



# GIC TIP JOURNAL

## Transgendered In Prisons



Volume I, Issue 4

"Support, education, outreach and advocacy for the transgender community"

Fall 2001



**Jessie Shafer**  
Editor  
**Gianna E. Israel**  
Contributing Editor

### Inside this issue:

<i>Bella Donna Night Raven</i>	2
<i>Connecticut friend</i>	
<i>Ophelia De'lonta</i>	
<i>Was Pre-Op</i>	
<i>Valjean Royal</i>	3
<i>Carla</i>	
<i>Steph</i>	4
<i>Xena</i>	
<i>Deanna</i>	5
<i>Nzaddi</i>	
<i>Cynthia LeAnn</i>	
<i>Case Law Briefs</i>	6
<i>Recommended Guidelines for</i>	7
<i>Transgender Care—Israel</i>	
<i>and Tarver</i>	
<i>Subscriptions and Contact</i>	7
<i>Information</i>	
<i>Resource Guide</i>	8

The opinions expressed in the GIC TIP Journal are the opinions of the author and do not necessarily represent the opinions or the official policy of the GIC, its board members or officers, or that of the GIC TIP Journal and its editors.

**GIC of Colorado, Inc.**  
1455 Ammons St., Suite 100  
Lakewood, CO 80215  
Phone: (303) 202-6466  
Fax: (303) 202-2050  
E-Mail: GICofColo@aol.com

## Transsexual Wins Right to be Housed in Women's Prison

[Courtesy of Phyllis Frye and Phyllabuster News Service] - The Canadian correctional service has been ordered to provide sex reassignment surgery to transsexuals in prison in appropriate cases, and then to house them in the facility of their new gender, a Canadian Human Rights Tribunal has ruled. Synthia Kavanagh, a male to female transsexual who was housed in a male prison, had filed a human rights complaint after hormone therapy she had been taking before going to prison was discontinued. Kavanagh argued that she is a woman who has suffered from a disability, gender dysphoria (transsexualism), and should be treated as a woman with a medical problem. She sought a change in Corrections Canada policies under which pre-operative male to female transsexual prisoners were housed in male prison facilities and under which sex reassignment surgery was prohibited while an individual was incarcerated. The Zenith Foundation, an organization benefiting transsexuals, intervened in support of Kavanagh.

Kavanagh was successful in both aspects of her claim. The Canadian Human Rights Tribunal agreed that the current policy of housing male to female transsexuals among the male population was discriminatory because it did not take into account the special vulnerabilities of transsexuals as a group. It required Corrections Canada to assess transsexuals and their housing needs individually in consultation with a physician expert in the treatment of gender dysphoria, and gave Corrections Canada six months to develop an appropriate housing policy for transsexual inmates.

The tribunal also held that the absolute ban on sex reassignment surgery was unwarranted and discriminatory, and required that Corrections Canada amend its policy to permit incarcerated individuals who had completed the qualifying period for sex reassign-

ment surgery before going to jail to have the necessary surgery where it was recommended by their physicians, and to have the surgery at the expense of Corrections Canada.

Kavanagh herself had sex reassignment surgery in 2000, further to a settlement of her individual complaint against Corrections Canada, and is currently completing her sentence in a women's correctional facility.

Barbara Findlay was counsel for Synthia Kavanagh with respect to her individual complaint. Stephanie Castle appeared for the Zenith Foundation, an organization benefiting transsexuals which appeared at the hearing. Castle is the author of *Prisoner of Gender*, a biography of Katherine Johnson, another transsexual who did time in Canadian prisons.

### One More Time: GIC TIP

[Jessie Shafer] Subsequent to changing the name of our newsletter from TRIP to TIP, I was informed, by no less than the editor herself, Roni Soubrette, that another transgender inmate newsletter had already laid claim to that title. While it was no longer being published, at least for the present, she requested that we find some other name to prevent any confusion on the part of her former subscribers, some of whom evidently still correspond with her. It was one of them who informed Ms. Soubrette of the problem.

Ms. Soubrette is herself a transsexual and a former inmate, so she is well aware of the abuses that transgender inmates must endure, and it is a cause that remains near and dear to her heart.

Fortunately, we were able to reach a compromise. Ms. Soubrette has graciously allowed us to use GIC TIP as our title. The important thing is that transgendered inmates continue have a voice and a forum to share their stories and their concerns with other inmates and the public.

**Open letter to “Nowhere to Turn”  
Valjean Royal #3943  
PO Box 30, D1/201U  
Pendleton, Indiana 46064**

I would like to forward my spiritual support and advice to my trans-sister who felt that she had “nowhere to turn.” I want her to know that she has somewhere to turn. She always has, but she has been looking in the wrong places.

Turn to your own heart, embrace yourself and grow from nourishing your spirit with self-love and acceptance. Stop depending on the DOC to address your emotional state of being. You do not really need them for anything other than the services that they are bound by law to provide.

The DOC mental health departments all over the United States are not designed to cater to anything but retardation, and their only solution for even that seems to consist of distributing mind control drug substances.

Suicide is not the answer. To take your mind off your problems, try providing yourself with a comfortable workout program. Meditation is always good for the soul and the spirit. An hour or so each day of meditation would help you connect with your inner self and control your feelings of defeat and despair.

Once you have total acceptance of self, you will never have to worry about others respecting your transgender lifestyle. People respect self-love and confidence in all forms and fashions, in and out of prison. So embrace yourself totally with unconditional, undeniable love. Only then will others accept you, and they will respect you as well.

Take time out each day to read your Bible, but do not ask God to solve all your problems. Ask Him what you can do to serve Him. He has already given you the greatest gift of all. **Life.**

Try not worrying about your gender issues for a while. Concentrate on your own personality as an individual soul and spirit. These things truly declare you to be a woman. Feminine material things are just things we enjoy as a woman. They are never things that we need or can't live without. You are always as beautiful as you feel inside. It is not the outer appearance.

**Another Friend from Connecticut**

Dear Jessie,

Just today I received a page from TIP Journal from Valjean Royal, with whom I have corresponded for nearly twenty years.

Val is a dear friend, and I follow her progress all of these years, hopefully...

I write to many prisoners, from the day when a convicted murderer sent me a thank you note for clerical work I did for him when I was the news librarian at a local daily newspaper. I was in my 40's and was shocked to get a letter from a prisoner, but was fiercely intrigued and wrote back. In time, he gave me other prisoners to write to, and here we are today. The writing that I do is a great blessing. They are all children of my heart.

For some years, I was Secretary to Stop Prison Rape, and was able to write to and give some comfort to many who suffered so terribly. Val was a member of SPR too.

I was so touched by the letter on page two of your Summer edition (“Nowhere to Turn”). Would you be so kind as to forward my enclosed letter to the prisoner whose letter ends: “Jessie, you are my only friend out there in the community.” Ah, I want to hug (her). I would like her to have another friend.

Thank you for your help and may your glorious work have every success.  
Most sincerely,  
Sandy Sullivan

**Ophelia De'lonta #120047  
901 Corrections Way  
Janatt, Virginia 23870**

Dear Jessie,

I have an idea (for a class action suit) that just may allow all the transgender women to obtain some type of treatment (for their gender dysphoria). I have enclosed an address (of a friend) for them to write to, and I need at least 10 (to file a class action). The address is:

Ophelia De'lonta  
% Ruby Jones  
317 Bernice Pl.  
Virginia Beach, VA 23452-4209

I need them to send me a copy of their grievances, and I need to know if they have exhausted all their remedies. In the newsletter, I noted a few who had done

so.

I need this as soon as possible, because I feel we can be successful in a class action. But we need to have unity and faith. Together, we can be successful.

Like any other mental or physical disorder that threatens our health and well-being, we need treatment, and we are not getting it. This is not a choice. We are born this way.

Even if some of the girls have not yet exhausted all their remedies, I would ask them to please send me their names and the address of where they are incarcerated. In the meantime, continue to pursue the remedies that are currently available to you.

Those who have exhausted their remedies, please send me the documentation, ladies! Michelle Lynne Kosilek, I. A. Nzaddi, Cynthia Lea Ann, Donna, “Nowhere to Turn”, Dianna, PK Bunny, Iowa Hello, send me your documents, and if you have photos and do not mind having them published, send them to me as well.

There are two major newspapers here in Virginia that recently did a story on me. If my class action gets into court, it will be an even bigger story. One of the local candidates for Lieutenant Governor has publicly stated that he supports same sex unions, which also bodes well for us.

Word is getting out, and there are signs of hope. But we need to stick together. That old saying is still very true. “United we stand. Divided we fall.”

Hugs,  
Ophelia  
AKA Ms. Gotti

**“Was” Pre-Op**

Dear Ms. Shafer,

I “was” a pre-op MTF tranny sentenced in September of 1997 to 7 years for grand theft. Later I was moved to the Max facility for assaulting a child molester in the yard. In July of 2000, I filed a grievance for not recognizing transsexualism as serious medical need and treating it as such.

On March 18, 2000, I performed self-castration. A week later I amputated my remaining male genitalia. Thus the term “was” pre-op. I would like to receive your newsletter.

## Bella Donna Night Raven Exploring the Spirit and Social Aspects of Being Transgender

While you have some time on your hands, you may as well make the most of it. One of the positive things that you can do is I explore the spiritual aspects of being a transgendered and how others have dealt with that situation. There are many books out there that deal with the subject. Also, there are many religious groups that are tolerant and even accepting of us. It would be to your advantage to contact them and, if it suits you spiritually, establish a pastoral relationship with one in your area. Most prisons allow private one-on-one visits with your pastor or clergy person of record.

For low or no cost reading material on subjects of interest, you may try one of the prison book projects. Also, many prison libraries have interlibrary loan programs, so that you can order books from the outside. Another way is to ask someone you know on the street to get you information on the internet. No matter how you do it, you really need to find out who you are, why you are and what others have done when faced with the same circumstances.

I can say for sure being transgendered does have a strong basis in your spiritual makeup. Even if you do not believe in a God/Goddess or some other higher power, logic would dictate that you should explore why you are transgendered. So use this time to improve your own self-awareness. The following is a list of several free prison book programs that can also help you obtain the books that you need.

### Free Prison Book Programs

Locked Out/ Bound Together Books  
1369 Haight Street  
San Francisco, CA 94117

Blue Stocking Book Store  
172 Allen Street  
New York, NY 10002

Books Through Bars  
PO Box 181  
Bloomington, IN 47402

Lucy Parsons Center & Book Store  
110 Arlington Street  
Boston, MA 02116

*[Editor's Note: I have also included a GIC's Recommended Reading List insert, and I have printed an alphabetized by state Resource Guide on page 8. I tried to include one transgender support organization for each state. A few states did not have a listing and some did not list a phone number.]*

## Carla

Please do not use my real name. No one knows me by my femme name, Carla, nor have I mentioned what state I live in.

Thanks so much for the packet of TRIP and TIP Journals. It was a breath of fresh air to read about all the love and support we have. Please keep me on your mailing list.

The letters from the other girls inside prompted me to drop you a note. Though my childhood and early years may be similar to most girls, I feel that my life in prison has been different than most. A lot has to do with me not being "out".

At nine, I was caught by my mom wearing my sister's slip and things (she is eight years older than me). Being told how wrong and unacceptable it was, I firmly closed the closet door, never to be caught again. Of course, with my heart and soul assuring me how absolutely right it was, I could no more stop cross-dressing and being me, Carla, than I could stop breathing. Even at that age, I dreamed of some day living full time as a girl. Although it was confusing to me, as Carla transformed and matured, I was able to see just who I really am.

After sis left for college, I cross-dressed with my mom's clothes, makeup and wigs for the next 7-8 years, until I moved out on my own at 17. Before and after I left home, I also stole clothes from my female friends, my mother's friends, apartment laundry rooms and, if I knew they had a nice wardrobe, from the homes and apartments of others in the neighborhood. I was afraid to steal from stores.

I purged my closet many times, but always regretted it. Thus began a life of crime, unknown to anyone until my incarceration in early 80's.

Except for briefly discussing it with a caring psychologist, I kept my secret totally suppressed while in prison. After

six years, I was placed in a work release center for two years. One day, I was put to work at the Salvation Army sorting donated women's clothing, and then I knew that I had to be me—and soon!

Two months later, I could no longer resist. I left the work release center, broke into a house and spent the day cross-dressing to my heart's content, knowing that I would be in big trouble once I was caught. I always disguised my break-ins to look like something other than they really were.

I am now back in prison with no possibility of parole. I have been in here for 18 straight years.

The amazing part of this story is that I am not sad about how my life is now. Yes, I do have some regrets, and I miss a lot of things. Bit I am thankful for many things too.

I am still in my closet and only cross-dress on rare occasions and in complete privacy, which is possible because I live in a two-man dorm style room. I have always been, and will always be, Carla.

In here, I can still look through women's magazines to "window shop". Others think that I am looking for recipes or at the cute women in them. The same goes for television shows with women in fashionable and sexy clothes.

It is fun to watch the female staff here to check out how they dress and wear their makeup, jewelry and hair. I am constantly tempted to step up to them and offer some constructive tips, especially with their makeup and hair.

It is almost funny, with the guys thinking I am "sweating" the female staff and having no idea of the true reason I am looking so closely at them. Even my close friends don't know.

I have just recently come into contact with the transgender community on the outside in hopes of blossoming more into the girl that I am—Carla! My mail is private here, as long as I do not violate any rules (no correspondence with other prisoners, no nude or obscene materials, etc.) I hope to meet some sisters and make new friends, as I learn more about other girls like myself.

Now, on to a more unpleasant topic.

It is sad, but I see many "out" girls in

*(Continued on page 4)*

*(Continued from page 3)* **Carla**

here being people users. Maybe it is partly because they were used themselves. I don't know. But I do know that many are known to be unscrupulous and too often the cause of fights and stabbings. Few can be trusted with any confidences. It seems rare to meet a truly kind, sensitive and caring girl here, and when you do, they are usually new to prison life.

Yes, I know only too well how someone can become cynical and manipulative in a place like this, and I have been tempted myself. For an "out" girl, the temptation is even stronger, because they are so vulnerable. And the abuses come not only from the other inmates, but also from the prison staff.

I do not believe that allowing transgendered inmates to wear female articles of clothing is a security problem. In most cases, the inmates know who's who, no matter what they are wearing, and it is outright cruelty to forbid a transsexual with developed breasts to wear a bra.

However, for me, coming "out" would be a death sentence. I know that some girls don't have a choice, especially if they are far enough along in transition to have developed breasts and other secondary female characteristics. My heart-felt prayers go out to all of them. As far as I am concerned, they are the real heroes in here.

### **Steph: Out and In**

I realize that I am very fortunate for coming to terms with my gender issues before being incarcerated. Prior to being locked up in 1993, I briefly enjoyed the liberty of openly expressing my feminine being, even in public. In late 1992, as I was turning 30, I first discovered there was a support network for cross-dressers like myself. I joined Tri-Ess, a national support group for heterosexual cross-dressers like me. I also joined a local support group and visited another, and I read all I could on the subject. At last, I finally enjoyed the freedom to be my natural self.

Just when I thought I was finding the boldness to come out to family and friends, my life fell apart like a house of cards, when I was arrested in July of

1993 and subsequently sentenced to prison.

Once in prison, I realized that being "out" would cost more than I was willing to pay, which made my confinement even harder to bear. It was a prison within a prison. In addition to the walls, fences and bars, I was also a prisoner of fear. As liberating as it had felt coming "out" before my imprisonment, the risks seemed to outweigh the benefits in an all-male prison facility. Nevertheless, I often wonder if it would help if I was more open and at least talk about it, since it is against regulations for inmates to dress in feminine attire.

It has been my observation that prison culture reinforces the myth of equating femininity with sexual subterfuge, which means that transgendered inmates are expected to serve the sexual interests of the more dominant and aggressive male inmates. For a heterosexual like me, thus exposing myself to their sexual advances is just not an acceptable risk.

It also occurred to me that, in my eight years behind bars, I have never met an openly transgendered inmate who was not also openly gay or bisexual. The ones I have met all seem to see their gender variance as an expression of their sexuality, and none seemed to understand the distinctions between sexual orientation and gender identity.

Last year, I had the opportunity to debunk the myth that all transgendered people are gay or lesbian. It was in a group therapy program where openness was required. There were ten of us, and I was the only transgendered person there. To help them understand, I quoted the gender community's mantra, "Sex is between your legs. Gender is between your ears." At least one in the group later admitted to me that I had changed his opinion.

That is one of the few times I felt free to discuss the subject. I am very careful with whom I entrust my secret and share my dream of how it was when I enjoyed the liberty of being myself.

If I felt that I had a choice, I would be more open, but considering the risks, and without any real freedom to express my feminine side, there seems little point in being up front with others that I am transgendered. And since I am not a

transsexual, I do have a masculine side that I am relatively comfortable with, but it still feels stifling.

Through GIC TIP, perhaps I can find the support to become more open. Then maybe I can find a way to help others, and perhaps someday we can put a stop to the abuses that keep so many of us a prisoner of fear.

That is what I was trying to do eight years ago. That is what I thought I had started in early 1993, when I told my biological brother that I was, like her transgendered. But that is another story.

### **From Xena**

Dear Jessie,

First of all, I would like to thank you for the response, newsletters and the information that you sent to me. I do fully appreciate what you are doing, and please keep up the good work! I am also willing to correspond with other transsexuals inmates, where that is permitted, and with other transsexuals on the outside.

After reading Volume I, Issues 1 and 2, I cried for at least an hour. I know what they are going through, and my situation is not any better.

I am a pre-operative MTF transsexual in the New York Department of Correctional Services. Medical treatment for pre-operative transsexuals is almost non-existent in the New York prison system. Although I was on hormones before I was incarcerated, they refuse to provide them to me here. They do allow us to wear bras, but the ones that they provide are so defective that they are falling apart after only two weeks of wear.

This coupled with the treats of violence and the continual harassment, sexual and otherwise, have made things so unbearable that I tried to take my own life several times. If it had not been for a transsexual sister, T\_\_\_\_\_, I would not be here now trying to do my part to encourage other transsexuals in other prison systems to hang in there.

Yes, it will get bad at times, but you have to keep going. Keep your head up and fight for your rights and for what you believe in. That is what I am doing now.

*(Continued on page 5)*

(Continued from page 4) Xena

I have filed a class action lawsuit with the Southern District Federal Court in New York with two other transsexual sisters. If we are successful, we hope to get permission to wear female articles of clothing, the proper medical treatment, including the hormones and the surgery, and transferred to a women's facility. Wish us luck, and I will keep you posted.

For all of the other transgendered inmates out there, if you need someone to write or talk to (assuming it is permitted), I am willing to help in any way I can. My address is:

Jeff Willsea # 94B2745  
Bare Hill Correctional Facility  
Caller Box 20, Cady Road  
Malone, NY 12953

Again, Jessie, thanks to you and Ms. Israel for what you ladies are doing. It means a lot to us.  
Sincerely,  
Your Sister, Xena

### Deanna

Dear Sisters, Jessie and Staff,

Hello there! I just wanted to drop you a quick line or two.

I received three copies of your GIC TIP Journal. You have no idea what you did for me. It felt so good being able to read about the other Sisters, and thank you for allowing me to be a part of the GIC TIP Journal. You may use my name at any given time, but make it Deanna, if you please. Yes, the institution has their little fuss about my using it and referring to other transgendered inmates as sisters, but they just don't understand us girls..

I took your advice and encouraged our treatment director to send you his comments, but he declined. He said that he was always being misquoted and did not want to take the chance.

The good doctor runs a Friday afternoon group, which is for gays, bisexuals and the transgendered. To the best of my knowledge, it is the only one out of seven institutions that has such a group.

I enclosed a small article from The Associated Press about a teacher who is transitioning on the job. It also mentions several others who are or have

gone through the same process, one a FTM transsexual. For the most part, it was very encouraging. Maybe the world is beginning to see the bigger picture.

Jessie, I will stay in touch with you, although I realize that you don't have time to write to all of us girls out here in prison. [Editor's note: I don't. Including the letters forwarded to me from the IFGE, my list of correspondents has swelled to nearly 60.]

I also enjoyed the article by Gianna E. Israel. I believe she has a couple of books out, and I have asked the librarian to see if she can locate any of them through our inter-loan library system. [See Recommended Reading List on p. 8]

In the meantime, I will be thinking of you and my other Sisters, and I will try to do some sort of donation. I want us to continue to educate ourselves and the public about these issues. I know it is not an easy task.

Thanks again sister. I will be in touch soon.  
Always,  
Deanna

### Ms. Nzaddi #W-63710

Souza-Baranowski  
Harvard Road, Route #2  
Shirley, MA

Dear Jessie,

I am in receipt of your latest mailing. It took 9 days to get here from Colorado.

I have enclosed the names of three other women to include in your mailing list. I noticed that you have also connected with two others here in Massachusetts. We slowly seem to be developing avenues to grow and share our feelings, how we are treated and how we can become more complete women. We increasingly appreciate the GIC TIP Journal for the support and inspiration.

In any event, please bring these women warriors and GLBT allies into the fold, and give them our love and respect for having the courage to be true to themselves. I know the strength it takes to come out in such a hostile environment. There are probably many more who remain deep in the closet and suffer in silence. Hopefully, the work we are doing now will make it easier and safer for them to come out and get treatment someday.

Thanks and please keep on keeping on. The transgender soul train is moving right along towards a date with destiny. But remember, we all need each other and are ever so intricately linked together. Let us continue to stay in touch.

Feel free to send me more copies of the newsletter, if possible. Photocopies here are strictly limited to legal documents.

Take care. Stay real, and pray for us.  
Very truly yours,  
Zaddi

### Cynthia Lea Ann

Dear Ms. Jessie,

My nylons were rattled big time when I read "Nowhere to Turn". You just don't know how much I wanted to reach out to this sister, hold her and let her know that all is well. I would very much like to be her "Big Sister" and protector, a role that I took for another when I was in Florence, Colorado.

The next time you write her be sure to mention that she is 100% wrong! No offense to you Jessie, but you are no longer her only friend. I too am her friend.

On another matter, as soon as I find time and an extra stamp, I plan on writing Tom Cahill of "Stop Prison Rape". I believe that prison rapists should be subject to the same sexual predator notification laws as those who commit rape on the outside. When they get out, their record as a sexual offender should follow them.

I sent a copy of the last issue of GIC TIP to Dr. Denny, the Chief Psychologist here, and called his attention to your request for articles from prison staff members. I encouraged him to write something and to pass the word to other prison staff members that you would welcome their comments too.

On the subject of protective custody (PC), I do not have much patience with those who request it, as I have, and then expect the same privileges as they had in the main population, let alone demanding any special treatment that is not available to the other inmates.

The majority, if not all PC units are located in a Special Housing Unit, or as it is more commonly known, the ever

(Continued on page 6)

(Continued from page 5) Cynthia LeAnn popular “hole”. As such, the security measures are even more stringent and more restrictive. For example, the unit I am in does not allow inmates to keep or listen to a radio.

Being allowed to wear female articles of clothing in an all-male facility can also be viewed as a special privilege. Believe me, I would be the first in line if they did allow it, but they don’t. Drats!

One final note about our Journal, keep the name TIP. I like it, and thank you for allowing me to be a part of it.

I hope my letter finds you well.  
Dream with the Angels,  
Cynthia LeAnn

## Case Law Briefs

*The following contains a summary of relevant transgender inmate case law, with citations, dating back to 1976. Our thanks to Donna for providing us with what is the single, most comprehensive list of these cases that I have ever seen. Editor.*

Supre v. Ricketts, 792 F.2d 958 (10th Cir. 1986) - Prison inmate suffering from gender dysphoria was allowed hormone treatment pursuant to an interim court order, following his castration. However, the Court of Appeals for the Tenth Circuit held that federal law does not require prison officials to administer female hormones to a transsexual inmate. The Eighth Amendment protects inmates from “deliberate indifference to serious medical needs.” Estelle v. Gamble, 429 US 97, 104 (1976) - In order to establish entitlement to the female hormone treatment, the inmate would have to prove that withholding the treatment constituted deliberate indifference to serious medical needs. In the instant case the inmate could not meet the burden of proof, because he was offered a testosterone replacement following his castration. Furthermore, the court found that the state of Colorado was not required to release the inmate due to his condition, even though he had obtained release as a result of a lawsuit arising from the management problems that occurred when the inmate’s hormone treatment led to the development of breast tissue.

White v. Farrier, 849 F.2d. 322 (8th Cir. 1988) - Denial of medical care that results in unnecessary suffering in prison is inconsistent with contemporary standards of decency and gives rise to a cause of action under 42 U.S.C. § 1983. Id. At 103-105. However, mere negligence in diagnosing or treating a medical condition, is not a constitutional violation simply because the patient is a prisoner, and a prisoner must show that prison officials acted with deliberate indifference to serious medical needs. The court concluded that transsexualism is a serious medical need towards which prison officials may not act with deliberate indifference. Whether an inmate was a transsexual and whether treatment was required was a material issue of fact with regards to a motion for summary judgment.

Phillips v. Michigan Dept. of Corrections, 731 F. Supp. 792 (W.D. Mich S.D. 1990) - This is a district case within the Sixth Circuit. Transsexualism is a serious medical problem which constitutes serious medical need. White v. Farrier, 849 F.2d. 322 (8th Cir. 1988) Several courts have held that transsexual inmates have a constitutional right to some form of treatment. Meriwether v. Faulkner, 821 F.2d 408 (7th Cir.), cert. Denied, 484 U.S. 935 (1987). The court stated that denial of medical care for transsexualism can constitute a violation of the Eighth Amendment.

Farmer v. Haas, 990 F.2d 319 (7th Cir. 1993) - A federal prison inmate brought suit against prison officials charging deliberate indifference to need for medical and psychiatric treatment for transsexualism. Both parties to the action conceded that transsexualism is a genuine psychiatric disorder for which a prisoner is entitled to receive medical or psychiatric treatment.

Long v. Nix, (S.D. Iowa 1995) - To prevail on an Eighth Amendment claim, an inmate must prove the (1) the deprivation was sufficiently serious and (2) the defendant officials acted with a sufficiently culpable state of mind. The Court in the instant case held that the inmate’s identity disorder did not consti-

tute a serious medical need for which treatment was mandated. The court also found that transsexual inmates do not have a right to a particular prison classification or status.

Farmer v. Hawk, 991 F. Supp. 19 (D.C. 1998) - The medical Director for the Bureau of Prisons has to have a policy in effect which allowed medical treatment for the serious medical conditions of transsexuals, however the Director was not violating an inmate’s Eighth Amendment right by not having a new policy for medical treatment for transsexuals, because the current policy in effect allowed for treatment.

Maggert v. Hanks, 131 F.3d 670 (7th Cir. 1997) - A prison is not required by the Eighth Amendment to give a prisoner medical care that is as good as he would receive if he were a free person, let alone an affluent person. Wood v. Housewright, 900 F.2d 1332, 1334 (9th Cir. 1990). The court concluded that, except in special circumstances, the Eighth Amendment does not entitle a prison inmate to curative treatment for gender dysphoria.

## Legal Conclusions

- The Eighth Amendment protects inmates from “deliberate indifference to serious medical needs.”
- Denial of medical care that results in unnecessary suffering in prison is inconsistent with contemporary standards of decency and gives rise to a cause of action under 42 U.S.C. § 1983.
- Transsexualism is a serious medical need towards which prison officials may not act with deliberate indifference (thus an argument can be made that an inmate must be afforded the opportunity for a mental health assessment in order to determine if he/she is a transsexual in order not to violate the Eighth Amendment by acting with deliberate indifference.)
- Mere negligence in diagnosing or treating a medical condition is not a constitutional violation simply because the patient is a prisoner,

(Continued on page 7)

(Continued from page 6) **Case Law Briefs** and a prisoner must show that prison officials acted with deliberate indifference to a serious medical need.

- To prevail on an Eighth Amendment claim, an inmate must prove that (1) the deprivation was sufficiently serious and (2) the defendant acted with a sufficiently culpable state of mind.
- Several courts have held that transsexual inmates have a constitutional right to some form of treatment.

### **Recommended Guidelines for Transgender Care**

By Gianna E. Israel & Donald E. Tarver, MD II  
Copyright © 1996, all rights reserved.

#### **Recommended Guidelines for the Residential Placement and Support of Transgender Individuals within Social Service, Mental Health and Correctional Settings**

*Caution: A full understanding of these Guidelines will not be possible without reading the material contained within the Mental Health section. Additional information on institutionalized individuals is included in the Populations section.*

1. It is recognized that transgender identification and gender identity issues are not mentally disordered, diseased or pathological. Thousands of transgender individuals lead well-adjusted lives as productive and law-abiding participants in society.
2. Transgender individuals are not known to have a higher incidence of mental health disorders than the general population, although stereotypes, social isolation and prejudice are known to exacerbate circumstantial difficulties within the lives of transgender people.
3. Because it is recognized that transgender identification and gender identity issues are not pathological conditions, the presence of a transgender identity or fulfilling transgender needs (such as a desire to cross-dress or live "in role," pursuing and undergoing hormone administration or Aesthetic or Genital Re-

assignment Surgery) is not a reason to institutionalize, incarcerate or unnecessarily detain transgender individuals within mental health, correctional or similar residential facilities.

4. Residential placement decisions within mental health, social service, and correctional settings are advised to take into account an individual's current gender presentation and her or his actual placement request, as well as the individual's gender-related history. Placement decisions should also take into account the needs of other populations served at the receiving facility, although any decisions made should not prove discriminatory to any population.
5. Where uncertainty exists with regard to residential placement and support services or where care providers are unfamiliar with gender identity issues, a Gender Specialist should be consulted for assistance in the negotiation and evaluation of placement decisions, as well as for staff and peer sensitivity training.
6. Residential or correctional staff are advised that hormone administration should not be denied transgender individuals when they have a verifiable history of hormone usage, or when they fall within the criteria established in the Recommended Guidelines for Hormone Administration. Staff and physicians are reminded that within Article 1b of the aforementioned Recommended Guidelines, exceptions to the three month assessment period may be considered by the evaluating Gender Specialist or prescribing physician if a well-established transgender identity exists and when other aspects of the Recommended Guidelines for Hormone Administration are observed.
7. Residential staff and correctional officers are advised to refer to transgender individuals in a manner respectful of the individual's stated preference for gender presentation and name/pronoun usage requests. They should also direct peers to respect the gender self-identification of transgender residents.
8. Residential staff and correctional officers are advised that some transgender individuals may be unable to voice their gender identity related needs after suffering a crisis situation. Therefore, residential staff and correctional officers are advised to consult a professional consultation with a gender specialist whenever they are

aware that an individual is transgender-identified but unable to speak on her or his own behalf.

9. Residential staff and correctional officers are advised that in order to maintain their gender identification transgender persons need gender-specific clothing, cosmetic and toiletry supplies. Male-to-Female individuals typically need shaving razors, cosmetics (lipstick, blush, foundation, mascara), brassiere, female clothing, etc. Female-to-Male individuals typically need binding material (large-size ace bandages), prosthesis, and small-size shoes. Supplies for transgender persons may need to be "exception" or "catalog" ordered if not included on standard residential or inmate supply order forms. Small-size shoes and large-size clothing may also need to be catalog ordered.
10. Transgender individuals, in their interactions with mental health and social service providers, are advised that many staff and correctional officers may be unfamiliar with transgender identification and needs. With this understanding, transgender individuals are advised to express placement requests and support needs and to be prepared to explain their needs in calm, consistent, easy-to-understand language. If a care provider or correctional officer seems unfamiliar with gender issues, and the needs of the transgender individual are not being met, the transgender person is advised to request to speak with a supervisor, or to ask that the agency consult with a Gender Specialist regarding transgender needs.

### **Subscriptions to GIC TIP**

GIC TIP Journal is a free service provided by the Gender Identity Center of Colorado, Inc. (GIC). The GIC is an all-volunteer, 501 (c) (3) non-profit organization that provides support, education, outreach and advocacy to the transgendered community, their families and friends. You can subscribe by writing to the GIC at the address below. Your tax deductible donation can be sent to the same address:

**GIC of Colorado, Inc.**  
**1455 Ammons Street, Suite 100**  
**Lakewood, CO**  
**Phone: (303) 202-6466**  
**Fax: (303) 202-2050**  
**E-Mail: GICofColo@aol.com**

### ALPHABETIZED BY STATE RESOURCE GUIDE (READ DOWN AND TO THE RIGHT)

- Madison County Gender Center**  
c/o Metropolitan Community Church  
3015 Sparkman Drive NW  
Huntsville, AL 35810  
205-851-6914
- Alaska T People**  
c/o Bobbie Wendy Tucey  
PO Box 670349,  
Chugiak, AK 99567
- Southern Arizona Gender Alliance**  
300 E Sixth St  
Tucson, AZ 85705  
(520) 624-1779
- Center for Gay, Lesbian, Bisexual & Transgendered Community**  
3909 Centre Street  
San Diego, CA 92103  
619-692-2077
- Gender Identity Center of Colorado, Inc.**  
1455 Ammons St., Suite 100 Lakewood, CO  
80215-4993  
303-202-6646
- Connecticut Outreach Society**  
PO Box 163  
Farmington, CT 06034 USA
- Renaissance, Delaware Chapter**  
PO Box 5656  
Wilmington, DE 19808  
302-376-1990
- TADD (TGs Against Discrimination in the District)**  
co/ HCC, 813L. Street, SE  
Washington, DC 20003  
202-543-6777
- Tampa Bay Gender Alliance**  
3708 Swann Ave  
Tampa, FL 33629  
813-985-3371
- AGE**  
PO Box 160003  
Atlanta, GA 30316  
770-439-9769
- Hawaii Transgendered Outreach**  
PO Box 8233  
Honolulu, HI 96830  
808-923-4270
- Tri-States Transgender Group**  
PO Box 6691  
Boise, ID 83707  
208-368-8669
- Central Illinois Gender Assoc (CIGA)**  
P.O. Box 3082  
Champaign, IL 60826-3082
- International Gender Support**  
c/o Linda BB  
PO Box 425 PO  
Carmel, IN 46032  
317-299-5377
- QCAD Group**  
PO Box 1534  
Davenport, IA 52809  
319-323-5492
- KCCAF (Kansas City Crossdressers & Friends)**  
PO Box 4092  
Overland Park, KS 66204  
913-791-3847
- BGB Transgender Support**  
PO Box 20173  
Louisville, Ky 40250  
502-346-5298
- Gulf Gender Alliance**  
PO Box 56836  
New Orleans, LA 70156-6836  
(504) 943-1999
- Outreach Institute of Gender Studies**  
405 Western Ave., #345  
So. Portland, ME 04330  
207-775-0858
- Free State Justice**  
PO Box 13221  
Baltimore, MD 21203  
(301) 819-1111
- International Foundation for Gender Education**  
PO Box 540229  
Waltham, MA 02454-0229  
781-899-2212
- Crossroads**  
PO Box 1245  
Royal Oak, MI 48068-1245  
313-537-3267
- Gender Education Center**  
PO Box 1861  
Maple Grove, MN 55311  
612-424-5445
- Southern Belle Society**  
PO Box 3112  
Gulfport, MS 39505
- St. Louis Gender Foundation**  
PO Box 9433  
St. Louis, MO 63117  
314-367-4128
- Western Montana GLBT Community Center**  
615 Oak ST  
Missoula, MT 59801  
406-543-2224
- River City Gender Alliance**  
PO Box 8076  
Omaha, NE 68108  
402-991-8845
- Transgender Support and Advocacy, Nevada**  
1120 Almond Tree Lane, Suite 207  
Las Vegas, NV 89108  
(702) 392-2132
- Tri-Ess New England**  
PO Box 7681  
Nashua, NH 03060-7681
- Monmouth Ocean Transgender**  
PO Box 394  
Red Bank, NJ 07701  
(732) 219-9094
- Transgender Community Group**  
Meets at the University of New Mexico  
Albuquerque, NM  
(505) 342-8077
- Gender Identity Project at the Lesbian & Gay Community Services Center**  
One Little West 12th Street  
New York, NY 10014  
212-620-7310
- Phoenix Transgender Support**  
PO Box 18332  
Asheville, NC 28814  
828-669-3889
- It's Time Ohio!**  
PO Box 21310  
Columbus, OH 43221  
614-470-4245
- Gender Outreach of Oklahoma**  
2114 S Memorial Dr  
Tulsa, OK
- Northwest Gender Alliance**  
PO Box 4928  
Portland, OR 97208  
503-646-2802
- Transgender Health Action Coalition (THAC)**  
Washington West, 1201 Locust St.  
Philadelphia, PA 19103  
215-732-1207
- Charleston Area Transgender Support**  
Coastal SC  
Charleston, SC  
cats@tgforum.com
- Tennessee Vals**  
PO Box 92335  
Nashville, TN 37209  
615-664-6883
- Texas Assoc. for Transsexual Support (T.A.T.S.)**  
PO Box 142  
Bellaire, TX 77401  
281-437-2975
- An Engendered Species**  
PO box 11897  
Salt Lake City, UT 84147  
801-364-0136
- Transgender Education Association**  
PO Box 16036  
Arlington, VA 22215  
301-949-3822
- Emerald City**  
PO Box 31318  
Seattle, WA 98103  
425-827-9494
- The Valley Girls**  
P.O.Box 181  
Dunbar, WV 25064-0181  
lucas5437@newwave.net
- Gemini Gender Group**  
P.O.Box 44211  
Milwaukee, WI 53214  
414-297-9328
- National Gender Organization**
- GenderPAC**  
1638 R Street, NW  
Suite 100  
Washington, DC 20009