison in 1989 when she was 23 years old. Still to this day, she identifies as boy crazy. Faye loved men, and as she moved between different California prisons throughout the 1990s she never had trouble finding boyfriends. Without having made any changes to her body, she felt desirable and deeply integrated into the social world of prison. "My hair used to be down to here. It was not all gray. It was black. And I had no boobs at the time. Then when I started getting them, it was different. But I was regular flat and I still had a boyfriend."

She started taking estrogen in 2000 in the Santa Clara County jail as she anticipated another prison bid. She worried about being older and thought that it might be more difficult to find a boyfriend: "Well, like, okay, I'm going to be gone [incarcerated] for nine years, you know, I'm older. A lot of girls are younger and they're prettier." Appraising her shifting position in the dating market and believing a boyfriend would be necessary for material security during her prison term, she decided to change her appearance.

I don't have family to take care of me because I've been in and out for so many years, so they're kind of like gone. So what do I do? So how do I make myself marketable? So when I get there, I already know he's going to want me because I got boobs and I got this and I got long hair. And I'm older, so I know a little

bit more, you know what I mean? I've done time before. So I put all the little pieces that I could add to make myself marketable.

Hormone therapy wasn't a purely instrumental decision; there was a core connection to her identity. As Faye explained, "I realized this is who I was, and I got more comfortable with it, so I thought I might try HRT." But decisions about self-expression did not exist outside of her conditions. She chose to medically transition as she stared down a long prison sentence and sought the best way to navigate insecurity.

Faye had contracted HIV in 1999 while out of prison. From her years incarcerated, she knew that being HIV-positive in the 1980s or 1990s would have meant being sent to one of the state's designated AIDS units. But this was no longer the case. Between 2000 and 2012, Faye moved from San Quentin to Corcoran to the California Men's Colony to Donovan. As she reflected, "Now we're able to go to any of the prisons. Your medication just follows you." While she made this statement about her HIV medication, the same was true for her hormones.

Other prisoners remained wary of all prison medical care and all contact with prison staff. Erica, for instance, saw the prison medical system as a site of neglect and abuse, and she put little faith in any service they claimed to provide. She chose not to receive hormones while incarcerated, explaining to me, "I didn't want none of their medicines or nothing. I just wanted to go home." She saw other women receiving hormones but remained skeptical: "It was prison. So I'm thinking like, it's prison. This is lower grade. Some people might not get all their medicines they're supposed to." I asked if it made a difference to her that she'd be receiving the medicine from a doctor, but here Erica reemphasized her distrust—prison doctors were, after all, still prison staff: "For me, personally, I still wouldn't trust the medicine or getting the shot from somebody [in a prison context]. You never know. . . . Somebody can give you a hot shot or a bad pill, you don't know."

Erica's deep skepticism was not unreasonable. Despite the humanitarian rhetoric and new social services, CDCR retained modes of hyper-punitiveness. During this same era of trans prisoner policy creation, 30,000 prisoners went on the largest prisoner hunger strike in history to protest CDCR's use of torturous indefinite solitary confinement.⁸¹ In this context, perhaps it is unsurprising that trans prisoners were not always able to access the health care they were now ostensibly entitled to.

Between August 2015 and November 2019, 181 transgender men and women requested gender-affirming surgery, but only 17 requests were granted.⁸² Symbolic recognition of transgender prisoners belied neglect and brutality that all incarcerated people continued to experience on the ground. This led some to believe that trans activism should focus not on improving the prison system but on abolishing it.

21ST-CENTURY TRANS ABOLITIONIST ORGANIZING

In the early 2000s, a new kind of trans organization was emerging. From the Sylvia Rivera Law Project in New York City to the Transgender Gender-Variant & Intersex Justice Project (TGIJP) in the San Francisco Bay Area, grassroots organizations sought to meet marginalized trans people's immediate needs while building power to fight for a more just world. Creators of these projects were wary of the emergent nonprofit sector as a site for social justice work. They observed that many nonprofits separated direct services from organizing and that funders and elite professionals often held primary decision-making power.⁸³ Instead of facilitating social change, such organizations could end up with a depoliticizing charity approach that reproduced inequality. By combining legal services with grassroots organizing, the new trans organizations sought to use direct support as an onramp for base building and political development. Tools like the law could be wielded, but people living at the intersections of oppression would hold central leadership roles in shaping the organizations' work.⁸⁴

The Sylvia Rivera Law Project, for instance, was founded by recent law school graduate Dean Spade in 2002 as part of an Open Society Institute and Berkeley Law Foundation Fellowship. His project was initially hosted within the traditional poverty law organization the Urban Justice Center.⁸⁵ In 2003, the Sylvia Rivera Law Project adopted a collective governance structure and began to evolve into an organization that would offer legal help but also facilitate movement building and public education.⁸⁶ In addition to crafting policies for collaborative and nonhierarchical leadership, the organization's bylaws stated that the collective's composition must be made up of at least 50% people of color and at least 50% trans people to ensure that the organization's racial- and gender-justice mission aligned with its leadership practices.⁸⁷

TGIJP, similarly, was founded by recent law school graduate Alexander Lee in 2003 as part of a post-law-school fellowship.⁸⁸ TGIJP merged with the Trans in Prison Committee, which was an offshoot of California Prison Focus' HIV in Prison Project. In 2005, Miss Major Griffin-Gracy joined the organization to lead the grassroots organizing efforts, and after Lee left TGIJP, she became the organization's first executive director.⁸⁹ TGIJP was the first Black trans-led social justice organization in the United States.⁹⁰

TGIJP combined direct support for criminalized trans people with abolitionist organizing to shrink the prison system as a whole. The organization advocated for presentencing diversion and supported those already incarcerated through community mail nights, prison visiting, legal advocacy, and policy change efforts. Through these endeavors, the organization built a base of criminalized trans people who were organized and motivated to challenge the root causes of injustice. TGIJP extended a longer lineage of trans, Black, and anti-prison struggle, especially with Miss Major at the helm. Miss Major had participated in the 1969 Stonewall riots and was incarcerated in New York state prison soon after the 1971 Attica rebellion, where she says that her friendship with Attica leader Frank "Big Black" Smith laid the foundation for her abolitionist consciousness.⁹¹ Becoming TGIJP's executive director formalized the community leadership Miss Major had built through years of organizing around HIV/AIDS, homelessness, and trans inequality.⁹²

National convenings, like the 2007 Transforming Justice conference, facilitated alignment between trans organizations across the country. Transforming Justice brought together 250 participants from 14 states to talk about strategies for ending trans criminalization and imprisonment. Sixty percent of attendees were formerly incarcerated trans people, and other attendees included lawyers, nonprofit staff, and community members.⁹³ Through discussion over the two days of the conference, participants agreed on points of unity, including, "We commit to ending the abuse and discrimination against transgender and gender-nonconforming people in all aspects of society, with the long-term goal of ending the prison industrial complex."⁹⁴ To advance this vision, participants committed to building resources for trans people leaving prison and jail, to facilitating dialogue in their local regions about ways to prevent and respond to violence without relying on the criminal justice system, and to supporting trans organizing that disrupted the cycle of poverty, criminalization, and imprisonment.⁹⁵

The Sylvia Rivera Law Project initiated Transforming Justice, but organizations in the Bay Area played key planning roles (the conference was held in

San Francisco). Critical Resistance, Community United Against Violence, Justice Now, TGIJP, the Trans/Gender Variant in Prison Committee, and the Transgender Law Center all participated in the conference coordinating committee.⁹⁶ In some social movement sectors, trans people and trans issues continue to be marginalized to this day. The Transforming Justice conference reflects, by contrast, the strong intertwining of trans and abolitionist organizing from the early days. Abolitionist organizations not specifically focused on trans people, like Critical Resistance, participated in the trans-centered project.⁹⁷ At the same time, activists inside the emergent trans organizational ecosystem shared abolitionist commitments, which then shaped the trans publics such organizations cultivated.

A key concern for trans abolitionist groups was the high level of violence trans prisoners faced. In 2007, Alexis Giraldo filed a lawsuit against CDCR for negligence and cruel and unusual punishment, citing prison staff's inaction in the face of her repeated sexual victimization.⁹⁸ In addition to seeking damages, Giraldo wanted to challenge the state's policy of housing trans people based on whether or not they had received gender-affirming genitalia surgery.⁹⁹ Organizers framed Alexis' plight as a systemic problem by highlighting new research, like Valerie Jenness's findings about trans women's exorbitantly high rates of sexual victimization in California prisons.¹⁰⁰ Alexis's case culminated in a mistrial after the jury deadlocked in returning a verdict. Nevertheless, TGIJP celebrated Alexis for her bravery and highlighted social movement gains that had come out of the case, from raising public awareness of incarcerated trans survivors to building a stronger movement in support of trans prisoners.¹⁰¹

While TGIJP worked primarily with trans women housed in men's prisons, the California Coalition for Women Prisoners and Justice Now took a trans-inclusive orientation to their organizing with people in the state's women's prisons. Justice Now, founded in 2000, fiscally sponsored TGIJP for much of its early years. By 2008, Justice Now incorporated trans political education into their programming for all interns¹⁰² and referred to their membership base as people in women's prisons (rather than women) to reflect the fact that incarcerated trans men were key activist collaborators.¹⁰³ The California Coalition for Women Prisoners (CCWP) worked closely with trans men, but they also organized with trans women almost from their inception in 1995. One of the organization's longtime members, trans woman Nikki Lee Diamond, was the first trans woman to be housed in a women's facility in California.¹⁰⁴ As a CCWP member wrote in the

organization's newsletter, *The Fire Inside*, in 2007: "CCWP is invested in supporting the leadership of transgender and gender variant people because we understand that in order to end oppression, we must support the right to self-determination for all."¹⁰⁵

Trans abolitionist organizations sought to leverage strengthened political solidarities, an activated base, public awareness, and new social science research to push for policy change. In 2009, San Francisco Assemblyman Tom Ammiano introduced a bill that would change how trans prisoners were housed. Both Ammiano and Miss Major cited the University of California, Irvine research about trans prisoners' high levels of sexual victimization in their supporting testimony. A wide-ranging group of organizations threw their weight behind the bill, including CCWP, Equality California, and All of Us or None.¹⁰⁶ Ammiano's legislation proposed adding sexual orientation and gender identity to the list of characteristics the California Department of Corrections and Rehabilitation was required to consider when making decisions about classification and housing assignment. The bill was passed by both the house and senate but vetoed by Governor Schwarzenegger, who declared, "This bill is unnecessary because CDCR already considers these factors when determining where to house inmates." In 2010, Ammiano introduced different legislation towards a similar purpose. This was also passed by the California house and senate but then again vetoed by Governor Schwarzenegger.

Stymied by the executive branch, TGIJP activists remained stalwart in their efforts to build grassroots trans abolitionist power. Staff developed the skills and analysis of their base in creative ways, like facilitating a training series in which trans women members wrote, directed, and filmed a mini-documentary, interviewing each other about carceral violence against the trans community.¹⁰⁷ TGIJP members attended events to challenge Oakland's use of gang injunctions,¹⁰⁸ they rallied against state prison expansion,¹⁰⁹ and they met with legislators in Sacramento as part of the Budget for Humanity campaign, an effort to shift public spending from incarceration to human services.¹¹⁰ Members attended the Formerly Incarcerated and Convicted People's Movement convening where Miss Major spoke on a panel.¹¹¹ And as prisoners in the Pelican Bay security housing unit began what became a historic hunger strike to challenge torturous solitary confinement, TGIJP educated their base about the strike and gathered to write letters and make phone calls to amplify the prisoners' demands.¹¹²

Early 21st-century trans social movements invested in organizational infrastructure, activist networks, campaigns, and political education that

drew strong connections between trans liberation and prison industrial complex abolition. Emergent trans abolitionist organizations played a key role in advocating for trans prisoners' needs, in shaping trans people's attitudes about the prison system, and in cultivating trans awareness in the anti-prison movement as a whole. Contemporary survey data shows that 72.6% of trans people and 96.7% of nonbinary people view the police as a "foe" rather than a "friend"—compared to 5% of non-LGBT people and 25% of cisgender gays and lesbians.¹¹³ Trans abolitionist organizing not only shaped the 21st-century penal field, but it appears to have had an enduring impact on trans people's view of the criminal justice system.

CONCLUSION

Prison management of gender boundaries transformed in the 21st century. A prison system that ignored gender specificity and organized prisoners by risk level was replaced by a prison system that highlighted transgender prisoners' specificity and created tailored policies in their name. In this period, CDCR faced pressure to address devastating prison conditions and defend its existence against critiques of mass incarceration. CDCR reasserted its legitimacy and attempted to rehabilitate its image by framing prisons as legally compliant sites for social service provision. This involved formally recognizing transgender prisoners as a protected group and developing policies to address their specific needs.

Carceral humanism was not just a discourse papered onto an institution that otherwise stayed the same. Carceral humanism was a logic that stabilized the system while simultaneously enabling different kinds of resistance. Trans prisoners and their advocates made use of this opening by demanding rights and resources. This created real relief for some; trans prisoners could now embrace an administratively recognized identity and attempt to access gender-affirming medical care, property items, and different types of institutional treatment. But despite humanistic policies, the CDCR meted out resources to trans prisoners parsimoniously and continued to cause widespread suffering on the ground. Trans abolitionist organizations sought to navigate these complex conditions: organizing across prison walls to help incarcerated trans people survive in the present while creating campaigns and projects that they hoped would move society towards a future where prisons no longer exist.

The Abolitionist Horizon

IT IS A BEAUTIFUL SUMMER DAY, but I have abandoned the sunny skies for a dour committee room in the California state capitol. At least I am in very good company. Trans activists are trying to pass the first law in the state's history specifically addressing transgender prisoners, and I have been shadowing them. On this particular day, the Judiciary Committee is deciding whether SB 310 (The Name and Dignity Act) will make it out of committee and onto the next stage of its legislative journey. As activists and the bill's sponsoring legislator explain over the course of the hearing, SB 310 makes it easier for incarcerated trans people to change their names and gender markers. This law will help trans people leaving prison access social services since their legal identification will reflect the name they use and their lived gender. The law also addresses the emotional and psychological impact of being misgendered. As one activist explains, misnaming is "an act of violence," and therefore this bill is "all about rehumanizing people." The activists are successful in mobilizing legislative support for their bill, not only on this day but over the course of the legislative cycle. In November 2017, Governor Gavin Newsom signed SB 310 into law.

In the previous four chapters I illustrate prisoners' choices about articulating and expressing gender as they navigate prison. I show that prisoners' decisions about where to locate themselves in terms of categorical membership have to do with the ways a specific penal regime allocates resources, opportunities, or harms based on a gender boundary position. In this chapter I explore how trans activists outside of prison (some formerly incarcerated and some not) mobilized and minimized group-level gender distinctions in the course of their prison abolitionist work. Using trans rights discourse, the SB 310 activists passed a prison reform bill that lessened the prison's capacity

to legally define prisoners' identity. Activists emphasized transgender people as a sympathetic social category to build political support but succeeded in passing a law that blurred institutional boundaries and facilitated everyone's mobility across them.

The SB 310 activists were acutely concerned that their work might legitimize or further entrench the prison system. This was a tension that they grappled with through all stages of the legislative process: how to create some immediate relief for trans prisoners without empowering a system that they wanted to destroy? A prison abolitionist analysis guided the activists through their immediate decision-making as well as their reflections on the law after its passage. Because they understood SB 310 to be part of a broader struggle, the activists evaluated its efficacy not only in terms of bill implementation (which they feared would be piecemeal) but in terms of the foundation it lay for future organizing, like the ongoing campaign for California prison closures.

While sometimes characterized as a hypothetical goal or utopian philosophy, prison abolition is a concrete way of approaching political work in the present based on anticipating its future consequences for expanding or shrinking imprisonment. By studying how people use abolitionist principles to shape action, we come to understand abolitionist praxis. Contemporary trans abolitionist activists recognize that gender is structured by captivity, but it can also be a mode of resistance to captivity. Therefore, their work provides both a fifth historical exploration of this book's broader argument and a crystallization of its precepts.

CONTESTING FOR POWER IN THE ERA OF TRANS VISIBILITY

The activists who passed SB 310 had been tracking shifts in the political terrain. They determined that 2017 was a prime moment for trans abolitionists to lean into the state policy arena. In the aftermath of Donald Trump's first election, California legislators were seeking to articulate themselves as a progressive counterforce. As Trump swung federal policy and public discourse to the right, activists saw an opening to push California state legislation further to the left. During the President Obama years, radicals had sometimes struggled to make it clear that liberal discourse could camouflage moderate or even right-wing policies. Yet the explicitly racist, misogynistic,

and xenophobic era of Trump's first presidency stripped this veneer away. Activists could demand that legislators take a stand and push back with truly progressive policies.

By 2017, trans politics were also in a strikingly different place than they had been even five years prior. In the early 2010s, trans organizers won meaningful policy victories, such as the inclusion of trans-related medical care in Medicaid. The number of formal transgender nonprofits increased by the hundreds between the early 2000s and early 2010s.¹ And by 2014, the mainstream cultural representation of trans people was shifting away from flat, universally degrading portrayals towards more complex and humanizing ones. The “Transgender Tipping Point” proclaimed by *Time* magazine² in 2014 has been rightfully criticized for implying an end to inequality, for homogenizing trans experiences, and for collapsing the distinction between expanded cultural visibility and material transformations in trans people's lives. Nevertheless, this truly was an era of change.

These advances were possible, in part, because of the ways other social movements of the time—and the Movement for Black Lives in particular—were creating unprecedented solidarity with trans community. Activists with Black Lives Matter spoke explicitly about the violence facing Black trans women.³ The movement's collective call to #SayHerName was used to lift up the names of both Black cisgender and transgender women who had been killed by police.⁴ As the Movement for Black Lives began holding nationwide gatherings for organizers to convene, they identified and included Black trans leaders.⁵ For decades, trans individuals have been involved in social movements, but it has been less common for trans politics to be incorporated into the strategy and messaging of movements that aren't trans-specific. As stakeholders and members of a shared constituency, Black trans people had a place within the Movement for Black Lives to address the racialized and gendered violence of the criminal legal system.

The SB 310 activists referred colloquially to this period as a window of opportunity for radical trans people to advance their agenda and set the terms for what would follow. This language will have resonance for scholars who have used the concept of political opportunity structures to explore how social conditions affect the development and success of social movements.⁶ Here, I propose that we might understand windows of opportunity slightly differently. For the purposes of this analysis, a window of opportunity will refer to a time-delineated period in a process of classification struggle during

which the material and ideological meaning of a category is in flux, and actors in the field are searching for new definitions. There is ambiguity concerning what will become its new parameters. In such a period, a group that can make a legitimate claim to assert a new definition has the power to make large advances quickly and to set the course for future cultural understandings and policies. Windows of opportunity are likely to come about as a result of political struggles that dethrone existing constructions. Progressive trans activists seized such an opening to advance an expansive understanding of transness and to place prison issues firmly within the state's LGBT policy agenda.

TRANS ABOLITIONISM OR CARCERAL TRANS FEMINISM?

As I detailed in Chapter Four, trans organizing in the 2000s was informed by a shared abolitionist perspective. But by the mid-2010s, some trans people had been calling for more policing and heightened punishment of perpetrators of anti-trans violence. As scholars like Beth Richie have shown, feminists in the 1980s who called for a more conservative and repressive criminal justice system in the name of addressing violence against women ended up becoming complicit in the rise of mass incarceration.⁷ Trans feminists of the 2010s worried that trans people might be poised to repeat these mistakes in the form of carceral trans feminism. These organizers sought to push forward abolitionist understandings of state violence and community safety.

It is not coincidental that two of the activists who spearheaded the work of SB 310—Kay and Mira⁸—met as members of the abolitionist organization Critical Resistance, deepened their relationship as part of the No New SF Jail Coalition, and later advanced SB 310 as coworkers at the Transgender Gender-Variant & Intersex Justice Project (TGIJP). Against all odds and setting historical precedent, the No New SF Jail Coalition defeated the city's jail construction proposal in 2015. They successfully pressured the San Francisco Board of Supervisors to reject the state's jail construction funding and to create a work group for reenvisioning a jail replacement project. Despite this historic victory, the jail project was like a hydra. After activists chopped off one head, another emerged in 2016. Members of the work group recommended increasing funding for community-based resources, but the district attorney introduced a plan for a Behavioral Health Justice Center, a locked facility that would operate similarly to a jail while incorporating more social services.

Trans activists were struggling with how to reduce the immediate harm trans people were facing in jail while continuing to push for decarceration. By the summer of 2016, as this book's introduction details, Black trans woman Athena Cadence had gone on hunger strike to protest her placement in the men's jail. The sheriff's department was trying to ease TGIJP out of the No New SF Jail Coalition by developing a trans-specific housing policy and seeking their input. As Kay reflected in retrospect, "The jail fight was the radical edge. Housing was how trans people got sorted. It was the concession." But understanding these political maneuvers didn't make decision-making around it any easier. TGIJP tried to move on both fronts at the same time: meeting with the sheriff about the housing policy while continuing to be active members of the jail fight coalition seeking to shut down the facility entirely.

This was the context that activists at TGIJP assessed when they decided to gather a team to pass trans prisoner legislation at the state level. They saw a polarizing political climate in which liberals and moderates were willing to take more radical stances to push back against Trumpism. They saw expanding social, cultural, and legal inclusion of trans people alongside greater solidarity with trans people in social movements. And they saw trans organizations taking bold stances to link visions of trans justice to abolition. This was a window of opportunity. Countering understandings of transness organized around white middle-class ideals, individual victimization, or the need for protection by the carceral state, these activists were committed to an intersectional trans politic that challenged carceral violence.

A seasoned advocate for progressive criminal justice policy and a mentor for the SB 310 team explained to me that 2017 provided an opening to push progressive trans legislation: "People know they *should do* something about trans issues but don't know what." Representatives from the sheriff's association who opposed SB 310 sounded so backwards and conservative that when they spoke, she said, legislators "only know they don't want that." People hadn't mastered the rhetorical savvy necessary to sound trans-affirming while promoting policies that would ultimately harm trans people. Nor were there a plethora of groups advancing competing accounts of trans suffering and rival suggestions for remedies. The SB 310 activists were operating in a temporary vacuum where they could use generally progressive sentiment towards transgender people and legislators' desire to do something to set the agenda for change.

EMPHASIZING TRANSNESS UNDER ATTACK

At first glance, the passage of the Name and Dignity Act appears to reflect a classic form of classification struggle in which differently positioned actors collaborate to institutionalize a new category. Activists routinely petition the state to adopt their classification systems, and they may find common cause with other actors who have their own distinct motives. For instance, sociologist Cristina Mora shows how activists facilitated the institutionalization of *Hispanic* as a panethnic category through networks with state actors and members of the media.⁹

Yet in this case, the SB 310 activists used opponents' antagonistic frameworks to their advantage: leveraging opponents' acute transphobia to ensure their bill was understood as an issue of trans rights. Rather than seeking to impose their understanding of transness as the dominant framework for all people, activists tactically used the dissonance in framings to maneuver their bill to victory. In a context where the activists could not count on progressive sentiment towards incarcerated people, they could mobilize progressive sentiment towards trans people to build support for a trans prisoners' bill. By framing the political struggle around the bill as one of transness under attack, the activists located the political struggle on terrain where they thought they could be victorious.

The opposition was out in full force on the day when activists were trying to pass SB 310 out of the Judiciary Committee. After a relatively dry discussion about a bill to reduce corporate fraud, things began to get more interesting. SB 179 was up: a bill to create a third gender marker. The bill was coauthored by Toni Atkins (the SB 310 author) and Scott Wiener, a representative from San Francisco. Wiener set the tone for the morning's drama as he opened by proclaiming, "In California we want people to live their authentic lives." Indeed, trans people's social inclusion in the fabric of the state would come to be the overarching issue underwriting debate over SB 179 and SB 310. Nonbinary people and their family members spoke in favor of SB 179, along with the ACLU. When it was time for the opposition, Mira, sitting next to me in the audience, anticipated what was to come: "Is this going to be really bad? This is going to be really bad."

It was about as bad as we expected. A self-identified psychologist declared, "A person's gender is biologically determined at birth and cannot be changed." She warned that people who "impersonate a different sex" pose a danger to children who are easily influenced and asserted that this bill "is

offensive to a majority of people in California, especially survivors of sexual assault.” A man called for Californians to stand up against the “strong LGBT lobby.” I googled his organization on my phone only to discover that it was a legal nonprofit specializing in “the defense of religious freedom, parental rights, and other civil liberties” and that it was declared a hate group by the Southern Poverty Law Center in 2014. The opposition closed with a pastor who trumpeted: “Gender dysphoria should be treated, not encouraged.”

When it was time for legislators to ask questions, they were uniformly critical of the opposition. One introduced himself as a proud coauthor, declaring, “I identify as straight and male and a churchgoer” and saying that his church would be praying for tolerance. Another legislator turned to face the nonbinary people who had spoken in favor of SB 179, saying that she held privilege as a straight white woman and “my role here is to make sure that whatever your identity is, you’re able to live that however it suits you.” This was a time to defend the marginalized, proclaimed a third legislator: “[It’s] important for us in California to make it very clear that we stand with all in our community,” especially given what is happening at the national level. We want everyone to live their “full potential” and to have “full lives.” Anything contrary to that is contrary to what we should be supporting as Californians. Radiating conviction, the legislator declared his intention to become a coauthor of the bill.

If the legislators hadn’t already decided that this was a battle over liberal tolerance and inclusion, Atkins and Wiener emphasized this point during their closing. Wiener argued that the opposition was composed of the same groups who had opposed every LGBT civil rights bill for decades. So too, he explained, should legislators understand this current bill to introduce a third gender marker as the most recent fight in a long LGBT rights lineage, one including issues of employment, protecting LGBT seniors, and banning conversion therapy. “This is an important step forward,” Atkins affirmed before pivoting to a more personal angle, “I want to bring it back to a place of love.” She painted a picture for her colleagues of her own childhood, growing up in Virginia with tent revivals and devout parents. While her parents didn’t understand her lesbianism when she came out, they knew that they were going to be supportive. Now parents of trans kids are here today, she explained, to “help us understand how the world evolves.” She urged everyone to be a part of a continued dialogue to discover “how in our hearts we can find a way to expand our minds and acceptance.” The committee moved to vote, and SB 179 passed easily out of Judiciary.

Almost immediately, it was time for SB 310. Senator Atkins was up again. Her argument for this bill was similar, emphasizing the importance of equality within liberal democracies: “Transgender people who are incarcerated should have the same rights as anyone else.” Ms. Janetta Johnson moved to the front of the room to testify. Her voice was strong and clear as she introduced herself as the executive director of TGIJP and a formerly incarcerated person herself. Just think, she said, about the challenges of people reentering a society that never accepted them. Think about the emotional and psychological impact of getting misgendered. This bill, which will make it easier for incarcerated people to change their names and gender markers, is “all about rehumanizing people.” Being able to choose one’s name can be a way of letting go of past trauma and stepping forward into a new life, she said.

The legislators watched her respectfully as she explained the logistical importance of what might seem like a mundane administrative matter. In reentry, it is hard when someone’s gender presentation doesn’t match their legal documents. Sometimes people don’t apply for jobs because of this mismatch. When recently released people are already trying to complete hours of programming mandated by parole, it’s a struggle to also go through a long administrative name- and gender-change process. It would be better to do this while people are still inside. “Give incarcerated transgender people a moment of respite and dignity that would set them up for success in reentry and a new life,” she implored her audience. “Please give transgender people access to dignity in this bill.”

The next two team members to testify built on these themes, citing statistics like the fact that one-third of trans people who show an ID that doesn’t match their presentation have faced harassment or violence. They too echoed Ms. Janetta’s language of providing access and dignity. As they concluded, there was an opportunity for audience members to line up and voice support. I noticed that the line was virtually identical to the SB 179 line. The SB 310 activists stood up to support SB 179, and supporters from SB 179 had now stuck around to show support for this other trans bill. The umbrella of transness was a slightly awkward fit for the vastly different material realities invoked by the two bills: from stories of nonbinary children maneuvering the airport en route to visit grandparents in SB 179 to stories of imprisoned and recently released trans people in SB 310. But the solidarity was strong and SB 179 supporters drew their own connections. A woman who identified as a proud parent of a transgender child when supporting SB 179 declared, “I hope my child will never need it, but I support SB 310.”

When it was time for the opposition, here too there were repeat actors, who were now joined by the California State Sheriff's Association. The sheriff's association representative said that they remained opposed because they have seen instances when prisoners abused rights to get out of jail. There is "no requirement that someone actually be undergoing a gender change" to use the bill, the representative noted, and therefore people might abuse the process. A man gave testimony, declaring that he was representing thousands of constituents and many churches in saying that government documents need to represent authentic, biological reality. If the government allows prisoners to put false information on identity documents, this "undermines the credibility and authenticity that the public expects from its documents." Furthermore, such a process "advances the lie" that being male or female is a choice, not a fact. Googling his organization, I discovered that their stated mission was, "Advancing God's design for life, family, & liberty through California's church, capitol, & culture." Opponents of SB 179 stood up again to voice their opposition here: the man from the religious freedom nonprofit, the psychologist, and individuals who identified themselves again as Christian parents.

Sitting in the audience alongside other members of the SB 310 team, I could feel our bodies tense, anticipating the worst, ready to fight. But as with SB 179, the legislature was on our side. The committee chairman began the defense by asserting, "I think that some of the opposition fundamentally misunderstands what someone may be going through when they appear to you to be one sex or another, or even nonbinary as we saw before." This isn't something that anyone takes lightly, he explained. "This is a fundamental part of someone's identity, not a whim, not a joke." The prison system has policies and procedures in place to deal with people who might be gaming this system, but "this is not about gaming the system," this is about people being mistreated by the system because their identity isn't being respected. Another legislator said that he used to work in corrections, so he's seen the struggles that gay prisoners face. It's hard to take seriously the suggestion that someone would game the system through a gender change, as though that doesn't make their life more difficult. Gay and trans people face a really difficult time in a prison environment, he argued, so legislators should do "anything we can do to provide a semblance of support for who they are." None of the legislators voiced dissent. SB 310 passed and moved out of committee.

Activists asserted their authority to make penal policy by mobilizing transness in an opportune moment when California legislators wanted to take progressive action around LGBT rights. Yet the public framing was not the only form of deliberate discursive action that the activists carried out. Public discourse emphasized transness, but the actual legal language of SB 310 avoided any requirement for officially documented trans identification. Activists married bright public-facing boundaries with blurry administrative boundaries around transness as part of a strategy to allow both trans-identifying and non-trans-identifying people to access the benefits of the policy in an institutional context of extreme coercion.

Towards the end of July, I sat with Louise in a public park in the Tenderloin neighborhood of San Francisco. As she ate her lunch, Louise reflected on the legislative process for SB 310 so far. She explained that the team had been deliberate in crafting the language of the bill so that people didn't have to be trans-identified to access the bill's provisions. Many people might want an easier name-change process, like survivors of domestic violence. She mused that her future policy hopes involved getting people out of prison, through avenues like figuring out how to change the composition of the parole board. At the moment, she observed, it was clear that lots of legislators had no experience being around trans people. You could see their eyes get big when they realized that trans people are in the room. The capitol isn't used to trans femmes or trans people of color, she reflected, and this meant that the team faced an additional toll.

At the same time, Louise explained that a situation in which no one in Sacramento knew anything about trans people in prison could be helpful. After all, when you educate people in power, they can sound knowledgeable about transness without actually enacting material change. Looking around us, she noted that this was basically what had happened in San Francisco. Elected officials could speak eloquently about trans allyship even as their decisions made life harder and harder for their trans constituents. The SB 310 team could frame the conversation that state legislators were interested in having about trans equality *and* they had a chance to do something expansive. Criminal justice reformers sometimes created a narrative around a subset of people not deserving to be in prison, implying that others did. The SB 310 team was trying to name the specific vulnerability of trans

people and how they would benefit from this bill but not throw anyone under the bus.

Mira offered another piece of the story on the day I meet up with her at the Lake Merritt farmer's market. I asked if she thought she would keep doing policy. She said that she would. This work feels important. But it's hard to be in Sacramento because you have to adopt a new personality, and you can forget what your actual personality is, she told me. I said that Sacramento reminded me of graduate school, an elite institution where people don't ask about your personal life; while this could be alienating, it was less emotionally draining than having to do constant relational bridgework. Mira reflected on this. Sacramento is actually more of the latter dynamic, she mused: "It's all about if you've sucked their dick enough and in the right ways." To get them to vote for your bill you have to remember their kids' names. "It's all sex work."

We talked about the most recent legislative hearing and I shared my observation about legislators perceiving SB 310 as a trans bill, not a bill about prisoners. Echoing Louise, Mira explained that the bill actually affected all people in prison, not just trans people. She also agreed that this framing around transness was tactically useful: The team had been helped by how transphobic the opposition was and by trans organizations mobilizing their base for support. From her perspective, the danger was that this bill laid the groundwork for reforms that might ultimately expand the prison industrial complex or keep more people incarcerated for more time. It made sense that a moderate trans organization might run a bill like this, but this created tension for a team of abolitionists. With organizing, you build power with a clear trajectory, she told me. With policy, there can be a radical seed that gets whittled away until you end up with a law that does nothing, or worse, produces negative consequences.

A few days later, Mira elaborated on the process and strategy as she gave a brown bag talk about SB 310 for interns at abolitionist feminist organization Justice Now. Movement memorabilia crowded the small office: a giant puppet representing the lead plaintiff for the Charisse Shumate class action lawsuit and brightly colored posters for rallies. We made a circle of chairs in front of file cabinets that held years of correspondence with incarcerated members; on top of the file cabinet an altar commemorated cis women and trans people who died in prison or after coming home.

Mira introduced herself as a staff member for TGIJP and shared a video that TGIJP had created to explain Black trans people's systematic targeting by the criminal legal system and the ways that TGIJP worked to support

people as they came home. These conditions, she stated as the film ended, led to the creation of SB 310. The Women's Policy Institute trained young women to run policy from start to finish, and this was the first team of trans fellows. The trans community knows relatively little about how to do state policy work, and this was pretty much the first time trans people were in the capitol. Mira stated wryly that this made for an interesting social experiment. But TGIJP had long-term relationships with incarcerated trans people who are organizing, she explained. As the video shows, trans people are denied basic human rights inside, so it is a struggle to get things like underwear and hormones. Trans people at Corcoran State Prison wrote an Incarcerated Trans People's Bill of Rights, including demands for medical treatment, mental health care, access to clothing, and the ability to legally change your name and gender marker. This bill emerged from that organizing. After writing the bill, TGIJP staff sent a survey to their core incarcerated members to understand their thoughts about the proposed legislation and how people might be affected.

Looking around the circle, Mira declared that, frankly, the state policy process is horrible. It's set up so that "nothing radical can happen," meaning that if anything radical does happen, it's because it "got around the system." For the most part, anything radical dies right away or is so watered down that it won't accomplish anything substantive. And because the Women's Policy Institute wants participants to take a bill through the entire process in one year, teams have to choose something small. The SB 310 activists thought that the name and gender-marker change would be small enough to get through. And, Mira noted, they thought that people would "miss the radical part of it, which turned out to be true."

One intern asked whether changing your gender marker would change how trans prisoners were housed. Mira explained that it wouldn't, although TGIJP hoped to address housing eventually. It's complicated, she said, because trans people have different wants: Some trans women want to be housed with men, some want to be housed with cis women, some want to be housed only with other trans people. "We're worried about a policy that would make only one thing possible or would expand the prison industrial complex." Another intern raised her hand with a question. She had heard about a facility in Phoenix that was closed because of community efforts based on "ending the PIC [prison industrial complex]"—here her voice dipped into an exaggerated tone. But afterwards, incarcerated people were sent to new prisons with worse conditions. She said that she didn't know how

to feel about it. It seemed important for people to get their needs met, but how do you hold that alongside the work of abolition?

“It’s complicated,” Mira agreed. When it comes to issues of conditions and decarceration, TGIJP tries to take a both/and approach. She explained that while advocating for better conditions for trans people in prison, the organization continued to push for decarceration. Right now, TGIJP staff and members were actively involved in the coalition to fight jail expansion in San Francisco. The sheriff had pointed towards incarcerated trans people’s suffering as justification for building a new jail, claiming trans people would benefit from the new facility. But, Mira explained, this was a trap—both politically and literally. People are treated badly in all jails: They’re misgendered, they experience physical and sexual violence, they have their lives upended. There’s no good cage, she argued, and trans abolitionists have a key role to play in making that argument. TGIJP had rejected the sheriff’s appeals for support with his jail construction agenda and was joining with jail fight coalition partners to demand a better San Francisco for everyone.

The good thing, Mira observed, is that many organizations are trying to think about how to do abolitionist policy work. Before working on SB 310 she spoke with the Youth Justice Coalition, whose principles were no cops, no money, no expansion. This helped her think through which kinds of legislative work might reduce the harms experienced by currently incarcerated people without strengthening the system. She wouldn’t fight for prisons to have more money related to trans prisoners (e.g., for diversity training), but she would fight to move things around inside the prison (e.g., clothing) so that people could have access to what they needed.

As the SB 310 activists navigated their bill through the legislature, they operated with caution. At each stage of the process, they considered how the law would be used on the ground and pondered how they could set themselves up for the future. Activists intentionally avoided bill language that specified that the simplified process for changing one’s name or gender marker could only be accessed by transgender people, because they were wary of how the prison would define those people and because they wanted to have a broad impact. They also asked challenging questions about unintended consequences. Might the prison mobilize this bill to assert political legitimacy? Might educating prison officials about trans people enable them to construct, to quote abolitionist Rose Braz, “kinder, gentler, gender-responsive cages,”¹⁰ sidelining the demand that all people be free? The activists sought to make their small piece of legislation into an abolitionist vehicle: using a window of

opportunity around gender to craft legislation that would offer some immediate relief for incarcerated people while setting up future organizing.

BEING SAVVY OR BEING USED:
POWER DYNAMICS IN LEGISLATIVE WORK

When the SB 310 activists were choosing an author for their bill, that person's political priorities and political status were of paramount concern. Erin (a mentor for the SB 310 team) recalled that, in this case, both seemed to line up in person of Toni Atkins, state senate president pro tempore and an out lesbian. An incarcerated trans person had contacted Atkins's office more than a year prior asking for help moving to a women's facility. Atkins's staffer connected with trans legal advocates and got the go-ahead from Atkins to explore policy on this issue. When Erin was trying to suss out potential authors, she met with representatives from Atkins's office, who immediately said they would work with the team: "We had an author before we had a bill." If the highest ranking person wants to author your bill, Erin explained, you say yes.

Members of the team had varied perspectives on the dynamic with Atkins. Louise perceived sincerity, believing that Atkins really cared about the issues of trans people in prison. Mira thought Atkins was in it for political clout and saw their relationship with her as purely transactional: Atkins was running a bill for them and clout was "the money we are paying to her, figuratively." This questioning and interpreting of Atkins's motivations, which was an ongoing part of the SB 310 process, reflected a deeper question at play for the team: Can we trust you to act in ways that align with our principles? The team understood that Atkins had her own self-interest at play and that she held a controlling position over them in the legislative field. But as long as they needed her to pass the bill, they couldn't just opt out to avoid potential exploitation. How could they avoid the dangers of tokenism—being symbolically invoked but stripped of material power and influence over the process? Could they organize her into being a champion for the bill they wanted?

Certainly, the selection of Atkins as author played into the broader strategy of framing SB 310 as an issue of transness under attack. By advancing the bill in this manner, activists sought to win support from legislators with progressive leanings towards LGBT issues, even when those same legislators held more conservative opinions about prison. When I interviewed legislative aides whose congressional members were sponsoring the bill, they praised it

using the frame of trans rights. One staffer said that he hoped that the bill would raise awareness of transgender experiences. Another said that his boss signed on because the bill was named as a priority for the LGBT Caucus.

Though SB 310 focused on prisoners, the legislators coauthoring it certainly didn't share a critique of the criminal justice system. One coauthor of SB 310 authored another 2017 bill that increased the number of acts that could be prosecuted as rape. The aide for a different coauthor told me, "On SB 310, I felt like it was just obvious that [my boss] would support it, just by looking at it." Yet she struggled to convince him to vote in favor of another bill that would reform the California gang database. She reflected, "It seems like public safety issues are probably the most controversial things that we work on here, to me. It seems like a lot of members who I don't expect them to have problems with certain things end up having problems with those things." SB 310 was a criminal justice reform, but it wasn't understood by legislators as such.

The activists sought to use transness to organize legislators into supporting increased self-determination for prisoners. But the aides working more closely on SB 310 believed that legislative success required compromises that created tension with the activists' anti-prison commitments. These aides spoke to me at length about the capitol politicking that goes into a successful bill. One staffer, Rebecca,¹¹ was dismissive of the conservative and religious groups that had come out against the bill, both in the media and in the hearings, saying, "Frankly, in a Democratic-controlled senate and assembly, those opposition voices don't carry a lot of water." But she noted that it would be a different story if the California Department of Corrections and Rehabilitation (CDCR) itself opposed the bill. CDCR opposition might not kill the bill in the legislature, but it could result in the governor refusing to sign it. Therefore, Rebecca felt it was her job to find a way to get CDCR to come on board or at least take a neutral stance.

From her perspective, CDCR wasn't going to oppose the idea of trans people getting a head start in reentry or experiencing greater dignity while incarcerated. Their issue would be the possibility of people changing their names for nefarious reasons, like harassing people under a new name upon release; essentially, CDCR would worry that this process "potentially allows one of these bad apple types to do something abusive." Therefore, she decided on a strategy. While the bill allowed incarcerated people to petition the court directly for a name or gender-marker change without needing approval from CDCR, she proposed a provision that would require incarcerated people to send a copy of their name or gender-marker change application to CDCR

when they filed it with the court. The name-change process includes a six-week period during which anyone who objects to the name change can file their objection with the court and state their reasoning. She figured that this solved the issue: “So we said to CDCR, ‘If you guys have a problem with a particular prisoner, just object in court.’ . . . And if it’s your run-of-the-mill transgender prisoner, then they can save themselves the effort and the time and just let that move on and just be aware that it’s happening.”

She recalled that this was controversial among the team supporting the bill. The activists had to really think about accepting this amendment, she said, and a very liberal legislative committee consultant was upset with her for pushing a concession that CDCR hadn’t even requested. But Rebecca reasoned that this was the only pragmatic way forward: “I knew if we didn’t do that, we wouldn’t be able to defend ourselves in a hearing, wouldn’t have a good answer for that question of the bad apple, and that we ran the risk of veto.”

In our interview, Rebecca also revealed aspects of her role in finessing the process that she had not shared with the SB 310 activists. The team had wanted a formerly incarcerated trans woman, Traci, to testify at one of the hearings. Rebecca told the activists that she had spoken to Traci’s parole officer about her testifying and that he said that Traci couldn’t come testify because of a paperwork issue. When speaking to me directly, Rebecca provided a different account:

What I noticed with the [activist] sponsors, well, I mean, to be candid—one of the sponsors wanted to have one of the witnesses be a person who had been convicted of murder and served 30 years and then had just gotten out. And initially I was okay with that, but the more I thought about it and then I talked to some other folks, including staff of the members on the committee that that person would’ve spoken to, I realized—and I wish I had thought about it before I had said yes, because I had to go back and say no, which was hard—that’s not the best person to come and speak. . . . It might give some people who are already probably going to oppose the bill, like Republicans, some ammo, some more traction. At the end of the day, would it have been catastrophic? No. I think it probably would’ve probably been fine, but you just don’t know on a given day how it’s going to go. So you hope it’s just going to be really quick and easy and they don’t ask any questions and you move on. But you don’t know. So why make it harder for yourself when you already are facing an uphill battle?

Rebecca said that bill’s sponsors who were more “sophisticated,” like full-time lobbyists, wouldn’t think twice about something like this because they were attuned to questions of optics. But it was different for the SB 310

activists: “They take it a little bit more personally, of course, when they’re not a repeat player up here. They’re here for their passionate cause.” For this reason, Rebecca found ways to move the process behind the scenes, sometimes sidestepping the activists. She reflected, “I prefer to do that off on my own and with the folks that are opposed, the true opposition to the bill, or the administrative agencies that have logistical concerns with the bill.”

Understanding these overt and covert ways that legislative actors shaped the SB 310 process, we might ask: Did the legislators deradicalize the activists? On this point, I am inclined to say no. I reflect back on Mira’s observation that with policy, there can be a radical seed that then gets whittled away. In this case, the final legislation remained true to the activists’ original vision: All incarcerated people gained an easier process to change their names and gender markers, and throughout their promotion of the legislation (both in hearings and in private meetings) the team avoided language that cast trans prisoners as deserving while demonizing the general prison population. I reason that the requirement to notify CDCR when applying to the court for a name or gender-marker change potentially constrains access, but CDCR previously managed the entire name and gender-marker change process, so this bill still reduced penal control. I reason that the bad apples narrative that Rebecca shared with me one-on-one has less political and cultural influence than the public counternarratives that the team provided. Despite the pressure, the activists seem to have found a way to maintain their abolitionist principles and do something meaningful.

But did the SB 310 activists radicalize the legislators? On this point, I am less sure. The activists were savvy to frame their bill as a trans rights issue and to work with a legislator who held significant political leverage. In this context, they were able to pass a prisoner rights bill with broad support. But this isn’t the same as building power or even building a shared critical consciousness. Rebecca dismissed the SB 310 activists as true collaborators and found ways to circumvent their involvement in the process. When I spoke to legislative aides about SB 310, many implied or said outright that their legislators supported the bill because it was Atkins’s legislation. One told me, “I think that the success of this bill definitely has to come back to Senator Atkins and the coalition that she built behind it and how hard her staff worked.” These aides struggled to articulate the substance of the bill to me, while candidly explaining that their legislators trusted Atkins and would lend their support to the bills that she championed. After a conversation with one staffer I wrote in my field notes: “He recommended supporting this bill and his boss was

a coauthor, but he does not know what the bill does. There could not be a stronger illustration of the ways political interests drive the stances people take.” In this case, I asked the staffer about the impact of the bill, and he, to my barely concealed bafflement, spoke about the need for trans people in prison to have access to health care. But after all, as he explained to me, the bill was named as a priority for the LGBT Caucus, a caucus his member was a part of. Perhaps he gave the game away when, early in the interview in response to my question about his job, he told me that staff usually don’t read bills, they just assess who’s opposed and who’s in support.

If the legislators are approaching this process as a form of horse trading, it is remarkable that a team of outsiders was as successful as they were. But this also illustrates the scale of the challenge at hand when it comes to abolitionist praxis at the legislative level. Legislators did not support SB 310 because they learned to care about trans prisoners but because the activists framed their bill in alignment with politically resonant priorities and because they chose a strategic bill champion. Through tactical maneuvering, activists with little precedent for their personhood or politics in Sacramento moved SB 310 to victory. But it was unclear whether key political actors in Sacramento had shifted their orientation towards prison or trans people in ways that would have consequences for the future. Perhaps they had just blithely cycled through their most recent iteration of business as usual.

WHAT IS AN ABOLITIONIST SUCCESS?

Prison abolition is a form of political action oriented towards the ultimate goal of eliminating imprisonment. It involves evaluating strategies, collaborations, and tactics based on forecasting the long-term implications for prison expansion or contraction. Towards this end, abolitionists engage in many kinds of concrete work, including drafting and lobbying for legislation, conducting community-based research, providing direct support to criminalized and incarcerated people, leading campaigns, providing political education, and facilitating community building.¹² These practices are not inherently abolitionist, but they acquire that significance because of the ways actors pursue them and the ways they fit into a larger political strategy. This chapter explored how abolition is enacted and theorized by trans social movements on the ground.

Certainly this law, designed to be small, did not create sweeping change for a large number of prisoners. It did not result in anyone’s freedom, nor did

it shrink CDCR's budget. But the bill did intervene in a process that CDCR controlled and removed it from their sphere of authority. When I spoke with Mira years later, this aspect of the bill was something she highlighted: "I feel like one thing that the team was thinking about was people inside being able to change names and gender markers directly with the courts and not having to check with CDCR. At the time, we felt like the law did take one element of control away from CDCR, so people could interact directly with the courts." Mira believed that abolitionist change couldn't happen in one fell swoop. Abolition occurred through consistent and steady efforts to erode the power of the carceral state. For her, SB 310 was a reform that moved that process forward.

SB 310 passed in 2017. In 2019, a coalition of trans organizations passed SB 132, which changed how trans prisoners were housed: Rather than being housed by genitalia, trans prisoners now had the option to express a preference based on safety and identity. Several of the organizations that advanced SB 132 had worked together on SB 310. SB 310 coauthor Scott Wiener authored SB 132, which was similarly identified as a priority bill for the LGBT Caucus. By establishing prison issues as firmly within the California legislature's LGBT rights agenda, the SB 310 team laid the foundation for ongoing LGBT solidarity with incarcerated trans people. This has proved even more important as forces have mobilized to advocate for the rollback of SB 132. In 2025, legislation was introduced that would limit trans women's ability to transfer to women's prisons and would deprive them of programming and resources available to cisgender women by housing trans women in an isolated unit. Abolitionist organizations with strong connections to trans prisoners, like the California Coalition for Women Prisoners and Flying Over Walls, have been central organizers of resistance, but LGBT organizations like Parents and Friends of Lesbians and Gays have also shown up for legislative hearings to defend trans women behind bars; they have come to understand that this is their issue too.¹³

While the SB 310 team included some of the first trans women to be actively involved in the California capitol—and certainly the first formerly incarcerated trans women and trans women of color—they have not been the last. After training the SB 310 team, the Women's Policy Institute¹⁴ began including trans people in all subsequent classes; trans participants have often taken on criminal justice reforms. Many of the core SB 310 team members drifted away from policy work after the bill's passage and even moved away from the state of California. But in the statewide Close California Prisons campaign, Kay organizes alongside a trans femme of color who participated

in the Women's Policy Institute in 2019. Formerly incarcerated trans people are on staff of abolitionist organizations fighting against California's conservative penal turn. SB 310 shifted the legislative terrain and created new pathways for trans people to shape the state's penal policies.

CONCLUSION

In late 2016, when activists began planning for SB 310, the Name and Dignity Act, they analyzed the political terrain. Transgender visibility was at a high point, and the Movement for Black Lives was putting intersectional policy demands at the center of the political imaginary. Donald Trump's election was prompting emboldened progressiveness among California legislators. Yet many legislators retained a punitive orientation towards incarcerated people. In this context, the SB 310 activists framed their work to appeal to LGBT sympathies while acting from a place of solidarity with and concern for all prisoners.

Trans abolitionists sought to navigate the challenges of carceral humanism by framing trans people as the beneficiaries of their work while working on the ground to weaken the carceral system for the benefit of all people. Activists generated support for SB 310 by emphasizing transness under attack—framing the bill as being principally about trans people's gender recognition and social inclusion. Opponents challenged the bill for undermining what they saw as the biological reality of sex. With the exception of the sheriff's department, opponents had little to say about prison and the specific administrative processes the bill would change, focusing instead on the symbolic implications of gender classification. By framing the bill as a contest over trans people's inclusion or exclusion, the activists were able to mobilize support even among legislators with otherwise conservative attitudes towards prison policy.

At the same time as they pursued a public communications strategy that emphasized trans particularity, the activists crafted bill language that would apply evenly to all prisoners. Even as they sought to reform prison conditions, they participated in the San Francisco jail closure campaign. They sought avenues for all incarcerated people to access increased self-determination, and they sought to make short-term decisions with the long-term objective of chipping away at carceral power. In the end, the activists believed that SB 310 was a success not in and of itself but because it was a building block in a larger fight to end prisons, a fight that would continue.

Conclusion

IN THIS BOOK I ARGUE that prisons use gender to define and manage problems in evolving regimes of incarceration. During the heyday of 1950s penal welfarism, when prisons were concerned with treating pathology, administrators subjected prisoners with nonnormative gender to experimentation and correction. In the period of mass incarceration, when prisons deindividualized their captives and sought to manage the prison population en masse, nonnormative gender got flattened into risk level. Countering the tendency in policy debates and academic scholarship to frame trans prisoners' plight as a monocategorical gender issue, I reveal how prison gender-making is both flexible and embedded in core issues of carceral control.

Yet the meaning of gender is not merely imposed from above. In each regime, incarcerated people analyze the ways gender is mobilized by a system of punishment. They make choices based on this assessment, sometimes articulating a gendered subjectivity and sometimes studiously avoiding detection. Prisoners' approaches to expressing nonnormative gender reflect not only issues of identity but also a critical understanding of carceral power and the ways that prisoners' selfhood and embodiment are linked to issues of mobility, intimacy, and healthcare. Prisoners struggle for self-determination through gender, although the nature of this self-determination changes depending on the particular nature of carceral control at a given time. Thus, in evolving penal regimes, gender is used to both maintain and challenge captivity.

Trans histories focused on the clinic and the courtroom tend to foreground more privileged trans people: those with the legal, economic, and social capital to demand trans-specific resources and recognition from the state. Yet in prison, the management of gender variance is inextricable from

the management of populations deemed deviant, disposable, or socially undesirable, specifically the racialized poor. Trans history told from within the punitive arm of the state therefore highlights different injustices and suggests different pathways for change. By foregrounding criminalized trans and gender-nonconforming people, *Gender Bound* provides new insight into the history of sex/gender, the intersectional nature of punishment, and the ways that state governance operates—not just *on* men and women but through the coercive construction of gender categories themselves.

This book both engages and sidesteps the project of recuperative history. Recuperative histories have a clear appeal: When the dominant historical record fails to account for a diversity of experiences or only shallowly engages with the lives of the marginal, we may be drawn towards the work of filling in the gaps. But the desire for a history of contemporary subject positions—like transgender people—may lead us to impose our current understandings onto previous contexts where roles, interactions, and social organization were understood differently. A genealogical approach allows for engagement with the past without projecting our present models back in time as the pre-determined objects of study. This book is best understood as tracking the historical process through which contemporary debates around transgender prisoners emerged and offering an account of why struggles around gender and punishment change.

History makes one alive to the ways that a present status quo can transform into a previously unthinkable future. There can be no blasé indifference to warning signs, no tepid assurances that things will surely continue as they are. History tells us that radical change, for better or worse, is always possible.

I started this project in 2015, a time when trans prisoner legislation was on the upswing, and I feared moves towards superficial assimilation might obscure prisons' fundamental violence. California Governor Gavin Newsom's plan, announced in 2023, to remake San Quentin into a Scandinavian-style prison—a plan he asserts is “not just about reform, but about innovation” and that he says will enable the state to “hold ourselves to a higher level of ambition and look to completely reimagine what prison means”¹—suggests that perhaps the period of carceral humanism persists. But it is hard not to feel that I am finishing this book on a shifting terrain. In 2023, England began rolling back progressive trans housing legislation it had passed a few years prior. A group of self-identified radical feminists in California have been lobbying for a similar rollback.² Upon assuming the presidency in 2025, one of Donald Trump's first executive orders directed the Bureau of Prisons

to stop providing transition-related medical care to trans people in federal custody and ordered that trans women who had been housed in women's facilities be transferred back to men's prisons.³ At the same time, national survey research suggests broad, popular interest in decreasing spending on criminal justice in favor of alternative modes of creating safety, even if people don't identify with the frameworks of defunding the police or prison abolition.⁴ It is difficult to identify transition points as they are unfolding. Fifteen years from now it may be clearer that this was a time of turning towards a new era. Whether that era is one akin to the brutality of the 1980s or an era of decarceration and expanded social investment will depend on our actions.

This book makes the case that the experiences of prisoners at the boundaries of normative gender—whether effeminate homosexual, transsexual, or transgender—reveal shifts in modes of punishment, in strategies of resistance, and in what gender itself is understood to be. While we tend to think that gender nonconformity represents one persistent problem for prisons, I argue that gender nonconformity becomes different kinds of problems depending on prisons' evolving strategies for knowing and acting upon incarcerated people. Gender-nonconforming prisoners experience evolving penal control strategies intimately and thus come to understand penal regimes' dangers and opportunities for contestation.

My approach illuminates not trans prisoners' singularity but how trans prisoners' specificity can offer new insights into carceral control. Angela Davis has advocated for such an orientation for years. As she argues,

A feminist approach would insist both on what we can learn from, and what we can transform, with respect to trans and gender-nonconforming prisoners, but it also insists on what this knowledge and activism tells us about the nature of punishment writ large—about the very apparatus of prison.⁵

Today some of the most complex accounts of transgender inequality move beyond trans exceptionality to analyze the parallels between racism, state violence, and gender violence against cisgender *and* transgender women.⁶ Many issues that low-income trans women of color face (including heightened levels of sexual assault, criminalization of self-defense, and poverty) echo those experienced by low-income cisgender women of color. The possibility for feminist coalitions is supported by a discursively expanded understanding of womanhood in which trans women are included. But the force of such coalitions emerges from a recognition of shared material struggles and the power that can be built together.

Past activism centered on criminalized cisgender women can offer instructive lessons for contemporary activism around criminalized trans people. As Chapter Four describes, early 21st-century proponents of gender responsiveness urged the creation of a prison environment “that reflects an understanding of the realities of women’s lives and addresses the issues of the women.”⁷ Abolitionist feminists emphatically rejected the notion of “kinder, gentler, gender responsive cages.”⁸ They argued that incarceration was inherently harmful and called to redirect energy and resources for addressing gender injustice to solutions outside of the criminal justice system. Scholars, too, have interrogated the ways that feminized penal regimes might legitimize a destructive institution. As sociologist Kelly Hannah-Moffat points out, “Regardless of the form and content of a women-centered regime, it is still in many respects about punishment, security, and discipline.”⁹ In advocating for trans prisoners, it is useful to be mindful of these past lessons and to be wary of thinking that all we can ask for is “punishment in disguise.”¹⁰

Policies that expand transgender prisoners’ access to medical care, self-determined housing options, and gendered property items can provide vital relief. But danger, deprivation, and degradation are fundamental characteristics of prison life for all people.¹¹ Transgender-specific reforms will not address core aspects of carceral power that make trans people vulnerable to harm, like the prison’s power to control and confine bodies or the extreme power prison guards hold over incarcerated people. To avoid a criminal justice system in which “a feminized social control [is] dressed up in therapeutic and feminist language,”¹² people can learn from the activists in these pages who retained a critical understanding of imprisonment even while advancing policies to help transgender people survive incarceration.

Prisons pursue social control with different justificatory logics; punishment and exclusion are not always dominant.¹³ And therefore, while transgender prison policy appears, on its face, to be a universally progressive reform, the reality is more complicated. The historical legacy of prisons is not one of inattention towards gender nonconformity but one of focused attention. Prisons have persistently developed regulatory practices for those they deem gender deviants. Prisoners targeted for these classifications have alternately mobilized and cast aside labels depending on the consequences of classification. Rather than advocating for prison gender classification schemes that more accurately identify prisoners, a grounded assessment of this history recommends policies that expand gender-nonconforming prisoners’ autonomy.

Yet the implementation of these laws is far from simple. A 2020 California law changed prison housing procedures by allowing transgender prisoners to express a preference over whether to be housed in a men's or women's facility.¹⁴ This law, known as the Transgender Respect, Agency, and Dignity Act, has enabled a number of trans women to move from men's to women's prisons. Nevertheless, as Lee Romney's investigative journalism documents, trans women arriving at the Central California Women's Facility (CCWF) have faced extreme violence, violence fueled by CCWF's prison guards.¹⁵ Officers have spread misinformation about trans women, ratcheting up a moral panic about their supposed dangerousness, and encouraging cis women's antagonism. As Romney and Jenny Johnson report,

Of a dozen CCWF prisoners interviewed by KQED, all said they heard correctional staff express hostility to the new law even before the transfers began, warning the cisgender population that fakers and sexual predators were heading their way. Tasha Brown, a cisgender woman, said she heard guards say, "The doors were going to be open for people to come in to violate us, to rape us." Tomas Green, a transgender man, said he heard guards "telling women here that the trans women were men and that they were gonna get raped." Alexanne Danis, a cisgender woman, said she heard a lieutenant openly state that the transfers "don't belong here, that they have to leave." Officers and fellow cisgender incarcerated people, Danis said, also spoke about driving the new transfers out, "saying that they were gonna stage stuff and that they were gonna make it sound worse than it was if anything did happen."¹⁶

CCWF officers have punished trans women for altercations in which they were the victims: for instance, disciplining one trans woman and sending her to solitary confinement after she was assaulted in the prison yard by a group of cisgender women.¹⁷ False rape allegations have fanned the flames of transphobic media. Trans women, characterized as violent rapists in these media narratives, have faced heightened targeting in prison, and they risk discrimination upon release. Thus, while some trans women have experienced a decrease in their vulnerability to violence since transferring, others have found the isolation and targeting so intolerable that they have sought to transfer back to men's prisons.¹⁸

Prison gender-making is embedded in core issues of carceral control. Policies passed in the name of affirming trans prisoners' identities can manifest in the degradation of those very prisoners. This is not because of a few bad apple prison guards but because of the prison's overarching purpose. Carceral humanism has created openings that are distinct from the hyper-punitive era

of mass incarceration. The passage of the Transgender Respect, Agency, and Dignity Act and trans women's expanded prison housing options, however ambivalent in implementation, shows this is true. Yet an institution designed for domination has gravitational tendencies that gendered reforms can't fix.

It may be easier to imagine a world without prisons than to imagine prisons acting against their foundational purpose. As this book shows, prisons can change deeply yet remain exactly the same. Perhaps it is time to invest our imaginations in freedom.

NOTES

INTRODUCTION

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49. McClellan et al., "Early Victimization, Drug Use and Criminality"; Siegel and Williams, "The Relationship Between Child Sexual Abuse and Female Delinquency and Crime."
50. Bloom et al., "Focusing on Girls and Young Women"; Kruttschnitt, "The Politics, and Place, of Gender in Research on Crime"; Mullings et al., "Drugs and Criminality."
51. See Connell, *Gender and Power*, 54–61.
52. Bosworth, *Engendering Resistance*; Bosworth, "Confining Femininity"; Carr et al., "Gender Effects Along the Juvenile Justice System"; Chesney-Lind, "Judicial Paternalism and the Female Status Offender"; Chesney-Lind, "Girls' Crime and Woman's Place"; Messerschmidt, *Capitalism, Patriarchy and Crime*.
53. Ritchie, *Invisible No More*.

54. Connell, *Gender and Power*, 54.
55. Hwang, "Accounting for Carceral Reformations"; Stanley and Smith, *Captive Genders*; Vitulli, "A Means of Assuring the Safe and Efficient Operation of a Prison."
56. Jenness and Fenstermaker, "Forty Years After Brownmiller."
57. Rosenblum, "'Trapped' in Sing Sing."
58. Jenness and Fenstermaker, "Forty Years after Brownmiller"; Jenness et al., "Sexual Victimization Against Transgender Women in Prison."
59. Sumner and Sexton, "Same Difference."
60. Brown and McDuffie, "Health Care Policies Addressing Transgender Inmates in Prison Systems in the United States"; Glezer et al., "Transgendered and Incarcerated"; Lee, "Trans Models in Prison"; Malkin and DeJong, "Protections for Transgender Inmates Under PREA"; Routh et al., "Transgender Inmates in Prisons"; Tarzwell, "The Gender Lines Are Marked with Razor Wire."
61. Edney, "To Keep Me Safe from Harm?"; Stohr, "The Hundred Years' War."
62. Routh et al., "Transgender Inmates in Prisons."
63. Coggeshall, "Ladies' Behind Bars"; Sykes, *The Society of Captives*; Trammell, "Symbolic Violence and Prison Wives."
64. Foucault, "Nietzsche, Genealogy, History," 82.
65. Canaday, *The Straight State*, 11.
66. Garland, "What Is a 'History of the Present'?", 378.
67. Haydu, "Making Use of the Past."
68. Specifically, Foucault says, "That punishment in general and the prison in particular belong to a political technology of the body is a lesson that I have learnt not so much from history as from the present. In recent years, prison revolts have occurred throughout the world. . . . They were revolts, at the level of the body, against the very body of the prison. What was at issue was not whether the prison environment was too harsh or too aseptic, too primitive or too efficient, but its very materiality as an instrument and vector of power. . . . I would like to write the history of this prison, with all the political investments of the body that it gathers together in its closed architecture. Why? Simply because I am interested in the past? No, if one means that writing a history of the past in terms of the present. Yes, if one means writing the history of the present" (Foucault, *Discipline and Punish*, 30–31).
69. Foucault, *Discipline and Punish*, 30.
70. Kritzman, "Power and Sex," 110–24, quoted in Garland, "What Is a 'History of the Present'?", 369.
71. Blue, *Doing Time in the Depression*.
72. Gilmore, *Golden Gulag*; Reiter, 23/7.
73. Aviram, *Cheap on Crime*.
74. Page, *The Toughest Beat*.
75. Berger, *Captive Nation*.
76. Comfort, *Doing Time Together*.
77. Simon, *Poor Discipline*.
78. Hamm, *Rebel and a Cause*.

79. Goodman, "Race in California's Prison Fire Camps for Men."
80. Calavita and Jenness, *Appealing to Justice*.
81. Irwin, *The Felon*.
82. Page, *The Toughest Beat*.
83. Walker, "Race Making in a Penal Institution."
84. Goodman, "It's Just Black, White, or Hispanic."
85. Haney, *Offending Women*; Kruttschnitt and Gartner, *Marking Time in the Golden State*; Owen, *In the Mix*; Ward and Kassenbaum, *Women's Prison*.
86. Sexton et al., "Where the Margins Meet"; Jenness and Fenstermaker, "Forty Years after Brownmiller."
87. Simon, *Mass Incarceration on Trial*, 17.
88. Gilmore, *Golden Gulag*; Page, *The Toughest Beat*.
89. Sixteen percent of trans people and nearly 50% of Black trans people experience incarceration over the course of their lives. Twenty-one percent of trans women report experiencing incarceration as compared to 10% of trans men (Grant et al., *Injustice at Every Turn*, 163.)
90. Valentine, *Imagining Transgender*, 18.
91. Miller, *Halfway Home*.
92. Small and Calarco, *Qualitative Literacy*, 119.
93. "Tracking the Rise of Anti-Trans Bills in the US," Trans Legislation Tracker, accessed December 15, 2025, <https://translegislation.com/learn>.

I. CONTAINMENT

1. Braly, *False Starts*, 86.
2. Braly, *False Starts*, 120.
3. Braly, *False Starts*, 84.
4. Braly, *False Starts*, 86.
5. Braly, *False Starts*, 86–87.
6. Braly, *False Starts*, 95.
7. Braly, *False Starts*, 95.
8. See Kunzel, *Criminal Intimacy*.
9. *Los Angeles Times*, "Smith Resigns as Warden of San Quentin." Clinton Duffy was San Quentin's prison historian before serving as secretary to another warden, James B. Holohan, and then ultimately becoming warden himself. He should be viewed as someone highly aware of the construction of historical narratives about prison and San Quentin in particular.
10. *Los Angeles Sentinel*, "San Quentin Warden Writes Life Story."
11. *Los Angeles Sentinel*, "Behind Bars." Clinton Duffy's book *88 Men and 2 Women* (1962) describes how he oversaw the execution of 90 people as San Quentin warden and advocates against the death penalty. *Sex and Crime* (1965), cowritten with Adult Authority Chairman Al Hirschberg, draws on a survey of California prisoners to assert that "sexual inadequacy" is the primary driver of crime.

12. Duffy was initially appointed to a six-month probationary period, which was later extended (*Los Angeles Times*, “Smith Resigns as Warden of San Quentin”; *Los Angeles Times*, “San Quentin Head Named”).
13. Duffy and Lane, *Warden’s Wife*, 301.
14. *San Francisco Chronicle*, “Quentin Felons.”
15. Drummond, *Prison Truth*.
16. Duffy and Lane, *Warden’s Wife*, 274–82
17. Duffy and Lane, *Warden’s Wife*, 264
18. *Paahao Press*, “Tropic Trade Winds.”
19. Weick, “Flower Aid in Prison.”
20. *San Francisco Chronicle*, “Concertos in the Clink.”
21. *The Echo*, “Coast Warden Wants Change in Postmark: San Quentin Tag is Too Embarrassing says Duffy.”
22. *Los Angeles Times*, “San Quentin Happy in First Lady’s Praise.”
23. Waggoner, “Clinton T. Duffy.”
24. *Los Angeles Times*, “Death Row Hunger Strike Continues.”
25. Associated Press, “2,500 in San Quentin Riot at Prison Mess.”
26. *Los Angeles Times*, “San Quentin Convicts Riot.”
27. Duffy’s emphasis on queens as primary perpetrators of violence reflects bigoted attitudes he seems to have deeply internalized. His equation of criminality and homosexuality, which he maintained his entire life, would lead him to endorse virulently homophobic policies in later years. In 1972, George E. Dye, a Republican candidate for the state assembly, proposed a state law that would involuntarily castrate gay people. Dye leveraged Duffy’s support in his campaign for the law, citing a statement by Duffy that 70% of all San Quentin prisoners were homosexuals (Jackson, “Propose All Gays be Castrated”).
28. Duffy and Lane, *Warden’s Wife*, 204.
29. Duffy, *The San Quentin Story*, 150–51.
30. Duffy, “A Frank Discussion of the Prison Problem Nobody Talks About.”
31. Chauncey, *Gay New York*, 91–92.
32. Chauncey, *Gay New York*, 92.
33. For instance, Kunzel explains that psychologist Margaret Otis’s 1913 study of women in a New Jersey reformatory emphasized concerns about what Kunzel characterizes as “a gendered erotics of racial difference”: the idea that heterosexual white women would be attracted to Black women, whom they viewed as substitutes for male partners (Kunzel, *Criminal Intimacy*, 29).
34. Kunzel, *Criminal Intimacy*, 29.
35. Vitulli, “A Means of Assuring the Safe and Efficient Operation of a Prison,” 177.
36. Kunzel, *Criminal Intimacy*, 86.
37. Blue, “The Strange Career of Leo Stanley,” 221.
38. Vitulli, “Dangerous Embodiments,” 36.
39. Duffy, “A Frank Discussion of the Prison Problem Nobody Talks About.”
40. Bookspan, *A Germ of Goodness*.
41. Page, *The Toughest Beat*, 16.

42. Bookspan, *A Germ of Goodness*, 112–13.
43. Page, *The Toughest Beat*, 17.
44. Cairns, *Hard Time at Tehachapi*, 157.
45. Bookspan, *A Germ of Goodness*, 112–13.
46. *Los Angeles Times*, “Richard McGee Dies; Headed State Prisons.”
47. California Department of Corrections, *The Policies, Organization, and Procedures for Classification*; McCarty, “From Con-Boss to Gang Lord.”
48. To use Joshua Page’s formulation, I would say that this marked a reconfiguration of the *penal field*, “the social space in which agents struggle to accumulate and employ penal capital—that is, the legitimate authority to determine penal policies and priorities” (Page, *The Toughest Beat*, 10).
49. Page, *The Toughest Beat*, 17.
50. California Department of Corrections, *Manual of Procedures in Classification*, 23.
51. Rotman, “The Failure of Reform,” 153.
52. Rotman, “The Failure of Reform,” 161.
53. Rotman, “The Failure of Reform,” 159.
54. Rotman, “The Failure of Reform,” 159–60.
55. Garland, *Punishment and Modern Society*, 184.
56. Section 5079 of the Penal Code, quoted in California Department of Corrections, *Manual of Procedures in Classification*, 21.
57. A small Guidance Center was established at the California Vocational Institution in Lancaster to process wards of the California Youth Authority. Parole violators and those condemned to death row were received at Folsom (California Department of Corrections, *The Policies, Organization, and Procedures for Classification*, 25–26).
58. California Department of Corrections, *The Policies, Organization, and Procedures for Classification*, 26–27.
59. California Department of Corrections, *The Policies, Organization, and Procedures for Classification*, 28.
60. Page, *The Toughest Beat*, 17.
61. California Department of Corrections, *Manual of Procedures in Classification*, 1.
62. See Page, *The Toughest Beat*, 18–19.
63. Many states experimented with what Ashley Rubin characterizes as “proto-prisons” between 1796 and 1822; following Pennsylvania’s Walnut Street Prison as a model, states imposed incarceration as punishment, they emphasized hard labor, and they incarcerated people from across the state in a centralized facility. However, these proto-prisons were beset by problems. Some states abandoned the model and returned to an emphasis on corporal or capital punishment. Reformers’ debates over how to make penal incarceration and penal labor more effective inspired the institutionalization of the Auburn and Pennsylvania models in the 1820s (Rubin, “History of the Prison”).
64. Rothman, “Perfecting the Prison,” 106.

65. Rothman, "Perfecting the Prison," 106.
66. "Proposed: California Medical Facility and Northern California Guidance Center, Vacaville, California, State Reference Number 2449," Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA, 5–6.
67. California Department of Corrections, *The Policies, Organization, and Procedures for Classification*, 50.
68. California Department of Corrections, *The Policies, Organization, and Procedures for Classification*, 60.
69. Fenton, *An Introduction to Classification*, 21.
70. Quoted in Vitulli, *Carceral Normativities*, 100.
71. California Department of Corrections, *The Manual of Procedures for Classification in the Department of Corrections of the State of California*, 41.
72. Fenton, *An Introduction to Classification*, 14.
73. Fenton, *An Introduction to Classification*, 184.
74. Kolb, "Report on the Needs," 14.
75. California Department of Corrections, *The Manual of Procedures for Classification in the Department of Corrections of the State of California*, 37.
76. Fenton, *An Introduction to Classification*, 50.
77. Fenton, *An Introduction to Classification*, 50–52.
78. Fenton, *An Introduction to Classification*, 68.
79. California Department of Corrections, *The Manual of Procedures for Classification in the Department of Corrections of the State of California*, 42.
80. Kunzel, *Criminal Intimacy*, 78.
81. Kunzel, *Criminal Intimacy*, 82.
82. See Gebhard et al., *Sex Offenders*. For the eponymously named study of sex offenders for which this prison research was conducted, Kinsey's team chose to only interview white men (16–17). The text states that the study data "is based chiefly upon the sexual case histories obtained by interviewing 1,356 white males" (27). In describing their prison research methods, the text reads, "The second instance of planned sampling took place at Soledad where all males who appeared obviously homosexual or who proved to be problems because of their homosexuality were segregated in one wing of a building—Z wing. We decided to sample Z wing as thoroughly as possible, and succeeded in interviewing 111 males—everyone in Z wing—plus two who had recently been returned to the general population." (33) If the team interviewed all prisoners in Z wing and only interviewed white prisoners, the logical conclusion is that all prisoners in Z wing were white. Other scholars have also reached this conclusion. For instance, in her 1981 book *Prison Homosexuality: Myth and Reality*, Alice Propper describes the Kinsey study by saying "the inmate groups included 111 white inmates in Z wing of Soledad" (81).
83. Ronald H. Beattie, "Sex Offenders in California Prisons, 1945–1949," December 6, 1949, Documents Section, California State Library, Sacramento, CA.
84. Ronald H. Beattie, "Sex Offenders in California Prisons, 1945–1949," December 6, 1949, Documents Section, California State Library, Sacramento, CA.

85. Freedman, "Uncontrolled Desires," 97.
86. Freedman, "Uncontrolled Desires," 98.
87. Description of Prisoners Received at Folsom State Prison and San Quentin State Prison, September 1944, October 1944, March 1946, April 1946, California State Archives, Sacramento, CA.
88. "Characteristics of Resident Population of California State Prisons by Institutions, December 31, 1952," California State Library, Sacramento, CA; "Characteristics of Resident Population of California State Prisons by Institutions, June 30, 1953," California State Library, Sacramento, CA. In 1953, for example, the CDC's 13,699 male prisoners were 63% white, 15% Mexican, and 20% Black. Yet the California Medical Facility at Terminal Island was 80% white, 9% Mexican, and 8% Black. Folsom, the prison designated for chronic disciplinary cases and prisoners assigned to maximum supervision, was 66% white, 11% Mexican, and 21% Black. And Soledad, the prison that provided vocational training but not the specialized industrial training of San Quentin, was 59% white, 19% Mexican, and 20% Black.
89. Hernández, "Hobos in Heaven."
90. Braly, *False Starts*, 114.
91. Braly, *False Starts*, 119.
92. Braly, *False Starts*, 119.
93. Braly, *False Starts*, 119.
94. Braly, *False Starts*, 138.
95. Braly, *False Starts*, 121.
96. Braly, *False Starts*, 121.
97. Braly, *False Starts*, 121–22.
98. Braly, *False Starts*, 124.
99. Allen, "The Ironic Lessons of a Four-Time Loser."
100. Braly, *False Starts*, 137.
101. Bérube, *Coming Out Under Fire*, 117.
102. Boyd, *Wide-Open Town*, 114–16.
103. Canaday, *Queer Career*, 36.
104. Stryker, *Transgender History*, 45.
105. Meyerowitz, *How Sex Changed*, 47–48.
106. Stryker, *Transgender History*, 45.
107. Boyd, *Wide-Open Town*, 121–22.
108. Stryker and Van Buskirk, *Gay by the Bay*, 38–41.
109. As Regina Kunzel documents, police persecution "hit close to home for Mattachine activists in 1952, when Dale Jennings, one of the organization's original members, was charged with 'lewd and dissolute behavior' after being entrapped by a plainclothes member of the Los Angeles vice squad. In response, Mattachine mobilized to expose and protest the then-common use of police entrapment against gay men. Mattachine also printed wallet cards with practical instructions for gay men titled 'What to Do in Case of Arrest' and notifying them of their rights" (Kunzel, *Criminal Intimacy*, 194).

110. Quoted in Boyd, *Wide-Open Town*, 173.
111. Boyd, *Wide-Open Town*, 174.

2. CORRECTION

1. As per agreement with interviewees, all incarcerated trans women interviewed are referred to with pseudonyms. This feels, at points, in tension with my desire to commemorate these women's lives. But I also understand that confidentiality was the prerequisite for many women's openness in sharing their stories and that attaching their name to the story may not have been important or desirable. The only time an interviewee strongly expressed a desire to make names a part of the record was in my interview with the woman named here with the pseudonym Rachel, who wanted to document the history of trans women organizing around bras and hormones in the 1970s. Rachel wanted to memorialize Tammy and Stephanie, who were at the front of that struggle. I preserve Tammy and Stephanie's names in this chapter because (as I show) the women chose to be interviewed by name by journalists at the time, from which I interpret a desire, or at least consent, to make their names part of the record. In all other quotes where interviewees refer to other incarcerated trans women by name, I use pseudonyms.

2. Treva Ellison's article "Black Femme Praxis and the Promise of Black Gender" is focused on a slightly earlier period, but it makes a similar point about the joys of Black trans femme collectivity. Through a critical reading of a 1950 article in the *Los Angeles Herald Examiner*, Ellison tells us how three young Black femmes who were employed as domestic workers were arrested in a wealthy white district of Los Angeles, whereupon police officers discovered they were not "true women." The photo printed alongside the article shows the three sitting close on a bench, with the person in the center smiling and leaning over to touch another's wrist with apparent warmth and ease.

3. Ritchie, *Invisible No More*, 127–43; Sears, *Arresting Dress*.

4. Dan Bustillo's insightful chronicle of lesbian and transmasculine experiences in the "Daddy Tank" unit in the Los Angeles jail shows how the regulation of gender boundaries played out at a different social location during a similar time period (Bustillo, "With and Beyond Los Angeles's Daddy Tank").

5. The familial gender regulation Rachel faced in her early years differed from Gina's experience. The third of six children, she was close with her sisters and started wearing their clothing at seven years old. At around this age, her father caught her and decided that sending her out in public in girls' clothes would shame her out of the practice. As Rachel reminisced, "He sent me to the store and it did nothing. It only intensified the feeling."

6. Goodman et al., *Breaking the Pendulum*, 81–86.

7. Page, *The Toughest Beat*, 17.

8. Irwin, *Prison in Turmoil*, 37.

9. Simon, *Poor Discipline*, 69.

10. Blue, "The Strange Career."
11. Goodman et al., *Breaking the Pendulum*, 81–86.
12. Simon, *Poor Discipline*, 68.
13. Blue, "The Strange Career."
14. Blue, "The Strange Career," 232.
15. Blue interprets the data as follows: "The large majority (115 of 136) were of 'American' nationality, presumably understood as white. The eleven Mexicans who submitted to sterilization were the next largest group he listed, followed by four Jews, three Italians, two Portuguese, and one English prisoner. It is difficult to read Stanley's understandings of race, ethnicity, and nationality through these statistics, but it appears that no black prisoners volunteered for the procedure" (Blue, "The Strange Career," 225).
16. Blue, "The Strange Career," 233.
17. Blue, "The Strange Career," 224.
18. Lawrence Kolb, "Report on the Needs of California for a Psychopathic Hospital in the Department of Corrections," Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA.
19. "Proposed: California Medical Facility and Northern California Guidance Center, Vacaville, California, State Reference Number 2449," Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA, 5–6.
20. Lawrence Kolb, "Report on the Needs of California for a Psychopathic Hospital in the Department of Corrections," Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA.
21. Lawrence Kolb, "Report on the Needs of California for a Psychopathic Hospital in the Department of Corrections," Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA.
22. Kunzel, *Criminal Intimacy*.
23. Mills, *My Years in Psychiatry 1915–1968*, 51; Stryker, *Transgender History*, 41–44.
24. Karl Bowman, *California Sex Deviates Research Act, Progress Report, 1951*, Don Lucas Papers (1997–25), courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
25. Karl Bowman, *California Sex Deviates Research Act, Progress Report, 1951*, Don Lucas Papers (1997–25), courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
26. One illustrative example: "I would like to discuss my own work on the four year sex research for the State of California, my work on alcoholism, on drug addiction and forensic psychiatry, but I think I will take the few moments left to say a word or two about Dr. Kinsey" (Mills, *My Years in Psychiatry 1915–1968*, 51).
27. Bowman and Engle, "Medicolegal Aspects of Transvestism"; Bowman and Engle, "Sex Offenses."
28. Salinger, "Neglect at San Quentin."

29. Richard A. McGee, inter-departmental communication, December 7, 1951, Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA.
30. Goodwin J. Knight, “Address of Governor Goodwin J. Knight Dedication of California Medical Facility Vacaville,” October 26, 1954, Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA, 1.
31. Goodwin J. Knight, “Address of Governor Goodwin J. Knight Dedication of California Medical Facility Vacaville,” October 26, 1954, Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA, 1. 1.
32. Goodwin J. Knight, “Address of Governor Goodwin J. Knight Dedication of California Medical Facility Vacaville,” October 26, 1954, Department of Corrections—CMF Vacaville, Box 314, California State Archives, Sacramento, CA, 6.
33. Cross, “America’s Laboratory for Social Change,” 110.
34. Simon, *Poor Discipline*.
35. Goodman et al., “The Long Struggle.”
36. Janssen, “When the ‘Jungle’ Met the Forest.”
37. California Department of Corrections, *Procedures for Inmate Classification and Transfer*, CL-X-01.
38. California Department of Corrections, *Procedures for Inmate Classification and Transfer*, CL-XIII-03.
39. Rants et al., “Immunization of Human Beings with Group A Hemolytic Streptococci.”
40. Here, too, the scholars emphasize language of voluntary participation. The article reports, “Warden Clinton Duffy said 10 convicts were chosen for the experiments out of the many who volunteered. He said the men offered to aid the scientists without any suggestion of reward” (*Los Angeles Times*, “Ten San Quentin Convicts Serve as Guinea Pigs.”)
41. Simon, *Poor Discipline*, 71.
42. Walter Dunbar to William C. Keating, memorandum, July 7, 1962, Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.
43. Walter Dunbar to William C. Keating, memorandum, July 7, 1962, Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.
44. Lester J. Pope to J. Douglas Grant, February 4, 1963, Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.
45. Lester J. Pope to J. Douglas Grant, February 4, 1963, Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.
46. Arthur L. Mattocks and Charles C. Jew, “Assessment of an Aversive ‘Contract’ Program with Extreme Acting-out Criminal Offenders,” Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.
47. Lester J. Pope to R. K. Procnier, December 1, 1970, Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.

48. Lester J. Pope to R. K. Procnier, December 1, 1970, Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.
49. Lester J. Pope to R. K. Procnier, December 1, 1970, Department of Corrections—Medical Services Division, California State Archives, Sacramento, CA.
50. Castel et al., “The Psychiatrization of Difference.”
51. Jackson, “Legislature Acts to Ban Surgical Cures.”
52. Jackson, “Abuse at Prison Hospital.”
53. Quoted in Charnigo, “Prisoners of Microfilm.”
54. Jackson, “Move to Free Gay Prisoners.”
55. Jackson, “Therapeutic Police State.”
56. Jackson, “Abuse at Prison Hospital.”
57. Jackson, “Abuse at Prison Hospital.”
58. Castel et al., “The Psychiatrization of Difference.”
59. Berger, *Captive Nation*, 98.
60. Washington, *Medical Apartheid*.
61. Moreno, *Undue Risk*, 230.
62. Metzl, *The Protest Psychosis*, 99.
63. Rachel recalled being placed in P-unit during our interview. A 1972 letter printed in the *Bay Area Reporter* written by “an anonymous inmate of the Homosexual Unit, Vacaville Prison” names P-wing as “where homosexuals live at.” At other points, advocate and journalist Don Jackson writes about Vacaville’s isolated wing for prisoners designated as homosexuals as the Jenner unit, which appears to have included five different wings (*Bay Area Reporter*, “Death at Vacaville”; Jackson, “Abuse at Prison Hospital.”)
64. *California Prisoners 1960*, 40, table 19A; *California Prisoners 1977 and 1978*, 73, table 27A.
65. Drummond, “Blue Denim Jungle.”
66. Hager, “Rising Minority Rate in Prisons Probed.”
67. See Goodman et al, *Breaking the Pendulum*, 98–104
68. Churchill and Vander Wall, *The COINTELPRO papers*; Churchill and Vander Wall, *Agents of Repression*; Cunningham, “The Patterning of Repression”; Freedom Archies, *COINTELPRO 101*; Glick, *War at Home*.
69. Haas, *The Assassination of Fred Hampton*; kioni-sadiki and Meyer, *Look for Me in the Whirlwind*.
70. Murch, *Living for the City*, 184.
71. Berger, *Captive Nation*.
72. Berger, *Captive Nation*, 101.
73. See Berger, *Captive Nation*, 1–3 on the 1970 California prisoner strike at Folsom State Prison.
74. Irwin, *Prison in Turmoil*, 84–87.
75. Goodman et al., “The Long Struggle.”
76. Metzl, *The Protest Psychosis*, xix.
77. Metzl, *The Protest Psychosis*, 100.
78. Kunzel, *Criminal Intimacy*, 149–90.
79. See Shabazz, *Spatializing Blackness*.

80. Wooden and Parker, *Men Behind Bars*, 44–45 (emphasis added).
81. Stryker, *Transgender History*, 75–76.
82. Stryker, *Transgender History*, 93–94.
83. Gil-Peterson, *Histories of the Transgender Child*.
84. Specifically, the *Estelle v. Gamble* decision held that denying prisoners necessary medical care violated Eighth Amendment prohibitions against cruel and unusual punishment. William Rold explains that, in the decades of case law that followed and built upon *Estelle*, three basic rights emerged: the right to access to care, the right to have care provided after it is ordered by a health care professional, and the right to professional judgement. At the same time, the standard of liability the court created was intent-based: “deliberate indifference to serious medical needs.” Thus, prisoners could not use *Estelle* to seek redress in the case of accidents, malpractice, or poor treatment decisions. The decision reckoned little with the material realities of health care in prison. Thus, it simultaneously established a right and restricted prisoners’ ability to actualize it (Simon, “From Health to Humanity”; Rold, “Thirty Years After *Estelle v. Gamble*”; Genty, “Confusing Punishment with Custodial Care”).
85. *Los Angeles Times*, “Vacaville Facility.”
86. *Los Angeles Times*, “Vacaville Facility.”
87. California Department of Corrections, “Chapter 2200, Article 3” (1977).
88. Jackson, “Move to Free Gay Prisoners.”
89. Two notable newsletters—*Gay Sunshine* (established in 1970) and the *Bay Area Reporter* (established in 1971)—were started in the Bay Area. *Gay Sunshine* published for the following two decades, and the *Bay Area Reporter* exists to this day (Stryker and Van Buskirk, *Gay By the Bay*, 71).
90. Jackson, “The Vacaville Papers.”
91. Jackson, “Abuse at Prison Hospital.”
92. Jackson, “Abuse at Prison Hospital.”
93. “Gay Auto-People Caravan to Vacaville Prison,” *Bay Area Reporter*.
94. “Gay Auto-People Caravan to Vacaville Prison,” *Bay Area Reporter*.
95. “Gay Auto-People Caravan to Vacaville Prison,” *Bay Area Reporter*.
96. Join Hands Testimony at California State Senate Select Committee on Penal Institutions Hearing on December 5, 1974, Marinissen (Jan) Collection the Council on Religion and the Homosexual Records 1963–1975 (2006–18), Box 1, Folder 1/3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
97. Jackson, “Prison Gay Sexual Exploitation Hit.”
98. Jackson, “Prison Gay Sexual Exploitation Hit.”
99. See Jackson, “Prison Gay Sexual Exploitation Hit” for more information about the dynamics described in this paragraph.
100. Jackson, “Prison Gay Sexual Exploitation Hit.”
101. “Dear Prisoners,” *Join Hands*, no. 1, GLBT Historical Society periodicals, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society, 1.
102. Join Hands Testimony at California State Senate Select Committee on Penal Institutions Hearing on December 5, 1974, Marinissen (Jan) Collection the Council on Religion and the Homosexual Records 1963–1975 (2006–18), Box 1, Folder 1/3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

103. Regina Kunzel makes a similar argument about the 1970s gay movement coming to privilege gender normativity and this impacting prisoner solidarity efforts (Kunzel, *Criminal Intimacy*, 214).

104. “So Who Are the Gays Around This Place?,” *Join Hands*, no. 1, GLBT Historical Society periodicals, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society, 2.

105. M. Darrell Hay, “Dear Join Hands,” *Join Hands*, no. 2 (Feb./March 1976), GLBT Historical Society periodicals, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society, 1.

106. “Dear Join Hands,” *Join Hands*, no. 1, GLBT Historical Society periodicals, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society, 1.

107. Stryker, *Transgender History*, 111.

108. Stryker, *Transgender History*, 98.

109. Stryker, *Transgender History*, 98.

110. Raymond, “Sappho by Surgery,” 134.

111. Valentine, *Imagining Transgender*, 56.

112. Smith, “Transsexuals’ Limbo in a Prison for Men.”

3. RISK MANAGEMENT

1. From Jasmine’s perspective, police targeting reflected and reinforced trans people’s social exclusion: “They didn’t have no place for us. So they would always lock us up.”

2. Kater, “Sending Juveniles to the California Youth Authority.”

3. Lerner, *CYA (California Youth Authority) Report*; Macallair, *After the Doors Were Locked*, 201–4.

4. Macallair, *After the Doors Were Locked*, 196–99.

5. See Simon, *Mass Incarceration on Trial*, 17–46.

6. Feeley and Simon, “The New Penology.”

7. See Simon, *Poor Discipline*, 183 for the status vs. continuum of risk framework regarding the remaking of parole during this period. See also Feeley and Simon, “The New Penology,” 461 regarding the shift in prisons from having specialized functions to being organized by security level.

8. Feeley and Simon, “The New Penology,” 452.

9. Feeley and Simon, “The New Penology,” 462.

10. Petersilia, “Crime and Punishment in California,” 176.

11. Page, *The Toughest Beat*, 4.

12. Tonry, “The Failure of the U.S. Sentencing Commission’s Guidelines.”

13. Austin, “Regulating California’s Prison Population,” 91.

14. Austin, “Regulating California’s Prison Population,” 92; Page, *The Toughest Beat*, 36.

15. Austin, “Regulating California’s Prison Population,” 87.

16. Petersilia, “Crime and Punishment in California,” 186.

17. Parenti, *Lockdown America*, 57.
18. Marx, "The New Police Undercover Work"; Marx, "Ironies of Social Control"; Marx, "Who Really Gets Stung?"; Oliver, "Repression and Crime Control."
19. Western, *Punishment and Inequality in America*.
20. Krisberg, "How Do You Eat an Elephant," 138.
21. Petersilia, "Crime and Punishment in California," 189.
22. Petersilia, "Crime and Punishment in California," 190.
23. California Department of Corrections and Rehabilitation, "State Prisons Chronology."
24. Bloom et al., *Women in California Prisons*, 6.
25. Parenti, *Lockdown America*, 63.
26. Gottfredson and McConville, *America's Correctional Crisis*, 3; Krisberg, "How Do You Eat an Elephant," 138.
27. Reiter, 23/7.
28. Feeley and Simon, "The New Penology," 452.
29. Bloom et al., *Women in California Prisons*, 1.
30. Greenspan, "Struggle for Compassion."
31. Banks, *Women in Prison*, 39.
32. Bloom et al., *Women in California Prisons*, 3.
33. Bloom et al., *Women in California Prisons*, 1.
34. Bloom et al., *Women in California Prisons*, 3.
35. Rafter, "Gender and Justice," 96.
36. Rafter, "Gender and Justice," 100–102; Banks, *Women in Prison*, 123–24.
37. Hannah-Moffat, *Punishment in Disguise*; Freedman, *Their Sisters' Keepers*.
38. Davis, *Are Prisons Obsolete*, 75.
39. Davis, *Are Prisons Obsolete*, 75.
40. Crocq, "How Gender Dysphoria and Incongruence Became Medical Diagnoses."
41. Feinberg, *Trans Liberation*; Stryker, *Transgender History*, 101–20.
42. Goodman et al., *Breaking the Pendulum*.
43. Page, *The Toughest Beat*.
44. Feeley and Simon, "The New Penology," 466
45. Simon, *Poor Discipline*, 174
46. Wooden and Parker, *Men Behind Bars*, 206.
47. Smith et al., "Classification and Transfer."
48. Smith et al., "Classification and Transfer."
49. Wooden and Parker, *Men Behind Bars*, 207.
50. California Department of Corrections, "Chapter 2200"; California Department of Corrections, "62080.14 Effeminate Homosexuals," (1990); Smith et al., "Classification and Transfer."
51. Smith, "Transsexuals' Limbo."
52. Reiter, 23/7.
53. Alison Hardy to Judy Greenspan, November 21, 1988, Sue Rochman Papers 1988–1991 (2005–13), folder 3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

54. "Court Rules on Prisoners with H.I.V.," unidentified newspaper, November 4, 1994, Sue Rochman Papers 1988–1991 (2005–13), folder 3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
55. Alison Hardy to Judy Greenspan, November 21, 1988, Sue Rochman Papers 1988–1991 (2005–13), folder 3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
56. Alison Hardy to Judy Greenspan, November 21, 1988, Sue Rochman Papers 1988–1991 (2005–13), folder 3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
57. Alison Hardy to Judy Greenspan, November 21, 1988, Sue Rochman Papers 1988–1991 (2005–13), folder 3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
58. Judy Greenspan to Sue Rochman, August 3, 1988, Sue Rochman Papers 1988–1991 (2005–13), folder 3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
59. "Rights of Seropositive Prisoners," *Gay Community News*.
60. Applebome, "For AIDS Inmates"; Sue Rochman personal notes, Sue Rochman Papers 1988–1991 (2005–13), folder 3. Courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
61. *Newsweek*, "Learning to Live with AIDS in Prison."
62. *New York Times*, "Court Upholds Prison Policy."
63. *New York Times*, "Court Upholds Prison Policy."
64. This is a pseudonym.
65. See Greene, "The Insurgent Agency of Incarcerated Trans Women of Color."
66. For an insightful perspective on how prisoner activism around HIV/AIDS teaches us about prisoner organizing more broadly, see Berger and Losier, *Rethinking the American Prison Movement*, 162–66. For an argument about how the simultaneous privatization of medical care and expansion of mass incarceration produced "catastrophic penal institutions" in the context of HIV/AIDS, see Fleury-Steiner with Crowder, *Dying on the Inside*.
67. Harlow, *HIV in U.S. Prisons and Jails*.
68. Harlow, *HIV in U.S. Prisons and Jails*.
69. People in prison with AIDS were found to survive for an average of 128 days (*Newsweek*, "Learning to Live with AIDS in Prison.")
70. This is a pseudonym. Letter to Sue Rochman, July 27, 1990, Sue Rochman Papers 1988–1991 (2005–13), folder 1, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
71. *Newsweek*, "Learning to Live with AIDS in Prison."
72. "The World Health Organization on Prisoners with AIDS," *The Body Positive*, June 1988, Sue Rochman Papers 1988–1991 (2005–13), folder 3, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.
73. Applebome, "For AIDS Inmates"; Sue Rochman personal notes, Sue Rochman Papers 1988–1991 (2005–13), folder 3. Courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

74. This is a pseudonym. Letter to Sue Rochman, July 27, 1990, Sue Rochman Papers 1988–1991 (2005–13), folder 1, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

75. *Newsweek*, “Learning to Live with AIDS in Prison.”

76. Ellen Yellowbird to organizational partners, August 21, 1991, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:9, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

77. ACT UP/San Francisco. “Notes from 8–8-91 Meeting; HIV Prison Issues Coalition,” Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:9, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

78. ACT UP/CHAIN, “For Prisoners with HIV/AIDS, ACT UP / CHAIN Demands,” Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:5, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

79. Kingston, Tim, “On the Strike of Their Lives for their Lives,” *San Francisco Bay Times*, October 8, 1992, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:7, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

80. ACT UP/San Francisco, letter to supporters, April 1992, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:5, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

81. ACT UP/San Francisco, Media advisory, June 1, 1992, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:5, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

82. Kingston, Tim, “On the Strike of Their Lives for their Lives,” *San Francisco Bay Times*, October 8, 1992, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:7, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

83. ACT UP/San Francisco, “Prisoners with AIDS Have the Right to Live: Join us to Protest Intolerable Conditions for Prisoners with AIDS at Vacaville, Saturday, December 5th, 12:00 pm at the gates of Vacaville,” Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:7, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

84. ACT UP/San Francisco. “24 HOUR VIGIL to Support Prisoners with AIDS on Hunger Strike at Vacaville,” Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:7, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

85. Provenza, James R. *Executive Summary: Revised Report: California Medical Facility (CMF)*, November 18, 1992, Assembly California Legislature Committee on Public Safety, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:5, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

86. ACT UP/ San Francisco. “Support Prisoners with AIDS for World AIDS Day ‘92,” Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:7, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

87. Statement from Vacaville Prisoners. December 5, 1992, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:7, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

88. Provenza, James R. *Executive Summary: Revised Report: California Medical Facility (CMF)*, November 18, 1992, Assembly California Legislature Committee on Public Safety, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), carton 1, folder 1:5, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

89. Gossett and Hayward, “Trans in a Time of HIV/AIDS,” 541. See also Gossett, “We Will Not Rest in Peace.”

90. This is a pseudonym. Letter to ACT UP/SF. April 28, 1992, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), Prisoner Correspondence folder, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

91. This is a pseudonym. Letter to Judy Greenspan, March 24, 1995, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), “Prisoner Correspondence” folder, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

92. Personal interview.

93. This is a pseudonym. Letter to Judy Greenspan, March 24, 1995, Llwyd (Tryfan Morys Eibhlyn) Papers 1972–1996 (1995–23), “Prisoner Correspondence” folder, courtesy of Gay, Lesbian, Bisexual, Transgender Historical Society.

94. Cockburn, “California’s Gulag on Trial.”

95. Reiter, “The Origins of and Need to Control Supermax Prisons.”

96. Gunnison, “8 Guards at Corcoran Indicted.”

97. Reiter, “The Origins of and Need to Control Supermax Prisons,” 151.

98. Arax, “8 Prison Officials Fired over Beating of Black Inmates.”

99. *Prison Focus*, “HIV in Prison Committee Update,” 14.

100. This argument overlaps with Regina Kunzel’s assertion that prisoners organizing around HIV/AIDS “insisted that thinking about sexuality in terms of identity was insufficient” (Kunzel, *Criminal Intimacy*, 236).

101. See Snorton, *Black on Both Sides*. In his analysis of fugitive slave narratives, C. Riley Snorton points to moments when Black people escaping captivity seized upon the radical dehumanization of slavery’s “ungendering” and rearranged their gender presentation (through passing or crossdressing) to smooth their flight to freedom. According to Snorton, the gendered structure of slavery actually created possibilities for “fungible fugitivity.” This chapter similarly shows how Black trans women prisoners navigated the violence of racialized confinement by reconfiguring their gender. Women in this chapter used ungendering to avoid detection and to create possibilities for intimacy.

102. Alba, “Bright vs. Blurred Boundaries.”

4. CARCERAL HUMANISM

1. Though officially called California Correctional Institution, the prison is widely referred to as Tehachapi after the city in which it’s located.

2. In 2004, the California Department of Corrections renamed itself the California Department of Corrections and Rehabilitation.
3. Kilgore, “Repackaging Mass Incarceration.”
4. Marrow, “Immigrant Bureaucratic Incorporation.”
5. Incarceration rates and crime rates have no inherent relationship to each other. Incarceration rates are driven by penal policy decisions, and tough-on-crime appeals can mobilize moral panics to justify enhanced policing and incarceration even when actual crime rates are relatively low. When provided with data about their relative safety, Americans tend to discount the evidence and double down on the myth—a 2014 poll presented respondents with government statistics about the declining crime rate over the past two decades, and the most common response (expressed by 1/3 of the sample) was to reject the statistics and assert the belief that crime had actually risen over that same period. For discussion of the 2014 poll described above, see Sharkey, *Uneasy Peace*, 6–7.
6. Austin, “Regulating California’s Prison Population.”
7. Austin, “Regulating California’s Prison Population,” 91
8. Page, *The Toughest Beat*, 133.
9. Austin, “Regulating California’s Prison Population,” 92.
10. Beckett et al., “US Criminal Justice Policy and Practice in the Twenty-First Century.”
11. Simon, *Mass Incarceration on Trial*.
12. Marks and Goldberg, *Charisse Shumate*.
13. Austin, “Regulating California’s Prison Population”; Simon, *Mass Incarceration on Trial*.
14. Austin, “Regulating California’s Prison Population.”
15. Simon, *Mass Incarceration on Trial*, 15.
16. Simon, “California’s New Carceral Logic.”
17. Herzing and Piché, *How to Abolish Prisons*, 32–33.
18. The description of the Delano II fight that I provide here is based on writing by Rose Braz and Craig Gilmore, activists who played a leading role in the organizing (Braz and Gilmore, “Joining Forces”).
19. Braz and Gilmore, “Joining Forces,” 106.
20. Austin, “Regulating California’s Prison Population,” 93–94.
21. Braz and Gilmore, “Joining Forces,” 104.
22. Garland, “What’s Wrong with Penal Populism”; Campbell, “The Emergence of Penal Extremism in California.”
23. Weisberg, “The Wild West of Sentencing Reform”; Californians for Safety and Justice, *Proposition 47 Issue Brief*.
24. See also Gottschalk, “Split Verdict.”
25. Seeds, “Bifurcation Nation.”
26. Lara-Millán, “The Administrative Disappearing of State Crisis”; Norton et al., *The Jail is Everywhere*.
27. Kilgore, “Repackaging Mass Incarceration.”
28. Kilgore, “Repackaging Mass Incarceration.”

29. Critical Resistance provides a similar framework for drawing a distinction between reformist reforms and abolitionist steps to end imprisonment (Critical Resistance, “Reformist Reforms vs. Abolitionist Steps to End Imprisonment”).
30. Schept, *Progressive Punishment*; Kurti, “Do No Harm”; Spencer, “Beware the Healthier Cage”; Martensen, “Review of Carceral State Studies and Application.”
31. Schept, *Progressive Punishment*, 12.
32. Judah Schept develops the term *carceral habitus* to describe how people internalize the logics that justify carcerality and thereby participate in its reproduction, even as they purport to critique it (Schept, *Progressive Punishment*).
33. Frost et al., *Hard Hit*.
34. Bernstein, “Carceral Politics as Gender Justice”; Kim, “From Carceral Feminism to Transformative Justice”; Whittier, “Carceral and Intersectional Feminism in Congress.”
35. Bernstein, “Militarized Humanitarianism Meets Carceral Feminism.”
36. This report was the product of a three-year project that the National Institute of Corrections started in 1999 to “increase the gender-appropriateness” of correctional policies directed towards “women offenders” (Bloom et al., *Gender-Responsive Strategies*).
37. Russell and Carlton, “Pathways, Race and Gender Responsive Reform”; Pollack, “You Can’t Have It Both Ways.”
38. Bloom et al., *Gender-Responsive Strategies*, v.
39. Carlton and Russell, “The Weaponisation of ‘Trauma-Informed’ Discourse in Prison Policy.”
40. Braz, “Kinder, Gentler, Gender Responsive Cages.”
41. Justice Now, “Unmasking ‘Gender-Responsive Prisons,’” 8.
42. Shaylor, “Neither Kind nor Gentle.”
43. Shaylor, “Neither Kind nor Gentle.”
44. Justice Now, “Unmasking ‘Gender-Responsive Prisons.’”
45. Braz, “Kinder, Gentler, Gender Responsive Cages.”
46. Justice Now, “Unmasking ‘Gender-Responsive Prisons.’”
47. Braz, “Kinder, Gentler, Gender Responsive Cages.”
48. Critical Resistance and INCITE! Women of Color Against Violence, *Critical Resistance-INCITE! Statement on Gender Violence & the Prison Industrial Complex*.
49. Law, “Against carceral Feminism”; Ritchie, *Invisible No More*; Kim, “From Carceral Feminism to Transformative Justice.”
50. HIV in Prison Committee, “HIP Committee Update,” 12.
51. Alpert, “Gender Outlaws.”
52. Alpert, “Gender Outlaws.”
53. California Coalition for Women Prisoners, “Coalition for Accountable Health Care Meets with Sillen,” 15.
54. California Correctional Health Care Services, “Hormone Therapy for Transgender Inmate-Patients.”
55. This is a pseudonym.

56. World Professional Association for Transgender Health, “Standards of Care.”
57. California Correctional Health Care Services, *Care Guide: Gender Identity Disorder*.
58. Advocacy letter, January 12, 2012, in author’s possession.
59. California Correctional Health Care Services, *Care Guide: Gender Dysphoria*.
60. Legal scholarship on transgender prisoners often references the 1994 *Farmer v. Brennan* Supreme Court decision as foundational. The court found that the federal prison system’s deliberate indifference to Black trans woman Dee Farmer’s risk of serious harm through placement in a men’s prison housing unit constituted a violation of the Eighth Amendment. The case brought attention to the issue of sexual violence in prison, and scholarly engagement with trans prisoners began rising in the 1990s after the decision. However, penal policy shifts were relatively minor until after the passage of the Prison Rape Elimination Act.
61. Cassell, “TG Prisoner Sues Corrections Dept.”
62. Jenness et al., *Violence in California Correctional Facilities*.
63. California Department of Corrections and Rehabilitation, “62080.14, Transgendered Inmates,” 584–85.
64. California Department of Corrections, “62080.14 Effeminate Homosexuals” (2000), 592.
65. California Department of Corrections and Rehabilitation, “62080.14, Transgendered Inmates,” 584–85.
66. For an analysis of transgender’s institutionalization as a category across a range of fields, see Valentine, *Imagining Transgender*.
67. *NBC News*, “Convicted Killer Sues.”
68. *ABC News*, “Federal Judge Approves.”
69. Valencia, “Court Upholds Inmate’s Right.”
70. Valencia, “Court Upholds Inmate’s Right.”
71. Ellement and Anderson, “Court Denies Inmate’s Sex-Change Surgery.”
72. Schwartzapfel, “What Care Do Prisons Owe Transgender Inmates?”
73. Schwartzapfel, “What Care Do Prisons Owe Transgender Inmates?”
74. Schwartzapfel, “What Care Do Prisons Owe Transgender Inmates?”
75. Shiloh Quine (a/k/a Rodney James Quine) v. Jeffrey Beard, et al., Case No. 3:14-cv-02726-JST (N.D. Cal. March 1, 2017), “Plaintiff’s Notice of Motion and Motion to Enforce Settlement Agreement.” Legal document in author’s possession.
76. This is a pseudonym.
77. Shiloh Quine (a/k/a Rodney James Quine) v. Jeffrey Beard, et al., Case No. 3:14-cv-02726-JST (N.D. Cal. March 22, 2017), “Plaintiff’s Reply Memorandum of Points and Authorities in Support of Its Motion to Enforce Settlement Agreement.” Legal document in author’s possession.
78. The April 2017 authorized property schedule reflects the initial guidelines with the restrictions Eli describes (California Department of Corrections and Rehabilitation, *Transgender Inmates: Authorized Personal Property Schedule*, memo in author’s possession).

79. Prison Law Office to California Department of Corrections and Rehabilitation, December 20, 2017. Letter in author's possession.
80. Allison, *Communication and Pronoun Usage*.
81. Reiter, "The Pelican Bay Hunger Strike."
82. Johnson, "Despite Harris Deal."
83. Mananzala and Spade, "The Nonprofit Industrial Complex and Trans Resistance."
84. Arkles et al., "The Role of Lawyers in Trans Liberation."
85. Mananzala and Spade, "The Nonprofit Industrial Complex and Trans Resistance," 64.
86. Sylvia Rivera Law Project, "SRLP history."
87. Mananzala and Spade, "The Nonprofit Industrial Complex and Trans Resistance," 65.
88. Donahue, "Making it Happen, Mama."
89. Donahue, "Making It Happen, Mama"; Personal interviews; TGI Justice Project, "About TGIJP."
90. Ophelian, *MAJOR!*
91. Meronek and Griffin-Gracy, *Miss Major Speaks*; Ophelian, *MAJOR!*
92. Ophelian, *MAJOR!* Immediately prior to joining TGIJP, Miss Major worked as an advocate and educator with the Tenderloin AIDS Resource Center and ran the trans drop-in center. Before moving to the Bay Area, she lived in Southern California where she participated in mutual aid and advocacy for people with HIV/AIDS. During her incarceration in New York state prison, she describes being politicized by Frank "Big Black" Smith, who offered guidance around how she could organize the transgender community in prison.
93. Transforming Justice, "Conference Summary and Report." In author's possession.
94. Arkles et al., "The Role of Lawyers in Trans Liberation," 623.
95. Arkles et al., "The Role of Lawyers in Trans Liberation," 623–24.
96. Transforming Justice, "Conference Summary and Report."
97. Critical Resistance's strong connections to trans organizing is also informed by the fact that trans people were among the founders of the organization and have been active in membership since the organization's inception. Personal interviews.
98. Cassell, "TG prisoner sues."
99. Leff, "Transgender Inmate Sues."
100. TGI Justice Project, *Transgender People and the California State Prison System*.
101. TGI Justice Project, "Alexis Giraldo v. Department of Corrections Results in Mistrial."
102. Justice Now, "Race, Gender, Sexuality, and the Prison Industrial Complex." In author's possession.
103. Personal interview.
104. California Coalition for Women Prisoners, *The Fire Inside*.
105. d., "Race, Class, & Transgender."

106. Aiello, "LGBT Prisoner Bill Clears First Hurdle."
107. TGI Justice Project, "Updates/videos."
108. Personal interviews; TGI Justice Project, "Members from TGI Justice Attend Oakland Rally." See also Critical Resistance, "Stop the Injunctions Coalition (STIC)."
109. TGI Justice Project, "TGI Justice at Communities Rising Rally."
110. TGI Justice Project, "Updates/videos."
111. TGI Justice Project, "Updates/videos."
112. TGI Justice Project, "Updates/videos."
113. Vogler and Jenness, "LGBTQ+ People's Views of the Police."

5. THE ABOLITIONIST HORIZON

1. Greene, "Labor of Love."
2. Steinmetz, "The Transgender Tipping Point."
3. "Editorials: Herstory," *Black Lives Matter*, July 7, 2017, <https://blacklivesmatter.com/herstory/>.
4. #SayHerName was a corrective to the tendency for organizing against police violence to center Black men and overlook the violence faced by Black women (African American Policy Forum, #SayHerName, <https://www.aapf.org/sayhername>).
5. Personal interview.
6. Tilly, *From Mobilization to Revolution*; Staggenborg, "Coalition Work in the Pro-Choice Movement."
7. See Richie, *Arrested Justice*.
8. For all fieldwork conducted with SB 310 activists in the "backstage" of the political process, I am using pseudonyms.
9. Mora, *Making Hispanics*.
10. Braz, "Kinder, Gentler Gender Responsive Cages."
11. This is a pseudonym.
12. Berger et al., "What Abolitionist Do"; Herzing and Piché, *How to Abolish Prisons*; Kaba and Ritchie, *No More Police*.
13. Joss Greene, participant observation (Sacramento, CA, April 29, 2025).
14. Now the Dr. Beatriz María Solís Policy Institute (SPI).

CONCLUSION

1. Chabria, "California to Transform Infamous San Quentin Prison."
2. "Chandler v. California Department of Corrections and Rehabilitation," Lambda Legal, <https://lambdalegal.org/case/chandler-v-california-department-of-corrections-and-rehabilitation/>.
3. Redfield and Chokshi, *Impact of the Executive Order Redefining Sex*.
4. Werth, "Community Safety."

5. Davis, *Freedom is a Constant Struggle*, 105.
6. Ritchie, *Invisible No More*.
7. Bloom, et al., *Gender-Responsive Strategies*, v.
8. Braz, “Kinder, Gentler, Gender Responsive Cages.”
9. Hannah-Moffat, *Punishment in Disguise*, 197.
10. Hannah-Moffat, *Punishment in Disguise*.
11. See National Research Council, *The Growth of Incarceration in the United States*.
12. Hannah-Moffat, *Punishment in Disguise* 197.
13. Schept, *Progressive Punishment*.
14. Levesque, “Sacramento Roundup.”
15. Romney, “Voices of Transgender Prisoners.”
16. Romney and Johnson, “California Prisons Fail to Uphold Transgender Rights.”
17. Romney and Johnson, “California Prisons Fail to Uphold Transgender Rights.”
18. Personal conversation with Jen Orthwein, February 16, 2024.

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