



Article

Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance After 9/11

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Abstract

This article considers recent measures of U.S. state surveillance that may first appear unrelated to transgender people, to demonstrate that such policies are in fact deeply rooted in the maintenance and enforcement of normatively gendered bodies, behaviors and identities. The paper argues that surveillance of these bodies centers less on their identification as transgender *per se* than it does on the perceived deception underlying transgressive or non-normative gender presentation. Finally, the paper argues that the primary strategies and responses offered by transgender advocacy organizations tend to reconsolidate U.S. nationalism and support the increased policing of deviant bodies.

On September 4, 2003, shortly before the two-year anniversary of the attacks on the World Trade Center and Pentagon, the U.S. Department of Homeland Security released an official Advisory to security personnel. Citing ongoing concerns about potential attacks by Al-Qaeda operatives, the advisory's final paragraph emphasizes that terrorism is everywhere in disguise: "Terrorists will employ novel methods to artfully conceal suicide devices. Male bombers may dress as females in order to discourage scrutiny" (Department of Homeland Security 2003). Two years later, the Real ID Act was signed into law, proposing a major restructuring of identification documents and travel within and across U.S. borders. Central components of this process include a new national database linked through federally standardized driver's licenses, and stricter standards of proof for asylum applications. In response to both the Advisory and the Real ID Act, transgender activist and advocacy organizations in the U.S. quickly pointed to the ways trans populations would be targeted as suspicious and subjected to new levels of scrutiny.

Criticizing what they read as instances of transphobia or anti-trans discrimination, many of these organizations offer both transgender individuals and government agencies strategies for reducing or eliminating that discrimination. While attending to the very real dangers and damages experienced by many trans people in relation to government policies, in many cases the organizations' approaches leave intact the broader regulation of gender, particularly as it is mediated and enforced by the state. Moreover, they tend to address concerns about anti-trans discrimination in ways that are disconnected from questions of citizenship, racialization or nationalism. Nevertheless, by illuminating the ways that new security measures interact with and affect transgender-identified people and gender-nonconforming bodies, transgender activist practices and the field of transgender studies are poised to make a significant contribution to the ways state surveillance tactics are understood and interpreted. The monitoring of transgender and gender-nonconforming populations is inextricable from questions of national security and regulatory practices of the state, and state surveillance policies that may first appear unrelated to transgender people are in fact deeply rooted in the maintenance and enforcement of normatively gendered

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bodies, behaviors and identities. I argue here that transgender and gender-nonconforming bodies are bound up in surveillance practices that are intimately tied to state security, nationalism and the “us/them,” “either/or” rhetoric that underpins U.S. military and government constructions of safety. At the same time, the primary strategies and responses offered by transgender advocacy organizations tend to reconsolidate U.S. nationalism and support the increased policing of deviant bodies.

Normalizing Gender: Medico-Legal Surveillance

In many ways, transgender studies provides an ideal point of entry for thinking through state surveillance of gendered bodies. The field has frequently and primarily dealt with the topic of surveillance in terms of medical and psychiatric monitoring of trans people. The production of the category of “the transsexual” through western medical discourse can be clearly traced through sexologist Harry Benjamin’s Standards of Care for Gender Identity Disorders, the first version of which was published in 1979. The Standards, now in their sixth version, define the criteria by which healthcare professionals might measure their clients, in order to determine whether they are so-called “true transsexuals.” Clients fitting the profile can then be formally diagnosed with Gender Identity Disorder and allowed to proceed with medical transition in the form of hormones and/or surgeries. Central to this standardized definition of trans identity, however, is the expectation that trans people will, through the process of transition, eliminate all references to their birth gender and essentially disappear into a normatively gendered world, as if they had never been transgender to begin with.

Thus two major forms of surveillance operate relative to trans people in the medical and psychiatric institutions. The first is the monitoring of individuals in terms of their ability to conform to a particular medicalized understanding of transgender identity and performance.¹ But more salient to my argument is the second component, which is the notion that the primary purpose of medical transition is to rid oneself of any vestiges of non-normative gender: to withstand and evade any surveillance (whether visual, auditory, social, or legal) that would reveal one’s trans status. To blend. To pass. Medical science relies on a standardized, normative gender presentation, monitoring trans individuals’ ability to pass seamlessly as non-trans. Medical surveillance focuses first on individuals’ legibility *as* transgender, and then, following medical interventions, on their ability to *conceal* any trans status or gender deviance.

Yet medical science itself determines normative gender through a particular form of raced, classed and sexualized body. As Siobhan Somerville argues in *Queering the Color Line*, western medicine has consistently linked race, gender and sexuality such that the norm of white heterosexuality becomes a marker against which deviance is constructed. Scientific studies from the early 19th century on, Somerville demonstrates, helped to designate particular bodies – typically those that were racially or sexually mixed – as degenerative threats to western norms and security. To be classified as normatively gendered is also to adhere to norms of racial and economic privilege. Under this logic, marginalized gender identities can approximate the norm in part through clinging to ideals of whiteness and class status. Concealing gender deviance is about much more than simply erasing transgender status. It also necessitates altering one’s gender presentation to conform to white, middle class, able-bodied, heterosexual understandings of normative gendering.

The notion of “concealment” via medical intervention remains tied to legal gender as well, a link made clear by the fact that most states deny changes of gender on identity documents without proof of irreversible “sex reassignment surgery.” Attorney Dean Spade notes that U.S. law depends on medical evidence as proof of gender identity in almost every case involving trans people. Medical science is considered, in his words, “the cornerstone of the determination of [...] rights” (Spade 2003: 18).

¹ In “The Empire Strikes Back,” gender and technology studies scholar Sandy Stone argues that as medical science made available more information about the standards for determining the category of transsexual, individuals were more able to deliberately perform to these standards, to convince doctors of transsexual identities and personal histories in order to gain access to medical transition. In *Sex Changes*, Patrick Califia discusses similar tactics taken up by trans-identified people in post-operative interviews and medical surveys.

Moreover, Spade argues that medical science continues to rely on an ideal of “success” when diagnosing and “treating” trans people, where success is typically defined as “the ability to be perceived by non-trans people as a non-trans person” (26). Spade’s work points to the ways that medicine and the law work together primarily to “correct” individuals whose bodies or gender presentations fall outside of the expected norm, promoting the concealment of trans status in order to reestablish that norm.

The discourse of concealment haunts transgender populations across a number of cultural sites. The impossibility of fully erasing one’s sexed history is evident in the fact that many states still refuse to change gender markers on birth certificates, or allow only a partial change in which the original gender marker is merely crossed out and replaced. Legal gender in these cases cannot be altered, but only cloaked. Similarly, cultural representations of gender variant people depend on the popular notion that with enough scrutiny, one’s “true” gender can be revealed at the level of the body. Consider for example the abundance of talk shows and reality television programs that run on the presumably simple premise of uncovering – often literally – the “real” gender of trans-identified individuals. These shows often work to link gender concealment with harmful or dangerous deception in the cultural imagination, revealing the trans person’s birth-assigned sex not only to the audience, but also to a shocked and horrified lover. The constant repetition of this narrative structure locates violence not in the institutional practices of media, medicine or law, or in the gender-normative behaviors and relationships they enforce, but instead in individual trans people’s apparently fraudulent personal lives. Echoing this perspective, legal cases dealing with violence against gender variant individuals often revolve around the victim’s responsibility to disclose their trans status or birth-assigned sex. Such cases imply or outright claim that the individual’s dishonest concealment of their “true” sex was the root cause of the violent actions taken against them. This approach is clearly demonstrated in the narratives constructed around transgender teenager Gwen Araujo’s murder (and sexual relationships) in 2002. Legal arguments, news articles and made-for-television movies converged to situate Araujo’s murder in the context of a “trans panic” defense, centralizing the shock of discovery and frequently faulting Araujo for not revealing her assigned sex. In this and many other instances, the interplay of medical, legal and cultural representations of transgender populations works to associate the notion of transgender identity with that of secrecy, precisely because it is always understood that the secret can and will eventually be discovered.

The Threat of Ambiguity: New State Security Measures

With such a pervasive cultural emphasis on concealment, it may come as no surprise that the slang used by many trans people to describe non-disclosure of trans status is “going stealth.” Trans people who are living “stealth” are unknown as transgender to almost everyone in their lives – co-workers, employers, teachers, friends – and instead living only as their preferred genders. The term itself invokes a sense of going undercover, of willful secrecy and concealment, perhaps even of conscious deception. Use of this undeniably militarized language also implies a connection to the state, and going stealth does involve a great deal of complicity with state regulation of gender, for example in the changing of legal identity documents such as passports, drivers licenses and immigration paperwork. These are changes that themselves require documentation of particular medical interventions to “irreversibly” change one’s physical sex characteristics. The state requires compliance with specific legal and medical procedures, and ostensibly offers in return official documentation that enables stealth status.

But such complete secrecy is never fully possible in relation to the state. The very idea of “going stealth” depends on the constancy of “going” – of continuing to conceal one’s trans status, though that concealment can never be airtight. Granting medical and legal changes of gender enables the state to simultaneously keep ongoing records of these very changes: a paper trail of past identity markers. Moreover, the state’s own policies and procedures for gender changes are internally inconsistent. Legal measures to document trans people’s gender status frequently conflict with one another, even as they all work towards stricter regulation and surveillance of legal gender. Some states refuse to change the gender marker on birth certificates, while others do so only with documentation of surgery. Other states first require amended birth certificates in order to change the gender marker on driver’s licenses, and in some

cases state and city regulations contradict each other in their surgical requirements for documentation changes.² Such administrative conflicts now emerge in even greater relief as governmental agencies increase their policing of immigrant populations: since 1994, the Social Security Administration has sent “no-match” letters to employers in cases where their employee’s hiring paperwork contradicts employee information on file with SSA. Ostensibly used to alert otherwise law-abiding employers to the possibility that they are unwittingly hiring undocumented immigrants, the no-match policy intensified after 9/11, with 2002 seeing more than eight times the typical number of letters mailed than in 2001 (Bergeron 2007: 6). The letters and related data are now also accessed by the Department of Homeland Security, which sends employers guidelines about how to correct the problem and avoid legal sanctions.

The no-match policy aims to locate undocumented immigrants (and potential terrorists) employed under false identities, yet casts a much broader net. Because conflicting legal regulations often prevent trans people from obtaining consistent gender markers across all of their identity documents, gender-nonconforming individuals are disproportionately affected by the policy, whether they are undocumented immigrants or not. The National Center for Transgender Equality (NCTE) website notes that the organization “receives calls regularly from transgender people across the country who have been ‘outed’ to their employers by the Social Security Administration’s (SSA’s) unfair gender ‘no-match’ employment letter policy” (National Center for Transgender Equality 2007). Documents always contain traces of the past, and we might argue that this has never been as true as it is in our contemporary moment. Dean Spade’s work and other activist projects have pushed for changes in particular states’ approaches to gendered identity documents and moved away from the pathologizing of trans identities and bodies. But such changes emerge within a broader context of U.S. nationalism and the War on Terror that serves to justify ever-closer scrutiny of travel, identity documents and bodies.

It is in this cultural landscape of intensified medical, legal and social surveillance that the DHS Advisory appears. By warning security personnel of the gendered disguises that terrorists may appear in, the Advisory neatly fuses the threat of terrorism-in-disguise with perceived gender transgression, marking particular bodies as deceptive and treacherous. Three days after the Advisory was released, a *New York Times* article described the Pentagon’s recent screening of the classic 1965 film *The Battle of Algiers*. The *Times* article suggests that the Pentagon screening was in part to gain tactical insight into the current U.S. war in Iraq. *Algiers* is a film filled with depictions of guerrilla warfare tactics, including those that rely on the links between gender and national identities: Algerian women pass as French to deliver bombs into French civilian settings, while Algerian men attempt to pass as women in hijabs, their disguises broken when French soldiers spy their combat boots. Though neither the DHS Advisory nor the Pentagon’s study of the film explicitly reference transgender populations, both nevertheless invoke the ties between gender presentation, national identity and bodies marked as dangerously deceptive.

That the Advisory does not specifically name transgender populations in its text does not make it any less relevant to those populations. The focus on non-normative gender does raise questions about how this framing of state security affects transgender-identified people. But it also raises questions about how state institutions might view non-normative gender presentation as an act not limited to – perhaps not even primarily associated with – transgender identities. In the context of current security rhetoric related to the War on Terror, transgender individuals may not be the primary target of such advisories, particularly if those individuals are conforming to normative racial, class and national presentations. Medical science purports to normalize unruly transgender bodies through surgery and hormones. These interventions are intended to eliminate any signs of deviant gendering, creating a non-threatening body that is undetectable as trans in any way. Transgender bodies that conform to a dominant standard of dress and behavior may be legible to the state not as transgender at all, but instead as properly gendered and “safe.”

² For more in-depth analysis of gender reclassification policies and the standardization of U.S. identity documents, see Dean Spade’s “Documenting Gender.”

But not all gendered bodies are so easily normalized. Dominant notions of what constitutes proper feminine or masculine behavior are grounded in ideals of whiteness, class privilege and compulsory heterosexuality, and individuals might be read as non-conforming depending on particular racial, cultural, economic or religious expressions of gender, without ever being classified as transgender. For example, Siobhan Somerville historicizes the ways that black people have been medically and culturally understood to have racialized physical characteristics that directly connect to their perceived abnormality in terms of gender and sexuality. She traces this history back to the public displays in the mid-1800s of Saartje Baartman, an African woman popularly known as the Hottentot Venus, whose womanhood was deemed abnormal precisely through racialized readings of her genitalia (Somerville 2000: 26). In early 20th century all-girl schools, she notes, “the imposition of racial segregation marked the ‘white’ and ‘colored’ girls as differently gendered, even in the space of a supposedly single-sex institution” (35). Somerville argues that legal cases such as *Plessy v. Ferguson* advanced racial segregation by inciting panic about the supposed sexual danger white women experienced at the hands of black men (35). Similar sexual panic served to justify public lynchings of black men throughout the U.S., and the genital mutilation and castration frequently involved suggest a clear link between racialization and fears of hypermasculinity and violent sexual deviance. Joy James draws on this history to analyze contemporary racialized state violence, arguing that state practices of surveillance and discipline read sexual and social deviance or danger through racialization processes. Moreover, she writes, “some bodies appear more docile than others because of their conformity in appearance to idealized models of class, color, and sex; their bodies are allowed greater leeway to be self-policed or policed without physical force” (James 1996: 26). These examples demonstrate that perceived gender normativity is not limited strictly to gender, but is always infused with regulatory norms of race, class, sexuality and nationality. Thus individuals need not be transgender-identified to be classified as gender-nonconforming. Bodies may be perceived as abnormal or deviant because of gender presentations read through systems of racism, classism, heterosexism, and particularly in the case of the Advisory’s focus on Al-Qaeda, Islamophobia.

The impetus for state classification and surveillance of deviant bodies has increased dramatically in the context of amplified monitoring of immigration and heightened nationalist security measures justified by the rhetoric of the War on Terror. This environment spurred the passage of the Real ID Act in 2005; legislation endorsed by the 9/11 Commission, which noted that “for terrorists, travel documents are as important as weapons” (Department of Homeland Security 2008). The Real ID Act establishes minimum standards for U.S. driver’s licenses and non-driver IDs, with the intention that by 2013 any ID card that is non-compliant with these standards will be invalid for activities such as air travel, access to government buildings, or access to federal funding such as Social Security. Stricter standards are to be used to verify identities, citizenship, names and birthdates. Draft regulations also specify that Real ID cards and all supporting documents used to create them (birth certificates, Social Security cards, court-ordered name changes, etc.) be linked through a federal database and stored there for 7-10 years.

It is noteworthy that the Act was passed through Congress with little debate (and with unanimous final approval from the Senate), four years after 9/11 and as the U.S. waged war in at least two countries. The ease with which the Act passed may be attributed to the fact that it was tacked onto an emergency spending bill to fund the wars in Afghanistan and Iraq. In his historical account of Britain’s attempts to institute a national ID card, Jon Agar argues that only during wartime could such universal identification processes be justified and implemented. He notes that increased concern over fraudulent identities proved to be a major argument in favor of continuing the compulsory national identity documents instituted during World War II. Efforts to maintain individual identity converged with efforts to regulate sexual practices and gendered relationship structures, as post-war attempts to shore up the nuclear family took the form of public outcry against bigamy, viewed by the British state and general public as a “foreign” practice that enabled both sexual deviance and multiple identities. Agar writes that “bigamy starkly highlighted the extent to which social institutions depended on individuals living under one, and only one, identity,” fuelling desires not just to continue the cards, but to *expand* the amount of information they contained (Agar 2001: 116). For many, compulsory ID cards recalled totalitarian governing associated with Nazi Germany, and conflicted with British ideals of privacy and individualism. Yet the possibility

that such cards could eradicate bigamist practices – securing individual accountability alongside normative sexuality and family structure – provided its own form of national differentiation. Moreover, because ID cards were touted as preventative measures against stolen identities, state regulation of identity was encouraged as a personal right and civil liberty, a method of increasing lawful citizens' security. The state thus implied that those who had nothing to hide had nothing to fear from the implementation of national identification.

The Real ID Act and the discourses surrounding it echo much of this rhetoric. In the context of U.S. nationalism that seeks to eradicate the foreign, the Act is most overtly directed at the figures of the immigrant and the terrorist, certainly not imagined as mutually exclusive categories. To eliminate these figures, the Act increases state surveillance of identity by requiring and storing a single identity for each individual. But maintaining a singular, consistent, and legally documented identity is deeply complicated for many gender-nonconforming people: for example, common law name changes mean there is no court order to be filed with a Real ID card. Similarly, different state agencies define "change of sex" differently (with some requiring one surgical procedure, some another, and others no surgery at all), making a single gender marker on the Real ID card difficult if not impossible. Ironically, the state's own contradictory methods of determining and designating legal gender and sex render Real ID cards ineffectual. Even as these cards would work to create and enforce singular and static identities for individuals, they simultaneously work to expose the fluidity and confusion characterizing state policies on identity documents. As Jane Caplan and John Torpey argue, "[t]he very multiplicity of these documents may [...] disrupt the state's ostensibly monolithic front" (Caplan 2001: 7). Thus state regulation of gender and gendered bodies can actually function to reveal ambiguities in the state itself.

Moreover, such policies point to the ways that concealing and revealing trans identity actually depend on one another, demonstrating the impossibility of thinking these actions as binary opposites. To conceal one's trans status under the law requires full disclosure to the medico-legal system, which keeps on public record all steps taken toward transition. That same system is later invoked when individuals seek to prove their trans status through medical and legal documents that ostensibly serve to obscure or even disappear such status. Thus concealment necessarily entails disclosure, and vice versa.

That the Real ID Act, created as part of a war funding bill and approved in a climate of fear and militarization, seeks to maintain individual identities and make them more accessible to state agencies speaks to the ways that multiple, ambiguous or shifting identities are viewed as menacing and risky on a national scale. Alongside more overt statements like the DHS Advisory, the Real ID Act and SSA no-match letters function as significant state practices and policies that link gender ambiguity with national security threats. Like other new security measures, the Real ID Act is promoted as benign – even beneficial – for those citizens with nothing to hide. Yet concealment is strongly associated with the category of transgender, a perception fueled by cultural depictions of trans deception and by the medico-legal system that aims to normalize trans bodies while simultaneously meticulously tracking and documenting gender changes. Reacting to these cultural and legislative constraints, transgender activist and advocacy organizations increasingly engage with new state security measures in efforts to maintain safety both of the nation and of individual transgender-identified people.

Nothing to Hide: Organizational Responses

In their responses to the DHS Advisory, the Real ID Act and the SSA no-match letters, transgender advocacy organizations have opposed these measures' effects on transgender individuals. But they have not typically considered the implications for state regulation of gender presentation more broadly, particularly as it might resonate for individuals marked as gender deviant who are not transgender-identified or linked in any obvious way to trans communities or histories. Nor have they addressed the ways in which particular groups of trans-identified people may be targeted differently by such policing. For example, in a 2006 statement to DHS regarding the no-match letter policy, NCTE recommends that gender no longer be one of the pieces of data used to verify employees, arguing that employers are not

legally required to submit gender classification to SSA, and therefore any exchange of information about employees' gender is "an invasion of private and privileged medical information" (Keisling 2006: 2). In an effort to protect transgender employees, the NCTE statement aims to limit the information shared between SSA and DHS. Yet it also works to support no-match letters as a form of regulatory state surveillance, by stating clearly the importance of "avoiding fraud" through Social Security number confirmation. The statement does not oppose state surveillance measures more broadly, but instead seeks to improve them, offering recommendations on behalf of trans employees "in order for the employee verification system to be efficient and equitable" (1).

While arguing for privacy rights may benefit some gender-nonconforming employees, this strategy assumes equal access to privacy and legal recourse for all transgender people and fails to consider how privacy rights are compromised or nonexistent for undocumented immigrants, prisoners, and individuals suspected of terrorism, who may or may not be transgender-identified or perceived as gender-nonconforming. Diminished rights to privacy are particularly evident in the wake of the 2001 USA PATRIOT Act, legislation that provides much of the ideological and legal foundation for more recent state surveillance measures. Building on earlier policies such as the 1996 Anti-Terrorism and Death Penalty Act and the FBI's COINTELPRO activities, the USA PATRIOT Act further limits individual privacy rights by expanding the federal government's ability to secretly search private homes; collect medical, financial and educational records without probable cause; and monitor internet activity and messages. Passed in the flurry of anti-immigrant nationalism and increased racial profiling that followed 9/11, the Act bolsters particular understandings of the relationships between citizenship, race, privacy and danger that underpin surveillance measures like the Real ID Act and SSA no-match policy. Though absent from the NCTE statement, this context demonstrates the frailty of any claim to privacy rights, particularly for trans and gender-nonconforming immigrants and people of color. The statement seeks to protect transgender employees, but remains within – and is limited by – the constraints of the current medico-legal system.

That medico-legal system itself works to track and document gender-nonconforming bodies and transgender identities, such that at some level, trans people's medical and legal information was never private or privileged. With this in mind, it is perhaps not surprising that the primary strategy of transgender advocacy and activist groups has been to advise trans individuals to make themselves *visible* as transgender to authorities that question or screen them at places like airports and border checkpoints. In response to the DHS Advisory, The National Transgender Advocacy Coalition (NTAC) released its own security alert to transgender communities, warning that given the recent Advisory, security personnel may be "more likely to commit unwitting abuses" (National Transgender Advocacy Coalition 2003). NTAC suggests that trans travelers bring their court-ordered name and gender change paperwork with them, noting, "while terrorists may make fake identifications, they won't carry name change documents signed and notarized by a court." The organization recommends strategic visibility as a safety precaution, urging those who might otherwise be "going stealth" to openly disclose their trans status to state officials and to comply with any requested searches or questionings. Calling the potential violence and violations against travelers "unwitting abuses" suggests that authorities enacting these measures cannot be blamed for carrying out policy intended to protect the general public from the threat of hidden terrorism. Such a framework neatly sidesteps any broader criticism of the routine abuses of immigrant, Arab and Arab-appearing individuals that have been justified in the name of national security, and implicitly supports the state's increased policing of "deviant" or apparently dangerous individuals. The demand for trans people to make themselves visible as such is couched in terms of distinguishing between the good, safe transgender traveler and the dangerous, deviant terrorist in gendered disguise. This distinction rests on an implicit understanding of trans travelers as compliant and non-threatening, yet such status is only made possible through the linking of deviance to bodies outside of the white middle-class norm, as Somerville and others have demonstrated. In other words, it is only by effacing the particular scrutiny leveled at trans people of color and trans immigrants that the figure of the non-threatening trans traveler emerges. This figure is imagined to be scrutinized on the basis of gender alone, such that medical and legal documentation are assumed to be a readily available and comprehensive solution. Such a move simultaneously entails displacing the racialized elements of state surveillance onto the figure of the

terrorist, implicitly marked as both racialized and non-trans in the logic of NTAC's statement. Moreover, by avoiding any larger critique of state surveillance or policing, NTAC also positions *itself* as a non-threatening, safe, even patriotic organization.

Interestingly, the call for strategic visibility does, to a certain degree, resonate with Sandy Stone's call in the late 1980s for trans people to resist the medical impetus to erase or hide their trans status. Urging trans people to remain visible *as transgender* regardless of their medical transition status, Stone writes "in the transsexual's erased history we can find a story disruptive to the accepted discourses of gender" (Stone 1991: 295). Arguing for the transformation of dominant understandings of transsexuality and gender identity, Stone asserts "it is difficult to generate a counterdiscourse if one is programmed to disappear" (295). Written in a historical moment characterized by the suppression of transgender identities within the mainstream gay, lesbian and feminist movements, Stone's argument was viewed both as controversial and as crucial to the galvanization of transgender scholars, activists and communities in the U.S. Stone's initial argument may not be the starting point for a linear progression leading to the current tactic of visibility taken up by transgender advocacy organizations in the fight against perceived terrorist threats, but it does indicate the ways that visibility has long been a key point of contention in relation to gender-nonconforming bodies.

In both Stone's work and NTAC's press release, the recourse to strategic visibility remains grounded in assumptions that *invisibility* was ever possible. Which bodies can choose visibility, and which bodies are always already visible – perhaps even hyper-visible – to state institutions? For whom is visibility an available political strategy, and at what cost? While (some) trans people gain (a particular kind of) visibility through attention from popular media and medical research, such gains must always be evaluated in relation to their dependence on regulatory norms of race, class and sexuality. Not all trans people can occupy the role of the good, safe transgender traveler that NTAC recommends. Moreover, this recommendation does not consider how increased visibility simultaneously places one under greater scrutiny and surveillance by state institutions. Bodies made visible as abnormal or unruly and in need of constraint or correction may likely experience increased vulnerability and scrutiny. For a number of gender-nonconforming individuals, then, visibility may wield more damage than protection. Which bodies would be read under the DHS Advisory's warning as gender deviant, dangerous or deceptive even if they *did* produce paperwork documenting their transgender status? Such documentation may work to decrease suspicion for some bodies, while compounding scrutiny for others.

NTAC is certainly not the only organization to advocate for the rights of legitimate transgender citizens by distinguishing those citizens from the figure of the threatening terrorist. The Transgender Law Center in San Francisco has also released security alerts and recommendations aimed at transgender-identified communities, including one statement jointly issued with NCTE, in which the two organizations criticize new security measures like the DHS Advisory and Real ID Act. They note that although these measures were originally conceived in response to "legitimate security concerns" regarding false documentation used by terrorists, they ultimately create undue burdens for transgender individuals who seek to "legitimately acquire or change identification documents" (Transgender Law Center 2005: 1). Like NTAC's concern that non-threatening transgender travelers could be mistaken for terrorists, the responses from NCTE and the Transgender Law Center refuse to critically engage the rhetoric of terrorism justifying current state regulation of gender more broadly, and in fact depend upon the figure of the (presumably non-trans, racialized) terrorist to play against the figure of the legally compliant trans person. Recalling Joy James, here again we might ask how ideals of compliance are grounded in normative understandings of race, class and sexuality. The organizations' statement not only avoids a critique of state surveillance measures, but also asks for rights and state recognition on the basis of "legitimacy." In relation to trans populations, such a label is already infused with the regulatory norms maintained by medical science and government policies. Legal legitimacy is typically based on identity documents, most of which require sex reassignment surgery for a change of gender marker. Yet in almost all cases, surgeons request a formal diagnosis of Gender Identity Disorder – a diagnosis that itself turns on the language of correction and normalization. Moreover, none of these organizations' responses to new security measures address the fact

that pervasive surveillance of gender-nonconforming bodies is inextricably linked to the racialization of those bodies. Within the framework of the statement from the Transgender Law Center and NCTE, which bodies can be read as legitimate, and which bodies are always cast as suspicious?

The Sylvia Rivera Law Project, an organization in New York providing legal services to low-income gender-nonconforming people, argues that the current political climate of “us vs. them” leads to the polarization of communities that could otherwise work in coalition, as individuals attempt to divert surveillance onto other marginalized groups. The Law Project suggests that assimilation – “going stealth,” or claiming status as a good transgender citizen – has become a primary tactic for escaping state surveillance, targeting or persecution. But assimilation strategies are often used in conjunction with the scapegoating of other communities. Jasbir Puar and Amit Rai convincingly address such polarization in their article “Monster, Terrorist, Fag: The War on Terror and the Production of Docile Patriots,” arguing that the demand for patriotism in response to past and future terrorist attacks produces “docile patriots,” who normalize themselves precisely through distinguishing themselves from other marginalized groups. For example, regarding the profiling of Arab and Arab-appearing people after 9/11, Puar and Rai examine the response of many Sikh communities in the U.S., who emphasized the difference between their respectable turbans and those worn by terrorists. With some even donning red, white, and blue turbans, Puar and Rai note, the actions of these Sikh communities served to mark off Sikhs as a legitimate, patriotic and “safe” group of American citizens, in direct contrast to differently-turbaned terrorists – indeed, the ability of these Sikhs to become good citizens is directly dependent on their ability to clearly distinguish themselves from the figure of the terrorist. Leti Volpp cites similar rhetoric in her article “The Terrorist and the Citizen,” writing that “post-September 11, a national identity has consolidated that is both strongly patriotic and multiracial” (Volpp 2002: 1584). Noting that the Bush administration appears inclusive while systematically excluding those racially marked as potential terrorists, Volpp argues that “American” identity and citizenship are in fact constructed against the figure of the terrorist. The terrorist thus *makes possible* the construction of a national identity, providing a contrast that the citizen is formed in opposition to.

This reliance on the notion of legitimacy – as good citizens, as safe travelers, as willing patriots – is similarly evident in the statements made by many transgender advocacy organizations about new security measures that target perceived gender deviance. Suggesting that trans people bring their court documents with them, cooperate with authorities and prove their legitimacy, the advocacy groups no longer rely on the strategy of concealing one’s trans status, or what I named earlier as “going stealth.” Instead, their primary advice is to *reveal* one’s trans status, to prove that trans travelers are good citizens who have nothing to hide. Particularly in the context of the War on Terror, we might reread the notion of “going stealth” to mean not simply erasing the signs of one’s trans status, but instead, maintaining legibility as a good citizen, a patriotic American – erasing any signs of similarity with the deviant, deceptive terrorist. The concept of safety thus shifts: rather than protecting trans people from state violence, the organizations now focus on protecting the nation from the threatening figure of the terrorist, a figure that transgender travelers must distinguish themselves from by demonstrating their complicity in personal disclosure. Creating the figure of the safe transgender traveler necessarily entails creating and maintaining the figure of the potential terrorist, and vice versa. Because some bodies are already marked as national threats, the ability to embody the safe trans traveler is not only limited to particular bodies, but in fact requires the scapegoating of other bodies.

While surveillance measures like the DHS Advisory may appear to primarily target transgender individuals as suspicious, the bodies being policed for gender deviance are not necessarily trans-identified, but rather demonstrate non-compliance with gender norms that may have as much to do with race, religion, class and sexuality as with transgender identity. Surveillance of these bodies centers less on their identification as transgender *per se* than it does on the perceived deception underlying transgressive gender presentation. Because normative, non-threatening gender is always read through ideals of whiteness, economic privilege and heterosexuality, “going stealth” is an option available only to those segments of the transgender population able to achieve or approximate those ideals. And in the context of

national security and the U.S. War on Terror, going stealth may be less grounded in passing as non-transgender than in maintaining the appearance of a good, compliant citizen, an appearance solidified by the fact that these bodies need not conceal anything from state institutions or authorities, because they have nothing to hide. Approaching the relationship between gender-nonconformity and state surveillance in this way means resisting the urge to think about surveillance of gendered bodies as limited only to medical and legal monitoring of specifically transgender-identified individuals. In fact it points to the importance of thinking more broadly about the interactions between regulatory gender norms, racialization processes and ideals of citizenship. Moreover, it refuses a view of state surveillance as something disconnected from or unconcerned with gender, and instead foregrounds the ways that gendered and racialized bodies are central both to perceptions of safety and security and to the structuring of state surveillance practices. As these bodies attempt to evade surveillance either through careful invisibility or through strategic disclosure – each of which entails engaging the other to some degree – they do so not in isolation, but in the context of war, nationalism and militarization, and power relations that are themselves ever more starkly revealed in the act of going stealth.

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