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QED: A Journal in GLBTQ Worldmaking, Volume 6, Number 2, Summer 2019, pp. 26-39 (Article)



Published by Michigan State University Press

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Narrative Authority, Theory in the Flesh, and the Fight over *The Death and Life of Marsha P. Johnson*

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ABSTRACT

This article explores the controversy surrounding David France's documentary, *The Death and Life of Marsha P. Johnson*, which premiered on Netflix in October 2017. Examining both France, and trans activist and filmmaker Tourmaline's statements that France stole her ideas and work from her project, *Happy Birthday Marsha!*, this article unpacks the fight over narrative authority. Using queer and feminist of color theories based in theories of the flesh, I argue that through the whitening of Johnson's narrative and framing her as a victim by France, as well as claims to narrative authority by Tourmaline and Mariah Lopez, trans kin of Johnson, the controversy points to the limits of queer politics for understanding the experiences of transwomen of color on their own terms. Thus, I argue for the necessity of a trans* analytic as a space of radical coalition building.

October 2017 saw the release of David France's documentary, *The Death and Life of Marsha P. Johnson*, on the streaming service Netflix. The documentary, directed and written by France, follows Victoria Cruz, a Puerto Rican trans* activist in New York City, as she searches for the truth about Johnson's mysterious death. Juxtaposed alongside her search is the death of Islan Nettles, a black transwoman who was killed on August 17, 2013. Immediately following its release, black trans* filmmaker and activist, Tourmaline, then known as Reina Gossett, accused France, a white cisgender gay male, of taking ideas and

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research from her and Sasha Wortzel's unreleased film project, Happy Birthday, Marsha! Tourmaline's claims were amplified by trans* activist, Janet Mock, who shared Tourmaline's Instagram post along with pictures of the two together on her social media, writing "Filmmaker David France released a Netflix doc Friday about Marsha P. Johnson. It is based on Reina Gossett's work." France responded to the accusations briefly on Twitter and followed with a longer statement on his website² denying the claims and sharing his relationship to Johnson and the history of the project.

At the center of this controversy is the story of Marsha P. Johnson, the trans* activist who was a pioneer in LGBTQ rights and is credited as one of the leaders of the rebellion at New York City's Stonewall Inn in 1969. In the early morning of June 28, 1969 police raided the Stonewall Inn on Christopher Street. The raids of the gay bar and violent attacks against its clientele were ongoing. Johnson, who was twenty-three years old, was described as the "vanguard" of the resistance against the police.³ Johnson, who had been a sex worker and drag performer, founded, along with Sylvia Rivera, the Street Transvestite Action Revolutionaries or STAR, which advocated for "young transgender people—and, for a time, house, clothe and feed them, from a tenement at 213 East Second Street. STAR grew out of the Gay Liberation Front, which advocated for sexual liberation and pushed to align gay rights with other social movements."4 Johnson wanted "to see gay people liberated and free and to have equal rights that other people have in America,' with her 'gay brothers and sisters out of jail and on the streets again.' She added, in a reference to the radical politics of the time, 'We believe in picking up the gun, starting a revolution if necessary." 5 In the years following Stonewall, she continued to be a performer and activist who was involved with ACT UP, an AIDS advocacy group. In 1992 Johnson disclosed that she was HIV+.6

Following a lifelong commitment to activism, Johnson's body was found on July 6, 1992 floating in the Hudson River. Initially ruled a suicide, her death was later reclassified as a case of drowning.⁷ However, questions and suspicions remain and the case is still open. Thus, France's documentary attempts to intervene in this narrative and explore the mystery surrounding Johnson's death. The documentary and its resulting controversy provide an important moment to examine histories of appropriation of the stories and bodies of trans* and queer people of color by white cisgender gay men. My goal is not to determine or make an argument about who gets to tell what stories, but instead examine the strategies by which the narratives and bodies of queer and trans* people of color are fought over through claims of authenticity and identity. Although mainstream queer theories (and in some cases politics), may resist and rally against claims to static identity, seeing it as essentialist, they actually appropriate the experiences and raced bodies of queer people of color. The rhetorical positioning of queerness as centering difference has had implications in real-world practices that isolate queer people of color, who are often seen as divisive by white queers for owning their raced identities or cast as primitive for not seeing coming out of the closet as liberatory.8 France's documentary engages in colorblind strategies that erase Johnson's experiences as a black trans* activist, instead framing her as a queer victim. Furthermore, the documentary and France's ensuing statements about the controversy flatten the resistive and joyful possibilities of Johnson's story for trans* and queers of color. The public statements by Tourmaline and France, as well as that of activist and queer kin of Johnson, Mariah Lopez, illustrate the public fight over the theory in the flesh within a queer politics that theoretically stands against essentialism and identity, and points to the limitations of queer politics in the telling the story of transwomen of color, instead demonstrating the need to shift to a trans* analytic as a space of radical potentiality and coalition building.9 Kai Green argues for trans* because of its "ability 'to mobilize across the contradictions, divisions, and containment strategies. . . . Trans* is the queer. Trans* is the colored."10 Thus, I use queer, trans*, and feminist of color theories to unpack the debate by examining statements from all parties, as well as from the documentary The Death and Life of Marsha P. Johnson. In the end, I argue that if we want to honor the stories of transwomen of color, we must use analytics that attend to their racialized identities, bodies, experiences, and voices, which can also provide radical spaces for coalition on their own terms.

))) The Fight over Marsha P. Johnson

Following the premiere of France's documentary on Netflix, in a post on her Instagram account Tourmaline wrote that although she has had trouble paying rent, France has cashed in on Johnson's story through his deal with Netflix. She claimed that France was inspired by a grant application she and her filmmaking partner Sasha Wortzel sent to the Kalamazoo/Arcus Foundation. Tourmaline asserts that France "told the people who worked there—i shit you not—that he should be the one to do this film, got a grant from Sundance/Arcus using my language and research about STAR, got Vimeo to remove my video of Sylvia's critical 'y'all better quiet down' speech, ripped off decades of my archival research that i experienced so much violence to get, had his staff call Sasha up at work to get our contacts then hired my and Sasha's *ADVISOR* to our Marsha film Kimberly Reed to be his producer." Tourmaline not only details her relationship and past with France, but also casts herself in a similar position as Johnson, noting that "this kind of extraction/excavation of black life, disabled

life, poor life, trans life is so old and so deeply connected to the violence Marsha had to deal with throughout her life."12 This symbolic alignment is significant as it raises the stakes and questions who has the right to tell Johnson's story.

Tourmaline further echoes her connection to Johnson as a black transwoman in the description of the film, Happy Birthday, Marsha!, written, directed, and produced by Tourmaline and Wortzel, which chronicles Johnson's experiences hours before the Stonewall riots.¹³ In describing the importance of their project, Tourmaline and Wortzel note the historical erasure of transwomen of color, drag queens, sex workers, and gender nonconforming people in telling about Stonewall. They share, "Rarely do marginalized people drive stories about themselves on-screen, but this project is different. Happy Birthday, Marsha! is written, produced and directed by a trans woman of color, and will be the first of its kind to reach a wide audience." They suggest that their positionalities provide important insight into the project because they carry not only their stories with them, but those of their ancestors and communities.¹⁵ They write "Our work addresses the systematic erasure of rich legacies of trans and queer activism and art by creating artworks that revisit and re-imagine these stories. We mine existing archives and create new ones to address how our relationship with the past shapes our understandings of the present. We look back in order to dream a way forward."16 Tourmaline and Wortzel's statement is significant because not only do they see themselves fighting the erasure of trans* and queers of color in the telling of Stonewall, but they strive to create possibilities for trans* and queer of color activists to imagine themselves in the present and future. This echoes the importance of what scholars, like Amber Johnson, have termed "transfuturism," which is a project that "utilizes Afrofuturistic art to render the lives of black and trans and gender non-conforming folk complex and visible."17

Tourmaline also penned a short essay about her film and the France controversy for Teen Vogue, sharing that learning about the legacies of Rivera and Johnson made her cry as she "dreamt of a day that black trans women and the people who love us would come away from watching my film feeling more connected to ourselves and our sense of power and joy and feel more free in the face of struggle."18 Tourmaline further questions whose voices "have been pushed aside" in the process of making France's documentary, noting that "people with resources who already have a platform become the ones to tell the stories of those at the margins rather than people who themselves belong to these communities."19 What further makes the situation frustrating for her is that Netflix is a platform that you must pay to have access to. Tourmaline calls for change not in terms of tokenization, but instead a shifting of resources "so that people on the streets, people facing the kinds of violence Marsha faced, can be the ones to tell these stories—and the ones to benefit from their telling. And that includes me, a black

trans woman who has had to fight for a sustainable life while a white cisgender man gets to tell Marsha's story."20 Her statements point to the complex relationship among transphobia, capitalism, homonormativity, and white supremacy. Tourmaline ends by reinstating the importance of having trans* people tell their own stories because of the increasing violence against them. Furthermore, she warns against the appropriation and sanitizing of trans* stories because much of the violence that Johnson experienced remains today and should be told by those who experience it. Tourmaline unpacks the intersectional complexity of Johnson's life, writing "Marsha's history has helped me make plain the connections between the historical erasure of trans women of color from the LGBT movement, and contemporary forms of anti-black transphobic violence happening today."21 Her critique is pointed at the colorblind approach of France's documentary, which frames Johnson as a queer victim by ignoring how her race intersected with her gender in terms of her social activism and the anti-trans* violence she experienced. Tourmaline further hints at France's erasure of black joy, writing that too often "many of us to hold our ideas close to our chests; to never let the world see how brightly we shine. Until all of our ideas and lives are celebrated and given the resources we need and deserve, so much of our brilliance will remain hidden out of fear of our lives and labor being violated and appropriated."22

Tourmaline's response is significant for several reasons. First, it pushes back against long-standing tensions in which privileged cisgender white gay men come to represent the LGBTQ community in the popular imagination. It also gestures to the consistent erasure of trans* folk, especially transwomen of color, within the community and in the whitening of the gay rights movement. The whitening of Stonewall is not new, as Kathryn Hobson, Bernadette Marie Calafell, and Sophia Margulies critically examine how the 2015 film Stonewall featured a fictional white cisgender gay character named Danny Winters who is the central protagonist and leader in the riots minimizing the role of the transwomen of color who led the rebellion.²³ This revision of history was driven by racism and capitalism as it attempted to present a palatable and relatable protagonist for white queer viewers by a gay white filmmaker who has spoken publicly about how easy it is to be gay in Hollywood.²⁴ Examples such as Stonewall demonstrate the importance of having queer and trans* people of color not only in front of the camera, but also behind it and in control of financial resources.

Given this history of the whitening of queerness, Tourmaline's identification with Johnson and her claim to tell her story is significant. Her statements reflect a queer and feminist of color ethic based in what Cherrie Moraga and Gloria Anzaldúa term the theory in the flesh.²⁵ Moraga and Anzaldúa describe the

theory in the flesh as, "one where the physical realities of our lives—our skin color, the land or concrete we grew up on, our sexual longings—all fuse to create a politic born out of necessity. Here we attempt to bridge the contradictions of our experience. . . . We do this bridging by naming our selves and by telling our stories in our own words."26 Anzaldúa continued to refine the theory of the flesh or theorizing through lived experience, noting the rigor associated with it: "Instead of coming in through the head with the intellectual concept, you come in through the backdoor with the feeling, the emotion, the experience. But if you start reflecting on that experience you can come back to the theory."27 Likewise, Anzaldúa's theory of conocimiento is connected to theorizing through the body. Conocimiento "comes from opening all your senses, consciously inhabiting all your body and decoding its symptoms. . . . Breaking out of your mental and emotional prison and deepening the range of perception enables you to link inner reflection and vision—the mental, emotional, instinctive, imaginal, spiritual, and subtle bodily awareness—with social, political action and lived experience to generate subversive knowledges."28 Anzaldúa sees conocimientos as vernacular knowledges that challenge official channels and ways of knowing. Queer women of color have drawn upon experience as a way to reclaim the abjection of the raced and queer body in traditional social scientific and postpositivist methods and knowledge production. This work embraces the socalled excess of the body as radical sites of potential for knowledge creation and theorizing. It also disrupt discourses privileging so-called rationality against the emotional body.

Tourmaline's responses to the France documentary directly draw upon the theory of the flesh—the affective connections and shared histories of exclusion experienced by black transwomen. Her gesture to shared hardships that have shaped both her and Johnson serve as a call to understand how experience and the racialized body gives her the authority to tell Johnson's story. Arguing against easy dismissals of feminism and intersectionality through critiques of essentialism, Patricia Hill Collins suggests that black women in the United States have a shared history, which each of them experiences differently in their individual lives.²⁹ This shared history and how it is experienced differently by individual women connects with the theory in the flesh. Likewise, the concerns raised by Tourmaline parallel those ethical considerations shared by indigenous feminist communities in relationship to colonizing practices, such as do they have a good heart? Are they useful to us?30 The concern about whether someone not only talks the talk, but walks the walk is echoed by black feminist scholars, such as Collins, challenging the easy dismissal of it as an ad hominem critique, instead calling attention to the politics of speaking for the Other that Linda Martín Alcoff has addressed.31

In light of Tourmaline's allegations and Mock's amplification of them, France offered a brief response on Twitter, and then a more expanded response on the website for the film. France begins by sharing his credentials as a writer for the Village Voice covering the AIDS crisis and LGBT culture in New York City in 1992.³² He further shares that Johnson had been his friend and her death long stayed with him. France also highlights his credibility and ability to tell the story by mentioning his other project How to Survive a Plague. France then details his relationship to Tourmaline and her project, stating that he became aware of her project after he started research for his film. He asserts that he approached Tourmaline about "sharing resources" but was told that she "was working on a scripted short film about Marsha and Sylvia in the hours leading up to Stonewall, which is not at all the focus of my film."33 Given the different nature of the projects, France states that he connected Tourmaline, Wortzel, and their producers with his project funders. France further acknowledges the challenges faced by transwomen of color in terms of funding, noting, "Racism and transphobia are hideous cancers" and "By joining my voice to the campaign for Marsha's justice, I hoped to amplify that call, not complicate it, and to bring whatever attention I could draw to this history and those who defend it. But I have complicated it nonetheless. I know that history-telling is not a zero sum equation. But funding and cultural power can be. It is wrong that our projects have not received equal attention. I re-double my commitment to bringing Happy Birthday, Marsha the attention and backing it needs and deserves, and hope that you will too."34

France's response is significant as he embodies what Sara Ahmed terms the nonperformative in diversity work. Ahmed suggests, "Diversity work becomes about generating the 'right image' and correct the wrong one. . . . Diversity becomes about changing perceptions of whiteness rather than changing the whiteness of organization."35 Through lip service or what Ahmed terms the nonperformative, which are repetitive statements that do not produce what they name in diversity work, France is able to appear as a "woke" white gay man. Nonperformatives are statements of commitment that can "be understood as opaque: it is not clear what they are doing if they are not doing what they are saying."36 Although France may include a link to Tourmaline's project, the question remains, what is he doing to use his privilege to shift resources and change the landscape for black trans* filmmakers?

France's nonperformative is further strengthened in interviews as he acknowledges that his privilege as a white cisgender gay man worked in his favor in getting the project funded and completed: "White supremacy and transphobia create a barrier to entry for that community to tell their own stories."37 In the telling of the story of how the project came to be, the narrative starts with

mainstream queer history and activism, stating, "'I remember back in 2011, when we were working on How To Survive a Plague that Marsha was part of the whole discussion,' said Plaguel Death and Life editor Tyler H. Walk. Walk said that France pointed out Johnson while they were combing through the archival footage of various marches and ACT UP demonstrations for use in Plague."38 This mainstream narrative/history then leads to Marsha P. Johnson, rather than signifying her as a primary leader in the ensuing LGBTQ rights movement and activism. This rhetorically positions her as an add on or on the periphery, rather than as a central figure in LGBTQ activism and history.

Perhaps because he is aware of the tensions regarding his identity as a white gay cisgender man, France makes the strategic choice to have transgender activist Victoria Cruz guide the narrative as she searches for the truth about Johnson's death. Cruz, who identifies as a friend of both Johnson and Rivera, is described by France in the following way, "Almost nobody who was a trans person of color survived—and she survived. . . . She's a witness to a time that most of us can't even imagine."39 France argues, "The community itself is responsible for not having created a safe space and a veneration for somebody as important as her. . . . I think every systemic flaw allowed this to happen. And it continues to happen. We continue to have a society in which to be a transgender woman of color is to be in incredible danger."40 Following this quote in a Vanity Fair article about Cruz, the author writes, "That's why he was so determined to work with Cruz—a woman whose life so casually intertwined with both Johnson's and Rivera's, a woman who endured the hardships of the era and lived to tell the tale. Even after her retirement, Cruz can easily tick off the number of trans people who have been killed this year (21 as of September). Now more than ever, she says, the trans community needs exposure and a promise for change on the horizon."41

France's choice to center Cruz in his work reflects that at some level he is aware that representation matters, which is also a gesture to the theory in the flesh and the importance of lived experience. His choice can also be read as an artistic choice; however, a more critical and less charitable reading recognizes this as a familiar strategy of cover for whiteness, which is akin to Senate Republicans hiring a female lawyer to question sexual assault survivor Dr. Christine Blasey Ford in the 2018 Senate confirmation hearings of Judge Brett Kavanaugh. It can be read as a nonperformative strategy of superficial diversity, an acknowledgment that identity matters, but not enough to let transwomen of color tell their stories from behind the scenes.

A third voice that emerged in the controversy was that of Mariah Lopez, executive director of the Strategic Trans Alliance for Radical Reform (STARR), which was founded after the Stonewall Rebellion (initially the Street Transvestite Action Revolutionaries [STAR]) by Johnson and Rivera, and trans* daughter of Rivera and trans* niece of Johnson. In a press release posted on Google Docs, Lopez takes both Tourmaline and France to task. She suggests that Tourmaline has "no real world ties to STAR, Marsha or Sylvia" and has no claim to their legacies or any financial compensation around them.⁴² Lopez states that Tourmaline "has participated in trying to suppress STARR for years, by simply ignoring our existence, since STARR would be a direct competitor for funding and popularity with Sylvia Rivera Law Project [sic]; where Rena [sic] worked for years and has plenty of close friends. There is nothing legally, morally or ethically that entitles Reina [sic] to a cent, or a minute more in the limelight!"⁴³

Lopez then details her history with France, sharing that she first met him in 2015 when he contacted her about producing "a kind of triple blockbuster documentary, covering myself and the new STARR, and connecting my story to that Marsha and Sylvia (since I was the one who originally got authorities to agree to reinvestigate Marsha's murder, and I'm Sylvia's daughter)."44 She continues by stating that the legacy of radical activism "seemed irresistible" to France, and although France shared he did not want to make "any money" from the project, "he certainly doesn't imply on the recording or in any other conversation we've engaged in, that he stood to make millions off a sale of the film to a giant like Netflix."45 Had she known this was the case she would have "demanded a legally binding contract for STARR's compensation, based on the distribution or sale of the film."46 Lopez cut ties with France based on what she describes as instances of "predatory, manipulative journalistic tactic on his part," including "jeopardizing her safety and well-being."47 Among her accusations are leaving her stranded, his staff offering hard drugs to her the first day of filming, and "illegally recording conversations about Trans murder investigations between STARR members, community and law enforcement, that he was asked not to record; without any of the parties consent."48 Given all of this, as well as what she says is France's blatant misrepresentations of facts and events for profit, STARR will be exploring its legal options. Lopez concludes by suggesting that France's documentary is undergirded by "deceit and oppression" and Netflix's refusal to act upon these critiques opens the door for others to oppress and exploit vulnerable populations.⁴⁹ She expands upon the harm France has done by writing, "David Frances [sic] has pitted an already abused, oppressed, fragile and minimized community against each other, on color, race, gender and economic lines. This alone would have broke Marsha's heart."50

Like Tourmaline, Lopez draws upon the theory in the flesh or *conocimiento* to stake a claim of authority, as does her gesture to queer family relations to Johnson and Rivera. She draws upon the ethical criteria of walking the walk, not just talking the talk. The question of the driving intentions behind each of

the projects and their creators are the ethics that propel Lopez's response, echoing criteria echoed by indigenous feminists. All of these responses point to the tensions surrounding race, identities, and trans* erasure in the construction of queerness, queer identification, and queer coalition building.

)) Deracing Trans* Activism, Creating Queer Victims

Along with the fight over who has the right to tell Johnson's story is the critique that France's documentary downplays Johnson's activism in favor of a victim narrative of queer trauma. Likewise, Johnson's racial embodiment as a black transwoman is largely glossed over in service of a larger narrative of queer trauma. Alison Reed discusses the role of colorblindness in queer theory: "through a dangerous swapping of terms, namely, a substitution of sustained conversations about systematic racism with race as such, particularly spectacular racialized embodiment."51 Reed argues that through spectacular representations of blackness white queerness cashes in on the "Hollywoodization of trauma and vulnerability born out of white supremacy by locating those traumas in the past rather than as ongoing and systematic."52 Although France's film resists this move to place the violence against transwomen (of color) in the past, through the inclusion of Nettles's story, it still frames Johnson's narrative largely through colorblindness. We aren't presented with the particular challenges Johnson faced as a black transwoman and activist. In the documentary we see Sylvia Rivera's "Y'all Better Quiet Down" speech in 1973 after the fourth annual Christopher Street Day Rally in which she talks back to members of the Gay Activist Alliance, whose homonormative and respectability politics led them to attack and boo her. Although this clip is significant to queer history and the telling of Johnson's story, its treatment in the documentary simply serves to reinforce the challenges and resistance encountered by trans* activists from gay and lesbian rights activists. It does not unpack or highlight the specific nuances of the challenges and violent resistance faced by trans* activists of color. Thus, not only rewhitening history, but glossing over how the raced body is read as excessive and potentially politically resistive. Hiram Pérez argues that white bodies are able to theorize affect, whereas the bodies of queers of color are only seen as performers of affect.⁵³ France's use of Rivera's speech repeats this assumption.

Reed warns, "When queer theory deploys race but absents discussions of racism, it consolidates a racialized queerness as identity through the fetish of postracialized blackness, sutured to trauma."54 As a result, presenting trauma through the racialized body presents people of color as victims and simultaneously heroes, which can deny the consistent force of racism.55 Reed argues that despite homonormative performance and assimilation of many white queers, an alignment with sexual and gender oppression allows white queers to position themselves as victims, while disavowing their white privilege. This enables them to fall into the realm of Otherness without accounting for the racial privilege they have access to that many queers of color do not. This alignment points to the ironic single-identity approach to politics that queerness has fallen into while critiquing the so-called essentialist identity politics of queers and transfolk of color. Furthermore, shifting the framing of Johnson as a victim erases not just her activism, but the joy she experienced as a black transwoman. Although it is imperative that we recognize and act against the violence against transwomen of color, it is also necessary to honor the joy they experience as a way to push back against images of the tragic queer.

))) The Need for a Trans* Analytic

The case of *The Death and Life of Marsha P. Johnson* illustrates the limits of mainstream gay, lesbian, and queer theories and politics, in particular in the erasure of the bodies and experiences of transwomen of color. Scholars, like Cathy Cohen, have argued for the importance of race, abjection, and critiquing the hetero/homo binary in queer politics as a way to think through coalition building.⁵⁷ Likewise, Kai Green argues for shifting toward a trans* analytic instead of queerness as an analytic frame.⁵⁸ Green uses trans* to critique black lesbian feminist politics, which has in some cases ignored black trans* folks in favor of the category "black lesbian." Green argues that trans* as a modifier marks the ways that white feminism has excluded black women, while expanding the category of woman.⁵⁹ A trans* analytic calls for us to understand blackness in relationship to the questions of when, where, how, why, and what. It centers difference as well as contradiction and conflict. Green argues, "A Trans* method shows us how people become representable as things, categories, and names because it shows us the excess as a perpetual challenge to containment."⁶⁰

Thus, we might consider what a trans* analytic or method might offer in telling Marsha P. Johnson's story. A trans* analytic is wedded to a raced body and the theorizing that comes from its experiences. It pushes back against toxic critiques of "identity politics," further making LGBTQ communities more radical spaces of acceptance for queer and trans* people of color, centering their experiences rather than positioning them as add-ons or the momentary splash of color in queer history. Furthermore, a trans* analytic critically pushes queerness to do more, which allows for a new way to think about coalition building based in heterogeneity rather than homogeneity, further disrupting naïve assumptions

about identity and organizing. Just as Sylvia Rivera stated, "Y'all better quiet down" as she pushed back against assimilationist, homonormative, respectability politics advocated by lesbian and gay activists of the time, it is time for everyone to quiet down, listen to, and be led by transwomen of color.

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