



## The Lit Review Podcast

## English Transcript

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**Guest/Topic:** Joey Mogul on *Queer (In)Justice: The Criminalization of LGBT People in the United States* by Joey Mogul, Andrea Ritchie, and Kay Whitlock

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### Monica Trinidad:

Welcome to The Lit Review, a podcast sparked by a moment of urgency, recognizing mass political education as key for our liberation struggles. Every week, your hosts, Page May and Monica Trinidad, will chat with people we love and respect about relevant books for the movement, everything from history to theories around gender to sci-fi and beyond. We know that political study is not accessible for a variety of reasons. The high cost of books, academic jargon, the failures of our underfunded school systems, time barriers, and more. Our hope is that this podcast helps address some of those issues making critical knowledge more accessible to the masses. Think SparkNotes in podcast form. I'm one of your hosts, Monica Trinidad. Thank you for listening.

### Monica Trinidad:

All right. Hello. We're here with Joey Mogul. It's episode 16. We're so excited for this. We're in Joey's beautiful apartment, gorgeous view, and yeah, Page and I are... How you doing, Page?

### Page May:

I'm good. Hey.

### Monica Trinidad:

Yeah. Okay. I'm all right. I've been up since five in the morning, but I've had lots and lots of coffee, so I feel really, really good. So this is going to be a really good probably rapid fire podcast episode, but I'm ready. So we're here with Joey Mogul, and we're going to be talking about *Queer (In)Justice: the Criminalization of LGBT People in the United States*. And Joey wrote this along with Andrea Ritchie and Kay Whitlock. So Joey, welcome to our show. Thank you so much for doing this, even though you flew in last night at midnight.

**Joey Mogul:**

Yes. So I just flew from Windhoek, Namibia and was traveling for two days straight. So it's out of my deep love, admiration, and respect for the two of you that I am here and I'm honored to be here, but wish I could be more lucid and eloquent.

**Monica Trinidad:**

You're going to be great. So to start us off, just tell us who you are, what do you do and why?

**Joey Mogul:**

Well, I am both an attorney and an activist. I'm an attorney at the People's Law Office, which is in Chicago, Illinois, and we focus on police, prison, and governmental misconduct cases. But I don't call myself solely a lawyer, but I am also an activist because I don't believe that our judicial system will ever bring us any true justice, and it certainly will not get us liberation. So I do try as much as possible to do things as much outside of courtrooms because I think that's where the real power and change comes from.

**Page May:**

So this book has been really important to me. I think it was the second book that I organized a study group around, which was a big part of my beginning of organizing was through organizing these book clubs. So I'm going to add more. Joey is behind the reparations for Jon Burge. Yeah. That was the humblest introduction so far, right? Yeah, exactly.

**Monica Trinidad:**

No, no, no. Hold on. Rewind.

**Page May:**

Incredible, incredible. Just like friend of the movement, supporter of the Black Lives Matter movement, always showing up and has been a huge part of winning reparations for the Jon Burge torture survivors, supporting organizations, the whole Black and Pink and starting that up, that wouldn't exist, our chapter here, without you. So this book I love, and I'm wondering if you can tell us a little bit more about what led you to write it and writing it specifically with Andrea and Kay.

**Joey Mogul:**

Well, thank you and thank you for those really kind words. I really love and support the work you two do and anything I can do to be of support. It's been really meaningful, particularly to work with We Charge Genocide, an amazing organization that I think was instrumental to getting reparations for the Burge torture survivors. So what happened here is I years ago was doing death penalty work, and that's why I became an attorney. I saw it as one of the pinnacles of racism in the criminal legal system. And so while doing death penalty cases here in Illinois, including representing one of the Burge torture survivors on death row, I learned about this case of Bernina Mata. She's a Latina lesbian who the state accused of killing a white man who they allege made an unwanted sexual pass at her. And they literally argued that as a "hardcore lesbian", this infuriated her to then kill him.

And in her case, they used her lesbianism as evidence to say that was the motive and the reason why she engaged in this killing. So they brought in and paraded 10 witnesses before her jury to just testify that she was a lesbian or gay. And they then removed books from her shelf, and we're talking the basic homosexuality 101 kind of books to just read the titles to the jury, not even give the books to the jury to potentially educate them, but just read the titles to the books to say, "See? She reads lesbian materials,

she's a lesbian, she's a killer." And then made all of these arguments. They referenced her lesbianism on 17 different occasions throughout their opening and closing arguments as the basis for why she allegedly killed this man. And when I learned about the case, I was just infuriated, and I'll be honest, I spent a lot of my time representing a lot of men of color in the system, which I'm happy and proud and humbled to do.

But when I heard about this, I thought to myself as a queer, I got to do this. So I started working on Bernina Mata's case, and then I was like, has this happened to other queers and trans folk around the country? And I started to look and realizing this really disturbing pattern where people's sexual and gender identity have been used against them. For example, the first Black woman to be killed post the reinstatement of the death penalty. The death penalty was declared unconstitutional in 1972 and then it was brought back in 1976. And the first Black woman to be killed post 1976 was this woman, Wanda Jean Allen. And this was a Black lesbian who was accused of killing her lover. And the evidence in her case that the state brought out was that she was a very butch woman. She was an AG kind of a stud, and they used her masculine appearance as evidence as to why she killed her partner.

So they brought out in front of the jury that she spelled her middle name Gene, G-E-N-E, in a masculine way. They kept accusing her of being the man in the relationship, that she wore the pants in the family. And again, this was just tapping into I think both the demonization of Black women as being hyper masculine and just also the critique of Black people as always being violent and masculine and prone to violence. And unfortunately, it worked. And using her gender nonconformity in this way, this racialized gender nonconformity, they were able to not only convict her, but she was executed in 2003. So there's a whole series of other cases that we learned about. And at the time, in addition to being an attorney representing Bernina Mata, I was working in a group known as Queer to the Left here in Chicago.

And so we started a death penalty campaign where we were trying to just focus on the queer and trans folks who were being accused of the death penalty because really no one else was. And at that time, we were trying to reach out to the mainstream national organizations, National Gay Lesbian Task Force, Human Rights Campaign, which was a joke because they have no stance against the death penalty, I don't know how you can call yourself a Human Rights Campaign if you can't take a stance against the death penalty, Lambda Legal, and others. And there had been some movements by some folks in these groups. For example, Lambda did come out against the death penalty, but no one was doing the actual work, the actual criminal defense campaigns.

And so that's when Queer to the Left started to do that. And we were then supportive of the clemency campaign here in Illinois that successfully got Governor Ryan to grant commutations to everyone's death penalty. And we had a contingent that was the queer and trans community supporting commutations and abolition of the death penalty here in 2003. But long story short, I then subsequently have done some writing on this, and that's when Andrea and Kay Whitlock reached out to me and asked me if I would contribute to this book because I had a particular set of knowledge about how people's gender identity and sexual orientation was being used against them in their criminal cases.

### **Monica Trinidad:**

I want to get to talking more about Queer to the Left a little bit later, but I want you to first walk us through this book a little bit, just talk about what does it cover and then also what do you think it's missing?

### **Joey Mogul:**

Well, what does it cover? I mean, I want to say I had the great honor of working with the two really brilliant and revolutionary writers and thinkers and activists, Andrea Ritchie and Kay Whitlock. So I learned an enormous amount working on this book. It really starts off at the beginning with the colonization of the United States and the European colonizers coming in and enforcing these laws against

homosexuality, although we didn't call it then because that wasn't a concept pre 19th century. And also enforcing the gender binary, relying a lot on Andrea Smith's book and work in *Conquest*. But really talking about how that was used as justifications for dehumanizing Native Americans and degrading them and using it as a justification for calling them savages and taking away their land and committing and justifying the genocide. And also how that enforcement of these morays around sexual orientation and the gender binary, again, were used to justify slavery as well.

And I think that I did not contribute to the history chapter. I think it's a profound history chapter that Kay and Andrea worked on together and I love, but I think that often people may have some little understanding about racism and how that played in terms of the genocide of Native Americans and the enslavement of people of African descent, but we do not realize how much that had to do with patriarchy and heteronormativity. So that's where the book starts. We then the thread throughout the book really kind of describes what we call these criminal archetypes, these criminalizing archetypes that continue to this day. They're racialized notions that get stuck to people who are or perceived to be queer or gender-nonconforming. And I'm trying to remember what all those archetypes were, but we call them the deceptive gender bender. This idea that if your gender expression does not match the gender you're assigned at birth, that somehow you're inherently deceptive, and therefore you're prone to always engage in sort of acts of deception that are criminalized.

The sexually degraded predator. This idea that queer and trans folks are just inherently sexual and abusive and therefore prone to acts of rape or sexual molestation, and how that's been used to criminalize queers and trans people. The disease spreader. Again, this label that gets attached to folks that we saw very prevalent with respect to HIV and AIDS. And so then we just walk through how these archetypes get played out by police officers and law enforcement officials, being used to profile queer and trans folks. But let's be clear, it's not all queer and trans folks. It's always queer and trans folks of color that this particularly gets played out on. And so we talk about it in terms of the policing context. We talk about how these get mobilized and play out in the court cases. We talk about how these archetypes are used in prison to segregate people, put them in solitary confinement, extend their sentences, and how it makes them subject to both abuse and targeting for violence by other people in prison as well as prison wardens and guards, et cetera.

And we then also discuss hate crime laws. And specifically, I think it's important to note, we come out against hate crime laws. We are opposed to hate crime laws. They have done nothing, I think, to protect people and make them any safer from hate violence. And again, this was a big issue because most of the mainstream queer LGBT folks are supportive of hate crimes, and we come out against that. And then finally, I think we try to start talking about the queer and trans folks who were doing stuff around the criminal legal system. As to what we could have done differently, I think that one we didn't mention Black and Pink in the book, which we didn't know about Black and Pink's existence and learned about it at the end of the book, so we would've included that.

I just also want to say I think we would've been more abolitionist, and that was my problem. I think I held the authors back a little bit because at that time I was focused on working on trying to prosecute the officers in the Burge torture cases. And I felt it was inconsistent and hypocritical to say I was an abolitionist if I was still seeking their prosecution. I've now changed and this book definitely has radicalized me in that. And I guess last thing is this has been a critique, which I think is some ways fair, but it's complicated is people saying that they wish that we included maybe more voices to some of the folks who were criminalized.

And I think we did do so, but I think it would be worth a more conversation about how difficult it is for people who are criminalized, and particularly in the criminal legal system, to speak out on their behalf. Because as we know, anything they say can and will be used against them. And so I guess I just wish that maybe we had included more of a complicated conversation about that, because we can't just pretend like, oh, well, let's just quote the person directly impacted. That's a very complicated issue.

**Page May:**

Yeah. And I remember as you were going over this overview, I still to this day, when I think of this book, I remember that first chapter and learning that the first prisons in America or on the colonized project of America were locking up, but also just brutally murdering indigenous people who were seen in some way as their gender or their sexuality was deemed as wrong. And that really stuck with me. But then also these archetypes, I remember going and seeing, I think it was a Harry Potter movie came out or something, and what's her name? She's queered in the movie and only in the moments where she's... Bellatrix LeStrange. And she's lying on top of Hermione at one point.

And just starting to see it, you talk through how it plays out in the courts, but you really see this all over the ways that people's gender and sexuality are deployed as a marker of deviancy and that you can just never trust these folks. And I remember there was one story in here of a woman who I think was Mexican immigrant and how she was deported, how it affects even ICE and our "homeland security". And there's the part around the hate crimes of I think it's in this book. You talk about how lynching laws now are most likely used against Black people now, which is just, what? Were there other main takeaways, things that you really hoped that people would walk away thinking about or having learned as a result of reading this book?

**Joey Mogul:**

Well, I guess I feel like the main takeaway is I think post Lawrence versus Texas, which is the decision in 2003 that said sodomy laws were illegal and unconstitutional. And now I guess even with the granting of marriage rights, I think that there's this concept that the criminal legal system doesn't affect queer and trans folks. And I think the main takeaway is no, it doesn't affect all queer and trans folks. Again, if you're white and you have white privilege, it's not going to affect you. But there are so many queer and trans folks of color who are getting run through their lives, decimated in the criminal legal system. And that this is an issue that the queer and trans movement and the mainstream LGBTQ movement needs to take up and it needs to deal with.

And there's a long history with queer and trans groups who have taken this on for decades, because it was an issue that affected everybody. But it's just typical that now that it doesn't affect white people, we don't see this on the mainstream agenda. And so we're now starting to see this a little bit because now post-marriage, they're all trying to scramble to figure out what to do and how to justify their existence. And there's been people like Andrea Ritchie and others who've been pushing these mainstream groups to take up these criminalized legal issues. And I think there's been profound work that's been done since that. But I think that was our main takeaway.

**Page May:**

And I know we want to talk about that work and how folks have been organizing. Can you talk a little bit more though about some of those specific laws that existed up until really recently, even here in Chicago, around cross-dressing and the kind of clothes that you had to wear, the sodomy laws? Can you just do a quick overview of that? I thought that was really interesting.

**Joey Mogul:**

So for years, and it didn't get abolished until the nineties, there were laws in states that said any same sex act was considered an act of sodomy. They differed, right? Sometimes it was just oral sex was named sodomy. For example, in Georgia, it was supposed to be any sexual act that was oral or anal sex was considered sodomy. However, what happened was in the eighties when Mr. Hardwick, he was basically having sex, I think a blowjob, in his own private room when a police officer stormed in, broke down his door, and then arrested him for an act of sodomy. So then when he went and he was convicted, and then

he challenged his conviction in court saying, "This is unconstitutional." And they brought in that anyone who engaged in oral or anal sex was committing an act of sodomy.

The Supreme Court then decided to say that the heterosexual folks who were challenging the law didn't have standing to do so, and then proceeded to write this decision in 1986, basically saying that any same sex acts committed by people who were deemed homosexual were against the law. And then wrote really one of the most heinous, ugly opinions, talking about how Judeo-Christian values have always said that this is crime against nature and saying that this is abhorrent to any civilized society.

And that decision was, I think, quite a moment in history because that I think really helped spark the ACT UP movement in a lot of ways be, and I think that one of the beautiful things about ACT UP was that not only was it about saying we love our queer and trans brothers and sisters, but it was also like, no, we're pro-sex, okay, and we are going to fight for our right to sex. And definitely, I wish that that was still part of our queer movement. And I think that got lost in all these marriage battles. Let's remember, we're about the right to self-determination and that's about the right to have whatever kind of sex we want. So I think ACT UP, there were huge demonstrations in response to that decision. And I think that that really catapulted ACT UP in 1986 and 1987.

#### **Monica Trinidad:**

Damn. And let's talk about that chapter a little bit. You talked about it in the Ghosts of Stonewall. I mean, we're in the midst of Pride season right now, and there have been many disruptions of Pride so far this year. The most recent one being in Columbus Pride in Ohio. I don't know if you got a chance to hear about that, but for young... And so, okay, first to start out, No Justice No Pride happened in DC a couple of weeks ago. It's this coalition effort that disrupted Capital Pride, and they had three interruptions of the parade. One was in front of the police float, another one was in front of the Wells Fargo float, and another one was in front of the Lockheed Martin float. And they disrupted the parade and they are getting a lot of crap for it. So then young folks, young queer and trans folks of color in Columbus did the same thing the day after Philando Castile's, the officer that murdered him was acquitted.

They disrupted that parade too, and they were assaulted, beaten, maced. And one person who was the only young Black trans person was charged with a felony for assault battery. So there's a lot of support... And so for folks listening, if you want to check out the #BlackPride4 and donate to this person's legal defense fund, that's really important right now. They're facing this huge felony now for making their voices heard within the LGBTQ community and talking about how dangerous it is to have police in Pride. And so in this chapter, you're talking a little bit about the policing of sex and how police are the first point of contact to the criminal justice system. And so if you could just talk a little bit about, I know you mentioned Queer to the Left, you mentioned ACT UP. Can you just talk a little bit about that chapter and what were you talking about in terms of policing and police in general and Pride?

#### **Joey Mogul:**

Well, let me also just say back to the question. Back in the 1800's, there were also specific cross-dressing laws that said that if you weren't wearing three articles of clothing that were to match your gender assigned at birth, that you were then guilty of cross-dressing. And for years, people were targeted for those violations. And we had that cross-dressing law here in Illinois up until 1960s. In fact, I just want to share a quick anecdote, but there was a great lawyer, her name was Renee Hanover, a lesbian lawyer who got kicked out of law school for being a lesbian, but eventually became a lawyer. And she challenged the cross-dressing law. She represented three women who were M to F, and at the time people would call them cross dressers or drag queens. I don't know how they themselves would identify. But when she was representing them in court on the cross-dressing law, she basically looked at the judge and she said to the

judge, "Judge, I'm here in this suit. I could be violating the cross-dressing law. You're wearing a big black dress."

And that was part of her argument that eventually succeeded in striking down the cross-dressing laws. So power to Renee Hanover. But those laws were really dangerous. And then if states didn't have cross-dressing laws per se, they had vagrancy laws. And those vagrancy laws also included this concept of having to be wearing gender conforming clothes, which I think really gets at this concept that Andrea Ritchie talks about so eloquently about how this idea that if you're gender-nonconforming or you're not heterosexual, that you're somehow disorderly. And particularly on the gender binary, it's like people can't understand if you're male or female and if you don't fit into one of those binaries that you're somehow then a product of disorder and that you are going to spread disorder. And that is so much what policing has been about of trying to so-called stamp down on disorder.

And so we discuss in the book about how those laws were used and how the police have the discretion when to enforce those laws, and again, how those laws have been and continue to this day be used to target queer and trans people of color. And so now what we have is, for example, public lewdness laws or loitering for the purpose of solicitation and how basically there are these criminal archetypes frame queer and trans folks of color as being engaged in sex work, whether in fact they are or not, and how that has been used to target an arrest, particularly Black transgender women, from hailing a cab walking home from the grocery store or singly just walking down the street. That's why we have the saying now, walking while trans, is because it's just this daily systemic criminalization of Black transgender women as being engaged in sex workers, which we derive from this history of demonizing and criminalizing any gender-nonconforming.

#### **Page May:**

And then can you talk about the chapter, Cajun Deviance, and if you can connect it to the work that Black and Pink is doing, I think that would be really interesting.

#### **Joey Mogul:**

Well, again, I think that years ago and to this day, there are still so many queer and trans folks who are in prison based on their gender identity or sexual orientation. And that could be for numerous reasons. It could be literally that was used against them to criminalize them and or that they are engaging in "crimes" of survival, so to speak. And I'll say "crimes" in quotes, whether it's involved in various street economies. And that because of so much discrimination, they face results in them landing in prison. And while in prison the types of abuse and harassment and violence they face is just off the charts. And they are targeted by other prisoners because prisons are these hyper masculine spaces. And prisons also are just like the total embodiment of the gender binary. You're either a male or a female and you have to fit in one box or the other.

And if you don't, they don't know how to deal with you. And so that's why we often see that anyone who's gender-nonconforming, trans or non-trans, are placed in solitary confinement because they have no idea where to place you otherwise. You're supposed to wear men's clothes or women's clothes, and we've found instances where people who are gender-nonconforming have been denied their gender-affirming clothes or makeup or other issues that prevent them from being able to express their own gender identity. And that's not trivial, that's huge. We've also just seen cases that we discuss in the book where the prisons want to punish people for their gender nonconformity. So for example, there are instances where butch lesbians have been forced to wear dresses in prison even though the other women in prison aren't having wear dresses.

But they just want to make sure that they enforce that gender binary and punish that lesbian who's gender nonconformity. And we also just discuss how sex is the coin of the realm in prison and how sexual

violence is a way that's being used to absolutely punish queer and trans folks and gender-nonconforming folks in prison and punish them for their so-called deviance. And that's used by not just other prisoners, but it's used by guards and that it's particularly violent. And so Black and Pink is this amazing organization that does work to support queer and trans folks who are incarcerated. And that is particularly important because there are some queer and trans folks who, because of their sexual orientation or gender identity, may be isolated from families or different support networks. And so therefore they're isolated in prison and they don't get any correspondence, they don't get any visits.

And as Black and Pink, and Jason Lydon in particular does an amazing job of explaining that when you're isolated, that's how you can be subject to abuse. And if the prison does not know that you have any support on the outside and no one knows you're in there, then they can get away with doing anything to you. And so Black and Pink and setting up pen pals and having people right to prisoners is a huge important task that we can all do in support of individuals and in abolition because once the prison wardens and the prison guards realize that there are people who are supporting them on the outside, and it can just go from reading the mail call and recognizing that this person's getting a piece of mail, they have to think twice about whether they're going to target and punish that person because there's a support network on the outside. So Black and Pink is an incredible organization that does incredible abolitionist work, and I hope every listener joins and supports Black and Pink.

**Page May:**

It's making me think about this concept of intersectionality. And that if we only look at policing in prisons as racial control and we don't think about gender and sexuality, we miss one of the main functions of what these things are doing, which is really about creating these rigid laws around gender binaries and rules around what is normative in terms of our sexuality, and then punishing people who cross that. And so do you then think that to be an abolitionist, someone who believes in a world without police and prisons, is it fair to say that that has to think through gender and sexuality and expand our concept of gender and sexuality?

**Joey Mogul:**

Absolutely, and you summed it up best. And one thing, our book was published in 2011 and we didn't get a chance to capture all of the amazing work in the Black Lives Matter movement that's being done by Assata's Daughters, BYP100, and others, to really recognize that if we are going to deal with mass incarceration, the prison industrial complex and be truly abolitionists, that must mean that we include attacking these heteronormative, patriarchal institutions that are inherently racialized and that we have to deconstruct the gender binary.

**Monica Trinidad:**

Why should an organizer read this book? Just an activist or even anybody, just a community member, why should somebody read this book? And even if one chapter out of this book, what chapter would it be?

**Joey Mogul:**

I think it's important for people to read the book because I do think that in terms of conversations around mass incarceration, we don't discuss the sexualized and the gender deviance that goes on by police and in prisons, and we therefore are not truly capturing all the individuals who are targeted and whose lives are being decimated by the criminal legal system. So I feel like that needs to be included in this conversation. I love *The New Jim Crow* by Michelle Alexander, and I think it does a great job of breaking things down, but it does not include this conversation. When Andrea Ritchie's having a book coming out soon, *Invisible No More: Law Enforcement Violence Against Black Women and Other Women of Color*. I think that's



essential reading. I would say that if anyone was to read this book, particularly activists, I would read chapter three, which was the Stonewall chapter on police violence.

I think that is really a crucial book that really gets at the heart of what we're discussing, and I think the way that we need to think about approaching police violence and why we need to be abolitionists. But let me just circle back a little bit onto the Pride issue as well. For years, there have been groups that have challenged Pride or have used Pride as a moment to raise very important political issues. ACT UP for years would storm the Pride parades and would do die-ins throughout the Pride parades where people... That was my first time ever protesting at a Pride March was in San Francisco in 1991, being part of an active chapter where we literally just would lay down for five minutes or 10 minutes at a time and people would shock our bodies and leave those chalk stains, so to speak, so that everyone could see the impact that HIV and AIDS was having on the queer and trans community.

And that was a really amazing experience. Eventually when I came to Chicago and part of Queer to the Left, here we were queer and trans folks and we were like, okay, what are we going to do around Pride? And don't get me wrong, I love parties. I do, and I think it's important to party, but what Pride has become, this was supposed to be a protest march, and that is not what it's come. It's become so deep politicized whatsoever. So I love these recent actions that you just named, Monica, that people are doing, and I think they're super important. And for people who are attacking them, they don't know the history of what Pride is. It started as a protest. So do we have time for me to just share a few?

**Page May:**

Oh, absolutely.

**Monica Trinidad:**

Also, were you in Chicago in '92? Because I recently did a timeline of disruptions across the country of Pride, and the first one that I had covered was ACT UP Chicago disrupting pride in '92. And they were amplifying just like the crisis around HIV AIDS. And they were also dismissing and calling out the fact that the chief of police in Chicago had led the Pride March, and so they shut it down and disrupted it. So I was just wondering if you were at that one.

**Joey Mogul:**

I wasn't at that one. I mean, I do want to note that ACT UP Chicago did amazing amounts of protesting, including challenging Cook County Hospital because there were no beds for women who had HIV or AIDS, and that was particularly affecting women of color here in Chicago. And they did this enormous protest where they shut down the streets and shut down access basically to the Cook County Hospital until they got beds for women. And I think it's important that that get included because so many people think all of ACT UP was just focused on white gay men. And that was not true, particularly here in Chicago. I wasn't at that protest, but I was at other ones. I mean, I don't know. Now, it's like a fait accompli, but those gay pylons that get put on in Boystown, we were not happy with because it kind of disnify the entire Boystown.

And we were also as Queer to the Left really just angry at how commercialized Pride had become. And everything was a coupon to get a drink here or to buy something there. And so one year, we came up with our own set of coupons to pass out. It was get out of jail free coupon or free lawyer for your custody battle for your children coupon. And we then created these big pink dollar signs that we went early in the morning and hung up on the gay pylons to identify the evils of gay capital. I don't think that really worked, honestly, as I think people thought, oh, great gay dollars.

But we then had a puppet that we dressed up in Gap clothing and put an HRC hat on, and we're just railing against HRC at that time, the Human Rights Campaign. Another time in 2003, many people in

Queer to the Left were also involved in the struggle for justice for the Burge torture survivors. And again, I'd say it's within the last 20, 30 years that we've seen politicians take over Pride and they're always the leaders of the contingents and you have to suffer through watching all the politicians before you can even get to all the dance, music, and stuff. And Dick Devine, who was then our Cook County state's attorney, was in the parade. And Dick Devine was someone who not only failed to stop the torture as a former state's attorney, but he left the state's attorney's office and he went into private practice.

And while in private practice, he represented Jon Burge and two of the other police officers and defended Burge against Andrew Wilson's civil rights lawsuit. So he was paid money by the city of Chicago to defend Jon Burge in this case claiming that Burge and others tortured Andrew Wilson. Dick Devine then was elected to be our Cook County state's attorney. And at that time, this was in the 1996, he then fought and resisted any of the torture survivors on Illinois's death row who had organized themselves, called themselves the Death Row Ten from getting any post-conviction relief, getting any hearings or try to get their convictions and death sentences overturned.

Dick Devine refused to admit that there was this racist systemic pattern and practice of torture by these white detectives, including Burge. So Queer to the Left, we were just so frustrated and we were like, okay, we've had it with Dick Devine being in this parade, he doesn't belong here. And so we teamed up with this group known as the Chicago Anti Bashing Network, which is now the Gay Liberation Front with Andy Thayer. And at that time, that group was protesting the fact that Dick Devine wasn't prosecuting cops who had killed gay individuals. That wasn't our shtick, that was his shtick. But we teamed up, and what we did was right before the parade started off, we jumped in front of Dick Devine's contingent, and we held signs saying, "This dick is not so divine."

And we then proceeded to march in front of him the entire way, passing out literature, shame, shame, telling people he shouldn't be in our march, he should be voted out of office. And at that point, a lot of people started to boo and hiss at his contingent. And there are some people who drink a little too much at Pride. So they were just like shame. He ended up leaving the parade and his contingent never came back to the Pride Parade again.

**Monica Trinidad:**

Yes, disruption works.

**Joey Mogul:**

But other times too, this idea that this shouldn't be disrupt. It's so outrageous. Who are these people? Pride was a protest. Stonewall was-

**Monica Trinidad:**

I'll tell you who these people are, they're gay cis white men. That's who they are. And that's the thing, I've been seeing lots of these conversations online. I'm on social media like 24 hours a day, I don't sleep. And a lot of them are saying, "Oh yeah, we know the way Stonewall started," but that doesn't mean that there aren't gay police. That doesn't mean that we can't include... What about gay people that have jobs with Wells Fargo? Yeah, it's just like this identity crap, right? So how would you argue against that?

**Joey Mogul:**

Well, okay, so the Wells Fargo now has gay people, and therefore we can't protest Wells Fargo for funding the Dakota Access Pipeline. And therefore, it's okay for them to decimate Native American burial grounds and to poison and pollute huge populations of Native American people because they have gay

people. Woohoo. That's ridiculous. That's an outrageous argument. I just don't know how more stupid and single-minded and ignorant you can be.

**Monica Trinidad:**

I've always wanted to say that.

**Joey Mogul:**

There are so many ways to celebrate gay people, gay pride, queer pride, trans pride, but God forbid we ruin your party that, no, sorry, I can't hear that. I think that it's a place of protest. There used to be a chant, Stonewall was a riot. Come on, let's try it. And I just feel like this is a moment for us, and people have always used pride as a way to educate other members of the queer and trans community for years. Sometimes we can be playful, sometimes we can be fun. Years ago, Queer to the Left did a lot of work on housing and gentrification here in Uptown. And there was this particular movement where we were having white people who could no longer afford to live in Boystown coming into Uptown and gentrifying this neighborhood and really targeting Black and brown folks of color and saying they were homophobic, and then trying to use the cap system to try to cleanse the community of people of color.

And Queer to the Left worked with this group called Courage to really focus on getting affordable housing at the Wilson Yards. And so housing was our issue, and we were talking about how housing is a queer issue. We called it a gay issue at that point. And we were talking about the importance of having affordable housing. And so one year, we dressed up and we used a Wizard of Oz theme because gay people love Wizard of Oz, don't touch Judy Garland, okay? But we dressed up and talk, you said no place like home. And we used it as an opportunity to pass things out and talk about the right to housing and how that's a fundamental right, and that's something that queer and trans communities should think about. And same with the mainstream gay rights organization. Post 9/11, we had this issue with just the draconian, racist, oppressive laws coming out of the Bush administration, demonizing all Arab and Muslim people, detaining people, locking people up, deporting them, decimating their lives.

And so we, as a contingent... So back in the day right after 9/11, there were actually these cards that were made, they were called wanted cards where they were saying they wanted Osama bin Laden and other individuals who they accused were a part of Al-Qaeda and the rest, and so Queer to the Left. In response, we came up with a set of a deck of cards, these big billboard kind of walking. We were walking billboards and we called them the not wanted cards.

And so we put George Bush on there, we put Anton Scalia who had just descended in the Lawrence versus Texas decision who was decrying the homosexual agenda. We put on a bunch of these Republican administrators and we walked around using an Alice in Wonderland theme saying we should deck this administration out. We should deck these policies out. So we use that again as an opportunity. Did we stop the parade? Did we halt the parade? Yeah, often we would do die-ins or stop it and make people wait. We just would also go through the entire parade so that we could meet the entire contingent. But this idea that this is not a place of protest, they don't own this parade. Sorry.

**Monica Trinidad:**

So this disruption is not a new thing then. This is not just in the last couple of years. What was the backlash like? What did you all experience in Queer to the Left from the LGBTQ community?

**Joey Mogul:**

I mean, sometimes there were people who were negative, but there are a lot of times people were positive or just people were clueless. I mean, the only thing I can say is sometimes it's not the best time to do it

because people are partying and so they're not maybe completely registering what you're discussing. But I think that it was mixed. I mean, let me say this. When we did the protest against Dick Devine, I think it was wildly successful, but we got incredible backlash. And in fact, one of the workers for Dick Devine accused us of being the racist when Dr. King came in Marquette Park and because-

**Page May:**

How? [laughs]

**Joey Mogul:**

Well, this was a Black lesbian who was working for Dick Devine, and she said that people were very hostile to her and were spitting on her and other things, but it was such an ugly, unfair comparison just to try to de-legitimize us.

And I then spoke with her and I was like, "Please tell me who did this." There was a group, Women's Action Coalition, who actually did protests at Pride where they lined up women to go along the parade route because there's also a history of women being sexually harassed and agled and grabbed by people throughout the parade route. So we, as Queer to the Left, were part of these women action coalitions as well, saying we were protesting any form of violence that was going on at Pride as well. And so this idea that somehow we were participating in this racist violence, that's bullshit. We were protesting racist violence. And so it was such a hypocritical and unfair attack on us on that. But I guess I would just say, how do we deal with it? I think we just continue to do it. And will we be unpopular?

Sure, of course we're going to be unpopular, but I think it's our right to take up the space and do it. I mean, I attended the BlackOut Pride that you all did two years ago, and that was an amazingly powerful event. And I think that from there, I was just an observer. I think most people understood what you were saying and what you were doing. And you guys not only were protesting the violence and the anti-Black racism that was going on in the queer and trans community, but you read off a set of demands to people of what not just being like, this is what we're against, but this is what we want.

And I thought that was really beautiful. And I think most people in the crowd really supported you. And most of the people were like, okay, let's take a few moments. Let's hear what they have to say. I think people welcome the political content. I think people want to know what's going on, and I think people want to think in different ways. And for those haters who are like, "Move on, we want to see the Jewel cart that goes through the parade."

Well, there is. There's this big shopping cart that Jewel does every year to run through the parade.

**Page May:**

Wow. I didn't know that.

**Monica Trinidad:**

I didn't either.

**Page May:**

We missed it.

**Joey Mogul:**

I mean, they want to get to their party. You can wait five minutes, you can wait 10 minutes. Your impatience is not my problem.

**Page May:**

It's also worth noting that the people who pick up Pride, if you stay after, folks who are incarcerated, come through and clean up, which is so bogus.

**Joey Mogul:**

But it's also for this reason, let me just say too, and I think the lack of politics and just also like the racism, I mean, this is why we have a completely separate set of Pride events here in Chicago. There's Black Pride that used to happen at the Belmont Rocks, and now it's over on Montrose Beach because let's just be clear, Pride is not a welcoming space for everybody, and particularly for queer and trans folks of color, it is not. And that's why there have been and probably will continue to be separate Pride events so that people can feel comfortable being who they are. And so then again, I challenge these folks, what are you doing to make Pride accessible? What are you doing to make it a space for everyone? And I think that's a lack of politics and it's also a lack of dealing with racism and pride.

**Page May:**

So I think that we are at time. So if you would share a favorite quote or passage from this book to end us out with, and we'll end with music.

**Monica Trinidad:**

You're going to sing something?

**Page May:**

Yeah, show tune stuff.

**Joey Mogul:**

Okay. I'm not going to do that. So that you continue to have listeners come back to your show. Well, I'm going to read two quotes, if that's okay, that Andrea helped pick out from the book. One is talking about the state of where the movement has been. I wouldn't even call it a movement. I don't think it's improper to call the gay mainstream a movement. They're a gay mainstream of not-for-profits, and I think that's very different. Yet as LGBT movements have institutionalized visions of queer liberation have been tamed into a narrow rhetoric of equality within existing systems rather than challenges to the systemic violence and oppression they produce. As Urvashi Vaid, a former national gay and lesbian task force director acknowledges, "The goal of winning mainstream tolerance differs from the goal of winning liberation or changing social institutions in lasting long-term ways."

Within this frame, anyone who's perceived as "non-respectable" enough is seen to be undermining LGBT access to power, and therefore expandable. Ruthann Robson puts it bluntly, "LGBT rights agendas are premised on an understanding that distance from criminality is a necessary condition of equality." And Ruthann Robson is an amazing lesbian legal theorist who's done a lot of work on the criminalize of queer and LGBT folks. I think what we're trying to say is we need to deal with the criminalized folks in our communities and that's folks of color. And we are also trying to say we need to dismantle and deconstruct the entire set of criminality that is used against all folks regardless of their gender or sexual orientation or their gender identity. And so then I'll conclude with something from our last chapter.

If we truly do deal with these heteronormative notions in our criminal legal system, what we hope to do is advance visions of justice that involve diverting resources from war, prison construction, the revolving door criminal legal system, and the increasingly militarized police forces towards education, drug treatment, employment programs, community centers, and other initiatives that will strengthen

communities and produce safety for all. A growing number of them envision and work toward abolition of prisons and police as we currently know them. The challenge is not only to tackle the punishment of sexual and gender deviance through the criminal legal system, but also to call into question and challenge the multiple and interlocking systems of inequality that remain, even as formal forms of discrimination begin to fall. We must build and work towards a vision of communities where all LGBT people are free from violence and responsible to each other and to the broader communities of which we are part. This is the future of a truly progressive queer movement.

**Page May:**

Thanks so much for listening to another episode of The Lit Review, a podcast where we interview people we love and respect about books for the movement.

**Monica Trinidad:**

We are your co-hosts, Monica Trinidad.

**Page May:**

And Page May.

**Monica Trinidad:**

Two Chicago based organizers.

**Page May:**

Special shout-out to The Lit Review's very own sponsor, the Arcus Center for Social Justice Leadership out of Kalamazoo College.

**Monica Trinidad:**

Keep your eyes and ears open for another episode next Monday, same time, same place.

**Page May:**

Want to hear about a specific book? Email us at [thelitreviewchicago@gmail.com](mailto:thelitreviewchicago@gmail.com) or find us on Facebook.

**Monica Trinidad:**

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