

INTRODUCTION

I. WEDNESDAY MORNING

On February 12, 2008, Larry King was shot by Brandon McInerney, a fellow student at E. O. Green Junior High School in Oxnard, California. Brandon shot Larry twice in the back of the head at point-blank range with a handgun, one of several kept in the family home. Larry died in the hospital the next day.

ASSISTANT DISTRICT ATTORNEY MAEVE FOX:

[Brandon's] father drove him to school the morning of [the shooting]?

DR. HOAGLAND, EXPERT WITNESS FOR THE DEFENSE: Yes.

FOX: And didn't he, was it was hard to get the gun with his father in the house and he was waiting for an opportunity to get the weapon?

HOAGLAND: Yes.

FOX: And they were hurrying and he almost forgot it and he had to go back into the house and get the gun?

HOAGLAND: Correct.

FOX: It was already loaded with six bullets?

HOAGLAND: Yes.

FOX: Did he recognize that the bullets were hollowpoints?

HOAGLAND: Well he just ran in quickly and grabbed it.

FOX: He almost forgot it?

HOAGLAND: Yes.

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FOX: And had to run back in and get it?

HOAGLAND: Yes.

FOX: Because he was going to shoot Larry King?

HOAGLAND: Yes. That was his consuming thought.

FOX: When he got to school, Anton G. asked if he had brought it and the defendant lied and said he had not?

HOAGLAND: Yes.

FOX: And he said English had started in another classroom?

HOAGLAND: Correct.

FOX: During that time he took that gun he had wrapped in a towel and moved it into the front pocket of his sweatshirt?

HOAGLAND: Yes.

FOX: He said his action was unseen because he sat near the back and because the gun was the size of his hand and he had it wrapped in a towel?

HOAGLAND: Correct.

FOX: And these were all things he did to prevent anyone else from seeing the gun?

HOAGLAND: Yes.

FOX: Wrapped it in a towel put in his backpack so his father [could not see]. He did not just walk out waving a gun and say "I'm going to shoot someone." He wrapped it in a towel and secreted it. In fact he told you that he thought of shooting Larry King in classroom 22 but "I could not bring myself to do it. I was never able to get to the point where I was."

HOAGLAND: Correct.¹

Assistant District Attorney Fox's line of questioning attempted to establish the fact that this killing was not done rashly, that it was not the result of a dispute or an argument,

not a decision that occurred in the heat of the moment. Brandon had been planning the killing, and telling people about his intentions, for days beforehand. He picked out the gun from several kept in the family home. He took pains that it not be seen, first hiding it from his father and later from his teachers and classmates at school. He waited, holding the gun in the front pocket of his hoodie, for twenty minutes. There was no sign that he was agitated, no sign that anything was wrong, until he stood up from his seat and fired one bullet, and then another, into the back of Larry's head.

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I first heard about this case, as many people did, from a cover story in *Newsweek* a few days after the shooting. That story, "Young, Gay and Murdered in Junior High: A Tale of Bullying, Sexual Identity, and the Limits of Tolerance," portrayed the killing as a phobic reaction to a gay crush gone bad. Larry had asked Brandon to be his valentine, the story went, and Brandon killed him in a homophobic rage. This narrative of the murder, one of a gay boy's unrequited love for a straight boy, has proven remarkably persistent in characterizations of this case, and when the case reemerges in the media it often appears around Valentine's Day, two days after the murder occurred, in op-ed pieces that argue the need for tolerance of all kinds of love. An off-Broadway play based on the case was titled, simply, *Valentine*, and imagined the two principals as young lovers and the murder as the consequence of romance that had soured. And Marta Cunningham's documentary about the case, which premiered on HBO in 2013, takes its name from the address of the cemetery where Larry King was buried, *Valentine Road*. As a synecdoche for this story, "valentine" appears to be too overdetermined a signifier to resist. In this book,

I will suggest that we *should* resist it—that we should try to see what gets covered over and rendered illegible when the case is described as a crush gone wrong, and will offer a different way of reading, and understanding, what happened in that classroom. It is not that I think we should be wary of the sentimentalizing connotations of the word “valentine,” though reading this as a love story with a bad ending achieves that work of sentimentalization quite neatly. The real danger in the valentine-ization of this story is that it uses a familiar narrative of sexual orientation to obscure and ultimately erase a less-familiar one about gender expression. This substitution, I will argue, was consequential in the subsequent murder trial.

I attended that murder trial, which commenced in June of 2011 and lasted for nearly two months. Over the course of that trial, it became clear to me that the story I had been primed to hear, a story about a gay child with a crush on a straight one who then killed him, was not in fact an accurate description of what had transpired. When the trial ended two months later, I became convinced that this was not a story about a gay child and a straight child. It slowly became clear to me that the story of the killing of “Larry King,” and the story of the prosecution of that killing, was not primarily about sexual orientation at all but was in fact about gender expression. As a result, the “limits of tolerance,” as the *Newsweek* cover story put it, should be understood in markedly different ways.

Much of what happened during this trial hinged on a confusion between gender identity and sexual orientation. The defense in this murder trial presented a challenge to Assembly Bill 1160, a California law banning “gay panic” defenses, in which an ostensibly straight man alleges he was led to attack or kill his gay victim because the victim subjected

him to a sexual advance that blinded him with revulsion and rage. In the trial, it became clear that Brandon's murderous rage toward Larry was being described as a defense, not of Brandon's person or body, but of the integrity of his sexual identity. The "gay panic" defense that Brandon's lawyers mounted, in defiance of AB 1160, showed no evidence of explicitly sexual aggression on Larry's part, but relied on a submerged logic in which no sexual provocation was required to provoke such a panic *because Larry's feminine gender was already a panic-inducing provocation*. What we see in this case, and in many instances of violence against gender-nonconforming and transpeople, is that violence justifies itself by characterizing non-normative gender as itself a violent act of aggression and reading the expression of gender identity *as itself a sexual act*.

Throughout this book, I am drawing a crisp distinction between gender identity and sexual orientation, for reasons which will I hope become clear. It is important to note, however, that this is not the only way to think about their relation. Philosopher Talia Bettcher, for instance, has recently proposed a theory of "erotic structuralism," that uses phenomenology—understood as describing the ways that our sexual experiences *feel like* something—to underscore the necessary enmeshment, if not co-constitution, of these categories.² This claim that in sexual relation self and other are necessarily gendered offers one way to see these categories as more blurred than we often do. At the same time, Bettcher is writing against some of the more transphobic conflations of gender and sexuality historically offered within the psychological literature. Her argument is complex and compelling, and gives us reason to pause before cordoning gender and sexuality into separate categories. My question here, however, does not inquire into how

we feel our gender and our sexuality, but rather asks how those things are read by others. In particular: What are the social, legal, and ethical consequences that result from conflating one with the other? One of the consequences in this case, I hope to demonstrate, was that gender expression was interpreted as a form of sexual aggression.

II. LATISHA

FOX: Once they got there [Brandon] sat where he was supposed to sit?

DR. HOAGLAND, PSYCHOLOGIST CALLED BY THE DEFENSE AS AN EXPERT WITNESS: Yes.

FOX: He didn't remember that Larry King was called into the office?

HOAGLAND: Yes.

FOX: Perhaps because of Larry's brief absence he was able to say "I feel nervous about it because I wasn't sure I wanted to do it."

HOAGLAND: Yes. He thought of no particular consequences.

FOX: He told you "I started to WORRY about the consequence."

HOAGLAND: He thought of no particular consequence but "I had a quick thought that it was not going to end up well" . . . He had that transient thought.

FOX: And he said his contemplation ended when he heard a girl named Jackie say "I heard you changed your name" and he said "I changed it to Latisha" and he said he snapped and he shot her. You said "What was so disturbing about that name change?" and he said "It was so shocking and disgusting that he would do that."

HOAGLAND: Yes.

At the time of the shooting, Latisha was fifteen years old. Brandon had turned fourteen three weeks before. Some days prior Brandon had tried unsuccessfully to enlist friends to “jump” and “shank” her. This, he explained, was because he felt “disrespected” by an incident that had occurred in the hallway some days before. As chapter 1 will relate, it was alleged that during the encounter, Latisha said something to Brandon, something that ended with the word “baby.” According to Brandon, it was the worst thing that anyone had ever said to him. This brief exchange in the hallway in between classes, according to Dr. Hoagland, was the “trigger incident” that set Brandon on the path to murder. And the name “Latisha” on a computer screen was, Brandon said, the final straw that led to the killing.

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Brandon was charged with first-degree murder. He was also charged with a hate crime. The hate crime charge asserted that Larry King was killed because he was gay. The court and the testimony used the terms “gay” and sometimes “queer” to describe him, as did the children at school. But even as they used the name “Larry,” to which Latisha answered, understood her to be a boy, and referred to her as gay, those categorical names referring to sexual orientation—“gay” and “queer”—very quickly gave way to descriptions of Larry’s gender presentation.

ASSISTANT DISTRICT ATTORNEY MAEVE FOX: How well did you know Larry King?

CLASSMATE ABIAM M.: Honestly I didn’t know him very well. I never spoke to him.

FOX: Is there a reason why you didn’t speak to him or you just didn’t?

- ABIAM: Well, honestly just because of the fact that, you know, he was gay, I didn't really speak to him, so—
- FOX: What was it about him that made you think he was gay?
- ABIAM: Um, the way he dressed, you know, just stuff like that.
- FOX: Anything about the way he acted?
- ABIAM: No. Well, 'cause I wasn't really around him when he was, you know—I never was around him enough to know how he acted.

Abiam confirms here that he was not friends with Lati-sha because “he was gay.” He marks his own frankness—“honestly,” twice—in naming homosexuality as the reason he never spoke to Latisha. But what he describes is not any action of Latisha’s; Abiam asserts that he was “never around him enough to know how he acted.” “Larry” was “gay” because of the way “he” dressed. That is, like a girl:

- Q: Do you know whether or not Larry King was at E. O. Green in sixth grade when you were in sixth grade?
- A: Mmm, I don't remember.
- Q: Do you know whether he was in seventh grade at E. O. Green when you were in seventh grade at E. O. Green?
- A: I believe he was actually eighth grade.
- Q: And then you know he was there in eighth grade.
- A: Yeah.
- Q: Did you observe any change in his manner of behavior or dress from the seventh grade through the eighth grade?
- A: Yeah. In the eighth grade he was wearing women's clothing, like heels and stuff like that.

Q: What else?

A: That's really—really that's all I remember is just him wearing heels, and I never really paid attention to what else he wore.

Q: Okay. Did you ever see him wear a dress?

A: I don't remember him wearing a dress. I remember him wearing the little—the Playboy bunny on—as a necklace. I remember that.

Q: If you saw him wearing a dress, would that be something that you would probably remember?

A: Yeah.

Q: How about makeup or anything like that?

A: Makeup, yeah, he wore makeup.

Q: Eye makeup?

A: Yeah.

Q: Did you ever see in your—in the two years that you remember Larry King being at E. O. Green, did you ever see him doing anything physically aggressive to any other students?

A: No. All I seen was—all I saw was him chasing somebody.³

III. NOT WHY, BUT HOW

There are many ways to tell this story, and many stories inside of it. One might tell it as a story about school shootings and gun violence. Or about the criminal justice system. Or the systemic violences of class inequality. Or gentrification. Foster care. Transracial adoption. Adolescent prosecution. Hate crimes law. White supremacy. Adolescent psychology. My colleague and friend Dr. Ken Corbett, whom I sat next to in the courtroom for the duration of the murder trial, describes many of these aspects

of the case in his book *A Murder over a Girl*, for which he interviewed dozens of the people involved. If you are interested in this story, and understanding the lives of the people involved in it, his book is essential reading.

The question that was asked after this killing, perhaps after any killing, by the people involved was: Why? Why did Brandon shoot his classmate? There could be many answers to that question. “Why” is not quite the question I will be trying to ask or answer in this book. What I will be asking in *The Life and Death of Latisha King* is *how*? Not the how of the murder; those facts are not in dispute. Brandon McInerney brought a gun to school, concealed in the pocket of his sweatshirt. He took a seat behind Latisha King and sat there quietly for twenty minutes, then he stood up and fired two shots into the back of Latisha’s head. The question of “how” becomes a question of what created the conditions of possibility for that shooting. I will be asking how that question of “why” is taken up and followed in the case and, in particular, how Latisha’s gender was understood in the context of the school, in the courtroom, and how the events in the courtroom framed the events of the shooting.

My book investigates how gender operated in this case. I will analyze how gender is read as a provocation, how the legal proceedings justified the act of murderous violence directed at Latisha King as defensive based on a reading of her gender as itself constituting an act, and an aggressive one. Queer or trans gender becomes a target of homophobic and transphobic aggression through first being read as itself constituting an act of aggression. I also want to read the modes of argumentation through which this recasting of violence came about, the ways in which the expressiveness of the bodies of the teachers and the lawyers and the

witnesses step in to take over the function of argumentation in those moments during the trial where language finds its limit. I claim that these bodily modes of expression that asserted themselves in the courtroom paradoxically became a visible supplement that was invisible to the official transcript and the legal record.

The first half of the book addresses these questions by turning to phenomenological analyses of walking, since walking played a surprisingly central role in the case. In chapters 1 and 2 I will read the ways in which Latisha King's walk was described and read. But I will also concentrate on the bodily movements of the participants of the trial. In this way, I want to proceed by way of a kind of methodological reversal. Whereas in the trial Latisha's body and bodily movements were subject to the greatest scrutiny, I attempt here to turn that gaze toward the gazers themselves, to take up the resources of phenomenology in order to subject the bodily movements of the onlookers to the same degree of scrutiny that Latisha received during the testimony.

In chapter 1, "Comportment" I take up the notion of bodily orientation. There I suggest that phenomenological description can help elucidate the embodied performance of non-normative genders such as Latisha's, and the transphobic and homophobic reactions to such gender performances evident in the trial. The shooting took place after a long campaign of harassment centered on her gender presentation and perceived sexual orientation, in which Latisha's classmates bullied her for dressing, sounding, and walking "like a fag" and "like a girl." The defense attorneys in the subsequent murder trial attempted to rebut the accusation of bullying by suggesting that Latisha was the perpetrator rather than the victim of

harassment. McInerney's lawyers claimed that it was Latisha's inappropriately gendered movement, her walking "like a girl," that constituted harassment of those around her. Drawing on Erwin Straus's "The Upright Posture," most familiar today as the foil against which Iris Marion Young launched her trenchant critique of phenomenology's gender biases in "Throwing like a Girl," I argue that a phenomenology of walking illuminates the ways in which Latisha's gender was read in the classroom. The chapter concludes by turning to phenomenological description to unpack the performance of gender in the courtroom itself, exploring how queer gender was mimetically enacted in and through the bodies of the attorneys during the trial and how the courtroom emerged as a second site of gender panic.

In chapter 2, "Movement," I lean into the phenomenological concept of motricity, or movement, to think about the ways in which bodily movement and sound worked in this case. Using Maurice Merleau-Ponty's theorizations of gesture, style, and bodily movement in his essay "Indirect Language and the Voices of Silence," I read witness descriptions of Latisha King, and also read the bodily movements of the lawyers, the witnesses, and the spectators in the courtroom during the trial. Merleau-Ponty's theorization of bodily movement as disclosive of gendered meaning helps us to interpret Latisha's walk and to understand the different ways in which gendered meaning was ascribed to that walk and to her. In this section of the book, I also examine the ways that bodily movement was expressive of meaning inside the courtroom itself. During the trial, in moments when the language around gender and sexuality became difficult or unspeakable, when language started to fail, embodied and wordless movement

took over the expressive function of the spoken word. At several points when the testimony started to veer into uncomfortable territory and discussion of Latisha's sexuality threatened to be explicit, the lawyers would shift registers and begin to advance their arguments in a way no written transcript could capture. By citationally acting out "queerness" with their own bodies, they summoned the dead Latisha King into the courtroom through mimetically acting out a parody of her imagined gestures and her walking. These episodes of pantomime and charade during the testimony show the ways in which gender and sexuality, despite their ubiquity, were often unspeakable during the trial.

Chapter 2 concludes by reading Latisha's racial identity, and the performance and erasure of race in the case, by turning to another King case, the beating of black motorist Rodney King in 1991, to explore how attributions of aggression worked there and exemplified the ways in which violence becomes projected onto vulnerable subjects in order to justify the violence used against them as defensive, rather than punitive or retaliatory. The first part of the book ends with a coda reading another final turn of aggression, considering the suicides of queer and trans youth alongside Freud's assessment of suicide as a "murder of the self."

The second half of the book also reads the body, but the body understood more broadly, inclusive of the social body of the school in which the murder happened and of the bodies of objects used as physical evidence during the trial. In chapter 3, "Anonymity," I turn to the concept of anonymity in the work of phenomenologists Merleau-Ponty and Alfred Schütz and consider the role anonymity plays in several areas of phenomenological inquiry: other-

ness, common sense, and the social world. The concept of anonymity offers a helpful way to mediate between phenomenology understood as a transcendental project or an “eidetic science” in Husserl’s words and phenomenology as the study of the perspectival situatedness of, and local practices in, the social world. Recent feminist phenomenology has turned to anonymity in order to think about the function of gender in the social world, and I will suggest that anonymity understood in this sense can help elucidate the events surrounding the murder. Specifically, I argue that Latisha was denied this form of anonymity, an anonymity that comprises the tissue which holds us into daily and mundane being-in-the-world with others, and that this denial had an effect that was both particularizing and dehumanizing.

The first three chapters explore the ways in which gender in this case was a gestural phenomenon. In the book’s final chapter, I look at those moments in the trial in which gender was conferred by objects and describe the ways in which gender functioned as what Merleau-Ponty calls an “*ultra-chose*,” a thing that can be observed but never fully comprehended. In both cases—gender as gesture and gender as object—gender is understood as something other than a property of bodies or persons. I will take up some of the objects that in Latisha’s life and in the murder trial came to mark and signify gender. In these moments when the gaze of the courtroom was focused on objects, not just described but brought out and physically handled in the courtroom, the defense lawyers were attempting to turn gender from an effect of gesture into a property of objects. I also try to think a bit about the ways in which gender itself became consolidated as an object during this trial, as neither an effect of gestures nor a property of objects, but

a thing in its own right, and a dangerous thing. Gender, I will argue, became weaponized.

Finally, I consider how responsibility was invoked in the aftermath of the trial. How is responsibility invoked when we talk about violence of this kind? During the trial, one teacher recalled her pronouncement that “if something wasn’t done soon,” there would be trouble with Larry. The ambiguity of that phrase, I claim, eloquently telegraphed the teacher’s own homophobia, her insistence that in order to protect Larry King from the threat of violence that was rising invisibly but palpably toward him, he needed to be protected not from Brandon McInerney, but from his own gender expression, from himself, from Latisha.

IV. CRITICAL PHENOMENOLOGY

For the matter of method, the how of dealing with the how, I draw on phenomenology to analyze each of these aspects of the case.⁴ Phenomenology is a philosophical tradition concerned with how the world gives itself to appearances, and the structures of consciousness through which we apprehend that givenness. It has its origins in the work of philosopher Edmund Husserl and developed through the twentieth century, particularly in France and Germany. “Phenomenology” does not name a unified school of thought, but designates a diverse number of thinkers in philosophy and the social sciences concerned with perception, the relation between human existence and meaning, and what Husserl named the “lifeworld” and its structures. Common to all phenomenology is careful attention to how the world is delivered to us through our perceptions. Phenomenology is also a method, committed to perpetual beginning as a way of apprehending

the world and our place in it. Phenomenologists note the ways in which habit and familiarity shape our understandings of what is real and true; phenomenological methods endeavor to approach our surroundings anew, shedding our sedimented interpretations so that we might apprehend the world and the things in it with greater clarity. Since it takes as its central concern how things appear in the world, phenomenology is particularly useful for understanding the Latisha King case in that it offers a way to understand the meanings that accrue around bodily movement. Phenomenology is uniquely valuable because it proceeds by attending, in a thorough and detailed way, to perception, to what and how we perceive.

First-person experience is the zero-point of phenomenology, to which it constantly and repeatedly returns. Its aim is to render explicit, through careful description, what had heretofore been implicit. Yet for many phenomenologists, the result of phenomenology's methodological reliance on first-person experience is not necessarily fortification of personhood, not the shoring-up of a sovereign subject. Despite its first-person vantage point, this phenomenology is advocating neither subjectivism nor solipsism. There is no perception without a subject, but there is no subject without a world. A subject only becomes so through her enmeshment within a world, and for phenomenologists such as Merleau-Ponty and Emmanuel Levinas, the project of phenomenology is an elucidation of the ties between self and world, an illumination of the mutual and necessary enmeshment of the two. For phenomenologists such as these, our world is always an intersubjective one, lived through *Mitsubjectivität*, to use Husserl's word. As Merleau-Ponty puts it in "In Praise of Philosophy": "Our relationship to the true passes through others. Either we

go towards the true with them, or it is not towards the true that we are going.”⁵

Recent work in phenomenology has focused on the intersubjective nature of the world and the relations of power through which that intersubjectivity forms, and much of this work has engaged issues of social justice, of racial inequality, of gender and sexuality, of incarceration. Lisa Guenther has termed this “critical phenomenology.” In her book *Solitary Confinement: Social Death and Its Afterlives*, Guenther examines incarceration and punishment using critical phenomenology, which she defines this way:

By critical phenomenology I mean a method that is rooted in first-person accounts of experience but also critical of classical phenomenology’s claim that the first person singular is absolutely prior to intersubjectivity and to the complex textures of social life. The critical edge of this approach emerges through an engagement with the work of Frantz Fanon, Maurice Merleau-Ponty, and Emmanuel Levinas. . . . I have sought to develop a method of critical phenomenology that both continues the phenomenological tradition of taking first-person experience as the starting point for philosophical reflection and also resists the tendency of phenomenologists to privilege transcendental *subjectivity* over transcendental *intersubjectivity*.⁶

We will revisit this tension in phenomenology between the personal and the transcendental in the chapters that follow. Critical phenomenology may answer to that name, or it may go by others. It might depart from classical phenomenology, or it might locate itself squarely inside phenomenology’s most traditional forms.⁷ For some phenomenologists, “phenomenology *is* critical philosophy.”⁸

Phenomenology, then, involves a particular way of describing what is, a way of mapping the terrain of what appears. In phenomenological inquiry, when we expose the dualisms of self and other, of subject and object, to the light of experience, the separation between them begins to dissolve. When we are able to suspend our traditional modes of philosophical thinking and allow ourselves to encounter situations, objects, and other people with perceptual openness, we lose ourselves in them, a losing that unravels our bounded sense of ourselves and illuminates our enmeshment with other things and other beings. Phenomenology is an invitation to awaken anew to the world, and in this it opens onto an ethics of perception and coexistence, as we shall see in chapter 4.

In the course of everyday life, we take the world as it is; we do not conjure and project another world beneath or behind the world as it appears. But when we submit our experiences of our daily life to reflection, we can see that this world is built up over time. We can understand that it is constituted by and appears as a result of certain conditions. We understand that the aspect of itself that the world presents to us is necessarily partial and incomplete, and dependent on our own orientation. And when our own orientation is something other than straight, the world that we inhabit is also different. Its horizons might be altered. Indeed, that experience of having one's horizons altered, of disorientation, is one of the queer things about phenomenology, as well as a hallmark of what Sara Ahmed has called "queer phenomenology." In her book by that name, she notes that in being oriented toward objects that are not heterosexual, and living through lines of kinship that are not straight, queer desire bring objects and others near to itself in ways "that might not have

otherwise been reachable within the body horizon of the social.”⁹

V. RACE UNDER ERASURE

If gender and sexuality were difficult to speak about in the courtroom, race was literally disallowed. The hate crime charge asserted that Latisha King was killed because she was gay. It was determined in a pretrial hearing that race played no part in the killing and therefore would not be part of trial. This is a parsing that is legally possible but phenomenologically nonsensical: neither the experience nor the perception of gender can be divorced from race. It was hatred that took the form of homophobia, rather than hatred stemming from racism, that was central during the trial, even though Brandon McInerney was white and Latisha King was biracial and identified as black. Several days of testimony were given over to proving that Brandon McInerney was a budding white supremacist, even as the prosecution was not able to argue that racial hatred was a motivating factor in the case. That is, the testimony about race in the courtroom centered on Brandon McInerney’s whiteness, not Latisha King’s blackness. In the parts of the transcript analyzed in this book, discussion of Latisha’s race is absent, as it was for almost all of the testimony about Brandon’s relationship to Latisha. This rendering invisible of the racial identity of the victim of violent hatred was, to use Toni Morrison’s words, an “act of enforcing racelessness,” which, she reminds us, “is itself a racial act.”¹⁰

During the trial, the presence of race and racial anxiety could often be read even through that absence; descriptions of Latisha as “aggressive” demonstrate a phobic rela-

tion to race as well as, and as intertwined with, gender and sexuality, an anxiety that Wallace Best has termed “the fear of black bodies in motion.”¹¹ Latisha was characterized as disruptive, as unruly. As Falguni Sheth teaches us, the unruly is a racialized category that can serve as a “lightening rod” to consolidate and alienate certain populations, to mark them as strange, as dangerous. She notes “the transformation of the unfamiliar into a sense of wrongdoing on the part of the ‘strange’ group itself—in modern parlance, a ‘blaming of the victim,’ so to speak.”¹²

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Latisha’s life, and her death, comes into clearer focus when read in the context of the lives, and the disproportional rates of death, of trans women of color in this country. We can recall the case of Tyra Hunter, who died after being refused medical treatment after a car accident in 1995 after first responders discovered that she was trans. Or Gwen Araujo, another trans teen of color murdered in Southern California in 2002. As C. Riley Snorton and Jin Haritaworn remind us in their discussion of the Tyra Hunter case in their essay “Trans Necropolitics,” “It is necessary to think specifically of transgender of color experiences as distinct from queer subjectivities.”¹³ Or as Latisha’s classmate Aliyah put it in the film *Valentine Road*: “I don’t think Larry is gay. He’s transgendered. It’s a big difference.” It is essential to ask: How do such misattributions happen, both in real-time and in the quite unreal-time of the courtroom? As we do this thinking, as we #SayTheirNames, we need to attend to the uniquely precarious social positioning of trans-of-color lives, and at the same time resist the cultural

impulse to ascribe fatality to these lives, to collect all trans-of-color lives under the sign of death.¹⁴

ASSISTANT DISTRICT ATTORNEY MAEVE FOX: At some point did Larry make a request of you that you call him by a certain name?

DAWN BOLDRIN: He did.

FOX: Do you remember that?

BOLDRIN: I do.

FOX: What did he ask you to—what did he want to be called?

BOLDRIN: Um, I believe it was Latisha.

FOX: What did you tell him in response to that?

BOLDRIN: Told him no. He would have to officially have his name changed before I'd do that.

In 2004, two years after Gwen Arajuo's murder, her mother petitioned the court to posthumously change her name, legally, from her male given name to Gwen Amber Rose Araujo. The petition was granted. Two years later, Gwen's name entered into the law a second time, in the form of California Assembly Bill 1160, the "Gwen Araujo Justice for Victims Act." This 2006 bill outlawed the use of either "gay panic" or "trans panic" defenses in criminal murder trials in the state of California. Five years later, defense attorneys Scott Wippert and Robyn Bramson used a "gay panic" strategy in their defense of Brandon MacInerney in the killing of Larry King despite such strategies being disallowed in California by the Gwen Araujo Act.

Larry King's friend Averi reported that Larry had tried out a few different names for what she called his "alter-egos" and had this to say about the genesis of her name.

“Everyone knew that Larry was part black. So it was like a generic kind of black name. You don’t mess with Latoya or Latonya. You don’t mess with her.” And Latisha, the variant she finally settled on, was not to be messed with either. Her coming out, her announcement of this name, was as much a racial as a gendered coming out, a claiming of a racial identity that was visible, if rarely named. Latisha, a black trans girl, was never named as such, was instead always named in court as Larry, a gay boy whose race was not speakable. Latisha’s name, like her life, was short-lived.

VI. A NOTE ON NAMES AND PRONOUNS

I have said that phenomenology proceeds by way of description, by taking careful account of what appears. One might ask: How can this be a phenomenology, when I never observed Latisha King? She only ever appeared in the courtroom in fragments, pathologized, misgendered, deracialized. My reading of Latisha’s gender as “girl” flies in the face of the official record. And my attention to her race is read for the most part through its legal omissions. The courtroom gave us a picture of Larry King, not Latisha King. Even in those moments when she did emerge in court, ghostly, conjured through photographs or descriptions or objects, there was much space and time between those images and Latisha as a living, breathing girl. How can one offer a phenomenology of what does not appear? I would respond that phenomenology does indeed insist that we read what appears, but this need not be reduced to positivism, or to restrict our thinking to only the realm of what is manifest. What appears is always conditioned and made possible by that which does not. The real is always circumscribed and realized through the imagined.

It is sometimes only through the work of imagining that we can hope to contest the hegemony of racist and transphobic logics and illogics. So my readings of Latisha, and in particular the ways in which she was gendered and racialized, are readings of absence as well as presence, imaginings that try to animate what is occluded and its relationship to what is manifest. Our reality cannot be disentangled from the racist and transphobic imaginaries that underlie it, and the work of resisting such imaginaries rely on that same work of imagining. In the words of David Marriott: “We can contest the dreamwork of racist culture in its verisimilitude, address and imagine another kind of *experience*, another kind of living present and future.”¹⁵

I have called her “Latisha,” because that is what she called herself. And that is what she asked several of her friends, her teachers, and the people at the youth shelter where she lived to call her. That she chose this name, and requested to be called by it at school and other places, is more significant to me than the fact that few were willing to comply. That many of them refused to do so does not, to my mind, alter the truth that “Latisha” was how she understood herself and wanted to be understood by others. I am also referring to her as transgender, which, if we follow Susan Stryker’s definition of that term in *Transgender History* as naming “any and all kinds of variation from gender norms and expectations” is incontrovertibly accurate.¹⁶

Nevertheless, there will be some inconsistency in my use of gendered names and pronouns throughout this book. As I argue, this story was misrepresented in the press as a gay story when it should more properly understood as a trans one, as many trans stories historically have been. In this way, the trans narrative is covered and

effaced by a narrative of homosexuality, a narrative that gained traction and proliferated in media coverage and legal prosecution of her death. In talking about Latisha and using feminine pronouns to describe her, I am hoping to reflect and retain the bid for a feminine identity that she was making by claiming the name Latisha, and I will also use feminine pronouns in order to represent this. But it is also important to see the effects that resulted when institutions, the school that policed her gender, and the court that adjudicated the killing, understood Larry King to be only a boy. In those places where I refer to Larry by that name or with male pronouns, my intention is to reflect most accurately how the court and school described “him” and to illuminate with clarity the homophobic and transphobic logics that dictated the ways in which “he” was treated. Representing the ways in which this social identity was seen, and sometimes lived, as “boy” is the only way to make clear the injustices that happened in the media, in the school, and in the court; conversely, using the female pronoun exclusively to refer to her would “correct the record” in a way that would obscure the injustice that Latisha received. So in those instances where I do use the male pronoun, I am attempting to describe with most precision exactly how Latisha’s gender was read and misread, and I have done my best to do this describing without replicating the violences done to her in the name of gender conformity.

Latisha’s declaration of her name and self-definition as a girl were not incidental to the killing. That declaration was, I will hope to show, the moment that sparked it. And her name lived on the computer screen for only a flickering few minutes before Brandon McInerney assured that the name, and the girl who wore it, would disappear.