The Nonprofit Industrial Complex and Trans Resistance

Rickke Mananzala, Dean Spade

Abstract: Trans politics are gaining visibility and momentum and, increasingly, trans activists are forming projects and organizations focused on promoting political change. Given this context, this article examines how critiques of the nonprofit industrial complex might be incorporated into trans political analysis and how they could inform this moment of trans political institutionalization. Taking tools and lessons from antiracist and feminist scholars and activists and recognizing widespread critique of the co-optation of the lesbian and gay rights movement by neoliberalism, this article highlights alternatives to traditional nonprofit structures. The authors provide an in-depth look at 1 trans organization that employs a collective governance model and encourages the leadership of trans people of color, offering it as a potential model for emerging trans organizations.

Key words: transgender; racism; organizational development; neoliberalism; co-optation; gay; lesbian

"The person who says it cannot be done should not interrupt the person doing it" (Feinberg, 1998, p. 61, quoting a Chinese proverb).

Since the 1990s, trans politics have decidedly emerged on the national scene in the United States, with the visibility of trans issues reaching new heights. This change is apparent in many sectors: Nine states and almost 100 cities and counties have passed gender identity and expression-inclusive antidiscrimination laws, trans characters and stories have appeared in popular media, key institutions have begun considering and adopting policies addressing fair treatment of trans people, and trans activists have fought to be heard in a wide variety of social movements. These events have precipitated important controversies about who should represent trans politics and who should be included under a trans political umbrella; what the priorities of trans political change work should be; and what relationship trans liberation has to feminism, gay and lesbian rights, antiracism, disability politics, and other key areas of anti-oppression work.

Emerging trans struggles are often closely associated with struggles against discrimination based on sexual orientation, in part because U.S. culture often conflates sexual orientation and gender expression and in part because of a long history of sexual and gender outsiders finding community together, resisting oppression together, and often understanding their identities through or against each other (Valentine, 2007). Since the 1980s or earlier, this connection between lesbian and gay rights and trans rights has been fraught with controversies about the inclusion or exclusion of trans people from lesbian and gay rights movements that were increasingly institutionalizing and striving for legitimacy. Exclusions of trans people and trans issues from lesbian and gay rights organizations and political struggles have caused significant community rifts, most recently evident in the controversy over trans inclusion in the national Employment Non-Discrimination Act (2007) legislation. Nonetheless, trans politics remain closely aligned with lesbian and gay politics overall and trans activism, now increasingly visible, is often seen as an offshoot of lesbian and gay politics.

Because of the relationship of these identities and histories of struggle, many people assume that trans work should occur within lesbian and gay organizations and mirror the strategies of those organizations. For that reason, the majority of people doing paid work on trans rights or trans

Address correspondence concerning this article to Rickke Mananzala, FIERCE!, 147 West 24th Street, 6th Floor, New York, NY 10011. E-mail: rickke@fiercenyc.org; Dean Spade, Williams Institute, UCLA Law School, Box 951476, Los Angeles, CA 90095. E-mail: deanspade@gmail.com

politics in the United States work in organizations whose missions focus on gay and lesbian rights—although trans people also have a role in some cities as outreach workers at HIV/AIDS organizations due to increased awareness of the significant rates of HIV in trans populations. At this writing, very few trans-specific organizations exist in the United States; of the ones that are trans-specific, most are small and have low or nonexistent budgets. Trans individuals working on trans-specific projects within lesbian and gay or HIV/AIDS organizations often are the only trans employee (at most, they are one of two) and are working on lower rungs within hierarchically structured organizations. Many lesbian and gay organizations have no trans staff at all, instead assigning a nontrans person to work on trans issues as some part of her or his duties.

However, this state of affairs is undergoing significant change as we write this article. Many lesbian and gay organizations that devoted no or few resources to trans concerns a few years ago now have trans-focused work and sometimes even a trans staff member. A few trans-focused organizations have sprung up in the last few years—namely, the National Center for Transgender Equality, the Sylvia Rivera Law Project, the TGI Justice Project, and the Transgender Law Center—all of which have had a significant impact on the national conversation about trans politics and have increased pressure on lesbian and gay organizations to include trans concerns in their work. As these organizations and others work to educate funders, donors, and communities about trans issues, we anticipate growing support for work focused on trans liberation, as well as growing institutionalization of this work, including increased funding for nonprofit programs engaging in it.

In the context of this emergence of trans political work, we have become interested in considering how trans politics and emerging trans organizations can benefit from critical analyses of the nonprofit industrial complex and of neoliberalism's co-optation of activism that has been developed by feminist and antiracist scholars and activists. We want to ask key questions about how, in many ways, the most well-resourced organizations in the gay and lesbian rights arena have fallen into the worst traps of the nonprofit industrial complex and have used structures and tactics that have resulted in neoliberalism's co-optation of lesbian and gay political aims. We are interested in starting a conversation now, while trans organizations are forming and institutionalization is at an early stage, about what it might look like to build trans resistance that meaningfully engages antiracist and anticapitalist politics in its structures, strategies, and visions. We are interested in using a critical analysis of how movement organizations' missions, ideology, governance structures, financial resources, and impacts are interconnected to examine the terrain upon which emerging trans organizations are being and will be developed.

This conversation is particularly meaningful because of the futility for trans communities in building organizations modeled on lesbian and gay rights frameworks that centrally benefit and concentrate power in the hands of people with race, educational, and class privilege. From our viewpoints working in nonprofits that organize and provide services to trans people, we see trans communities suffering severe economic marginalization and pervasive state violence, particularly at the hands of criminal justice, immigration, and so-called poverty alleviation systems (Agathangelou, Bassichis, & Spira, 2008; Arkles, 2005; Daley, 2005; Gehi & Arkles, 2007; Marksamer, 2005a, 2005b; Minter & Daley, 2003; Spade, 2005; Xavier, 2000).

Given the strong trends of poverty, homelessness, incarceration, and downward mobility in trans communities, we are deeply unsatisfied by the idea of a movement that centralizes leadership in the hands of the few trans people who maintain economic and educational privilege and builds strategies for change that primarily affect those people. Instead, we think that trans politics should use a model based on the concept *social justice trickles up, not down,* prioritizing the needs and concerns of those facing the worst manifestations of gender-based marginalization and exclusion, as well as using a model for social change that centralizes the leadership of trans people of color, trans low-income people, trans immigrants, and others facing intersectional oppression.

This article describes critiques of the nonprofit industrial complex and of neoliberalism's co-optation of social justice work and looks at those critiques in relation to lesbian and gay politics. It then offers tools for thinking about alternative strategies for structuring social justice work and examines a specific model, the Sylvia Rivera Law Project—a trans political organization striving to resist co-optation and trying to build democratic, sustainable, accountable infrastructure. We offer this model with the belief that building a trans movement based on broad anti-oppression values and mirroring those values in the structures, strategies, and visions of our organizations not only is possible but also represents a more politically viable, winning strategy than traditional models of hierarchical governance and professionalization.

Neoliberalism and the Nonprofit Industrial Complex

Although the history and impact of neoliberalism are rarely discussed in the context of the most well-resourced strategies of the gay and lesbian rights

movement, examining the rise of neoliberalism is essential to understanding the context of equality struggles in the United States. Angela Harris (2006) explored the limitations of recent legal victories for gay rights in her article "From Stonewall to the Suburbs?: Toward a Political Economy of Sexuality." Harris contextualized *Goodridge v. Dept. of Public Health* (2003; granting marriage rights to same-sex couples in Massachusetts) and *Lawrence v. Texas* (2003; abolishing sodomy statutes) in an understanding of the law's role in preserving the status quo of power relations. Harris argued that when faced with social movements opposing oppression, the law will adapt to allow limited changes that reduce the urgency of social justice movements but retain the underlying oppressive power differential. For this reason, Harris says the law engages in preservation through transformation. Harris looked at comparisons of *Lawrence* and *Goodridge* with *Brown v. Board of Education of Topeka* (1954), tracing the history of the implementation of *Brown* and the subsequent suburbanization that undermined its potential for integrating public schools. She noted that public schools are currently as racially segregated as ever, although not through the overt race-based policies that existed prior to *Brown.*

Harris (2006) argued that the history of *Brown*'s (1954) failure to eliminate racial segregation in schools demonstrates the law's tendency toward preservation through transformation whereby, when social movements obtain enough political power to successfully push for change, any granted legal change maintains the status quo to the greatest extent possible. She described the rise of neoliberalism and examined how racialized economic policies leading to White flight and suburbanization replaced prior overtly race-based segregation policies to maintain the status quo of segregation and to co-opt the concept of race neutrality as further legitimization for that status quo. Harris cautioned queer activists to look at recent litigation victories with this history in mind in order to recognize the limits of the social change such victories may promise. Harris explained the context of the rise of neoliberalism to examine how the policies and practices of neoliberalism can, and do, make room for limited claims for equal rights that can be co-opted as part of maintaining the status quo of maldistribution.

Harris (2006) provided this apt characterization of neoliberalism:

> Beginning in the late 1960s, and reaching a consolidation of sorts in the 1980 election of Ronald Reagan, political conservatives took advantage of racial resentment, growing economic suffering and vulnerability, and suburban politics to mount a formidable campaign against the New Deal, the American welfare state, and to some extent government itself. Neoliberalism entails a commitment to the dismantling of the economic arrangements sometimes called "Fordism," and their replacement with an economy driven by substantially deregulated markets (themselves driven by the interests of corporate and finance capital), an economy in which capital's upper hand over labor has led to dramatically increasing inequalities of income and wealth. Neoliberalism also entails the dismantling of state institutions meant to cushion citizens against economic risk, and an approach to governance that favors "privatization," "deregulation," and other policies that transfer political power from governments to markets. (p. 1542)

The rise of neoliberalism from "state project" to "state strategy" (Tickell & Peck, 2003, ¶ 20) in the last 30 years has presented social movements and progressive nonprofits with two interconnected challenges—challenges leading to more pressing questions on the political direction of queer and trans political resistance.

First, social movements have had to absorb the impact of neoliberalism. If the impact is a two-sided coin, the first side includes rollbacks on economic safety nets, such as welfare and public housing, that have devastated low-income communities, which disproportionately comprise people of color. As Ruth Gilmore (2007) described, the rise of neoliberalism from the 1970s to the present has pushed nonprofit organizations to morph into what she called a *shadow state*, filling the gaps the government left in meeting people's social service needs. The political, economic, and social conditions resulting from neoliberalism—including throwing low-income communities into increased crisis due to cuts in survival services—have presented significant challenges to social movements trying to build leadership and power among oppressed communities. The other side of the coin is that social welfare has increasingly become dependent on business: Business charity essentially has replaced government funding in providing resources for social welfare and has become the so-called answer to social problems. The outcome is the privatization, or the *United Wayzation,* of social welfare.[1] With communities having much deeper economic and social crises and thus needing more service-based help from movement organizations, social movements are simultaneously less capable of providing resources to support their own work. This situation

---

1 Gihan Perera, personal communication, October 4, 2007.

translates into organizations' overreliance on income from corporations and accumulated wealth stored in foundations and often leads to a disconnect from the driving forces behind the organizations' work: the communities themselves.

Second, social movements are forced to grapple with questions of co-optation and how to challenge the neoliberal order in the context of increasing upward distribution of wealth and a growing number of communities in crisis. As seen throughout the height of social movements in the 1960s and 1970s, neoliberalism not only had economic, political, and social impacts on oppressed communities but also significantly curbed the efforts of social movements—especially labor movements—that challenged the fundamental profit logic of capitalism and neoliberalism. As we will argue more fully, this second question has been underaddressed in gay and lesbian rights work, demonstrating a departure from the movement's radical roots. As is evidenced by the priorities of the organizations with the most resources, the focus of this work has shifted to issues primarily based on narrow individual rights often relating to property and responsibilities rather than on collective and community well-being.

This article explores these two challenges, particularly in light of their relationship to the growth of the nonprofit industrial complex and the potential of queer and trans organizations to challenge power relations based in wealth and property, race, gender, and sexuality. First, we define the nonprofit industrial complex and review critiques of its impact; then, we examine how those critiques apply to the gay and lesbian rights movement and question how emerging trans organizations might depart from that model. Finally, we provide a case study of a trans organization working to do so.

Defining the Nonprofit Industrial Complex

In his presentation at The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex Conference, Dylan Rodriguez (2004) defined the nonprofit industrial complex as a "set of symbiotic relationships that link together political and financial technologies of state and owning-class proctorship and surveillance over public political intercourse, including and especially emergent progressive and leftist social movements, since about the mid-1970s." He called for a critique of the state-corporate alliance and its efforts to keep the lid on "what is left of the alleged U.S. Left." He asserted that "a popular and institutionalized law-and-order state has reached symbiosis with its liberal foundation allies," a symbiosis that helps prevent sites of potential radicalism or collapses them into nonantagonistic social service and pro-state

reformist initiatives, thereby facilitating functioning of the state and helping to reproduce it. Rodriguez suggested that philanthropic vision "explicitly marginalizes radical forms of dissent that articulate irreconcilable antagonism to civil society's and the state's multiple structures of domination or co-optation."

Philanthropic control of resources for social justice organizations, Rodriguez (2007) argued, makes growth impossible for emerging radical political work that refuses to participate in the shared values of U.S. society and instead sees the United States itself as an entirely violent and racist project. In this context, unless a project seeks to reform its institutions in ways that preserve those institutions, it cannot be supported. Rodriguez (2004) suggested that philanthropic support is so limiting and controlling of the growth of social justice movements that more radical projects can never get funding from the progressive liberal foundations; furthermore, demands for what he calls radical freedom, as opposed to White bourgeois freedom, cannot occur in the context of the nonprofit industrial complex. Therefore, he argued, the nonprofit industrial complex ultimately maintains politics and institutions of oppression, keeping a lid on radical political work while pushing organizations to provide basic services that quell unrest.

Many scholars and activists join Rodriguez in raising concerns about the growth and functions of the nonprofit industrial complex (INCITE!, 2007). Explicating the key concerns raised by critics of the nonprofit industrial complex is useful for examining the role of nonprofits in existing lesbian, gay, bisexual, and transgender (LGBT)[2] activism and emerging trans liberation work.

Key Concerns With the Emerging Model of Nonprofits

The Emergence of the Nonprofit Sector as the Location for Social Justice Work Has Separated Survival Services From Organizing

One critique that has emerged about the effect of the nonprofit model on current social justice movements is that it has separated the provision of direct, survival-based services from organizing (Kivel, 2007). In part because funding streams usually focus on either overtly political organizing work or direct service work, these two kinds of work have been segregated into different

---

2 The most well-funded organizations in this realm generally use the term *LGBT* to identify this work now, yet bisexual and transgender activists remain critical of the work of these organizations, pointing out the continued marginalization of their issues.

types of nonprofits that often operate with little connection or communication among them. Consequently, services are depoliticized, offering little opportunity for communities experiencing the effects of systemic oppression (e.g., poverty, homelessness, unemployment, health issues) to build networking relationships for analysis and resistance of this oppression when seeking services to meet their immediate needs. Instead of survival services being a point of politicization, a locus from which people can connect their immediate needs to a community-wide issue of injustice or maldistribution, services are provided through a charity or social-work model that individualizes the issues to the particular client and too often includes an element of moralizing that casts clients as blameworthy for their need. This dynamic reflects our previous argument about how the nonprofit sector emerged, in part, to fill the gap in government services that occurred under Reaganomics. By ameliorating some of the worst effects of capitalist maldistribution, then, these services became part of maintaining the social order, in part because they primarily operate through a depoliticizing charity framework rather than a social change model.

The Nonprofit Structure Undermines and Contains the Radical Potential of Social Justice Work, Leading to More Policy and Service-Based Work and Less Organizing

Critics (Ahn, 2007; Pharr, 2004) have also pointed out that the increase in nonprofits has been accompanied by a greater prevalence of service-based and policy reform work, rather than base-building organizing, in social justice movements. Some have argued that because social justice nonprofits are funded through philanthropy—frequently directly by wealthy individuals and corporations—the strategies of this work have become more conservative to better fit those funders' capitalism-maintenance and reformist goals than the base-building, visionary organizing goals that might emerge more directly from communities facing oppression. Funders favor policy work and services over base-building, resulting in lost opportunities for building political power among those directly affected by oppression. Instead, service and policy reform organizations typically engage in change where those directly affected are clients but educated elites (e.g., lawyers, administrators, social workers, public health experts) create and implement reform agendas. Overall, the aims of these organizations, and the breadth of their political demands, are far narrower and less radical due to the incentives provided by philanthropy to pursue service and policy reform goals.

Racism, Educational Privilege, and Classism Within Nonprofits Mirrors Colonialism Because the Direction of the Work and Decisions About Its Implementation Are Made by Elites Rather Than by People Directly Affected by the Issues at Hand

The governance of nonprofits has been subject to critique as well. Critics (Kivel, 2007) have argued that the governance structure of most nonprofits, characterized by boards consisting of donors and elite professionals (sometimes with tokenistic membership for the community members who are directly affected by the organization's mission), perpetuates dynamics of dominance. Nonprofits serving primarily low-income and disproportionately non-White populations are frequently governed almost entirely by White people with college and graduate degrees. Staffing follows this pattern as well, with most nonprofits requiring formal education as a prerequisite to working in administrative or management-level positions. Thus, the nature of the infrastructure in many social justice nonprofits often leads to concentrating decision making power in the hands of people with race, education, and class privilege rather than in the hands of those bearing the brunt of the oppression. Consequently, the priorities and implementation methods of such organizations frequently do not reflect the perspective or approach that would be taken by the people most directly affected by oppression. For people who hold self-determination as a goal of liberation struggles or who believe that people struggling under oppression possess unique understandings of the operations of that oppression that are not shared by others, this concern is especially significant.

The Philanthropic Funding of Nonprofits Takes Direction of the Work Out of the Hands of the People Affected and Concentrates It on the Agendas and Time Lines of Funders, Preventing Long-Term, Self-Sustaining Movements From Emerging

Part of the reason that decision-making power in nonprofits becomes concentrated in the hands of elites is because of how the organizations secure funding. The process of successfully applying for funding, including having 501(c)(3) status or a fiscal sponsor, researching applicable grants, writing formal funding requests using specific jargon, having an awareness of current trends in funding, and having personal relationships with philanthropic professionals requires skills and relationships that are concentrated in people with

educational, class, and race privilege. Being able to direct work and spin it to a funder's vision is, more often than not, the key to success. Furthermore, as Suzanne Pharr (2004) has pointed out, the use of short-term funding cycles (often 1–5 years) and the focus on producing deliverables has meant that nonprofits have been encouraged to operate on short-term vision rather than build long-term sustainable structures. Under this model, similar to investment in the private sector, funders seek to see concrete returns (e.g., statistics about numbers of clients served or clear evidence of policy change) on their investment within a limited grant period. Base-building work that involves less tangible returns like the growth of shared political analysis within a community or relationship building is undervalued. This model encourages organizations to identify goals that can be achieved quickly, not to envision the long-term strategies necessary for more radical changes to politics and culture.

The Emergence of the Nonprofit Sector Has Created a Cultural Shift in Social Justice Activism, Including Professionalization, Corporatization, and Competition Between Groups for Scarce Resources

This funder-driven elitism has also included a professionalization of social justice organizations such that corporate business models are increasingly used to manage these organizations. This trend is evidenced by a rise in nonprofits' use of such terms as *CEO* (chief executive officer) and *CFO* (chief financial officer) for top-level staff (Pharr, 2004); a hierarchical pay scale in which people are compensated at very different rates based on valuations of skills and abilities that are similar to those used in the private sector; and other labor practices that reflect business values more than social justice values. Many critics (Hawk, 2007) have lamented that young activists increasingly look at social movement work as a paycheck, with the expectation of professional salaries becoming central to decisions about what kinds of activism and organizing to pursue. Business models of management that focus on top-down decision making, coupled with organizational structures in which educational, race, and class privilege often correspond to high positions in the hierarchy, mean that not only decision making but also compensation and quality of life at work are concentrated in the hands of White people with graduate educations (e.g., lawyers, social workers, people with degrees in nonprofit management). Literally, more philanthropic dollars end up in the pockets of those with race, class, gender, and educational privilege.

Nonprofits Are a Way That Wealthy People and Corporations Avoid Tax Liability, and Most of That Redirected Money Does Not Go to Social Justice

Finally, some critics caution that social justice movements should be weary of the centrality of the nonprofit model because of its role in the maldistribution of wealth in the United States. Christine Ahn (2007) has provided an analysis that encourages taxpayers to recognize that money funneled into nonprofits by philanthropists is actually tax money diverted out of the government and into focused causes. The vast majority of that money does not, she points out, end up in social justice organizations fighting inequality and oppression. In fact, most tax-exempt giving benefits the nation's wealthiest people by going to institutions and programs such as conservative think tanks and foundations; upper-class cultural institutions including museums, operas, art galleries, and elite schools; and private hospitals (Kivel, 2007). A large amount also goes back into the pockets of the wealthy through trustee fees, where wealthy people are paid hundreds of thousands of dollars to sit on the boards of foundations (Ahn). Only a tiny portion of the money ends up in social justice organizations and even then, it comes with many strings attached that allow wealthy philanthropists to have a hand in directing the work. Ahn's analysis instructs social justice activists to remain critical of the nonprofit industrial complex—even while making use of nonprofit structures in their work—because of its broad role in reducing tax liability of the wealthy and putting decisions about wealth redistribution that could be made through governmental use of taxes into the hands of the wealthy. Ahn encourages social justice activists to view redirected tax money as their money—money that has been taken out of government revenue that can (theoretically) be directed through electoral process by the people and instead directed into handpicked causes by the rich.

Case in Point: LGBT Organizations

These concerning characteristics of nonprofits are prevalent in organizations that have emerged as part of the gay rights or so-called LGBT movement.[3] Looking at these

---

3 We have reservations about whether *movement* is an appropriate term for the advocacy, policy, and law reform work that has been engaged over the last 25 years seeking, for the most part, lesbian and gay rights or rights of same-sex couples. The co-optation of the word *movement* itself, to signify work that does not engage in base-building or bottom-up strategies or promote leadership of those vulnerable to the most severe manifestations of heterosexism, is a concern of this article.

critiques in the context of this specific area of activism is useful not only because doing so can illustrate the critiques but also because trans work is often seen as a subset of lesbian and gay rights work and thus is expected to follow similar strategies—an assumption that, given these concerns, may be worth questioning.

Countless scholars and activists have critiqued the direction that gay rights activism has taken since the incendiary moments of June 1969 when criminalized gender and sexual outsiders fought back against police harassment and brutality at New York City's Stonewall Inn. What started as street resistance and nonfunded ad hoc organizations, initially taking the form of protests and marches, institutionalized in the 1980s into nonprofit structures that became increasingly professionalized. Critiques of these developments have used a variety of terms and concepts to describe the shift, including charges that the focus became assimilation (Barnard, 1996; Cohen, 1997; Sycamore, 2004); that the work increasingly marginalized low-income people (Blum, DeFillipis, & Perina, 2000–2001), people of color (Farrow, 2004; Sycamore, 2004), and transgender people (Minter, 2006; Rivera, 2002; Spade, 2004); and that the resistance became co-opted by neoliberalism (Harris, 2006) and conservative egalitarianism. Critics have argued that as the gay rights movement of the 1970s institutionalized into the gay and lesbian rights movement in the 1980s—forming such institutions as Gay and Lesbian Advocates and Defenders, the Gay and Lesbian Alliance Against Defamation, the Human Rights Campaign (HRC), Lambda Legal Defense and Education Fund, and the National Gay and Lesbian Task Force—the focus of the most well-funded, well-publicized work on behalf of queers shifted drastically (Harris; Padilla, 2004; Vaid, 1996).

From its roots in bottle-throwing resistance to police brutality and radical claiming of queer sexual public space, the focus of gay rights moved toward the more conservative model of equality promoted in U.S. law and culture through the idea of equal opportunity. The thrust of these organizations' work became seeking access and equality through dominant U.S. institutions rather than questioning and challenging the fundamental inequalities promoted by those institutions. The key agenda items became antidiscrimination law focused on employment (e.g., the federal Employment Non-Discrimination Act [2007], as well as equivalent state statutes), military inclusion, decriminalization of sodomy, hate crimes laws, and a range of reforms focused on relationship recognition that increasingly narrowed in the last decade to focus on marriage.

Critics have charged that the social justice focus was erased from the movement and replaced by a focus on formal legal equality that could produce gains only for people already served by existing social and economic arrangements (Spade & Willse, 2005). For example, choosing to frame equal access to health care through a demand for same-sex marriage rights meant fighting for health care access that would affect only people with jobs that include health benefits they could share with a partner, an increasingly uncommon privilege (Ettelbrick, 1989; Spade & Willse, 2005). Similarly, addressing the marginalization of queer people in the economy solely through the lens of antidiscrimination laws barring discrimination in employment on the basis of sexual orientation—despite the fact that these laws have been ineffective at eradicating discrimination against other oppressed groups and ignoring the reality that most people do not have access to the legal resource needed to enforce these kinds of rights—has been criticized as marking an investment in formal legal equality while ignoring the plight of the most economically marginalized queers.

These questions came to the fore during the welfare reform debates and subsequent policy changes of the mid-1990s, when social justice activists criticized gay rights organizations for not resisting the elimination of social welfare programs despite the fact that these policy changes had devastating effects for low-income queers (Blum et al., 2000–2001). Similar critiques have been made of the quest for hate crimes laws, arguing that their aims of enhancing penalties for assaults committed based on antigay animus and directing resources to criminal justice agencies are misguided. Queer activists focused on opposing police brutality and mass incarceration of low-income people and people of color in the United States have argued that hate crimes laws do nothing to prevent violence against queer and trans people, much of which happens at the hands of employees of the criminal justice system to which hate crimes laws lend more resources (Spade & Willse, 2000). These critics have pointed out that the shift in focus from police accountability to partnering with the criminal justice system and aiming for increased penalties represents a significant move away from the concerns of low-income queers and queers of color, who are the most frequent targets of police and prisons, toward the perspective of White and economically privileged queers who may feel protected by the police and the criminal justice system and more interested in retribution than in finding alternatives to a crime-and-punishment model.

Overall, the gay rights agenda has shifted toward White gay and lesbian experience while marginalizing or overtly excluding the needs and experiences of people of color, transgender people, and low-income people. Blatant

examples such as the battle over whether the most well-funded gay rights organization, HRC, would include transgender people in its national legislation or cover only sexual orientation, as well as examples of value shifting, such as the move from police accountability to hate crimes laws, represent this trend. Professionalization in emerging gay rights nonprofits may be one of the causes of this shift. As these organizations emerged, often funded by wealthy White gay people and the foundations they have created, their staffs were and remain primarily White gay men and lesbians with professional degrees. These organizations operate on typical hierarchal models of governance, with decision making coming from the top down, including board members and senior staff who are even more likely to be White, wealthy, and have graduate-level educations.

The gay rights agenda, then, has come to reflect the needs and experiences of those leaders more than the experiences of community members not present in these elite spaces. These paid leaders could imagine themselves fired from a job for being gay or lesbian, beaten up on the street, or kept out of military service. They did not imagine themselves as potentially incarcerated, on welfare, homeless, in danger of deportation, or targets of continuous police harassment, so those issues did not receive resources in their work. Furthermore, these leaders came out of graduate schools more than from radical movements of people facing centuries of state oppression, so their critiques of such notions as formal legal equality, assimilation, and equal rights were less developed. Even White feminist critiques of the institution of marriage could not trump the new call for marriage equality—meaning access for same-sex couples to the fundamentally unequal institution designed to privilege certain family formations for the purpose of state control (Colker, 2006; Franke, 2006).

The decision-making structures and priorities are not the only aspects of these nonprofits that have generated critique. Money has also been a serious concern—both where it comes from and where it goes. The largest, White-founded and -led organizations doing gay rights work have generated much revenue through both foundation grants and sponsorship by such corporations as American Airlines, Budweiser, IBM, and Coors. These partnerships, which include free advertising for the corporations, have been criticized by queers concerned about the narrow social justice framework of organizations willing to promote corporations whose labor and environmental practices have been widely critiqued. These partnerships have furthered the ongoing criticism that gay and lesbian rights have become single-issue politics,

ignoring other social justice issues to promote only a narrow political agenda that concerns gays and lesbians experiencing oppression through a single vector—sexual orientation—and thus excluding from concern all the queer and trans people who simultaneously experience sexual orientation–based oppression and other oppressions related to their identities as people of color, workers, immigrants, gender nonconformers, people with disabilities, and so forth.

Lesbian and gay organizations have also, generally, followed labor practices that do not line up with progressive social justice values. The most well-funded organizations have pay scales similar to those of the private sector, with executive directors often making three to four times the salaries of the lowest-paid employees. Pay often correlates to educational privilege, which again means that the most resources go to White employees from privileged backgrounds and the least go to employees of color and people without the benefit of educational privilege. Furthermore, these organizations for the most part do not provide health benefits that include trans health care, despite the fact that this social justice issue is an essential one for trans people. The organizations also have a record of not prioritizing the development of antiracism within their work, with continued failure, despite requests by some employees, for meaningful anti-oppression training and development work within the organizations.[4] The refusal to devote resources toward the development of internal antiracist practice reflects the broader marginalization of issues important to people of color in these agendas.

Overall, the well-funded gay and lesbian rights organizations are stark examples of the critiques made by activists from across a wide range of social justice movements about the problems with the nonprofit structure as a tool for social justice. Lack of community accountability, elitism, concentration of wealth and resources in the usual places, and exploitative labor practices are norms within these organizations, and so create and maintain a disappointing political agenda that fails to support meaningful, widespread resistance to oppressive institutions in the United States—and sometimes even bolsters them.

Conceptual Tools for Examining Organizational and Movement Approaches to Change During a flood, the raft is a life-saving device, but it is only a means of getting to higher ground. So, too, with survival programs, which are emergency services. In

---

4 This information comes from the authors' own work within these organizations and their relationships with other activists working inside these organizations.

themselves they do not change social conditions, but they are life-saving vehicles until conditions change. (Abron, 1998, p. 25)

In assessing the disturbing failures of well-resourced organizations focused on lesbian and gay rights to articulate meaningful resistance to maldistribution of wealth and power, and to begin imagining what it would mean to structure organizations focused on trans liberation that also aim to resist neoliberal co-optation, we found some useful conceptual tools generated by radical organizations. These tools provide a framework for imagining how organizations can engage in an intentional dialogue about how their tactics and structures fit into their vision of building social movements and engendering social change and, as such, are helpful for our discussion about alternatives to traditional nonprofit structures for emerging trans organizations.

These tools are especially helpful in developing an analysis that emphasizes the interconnectedness of structure, ideology, and strategy. As Joo-Hyun Kang (2004) pointed out, focusing solely on structure may be just as dangerous as ignoring it. Kang elaborated on this topic in her plenary speech at The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex Conference. After a productive conference identifying concerns about the limitations of the nonprofit 501(c)(3) structure, Kang challenged attendees to go beyond structure, to address the ideologies that drive the work we as activists do and make sure that the structures employed to carry out that work are consistent with our ideologies and values. Kang argued that as long as nonliberatory ideologies are firmly in place, challenging organizations to change their structures will do no good. We have found these tools useful in understanding the link between organizational ideology, values, and structure.

Theory of Social Change

Strategic Concepts in Organizing and Policy Education (SCOPE), a Los Angeles organization, offers a tool called the Theory of Social Change Framework. SCOPE's assumption is that all social change organizations have some analysis of problems in society, some goals for creating positive change, and some strategies for making their vision into a reality (Strategic Concepts in Organizing and Policy Education, 2004). Broken down into analysis, goals, and strategies, the Theory of Social Change Framework provides organizations with a means to understand and address the root causes of the problems in their communities and with a way to discern what form of organization is needed to achieve their goals for how society should work.

With this tool, SCOPE makes an important point about the interconnectedness of analysis, practical work, and form of organization. SCOPE notes that an organization's perception of which are the most important problems will determine who needs to be involved in the work. Furthermore, an organization's primary strategies will dictate what form of organization is most effective. SCOPE's framework helps organizations make conscious, strategic choices based on an articulated theory of change.

Methods of Change: Four Pillars of Social Justice Infrastructure

Drawing on previous social movements that used a variety of strategies to build community power, the Miami Workers Center developed a useful tool for understanding the role of various strategies in social justice work. Miami Workers Center (2004) has described what it calls the Four Pillars of Social Justice Infrastructure: the Pillar of Policy, the Pillar of Consciousness, the Pillar of Service, and the Pillar of Power. The Pillar of Policy is about work that changes policies and institutions using legislative and institutional strategies, with concrete gains and benchmarks for progress. The Pillar of Consciousness includes work that aims at shifting political paradigms and altering public opinion and consciousness, such as media advocacy work, the creation of independent media, and public education work. The Pillar of Service encompasses work that directly serves oppressed people and helps stabilize their lives and promote their survival, including work that provides critical services. Finally, the Pillar of Power is about achieving autonomous community power through building a base and developing leadership: building membership organizations with a large scale and influence (quantity) and developing the depth and capacity of grassroots leadership (quality).

The Four Pillars model is aimed at helping social justice movements understand how these very different kinds of work—which often are located in disparate organizations that do not collaborate extensively and that define themselves as single strategy—are in fact intertwined, complementary, and essential. The Four Pillars model focuses on helping movements and organizations understand that the Pillar of Power—perhaps the most neglected area in the current nonprofit industrial complex–dominated social justice context—is the most essential for change and that the other pillars should ideally be engaged to support the Pillar of Power.

This model is useful for evaluating an organization's overall role in movement building, identifying areas of needed collaboration, and formulating a theory of change. If, for example, we acknowledge that depoliticized direct service work disconnected from the Pillar of Power is the norm as part of the shadow state, we can form ideas about

what direct services that support base-building and leadership development might look like. The Four Pillars model allows for recognition of the vital need for all four pillars: Direct services are not simply a Band-Aid, as is sometimes argued, but instead can be understood as an essential aspect to building mass power. Direct services not only allow the base of people affected to survive and politically participate but also can be a road to participation if those services are provided in a politicized context where people come to understand their need for services as linked to broader political structures that affect many others like them.

Similarly, media justice work aimed at changing hearts and minds is not the single key strategy for change, as is sometimes presumed by those who invest deeply in the idea that current political conditions are primarily a result of ignorance or misunderstanding on the part of voters or the public. However, media work and public education are important components of increasing political awareness, changing paradigms, and building power for oppressed people. Seeing the interconnectedness of these strategies for change, as well as their role in building mass movements, allows organizations to resist the pressure of the nonprofit industrial complex to operate competitively and separately from others engaging in different strategies. This viewpoint also reminds those committed to change that the elite strategies mired in expertise, such as policy reform and work with the mainstream media, need to be engaged in service to the fundamental struggle to build power among oppressed people. Looking at social movement infrastructure through the Four Pillars model allows for integrating disparate, often competing strategies and offers a chance to reframe the emphasis on elite media work, policy reform, and services created by the nonprofit industrial complex.

Contrasting two LGBT organizations with different theories of change and different methods for achieving change may be useful here for understanding how SCOPE and the Miami Workers Center's tools can help identify underlying assumptions in social justice work and imagine organizational structures and strategies that mirror radical redistributionist values. We chose HRC and FIERCE! (Fabulous Independent Educated Radicals for Community Empowerment) as our sample organizations because these organizations employ quite different theories and strategies for change and structures of governance.

HRC is the largest LGBT organization in the United States. Its best-known work focuses on federal legislation—most notably the federal hate crimes law and the Employment Non-Discrimination Act (2007), which would bar employment discrimination based on sexual orientation. HRC is also known for producing public opinion polls relevant to lesbian and gay concerns; for promoting candidates who take political positions sympathetic to lesbian and gay rights (as HRC construes them); and for its Corporate Equality Index, which measures corporations' commitment to equal treatment for lesbian and gay employees. HRC is structured as a traditional nonprofit with an elite board that rarely includes a significant proportion of people of color or low-income people and has failed to retain transgender board members.

HRC's primary work suggests that the organization's theory of change posits that providing incentives for corporations to treat lesbian and gay employees equally, promoting candidates based on their votes on gay issues, and promoting federal legislation prohibiting discrimination and enhancing punishment for hate crimes targeting gays and lesbians will yield positive social change for its constituency. HRC's traditional uses of mainstream media operate within a liberal social change framework aimed at changing the hearts and minds of Americans, hoping that increased goodwill toward lesbians and gays will result in increased support for measures focused on formal legal equality (e.g., marriage rights, rights to nondiscrimination in employment). HRC's funding comes from wealthy philanthropists and foundations, reflecting its top-down approach to social change.

FIERCE! is a community organizing group in New York City comprising trans and queer youth of color. The scope of the organization's work is primarily local, although FIERCE! also participates in national coalitional work. Its campaign focuses on dealing with attacks on public spaces that have served as meeting places for trans and queer youth of color in New York City's West Village, highlighting the connections between police brutality, discrimination against youth of color in schools, and foster care, gentrification, and political marginalization.

FIERCE! uses a by-and-for governance model in which the membership, composed entirely of those directly affected by the organization's work, cogoverns the organization along with staff and board members. Building political analysis and unity within membership is a primary goal of the organization, with a central focus on the process of membership base-building and leadership development as key to long-term movement building and the struggle for power and self-determination. The question of organizational structure for FIERCE! is about the maximization of the leadership

and power potential of the membership base. The underpinning to the organization's structure is connected to the question of power. When evaluating the effectiveness of the organizational structure, FIERCE! asks the following questions: Do the structure and program maximize the leadership and power potential or more than just a handful of people? and Does the organization's structure have integrity with the community it is charged with serving?[5]

The organization's theory of change centers on base-building: FIERCE! approaches social change by working to build an organization with the scale and depth to affect public policy, transform institutions, and shift cultural norms. FIERCE! focuses on building skills, political consciousness, and leadership among people most directly affected by oppressive systems. This bottom-up approach is reflected in its membership system, its prioritization of relationship building, and its long-term strategies for movement building by collaborating with other social movement sectors. The organization's resistance to top-down strategies focused on elite decision-making bodies, as well as its centralization of the experiences of people facing multiple vectors of oppression, contrast sharply to HRC's highly professionalized workforce, which remains primarily White. In contrast to the collaborative model FIERCE uses, HRC's strategy for exercising power is primarily through narrow policy advocacy that has frequently been charged with gaining victories at the expense of other communities. In comparing these two organizations, even this brief sketch can offer insight into how an organization's understanding of power and social change influences its analysis, strategies, and structures—and, ultimately, its impact.

Nonprofits differ in strategy (e.g., service provision, community organizing, legal and policy advocacy, public education) and represent a wide spectrum of political ideologies (e.g., radical, liberal, conservative). Whether stated or not, all organizations have a theory of how social change happens that determines what work they deem politically viable, whom they involve in their work, and which strategies and structures they employ to carry out this work. As explained previously, an organization's ideology will drive the strategies it uses to address a problem. For example, the Black Panther Party survival programs, although technically services, were used as a way to expose the embedded racism in the U.S. government and the systemic neglect of and violence against the Black community. The services the Black Panther Party provided—such as free breakfast programs and *freedom schools*[6]—were based in a broader understanding of the role service provision played in organized struggle for Black liberation and self-determination. Black Panther Party services, then, were aimed at building the Pillar of Power, politicizing its constituency and building shared analysis. Similarly, the Young Lords Party's hijacking of lead paint testing trucks in the 1960s and 1970s to bring them into Puerto Rican communities combined survival services with political education, lodging a critique of state health programs and their neglect of Puerto Rican communities. These two organizations' ability to provide politicized survival services outside of a nonprofit context offer a lens through which to critique the shift toward depoliticized social service provision and the reduction of direct organizing work in the context of the nonprofit industrial complex.

The Sylvia Rivera Law Project: A Model for Collective Resistance

Despite the fact that the development of the nonprofit industrial complex has led to reduced radical potential and adoption of many conservative practices within social movements, the need for movement organizations to create infrastructure for long-term sustainable change remains. Social justice organizations provide key places for leadership development, provision of survival services, political development, network building, and sustained campaigns for change. Can the nonprofit model be engaged critically and used to pursue radical social change? Luckily for the emerging institutionalization of transgender justice work, there are excellent models for building social justice organizations that resist many of the aforementioned problematic trends. The Sylvia Rivera Law Project (SRLP) is a trans organization that has researched and used existing models of collective governance and antiracist organizational development that may be useful to people who are working to build accountable, radical social justice organizations focused on trans liberation. We offer SRLP's model as an entry point for imagining the institutionalization of trans resistance outside of the limited frameworks provided by gay and lesbian nonprofits.

SRLP's Origins

Part of what is interesting about SRLP is the story of its founding and transition from a traditionally

---

5 This information is based on Rickke Mananzala's direct knowledge of the workings of FIERCE!, for which he serves as codirector.

6 These schools featured a progressive, experiential curriculum that emphasized student-centered teaching and learning by doing with the goal of empowering Blacks to become active citizens and agents of social change.

structured nonprofit endeavor to a radical multiracial collective. SRLP was founded by the second author, a White trans 24-year-old a year out of law school in 2002. Dean started SRLP with legal fellowship funding, a type of 1-to 2-year grant available to law graduates starting innovative projects at existing organizations. Dean's project was hosted within a large, traditionally structured poverty law organization, the Urban Justice Center, where Dean paid overhead expenses in exchange for office space and fiscal sponsorship. The project was based on the recognition that no organizations were providing free legal help to transgender, intersex, and gender-nonconforming communities, who were facing extreme discrimination in gaining access to identification and basic services, such as welfare, shelters, foster care, and health care.

Dean's idea was to build a project that would provide free legal help, train others who should be providing services but did not have the basic competency on trans issues to do a good job, work to change policies, and engage in litigation. The underlying philosophy, which remains a key element in SRLP's mission and vision, was that trans communities cannot build political power and take up leadership in the variety of movements that concern us if we are not surviving. Providing survival services in a by-and-for environment based on social justice rather than on charity and focused on building political change can be transformational to a highly marginalized population.

As soon as SRLP opened, it was flooded with calls for help, as well as with community members eager to support the work. The outpouring of energy toward the project was significant and overwhelming. Dean began working with other community members, as well as people who knew about organizational development, to think about a model for building an independent organization that could expand its capacity to use volunteer energy and serve more people with few financial resources. He wanted to break away from the Urban Justice Center—an organization with a typical hierarchical structure and pay scale, in which White people occupied most positions of leadership, and that had unaddressed internal dynamics of oppression—and create a fully trans organization governed in some way that would resist the typical race, gender, and class dynamics of poverty-law organizations.

The initial SRLP steering committee researched collectively run organizations—primarily women of color organizations, such as Sista II Sista in New York, Manavi in New Jersey, and the Asian Women's Shelter in San Francisco, as well as the May First Technology Collective in New York. Steering committee members read the internal structure documents of these organizations, interviewed their members, and supplemented this information with various labor best practices guides to draft SRLP's Collective Handbook and Employee Handbook. The Collective Handbook outlines SRLP's structure, criteria for collective membership, grievance policies, decision-making structures and other key features. The Employee Handbook focuses on issues of compensation, benefits, administrative procedures, and other areas specific to employees.

SRLP's Mission and Goals

Because of our focus on this model, it is worth quoting SRLP's articulated mission and goals from the organization's literature. SRLP's mission statement reads:

> The Sylvia Rivera Law Project (SRLP) works to guarantee that all people are free to self-determine their gender identity and expression, regardless of income or race, and without facing harassment, discrimination, or violence. SRLP is a collective organization founded on the understanding that gender self-determination is inextricably intertwined with racial, social, and economic justice. Therefore, we seek to increase the political voice and visibility of low-income people of color who are transgender, intersex, or gender non-conforming. SRLP works to improve access to respectful and affirming social, health, and legal services for our communities. We believe that in order to create meaningful political participation and leadership, we must have access to basic means of survival and safety from violence. (Sylvia Rivera Law Project [SRLP], n.d.a)

SRLP's written organizational goals are as follows:

1. To provide access to free, quality, respectful, affirming legal services for low-income transgender, intersex, and gender non-conforming people.
2. To use training, public education, policy reform, and precedent-setting lawsuits to end state sanctioned and institutional discrimination, violence, and coercion on the basis of gender identity and expression, which we understand as inextricably related to race and class.
3. To build a non-hierarchical collective organization that internally practices what we're struggling for by developing the leadership of low-income transgender, intersex, and gender non-conforming people of color.

4. To participate in the larger movement for racial, social, and economic justice that includes gender liberation and prioritizes the issues of those most affected by the systems of oppression under which we live. (SRLP, n.d.b)

SRLP's Structure

SRLP operates on a collective governance model designed to maximize the use of community volunteer support, build skills and analysis among community members, centralize leadership of trans people of color and low-income people, and prioritize the needs of those most vulnerable to state violence. SRLP's structure comprises six equally important teams: The Direct Services Team runs the legal clinic, makes determinations about how to take and handle cases, and advocates for policy reform within institutions that affect the community; the Public Education Team deals with trainings, web resources, media, and publications; the Fundraising and Finance Team raises money and administers financial systems; the Collective Development Team recruits staff and collective members and is responsible for SRLP's internal anti-oppression work; the Organizing Support Team links SRLP's work to other community-based organizations and connects clients to opportunities for organizing on issues that affect them; and the SRLP Board is charged with oversight of the legal, ethical, and moral responsibilities of the organization and its financial health.

Many people imagine that working collectively means making every decision in a big meeting with everyone present and assume that it is less efficient than doing work in hierarchal structures. SRLP's structure maximizes efficiency by using teams and committees to delegate decision-making and implementation powers to small groups and individuals while employing annual work plans and other accountability measures to make sure that the broad strokes of programming are approved by the entire organization. Once a year, all of SRLP's teams come together at a retreat to present their work plans for the coming year, including time lines and detailed information about specific projects and priorities. Organization members then discuss these plans and approve them, with changes. Then, 6 months later, at SRLP's second annual retreat, members check in on project progress, changes, and any unexpected events. With this method, everyone always knows what is going on and has opportunities to raise concerns, generate discussion about priorities, and build collaborations. Because the teams are authorized to do the work and implement these decisions as they see fit, this collective process is also efficient.

The cause of efficiency is served, too, by the consensus basis of the decision-making structure. All of SRLP's meetings use consensus decision making, a process that works as follows: Once someone makes a proposal, the proposal is discussed and clarified, then concerns are raised and changes made to address them; approval occurs when all concerns have been alleviated (Butler & Rothstein, 2005). Any member can block a decision or stand aside, so no one is assigned a task that she or he did not have a role in discussing and approving. Unlike traditional nonprofits, in which decision making occurs from the top down and the direction of the organization or its specific programming is rarely decided by the workers carrying it out, in SRLP everyone doing the work helps shape that work. This practice maximizes efficiency because workers are invested in their projects, empowered to spot problems and concerns and bring them to the group to be addressed, and never forced to implement programs or strategies with which they disagree. The investment in a collective decision-making process pays off both in the increased leadership abilities of all participating individuals and in their increased drive to implement the organization's mission and programs.

Each SRLP team comprises at least one staff member (all staff members are also collective members) in addition to other collective members. Community members become collective members through a nomination process in which they commit at least 15 hours of work per month for a year. The Collective Development Team determines their appropriateness for the collective and their placement on a team. The Collective Development Team is charged with recruiting members in a way that maintains SRLP's goals of being governed by 50%-plus-1 people of color and 50%-plus-1 trans, intersex, and gender-nonconforming individuals. Besides the staff in general, the makeup of each team also reflects these goals, so that every decision-making body in the organization is majority people of color and majority trans, intersex, or gender nonconforming. These goals were put into place with the initiation of the collective structure in July 2003—although it took until 2006 for the staff makeup to reflect these goals. In 2007, at this writing, the staff is 86% people of color and 86% trans, intersex, or gender nonconforming (i.e., the organization currently has one White person on staff, as well as one nontrans, intersex, or gender-nonconforming person on staff). At the 2007 winter retreat, the organization discussed changing the goal of having 50%-plus-1 people of color on staff to, perhaps, 80% to reflect the fact that the current makeup of the collective and its constitutive bodies feels ideal to many members.

The processes SRLP uses, from its team structure to its retreats and consensus-based decision making, are designed to prevent the concentration of power in a small group of individuals. So far, in the organization's first 5 years, this method has been successful, with a steady low level of staff and collective member turnover that allows both continuity in the work and shifting perspectives and leadership opportunities.

SRLP's Racial Justice Initiative

In 2004, a proposal emerged in the collective to create a racial justice initiative that would bring more resources to SRLP's internal anti-oppression work. The proposal suggested hiring long-term (1–2 years) consultants to work with SRLP to build its capacity for organizational development in terms of racial justice. The process entailed doing shared political analysis about systemic and individual racism among members, as well as developing a White caucus and a people of color caucus that would meet on an ongoing basis. This work was vitally necessary to SRLP's development as a multiracial organization. Although at that time the organization already had a majority of people of color in the collective, it was nonetheless an organization founded by a White lawyer with White cultural norms operating in many areas and precipitating racist dynamics between members. SRLP recognized that without developing the capacity of the organization and the individuals in it to recognize White cultural norms, to address racism between members, and to assess racist dynamics in the institutions the organization targeted for change, the organization could not take the next steps toward making its anti-oppression goals meaningful.

As a result of this initiative, SRLP devoted its spring 2005 retreat to working with its new consultants, Dismantling Racism. That weekend, and at retreats that followed, collective members engaged in exercises that focused on building understanding of the nature of racism, assessing SRLP's antiracist organizational development so far, identifying areas for improvement, developing a shared language and skills for discussing racism in the organization, and building White and people of color caucuses in which to do specific antiracism work. The process not only was transformational for the organization and its individual members but also became a key support in the organizational developments that followed.

One element that this work supported was the founder transition process that SRLP began in 2004. From the beginning, Dean had identified that he did not want to be the kind of nonprofit founder who stays in an organization forever. Founders often end up possessing a great deal of power in an organization because of their history and role and relationships with funders, and their continued presence can often restrict the leadership of others. Dean recognized that most poverty-law organizations he knew of had White male founders who retained power, prevented meaningful community governance, slowed progress of antiracist organizational development, and contributed to the *cult of personality* dynamic in social justice arenas in which individuals, rather than groups, are credited with the work of community organizations. For these reasons and others, Dean continued to discuss his eventual departure from a staff role at SRLP. For 2 years, the organization worked on this transition, bringing in new staff and transferring skills and duties so that the people taking on Dean's work would be adequately prepared and allow Dean to move to a new, unpaid support role in the organization. This process was difficult, in part because of entrenched racist dynamics within and outside SRLP that centralized the leadership of a White lawyer in the organization. The processes and skills provided by SRLP's Racial Justice Initiative supported the transition and provided language for creating priorities and strategies that would benefit the leadership of people of color in SRLP. In August 2006, Dean left the SRLP staff, which had grown to seven, and took up a supportive role on the Fundraising and Finance Team.

SRLP's Funding

SRLP's approach to fund-raising reflects its political commitment to challenging the ways in which traditional nonprofit structures can lead social justice organizations to reflect conservative values in their practices. SRLP is deeply committed to grassroots fund-raising, believing that a large donor base of community members and allies is a more sustainable approach to movement building than receiving support primarily or exclusively from a few foundations and wealthy individuals. Raising money from the organization's constituency and its allies makes the work more accountable to that constituency and helps ensure that the mission and program will not shift in response to wealthy philanthropists' visions. SRLP puts significant staff and collective time into creating sliding-scale or free community events that raise money and using mass mailings that simultaneously solicit donations and share information about issues facing SRLP's constituency. The push toward using sustainable grassroots fund-raising is a gradual one for SRLP, which depends on a combination of law fellowships, foundation grants, major donors, and small donations. The highest percentage of the annual budget that SRLP has ever garnered through grassroots fund-raising is 30%. SRLP is committed to a

long-term process of developing sustainable fund-raising strategies while continuing its program work.

SRLP is also committed to intervening in the dynamics that occur within foundation fund-raising, which has been a challenge for SRLP for several reasons. First, many foundations that focus on LGBT issues have responded to SRLP's requests for support by questioning the necessity of trans-specific groups when LGBT organizations exist. These same funders have also questioned SRLP's prioritization of direct services work and reform of institutions centrally affecting low-income people. SRLP has had to develop relationships with these funders—who are used to viewing social change on queer and trans issues through the lens of the strategies of the most well-funded (so-called successful) gay rights organizations—to demonstrate the need for work focusing on trans survival and the gaps in this work that exist in gay rights.

SRLP has also worked to form mutually supportive, rather than competitive, relationships with allied groups focused on LGBT people of color, sharing ideas about grants to apply for and being careful not to compete for grants that are more appropriate for other groups that are even less recognized by funders who do not value base-building organizing and would rather see lawsuits and hate crimes legislation. Approaching foundation fund-raising with a critical eye, recognizing its necessity but also its shortcomings, has been key to strategizing about engaging with this source of funding. Overall, SRLP's reliance on volunteer labor, its avoidance of inflated wages for people with professional degrees (everyone at SRLP makes the same wage, regardless of education), and its focus on grassroots fund-raising are aimed at creating an organization that is sustainable even if foundation funding becomes unavailable or the number of staff positions has to be reduced.

Being Visionary: Long-Term and Short-Term Strategies

As SRLP has grown and demand for its services and work has continued to expand with its reputation, the teams and the collective as a whole have continually had to face questions about priorities and determinations of which kinds of work, particularly institutional reform work, fit within the organization's vision and should be pursued. These questions are complex, especially when using legal strategies (which are traditionally reformist) but attempting to manifest radical politics. SRLP explicitly aims to build power in its constituency to achieve major transformations, not to shore up existing relations of power through meaningless formal legitimizing reforms.

Recently, several teams of the collective have been working together to create a goals and strategies document that will help articulate the politics of short-term and long-term strategies for change. The process of producing, amending, and editing this document serves several purposes: (a) strengthening political unity and building shared political analysis in the collective through disagreement and conflict, (b) creating clarifying guidance for the work so that each team can implement the mission more fully, (c) building a vision that can be shared with political allies and channeled into public education strategies, and (d) deepening relationships between teams and among collective members. The Direct Services Team, especially, has articulated that having a document that provides an overarching vision and a range of potential strategies will help people with legal intervention skills recognize when other approaches are more appropriate and ask for help from other teams. Since many of the issues and problems SRLP works on come in through clients who first interact directly with the Direct Services Team, and that team has the most experience dealing with issues through legal help, it is important to create guidance for them in assessing when other strategies can be used so that they can alert other teams. This approach is an important part of implementing SRLP's commitment to employ multiple strategies, using all the Pillars rather than just the Pillar of Service to address community members' concerns.

The focus of the goals and strategies document is to look at SRLP's areas of intervention, such as foster care, prisons, homelessness, or health care access, enumerating within each issue the true end goal, the alternative vision for how that issue or system could work, the short-term goals for change, the interventions SRLP has already undertaken, potential strategies, potential targets, and potential allies. An example may be useful here. The Homeless Shelter System section of SRLP's current draft of the goals and strategies document identifies the true end goal of SRLP's work on homeless shelters as "[a]ccess to free or affordable permanent housing for all people."[7] The document states SRLP's alternative vision for this issue as follows:

> Housing is a fundamental basic necessity, and should be a basic right of all people, not mediated by the quest for profit. There is enough housing and resources for everyone to be safely housed, and it should be redistributed so that we all are.

Subsequently, the document lays out short-term goals, such as increasing legal help for trans, intersex, and gender-nonconforming people in housing court to

---

7 Document on file with the authors.

prevent evictions and thus reduce homelessness. Another short-term goal the document sets forth is the creation and enforcement of policies that prevent trans women from being placed in men's homeless shelters. Underneath each short-term goal is a list of strategies that could be or have been used to achieve that goal.

Central to SRLP's mission are the organization's ongoing efforts to resist relying solely on short-term strategies of social change and to recognize the limits of legal reform while balancing the necessity for law and policy changes that can help trans, intersex, and gender-nonconforming people survive. SRLP recognizes that this process must continually unfold, that its work will be imperfect, that its members will have blind spots, and that each area of its program, like all aspects of anti-oppression, is not about arriving but instead about engaging in a process with integrity, reflection, and openness to change. The desire to explicitly state long-term visions is aimed at preventing the common nonprofit trend toward choosing short-term strategies in the name of political viability without regard to long-term vision.

Ongoing Challenges

Several areas within SRLP's structure present continuing challenges that the collective consistently discusses and revisits. One such area is leadership development. Developing the members' capacity to become leaders (i.e., helping people deepen their political analysis and gain new skills, such as public speaking, writing, time management, and follow-through, as well as helping collective members move into staff roles) is an ongoing process. As an organization with an enormous workload that takes on significant issues with very few resources, ensuring that members have the time necessary to train others, shadow one another, and develop needed skills before being pushed into a new experience is difficult. The collective has continuously improved in this area, but conflicting pressures make it difficult to meet all the demands.

SRLP has also struggled with addressing issues of ableism and gender balance. Because its last few years have centralized a focus on antiracist organizational development, some collective members have felt that addressing the underrepresentation of people with disabilities in the collective, and the underrepresentation of transwomen in the collective, has not been given the attention it deserves. The collective has had several focused conversations specifically about gender balance and recruitment, and transwomen have become a larger part of the membership over time, but ongoing work is required to address the

many effects that sexism and divisions between trans masculine and trans feminine communities have on creating a multiracial, multigender organization. Ongoing discussion about recruitment, accessibility of collective events, cultural norms within collective space, and the role of allies in social change work is moving these issues forward in the collective.

Overall, SRLP works to remain a space for challenging oppression both within the organization and outside, as well as to engage in a process of collectivizing governance and building accountability to the communities it serves. SRLP recognizes these as long-term processes rather than points of arrival and aims to create an environment that welcomes those challenges and adjusts to meet those goals despite a conservative climate that erases radical social justice values. Aware of the incentives the nonprofit industrial complex provides for centralizing power in the hands of elites and choosing short-term gains over radical social change, SRLP aims to create structures that counter those tendencies. Recognizing the important connection between a social movement organization's mission, vision, ideology, and structure, SRLP strives to put its money where its mouth is.

Conclusion

SRLP's model may be useful for existing and emerging trans organizations not only because of its organizational structure but also due to what it suggests about the possibility of trans political organization. Despite the fact that SRLP is a new organization with only 5 years of experience to recommend its approach, we believe that its innovative use of older existing models of antiracist and feminist governance, communication, and prioritization have much to contribute to trans politics. In the politically trying times in which we live, radical departures from conservative norms are the most difficult and the most necessary. To build trans liberation organizations or a trans movement that does not meaningfully resist capitalism and racism or, worse yet, is co-opted to become an arm of racist and capitalist state building, is unsustainable, unjust, and inexcusable.

In all social justice work, we cannot know the outcomes of all of our actions and we must assume that we have blind spots that will be pointed out by people who are still being excluded, or by dynamics that have not yet emerged. However, feminist and antiracist movements have produced enough critical analyses of the nonprofit industrial complex and neoliberal co-optation to provide a good sense that modeling trans organizations, strategies, and visions on the existing well-resourced lesbian and

gay rights organizations, although potentially rewarding some trans activists in the short term, is not a just or politically savvy approach to saving the lives of trans people, building trans leadership in social justice, and creating a radically different world without gender coercion, racism, patriarchy, or exploitation. Calls for coalition and collaboration to build bridges to people of color and immigrant movements are essential for existing trans organizations, but we must also examine the structures of our organizations and recognize the deeply rooted racism and hierarchy that are produced within traditional nonprofit structures. Luckily, we can benefit from well-developed alternative models.

Nonprofits remain the site of much social justice work and they can be places of opportunity to provide key survival services, develop critical leadership, reform institutions that are killing our communities, and cultivate a mass movement base. At the same time, we must remain critically aware of the contradictions inherent in using the nonprofit structure to build power for oppressed people. We must remember that our services operate as a shadow state, quelling resistance, and that foundations operate as stored, stolen wealth, often keeping the lid on social justice and rewarding reformist projects, while the state criminalizes radical redistributionist political organizations (Rodriguez, 2007).

Nonprofits alone cannot address the maldistribution of resources under neoliberalism. We need a broader social movement with forms of autonomous community organization outside the nonprofit structure. We need a progressive infrastructure that includes, but is not limited to, nonprofits that see their interests tied up in the dismantling of the ever-changing neoliberal project by developing democratic organizations. As Ruth Gilmore stated in her 2004 speech at The Revolution Will Not Be Funded Conference in Santa Barbara, California, we need to "not just fight the power, get the power" meaning that we need to be both visionary and rigorous, willing to hear critiques and engage an ongoing, ever-unfolding process of movement development that refuses to compromise portions of our vision or sectors of our community in exchange for a reduced vision of freedom. These are high demands, but if we did not think they were possible, none of this work would be worth trying.

Acknowledgments

References

Abron, J. M. (1998). "Serving the people": The survival programs of the Black Panther Party. In C. E. Jones (Ed.), *The Black Panther Party [reconsidered]* (pp. 177–192). Baltimore, MD: Black Classic Press. Retrieved March 29, 2007, from http://www.mindfully.org/Reform/BPP-Serving-The-People 1998.htm

Agathangelou, A., Bassichis, D., & Spira, T. (2008). Intimate investments: Homonormativity, global lockdown, and the seductions of empire. *Radical History Review, 2008* (100), 120–143.

Ahn, C. E. (2007). Democratizing American philanthropy. In INCITE! Women of Color Against Violence (Ed.), *The revolution will not be funded: Beyond the nonprofit industrial complex* (pp. 63–78). Cambridge, MA: South End Press.

Arkles, G. (2005, August 15). Testimony of Z Arkles (SRLP) to the National Prison Rape Elimination Commission. Retrieved November 6, 2007, from http://www.srlp.org/documents/NPREC_testimony_Arkles.pdf

Barnard, I. (1996). Fuck community or Why I support gay bashing. In R. R. Curry & T. L. Allison (Eds.), *States of rage: Emotional eruption, violence, and social change* (pp. 74–88). New York: New York University Press.

Blum, R. E., DeFillipis, J. N., & Perina, B. A. (2000–2001). Why welfare is a queer issue. *New York University Review of Law and Social Change, 26,* 201–219.

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).

Butler, C. T., & Rothstein, A. (2005). *On conflict & consensus: A handbook on formal consensus decisionmaking.* Takoma Park, MD: Food Not Bombs Publishing.

Cohen, C. J. (1997). Punks, bulldaggers, welfare queens: The radical potential of queer politics? *GLQ: Journal of Lesbian and Gay Studies, 3,* 437–465.

Colker, R. (2006). Marriage mimicry: The law of domestic violence. *William and Mary Law Review, 47,* 1841–1898.

Daley, C. (2005, August 15). Testimony of Chris Daley (Transgender Law Center) to the National Prison Rape Elimination Commission. Retrieved November 6, 2007, from http://www.srlp.org/documents/NPREC_testimony_Daley.pdf

Employment Non-Discrimination Act, H.R. 2015, 110th Cong. (2007).

Ettelbrick, P. (1989, fall). Since when is marriage a path to liberation? *Out/Look: National Lesbian & Gay Quarterly, 6,* 14–16.

Farrow, K. (2004). Is gay marriage anti-Black? *Chicken-bones: A Journal for Literary & Artistic African-American Themes.* Retrieved March 29, 2007, from http://www.nathanielturner.com/isgaymarriageantiblack.htm

Feinberg, L. (1998). *Trans liberation: Beyond pink or blue.* Boston: Beacon Press.

Franke, K. M. (2006). The politics of same-sex marriage politics. *Columbia Journal of Gender and Law, 15,* 236–248.

Gehi, P. S., & Arkles, G. (2007). Unraveling injustice: Race and class impact of Medicaid exclusions of transition-related health care. *Sexuality Research & Social Policy: Journal of NSRC, 4*(4), 7–35.

Gilmore, R. W. (2007). In the shadow of the shadow state. In INCITE! Women of Color Against Violence (Ed.), *The revolution will not be funded: Beyond the non-profit industrial complex* (pp. 41–52). Cambridge, MA: South End Press.

Goodridge v. Dept. of Public Health, 798 N.E.2d 941 (Mass. 2003).

Harris, A. P. (2006, April). From Stonewall to the suburbs?: Toward a political economy of sexuality. *William and Mary Bill of Rights Journal, 14,* 1539–1582.

Harris, D. (1999). *The rise and fall of gay culture.* New York: Ballantine Books.

Hawk, M. T. (2007). Native organizing before the non-profit industrial complex. In INCITE! Women of Color Against Violence (Ed.), *The revolution will not be funded: Beyond the non-profit industrial complex* (pp. 101–106). Cambridge, MA: South End Press.

INCITE! Women of Color Against Violence (Ed.). (2007). *The revolution will not be funded: Beyond the non-profit industrial complex.* Cambridge, MA: South End Press.

Kang, J.-H. (2004, May 1). *The revolution will not be funded.* Plenary speech presented at The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex Conference, Santa Barbara, CA.

Kivel, P. (2007). Social service or social change? In INCITE! Women of Color Against Violence (Ed.), *The revolution will not be funded: Beyond the non-profit industrial complex* (pp. 129–149). Cambridge, MA: South End Press.

Lawrence v. Texas, 539 U.S. 558 (2003).

Marksamer, J. (2005a, August 15). Testimony of Jody Marksamer 1 (National Center for Lesbian Rights) to the National Prison Rape Elimination Commission. Retrieved November 6, 2007, from http://www.srlp.org/documents/NPREC_testimony_youth_Marksamer.pdf

Marksamer, J. (2005b, August 15). Testimony of Jody Marksamer 2 (National Center for Lesbian Rights) to the National Prison Rape Elimination Commission. Retrieved November 6, 2007, from http://www.srlp.org/documents/NPREC_testimony_adult_Marksamer.pdf

Miami Workers Center. (2004). The Four Pillars of Social Justice infrastructure. Presentation given at the New Voices Fellowship Conference, San Francisco, CA.

Minter, S. (2006). *Do transsexuals dream of gay rights? Getting real about transgender inclusion.* In P. Currah, R. M. Juang, & S. P. Minter, *Transgender rights* (pp. 141–170). Minneapolis: University of Minnesota Press.

Minter, S., & Daley, C. (2003). *Trans realities: A legal needs assessment of San Francisco's transgender communities.* Retrieved March 29, 2007, from Transgender Law Center website: http://www.transgenderlawcenter.org/tranny/pdfs/Trans%20Realities%20Final%20Final.pdf

Padilla, Y. (2004). *Gay and lesbian rights organizing: Community-based strategies.* Binghamton, NY: Haworth Press.

Pharr, S. (2004, April 30). Presentation for Session One: Social justice movements and non-profits—Historical context. Session held at The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex Conference, Santa Barbara, CA.

Rivera, S. (2002). Queens in exile, the forgotten ones. In J. Nestle, R. Wilchins, & C. Howell (Eds.), *Genderqueer: Voices from beyond the sexual binary* (pp. 67–85). Los Angeles: Alyson.

Rodriguez, D. (2004, April 30). Presentation for Session Two: What is the non-profit industrial complex? Session held at The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex Conference, Santa Barbara, CA.

Rodriguez, D. (2007). The political logic of the non-profit industrial complex. In INCITE! Women of Color Against Violence (Ed.), *The revolution will not be funded: Beyond the non-profit industrial complex* (pp. 21–40). Cambridge, MA: South End Press.

Spade, D. (2004). Fighting to win. In M. Sycamore (Ed.), *That's revolting!: Queer strategies for resisting assimilation* (pp. 31–38). Brooklyn, NY: Soft Skull Press.

Spade, D. (2005, August 15). Testimony of Dean Spade (SRLP) to the National Prison Rape Elimination Commission. Retrieved November 6, 2007, from http://www.srlp.org/documents/NPREC_testimony_Spade.pdf

Spade, D., & Willse, C. (2000). Confronting the limits of gay hate crimes activism: A radical critique. *UCLAW Chicano-Latino Law Review, 21,* 38–52.

Spade, D., & Willse, C. (2005). Freedom in a regulatory state?: Lawrence, marriage and biopolitics. *Widener Law Review, 11*(2), 309–329.

Strategic Concepts in Organizing and Policy Education. (2004). *Power tools.* Los Angeles: Author.

Sycamore, M. (Ed.). (2004). *That's revolting!: Queer strategies for resisting assimilation.* Brooklyn, NY: Soft Skull Press.

Sylvia Rivera Law Project. (n.d.a). Mission. Retrieved March 29, 2007, from http://www.srlp.org/index.php?sec=01A&page=about

Sylvia Rivera Law Project. (n.d.b). Our goals. Retrieved March 29, 2007, from http://www.srlp.org/index.php?sec=01A&page=goals

Tickell, A., & Peck, J. (2003). Making global rules: Globalisation or neoliberalisation? In J. Peck & H. Yeung (Eds.), *Remaking the global economy: Economic-geographical perspectives* (pp. 163–181). London: Sage. Retrieved March 29, 2007, from http://www.lboro.ac.uk/gawc/rb/rb102.html

Vaid, U. (1996). *Virtual equality: The mainstreaming of gay and lesbian liberation.* New York: Random House.

Valentine, D. (2007). *Imagining transgender: An ethnography of a category.* Durham, NC: Duke University Press.

Xavier, J. (2000). *The Washington Transgender Needs Assessment Survey.* Retrieved October 25, 2007, from http://www.glaa.org/archive/2000/tgneedsassessment1112.shtml