



Volume II, Issue 1

GIC TIP JOURNAL

Transgendered In Prisons



Winter 2001

“Support, education, outreach and advocacy for the transgender community, their families and friends”



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Contributing Editor

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New Advocacy Group Fights for the Rights of Transgender and Gender Variant Prisoners

[December 1, 2001, San Francisco, CA - Kevin Weaver] The Trans/Gender Variant in Prison (TIP) Committee of California Prison Focus is a newly formed advocacy group consisting of activists and former prisoners working to improve the conditions of transgender and gender variant prisoners in California. The state of California has the highest number of prisons in the U.S. yet there is no established protocol on the treatment of transgender prisoners. With the exception of one prison, CMF-Vacaville, access to medical care via hormone treatment and gender appropriate clothing is practically unheard of. In addition, transgender or gender variant prisoners are often targeted for abuse by fellow prisoners and correctional staff, which worsens the mental anguish they face due to lack of proper medical care.

"Until now, no one in California has spoken out about the rights of TG/GV prisoners," says Kevin Weaver, co-founder of the committee, "they (the California Department of Corrections) just want to turn their heads the other way and deny that these prisoners exists." The advocacy group has engaged in various activities since their inception last June, such as conducting interviews at the California State Prison in Corcoran and providing educational materials to TG/GV prisoners. Currently they are circulating a letter to various members of the California Department of Corrections pressing for the end of medical neglect and harassment of TG/GV prisoners.

Future plans include additional prison visits, particularly to women's prisons where there has been a lack of information about TG/GV men, and a joint community speak out with the HIV & Hepatitis C in Prison Committee.

For further information, contact Kevin

Weaver at caoimhin33@yahoo.com or call 415-252-9211.

Prisoners can write to: The TIP Committee c/o California Prison Focus, 2940 16th Street, #307, San Francisco, CA 94103.

Happy Anniversary

It was just a year ago that the *GIC TIP Journal* was created. It began with a circulation of just two inmates in Colorado Department of Corrections and one in the federal system, who was also housed in one of their Colorado facilities. From those very modest beginnings, it has grown to about 60 subscribers spread out across the country, including several people on the outside who were also exchanging private correspondence with transgendered inmates and trying to help ease their plight.

By the second edition, we had added Gianna E. Israel as a contributing editor. Ms. Israel is a well-known gender specialist and recognized forensic expert in human and civil rights remediation, particularly as it relates to transgendered inmates. She is also the principle author of *Transgender Care*, one of the most comprehensive texts on the recommended guidelines for the diagnosis, care and treatment of gender dysphoria.

By the third edition, we had changed our name from the *TRIP Journal* to the *TIP Journal*, due to the negative associations of "trip" with substance abuse. Shortly thereafter, we learned that the title "TIP" had already been used for another transgendered inmate newsletter. Although it was not currently being published, its creator, Roni Soubrette, herself a former transgendered inmate, objected to our inadvertent appropriation of that name. However, she graciously agree to a compromise that would distin-

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 guish our newsletter from hers by including "GIC" in the title.

Also by the third edition, we began receiving enough correspondence from our subscribers to make the *GIC TIP Journal* something they could call their own. Most of it consisted of the inmates' stories, ranging from nearly utter despair to the defiant. With few exceptions, the universal theme that ran through them all was the apparent indifference on the part of prison staff to the health and well-being of transsexuals in the prison system and, sometimes, to their safety. Several inmates reported being raped or assaulted by other inmates and staff - one had her throat cut - and the harassment appeared to be almost a daily occurrence. Requests for counseling went virtually unheeded, and hormones were provided only grudgingly and under the severest of restrictions. Only in the rarest of cases were the inmates ever allowed to wear or possess any female articles of clothing. Any who did were usually reprimanded or punished for it.

In some cases, inmates were successful in challenging that policy, based on the Eight Amendment's ban on cruel and unusual punishment. Recognizing that "transsexualism is a serious medical need towards which prison officials cannot act with deliberate indifference," several courts have ordered prison officials to change their policies to better ensure the inmate's safety and well-being.

Despite those rulings, other courts and prison administrators in this country have been loathe to enforce those standards, except in the most egregious of cases. Whatever treatment they do provide, the general rule is that they will not do anything that will advance the inmate's transition.

On the other hand, a Canadian Human Rights Tribunal recently ruled 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 gen-

der 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 reassignment 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.

Last year, a transsexual inmate serving time for kidnapping in the British prison system also won the right to have sexual reassignment surgery. As it was in Canada, it will be at the expense of their National Health Service, after which she will likely be transferred to a women's facility.

Last year, the Chief Inspector of Prisons in Britain, Sir David Ramsbotham, also went on record and recommended that inmates should be allowed free sex change operations while in jail, saying that transsexual prisoners risk serious health problems because they have been denied treatment and should be given the same access to surgery as members of the public.

As noted before, the way a country treats its prisoners is usually a pretty good reflection of its values, and I think that is particularly true with respect to transgendered inmates. Even outside the prison walls, transgendered people continue to be victimized and treated like second class citizens. That prejudice only gets magnified in the repressive and predatory environment of our prison systems.

However, I have to believe the progress that has been made in England and Canada is a sign of hope that world opinion is changing, and it is only a matter of time before we see similar policies on the placement, care and treatment of transgendered inmates begin to be instituted in this country. In the meantime, and to the extent that it is possible, I wish you all happy holidays and happy anniversary.

Sincerely,
 Jessie Shafer, Editor

"Real" Name vs. Chosen Name

By Ed/Cynthia LeAnn

Dear Beautiful Sisters of GIC TIP:

When is the proper time to use your "real" name instead of your chosen name? Really, that is for you, and you alone, to decide. But if I can play your "granny-tranny" for a while, then allow me to impart some wisdom on this issue.

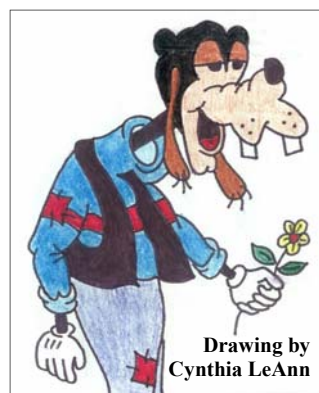
My real name, until I can have it legally changed, is Ed. As some of my GIC TIP readers know, my chosen name is Cynthia LeAnn, or Cindy for short, and it has been since age nine.

I was once asked by a wonderful friend what I preferred him to use. My response was to use whatever he felt comfortable with. Needless to say, he was relieved at my response, because he said it was too difficult to call someone who appeared to be a man by a girl's name. By all outward appearances, I guess I am still a man to most people, but that is not how I think of myself.

Generally speaking, I would rather be called by my chosen name. Nevertheless, there are times when I find it very inappropriate, such as in large groups and especially around prison staff. Being called Cindy around staff members tends to raise some red flags in their minds, even if they do know the "real deal" with me. It is a good way to draw unwanted attention my way, so I always tell my friends to never call me Cindy in front of staff.

It can also place you in a compromising position with other inmates, being interpreted by some as a sign of vulnerability and an invitation for harassment. For that reason, I would recommend that, when someone calls you by

your chosen name in the "yard", you do not respond, unless you know the person is a friend and it is safe to do so.



Inmate Artist's Program

Dear TIP Journal,

Valjean Royal sent me a copy of your publication and asked if I could mention the on-going art shows I have organized for prisoners. The purpose of the shows is to change the public's misconception of prisoners. Whoever sees the work is impressed and inquires about the artist as well as the art. It's a good chance for the artist to talk about themselves.

The experience has put me in touch with some colossal people, artists who, in a fair system would have gone to art school, but in an unfair scheme found themselves inside.

One artist asked, "How is it possible to make something so beautiful in an ugly, repressive, repressive environment?" The same woman commented that, "They can take away our supplies, but they can't take away our creative spirit."

The transgendered artists would be a wonderful addition to this project. If anyone wants to display 2 dimensional art or crafts, they can contact me at:

Carol Strick
3516 Whitehall Drive, #101
Palm Beach, FL 33401

PS The art can be for sale. If it is sold, the proceeds go to the artist.

NEWS FROM THE GULAGS

by Carol Strick

Art from Inside: Out

The idea for a prisoner art show to inform the public of the wretched conditions of incarceration came to me partly from writing my column "News from the Gulags" for North Coast Xpress. The column boosted the morale of prisoners, but more people outside needed be aware of their plight. As an artist, I know well the power of art. It reaches every sense and every emotion. It can enrage people, soothe them, and teach them. It can touch their most acute sensitivity as well as educate them. Art allows people to think about themselves as well as think about the artist.

Actually, this show evolved by itself. My original intention was to exhibit a 10' by 6' collage I had made of photos of prisoners and their drawings, including decorated envelopes. I wanted people to see

that prisoners do not look any different from the average citizen. I was sick of looking at mug shots or negative photos in newspapers and magazines. I wanted the public to see beyond that image. I assembled the collage, had it photographed, then sent it to ABC No Rio, a gallery on the lower East Side in New York City. Vikki Law answered for the gallery. She said liked the collage a lot and wanted to exhibit it. She asked what I planned to do with the other three walls. I hadn't expected more than one wall, and only had enough work, mostly from Robert Knott in ADX Florence, to cover a second wall. What about the other two walls? I decided that the best thing was contact all the prisoners who write to me and ask them to get the word out in their prisons.

The results were astounding. Within three months, seventy-five artists had responded. I explained to each one that I needed the work to send a powerful message to the public. Things cannot remain as they are!

The artists were working from their souls. Arnold Davila in Texas created a 2 1/2' shrimp trawler from found objects. I had never seen anything like this in any craft museum. Robert Richardson in Michigan made stupendous sculpture from his own formula which included mostly paper! Debbie Sims Africa is a wonderful knitter. Clifford Boggess on death row in Texas sent excellent drawings of the row. A. Kravitz decorated palm fronds which he picked up on the compound at FCI Miami. Robert Taliaferro's professional acrylic portraits, Dyanne Peterson's hand-made paper cards, Lexi Bauer's ceramics, Jewelry from women in Camp Parks, CA, Tommy Silverstein's exceptional pen and ink of a forlorn prisoner, Sundiata Acoli's bright butterfly and buttercup, and Robert Richardson's "Boats" were only a few of the quality works.

The show opened in January with good attendance. People were amazed. Roberta Smith, from the New York Times, came and wrote a good review of the show. She discussed an uneven quality, which at that time existed, but wrote "quality isn't the only issue here. Mostly tacked unframed to walls and bulletin boards, the show includes hand-decorated letters and envelopes, newsletters, and prison announcements. Altogether, it provides a sobering glimpse of prison life and

of the comfort and escape that art can provide where it is made, whoever makes it."

While I was still in New York, Bill Davenport phoned from Houston to say he knew a Houston gallery that would exhibit the show. I sent the good news to the artists and suggested that they get busy for an opening in Houston. The Art League of Houston and I agreed upon a June date for the exhibition to begin. The artists had four short months to work, but the amazing outpouring of their art left me speechless. Six artists from Pelican Bay sent drawings as good as Leonardo. People wrote from states where I had no pen pals. They heard about the show from friends. The Houston Chronicle's preview of the exhibition guaranteed a stupendous opening night. Linda Haag Carter, the gallery director, phoned to say what a terrific reception ensued. She said that she was glad she had taken the show. My purpose was to connect the public to the prisoners to generate some sales, but, most important, to let the public know what is really going on "inside."

I began receiving letters from gallery directors in other cities. Isis Gallery in Los Angeles, Jeff Cohen, Director, became the third stop. I hoped that sympathetic people in the movie colony would get involved.

It is early July. As soon as I see how all this evolves, I will put out a call for more art from prisoners.

To the artists who are part of "Art from Inside: Out," art doesn't get much better than this. The public's positive statements about the show are directed to all of you. Your talent and sensitivity and caring and warmth have come through the walls. It is only YOU who can change the public's perception of prisoners, and you are doing a colossal job. (*North Coast Xpress*, Fall 1998)

Art From The Gulags

By Carol Strick

The fifth exhibition of "Inside Art", originating from NCX's "News from the Gulags" took place from October 21 to December 31 at Puffin, 435 Broome St., NYC. The prisoner's art is shared with photos from death row in Texas, anti-torture collages by Carol Jacobson, and an installation from Sing Sing death row house, 1891-1963.

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The prisoner's art abounds with excitement, creativity, depth, and originality portray jazzmen, inside life, nature, etc. The purpose of the exhibition is to change the public's misconceptions of prisoners and to dispel the media myths that these are "dangerous" people. The talent and sincerity of the artists are apparent in their work and statements.

Artists have traditionally drawn their surroundings. These artists are no exception. Much of the work abounds with symbols. The dragon is the prison system. Prisoners are "watched" from the tower. They are kept inside by locks, barbed wire, weapons, handcuffs, mace, hoses and clubs. Clocks and calendars remind us of the slowly passing time. Prisoners are trapped in a web. They are lonely without their families and friends.

In 1250, Dante described this environment as purgatory. It still exists. Emma Goldman, Victor Hugo, George Jackson, and many others have written extensively on the punishment that results from child abuse, racism, and the unequal distribution of wealth.

In the 1860's, Gustave Courbet, the French artist, joined an ongoing debate about art. Courbet was concerned about attempts by artists to "achieve artistic freedom in an oppressive social order." The expression to which Courbet referred was the ordinary government intervention to control an unjust social and economic order. We can only imagine his horror at artists working in the hostile, brutal, and sadistic setting of a prison.

How is it possible to make something beautiful in an ugly, repressive environment?" asks Nancy, a female prisoner. "Art and creating are very important. There is so little that we are able to control: Our time is not our own and there are so many interfering demands. But art is an escape. I can work through problems and end up with something I am responsible for. And while supplies can be taken away, the creative force cannot."

Tommy, the in-house artist for *North Coast Express* (NCX), has an excellent painting of hands on the bars, which is the cover of the announcement for the exhibition. When asked to comment about himself as an artist, he regretted

"finding" himself too late. Why wasn't he introduced to a productive life before he went to prison?

Frank is from a family of artists. His two older brothers, who were extremely Gifted artists, were both killed in gang fights. Frank is the remaining artist of the family. His portrayals of the ancient Maya are first-rate. A professor at a university in Florida asked him for five illustrations for a book he was writing on the Maya. The illustrations were excellent. However, the professor had no intention of keeping his part of the agreement to pay Frank for his work.

Roderick has been drawing since age 5. His first grade teacher sent for his mother, not believing that Roderick had made the portrait of MLK, Jr. (Martin Luther King) Roderick says that he purposely made the picture oversized so that there would be no doubt that it was original. "Drawing expresses 'da' inner self," he says. "Drawing for me shows 'dat' inner self." It is enlightening to others.

Clifford Boggess, an artist who was executed in 1998 in Texas, made a profound impression on some of the artists. George wrote to say, "Through the slimy power-struck machinations of Geo. Bush, Jr. and his crew, the energy and dignity that Clifford lived and died with are going to go on. His work and his words and his life are not fuel for the engines of war that are throbbing and humming with life, even as we speak. That's what they don't understand about people like us, and they will never understand. They cannot fathom how we can create paintings and music and dances and poetry. Even those who call themselves 'reformers' can only barely comprehend that kind of fortitude and resilience and persistence for decades and not be crushed.

"It is not so much our flesh and blood and meager properties that they desire. Oh no! It is our spirit and our vision and our insight that they need to see crushed and pulverized by the weight and pain of their actions against us.

"More than any other creatures within the human spectrum, artists understand this. That's why all of the most repressive and brutal governments throughout history have worked so diligently and mercilessly to control the

arts. The arts are mankind's connection to the highest self...to the self that is inaccessible to cars and jewelry and drugs and a majesty and courage that is terrifying to those who would place themselves as controllers."

Thanks to Carl Rosenteil of Puffin for a chance to display the art, and kudos to the artist for their talent and perseverance. To Frank, Robert, Tommy, Dyanne, Braulio, Sergio, Nancy, Eddie, Greg, Bill, LaSalle, Audrey, Richie, Javier, Ramon, Roderick, James, David, Charles, Mario, Willie, George and many others: a superlative job. I thank you with my whole heart.
Love,
Carol

Federal Policy Reviewed

By Linda Patricia Thompson

I see that some sisters are thinking of suing their DOC's. This is the fed policy.

The Federal Bureau of Prisons has developed its own policy regarding transsexual inmates. The Bureau of Prisons Program statement [6000.4, Ch. 1, Sec. 1, mission statement as quoted in *Farmer v. Hawk* 991 F. Supp. 19, 22 (DC 1998)] provides that inmates will be provided care that is either "medically mandated" or "medically necessary."

The Bureau of Prisons (BOP) further defines "medically mandatory" as cases in which "urgent intervention is required." [Federal Bureau of Prisons, US Dept. of Justice Program statement No. 6000.4 (Dec. 15, 1994), Health Services Manual, Ch. 1, § 1] as quoted in *Farmer v. Moritsugu* 163 F. Supp. 19, 22 (DC 1998)] "Medically necessary" is defined as treatment without which an inmate could not be maintained without significant risk of further serious deterioration of his/her condition, or serious reduction of the chance of possible repair after release, or without significant pain or discomfort. [Ibid.]

The program statement also spells out the following policy concerning the medical treatment of transsexuals: "It is the policy of the Bureau to maintain a transsexual inmate at the level of change existing upon admission. Should the clinical director determine that either

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(Continued from page 4) **Fed Policy** progressive or regressive treatment challenges are indicated, the medical director must approve of these prior to implementation. The use of hormones to maintain secondary sexual characteristics may be continued at approximately the same levels as prior to incarceration (with appropriate documentation from community physicians/hospitals) and with the medical director's approval." [BOP program statement 600.4, Ch. 4 & 5, Sec. 14, re transsexuals as quoted in Farmer v. Hawk, 991, F. Supp. 19, 22 (DC 1998)]

A number of cases state that, although transsexuals are entitled to medical treatment as having a serious medical need, there are several treatment options, and the prisons are not mandated to give prisoners hormone treatments. [Meriweather v. Faulkner, 821 F. 2d 408 (7th Cir. 1987) cert denied 484 US, 935, 98 L. Ed. 269, 108 S. ct. 311 (1987); Murray v. US Board of Prisons, 106 F. 3d 401 (6th Cir. 1997); Maggert v. Hawks 131 F. 3d 670 (7th Cir. 1997); Farmer v. Hawk 69 F. Supp. 2d. 120 (DC Cir 1999)]

The only case in which prisons, under the authority of the Federal BOP, will prescribe hormone therapy are those in which the prisoner has documented a history of being under medical supervision and receiving prescribed hormone treatments before being incarcerated. When it is given, it is only given at maintenance levels to prevent harm of estrogen withdrawal. [Phillips v. Michigan Dept. of Corrections, 731, F. Supp. 792 (W.D. Mich. 1990)]

The courts have stopped short of mandating any specific therapies, i.e. hormone therapy and surgery, only requiring that "some treatment" be provided. Thus, the courts have neatly sidestepped a potential administrative problem of huge dimensions.

Alas, Ms Farmer died in prison while fighting for our rights. She died of AIDS because the screws were pimping her out without providing her protection, i.e. condoms. Her sister is suing the feds for wrongful death. [I was unaware that Ms Farmer had passed away, and, if so, I have been unable to confirm the circumstances surrounding her death. I would be very interested to know if there

is any public record that supports the authors allegations. Editor]

I have also heard of DOC officials denying hormone therapy because the inmate smoked.

As a general rule, state DOC policies follow the federal policy, with only minor variations, and I have some legal material on that subject, as it relates to the various state DOC policies.

My own case is somewhat unique, because I chopped my "stuff" off, after telling the Idaho DOC that I would do it if they did not treat me.

Despite court rulings to the contrary, I have a written statement from the warden saying that he refuses to accept transsexualism as a serious medical need and will not allow treatment during his administration.

I have a lawsuit pending, and the judge has already indicated that he disagrees with the warden. With that in mind, the judge has requested an amended complaint based on the harm caused by the Idaho DOC's denial of treatment. I have also just received an order from the court for them to appoint an independent counsel for me, due to the seriousness of my complaint.

I will say this. Although by chopping "it" off I have sacrificed ever enjoying the optimum benefits of sexual reassignment surgery in the future [*The nerves and the skin of the penis are typically used to construct a vagina and to give it sensation. Editor*] I am still very happy to have "it" gone!

Feel free to give out my name and address to anyone who wants it. They will have to write to me through a third party, since I am not permitted any direct correspondence with other inmates. My address is:

Ms. L. Patricia Thompson
#53766 ISMI
Box 51
Boise, ID 83707

Thank you,
Linda Patricia Thompson

Donna

Dear Jessie,

I hope this letter finds you and everyone at the GIC and the GIC TIP Journal doing well. I meant to write sooner,

but I had to devote my full attention to my appeals.

I did get the fall edition of the newsletter and enjoyed it very much. Thanks for publishing the article about transgender spirituality.

I recently had another article published in "Interweave World" and have enclosed a copy for you. [See following article. Editor]

There is so much more I would like to do, but like so many of us, I have to take care of my legal matters first. Nevertheless, I have a lot of empathy for my other brothers and sisters who are also engaged in our struggle. I know that some face much worse circumstances than I do, but in the final analysis, we are all in the same boat, so to speak. Just having a friendly forum, such as the *GIC TIP Journal*, is a step in the right direction. I can't thank you enough for your efforts on our behalf.

I hope to take some legal actions on my transgender issues early next year, but like so many of us, I must first weigh the risks and benefits before pursuing such a course. At times, it is a tough one to call. I don't really like keeping my feelings to myself, but neither do I want to have to deal with the sexual harassment and the increased risk of assault that comes with being identified as transgendered. It is a choice that each of us has to make according to our circumstances.

Here is hoping that you and every at the *GIC TIP Journal* has a happy holiday and a great New Year.
Yours in sisterhood,
Donna

Gay, Lesbian Bi and Transgendered Prisoners: Their Silent Crisis

By Donna

As a transgender prisoner, I would like to make you aware of a serious but neglected problem. The problem is the mistreatment and torture of GLBT prisoners in the jails and prisons of the USA and elsewhere.

It does not matter if you are gay, lesbian, bi or transgender - any distinction is now lost when you enter prison. You are now prey! It is open season on

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(Continued from page 5) **Silent Crisis**

you. It is a given and has pretty much become a cliché - your life, health, and dignity are at serious risk the second you become a prisoner. If you seek help, protection, or assistance, you will most likely be punished and possibly assaulted or killed.

Transgender prisoners are denied any psychological or medical treatment for their medically recognized disorder. All prisoners are exposed to an increased threat of contracting AIDS, STDs, and other diseases. Sexual assault, harassment, and discrimination are the norm. You are basically left at the mercy of predatory prisoners - 290,000 males are sexually assaulted each year in America's prisons. One organization estimates that 60,000 unwanted sexual acts take place every day in US prisons.

There are lots of reasons why things are so bad - chronic overcrowding, the attitude that GLBT prisoners are less than human, the general apathy toward the condition of all prisoners. Some prison officials even think that rape and torture and other mistreatment is part of the punishment imposed, or that it has some kind of deterrent value, or is a good prison management tool.

The question we must ask and face as a community is this: is it OK to abandon our people who are prisoners to this type of mistreatment? If not, what can we do individually and collectively to stop it? Should we remain silent and hope it never happens to our loved ones? Or should we become involved? I think we should, and that means acting both locally and at the national level. We should let those who are responsible for the care and custody of all prisoners know that someone is looking over their shoulders and will take action if mistreatment occurs.

Xena

I would like to start out by again thanking Ms. Shafer and Ms. Israel for the wonderful job you are doing with the *GIC TIP Journal*. Keep up the good work, and please keep me on your newsletter mailing list. I get a lot out of reading it.

I am still going through a lot of tough times here in the New York

DOCS due to the improper medical care, threats, verbal and sexual harassment, but I still keep going. I will not ever again let these things keep me down.

I am letting other sisters know that, if we stand united, we will reach our goal, which is for all of us to receive proper medical care and all of the other things that we need. Yes, we will have to fight for these things, and it will be a hard fight. But if we stand united, we can achieve our goals, so hang in there.

You are not alone in your suffering. I know what you are going through, because I am going through the same thing. If it is permissible and you want to write to me, please feel free to do so. If you know a sister on the outside who would like to write me, encourage her to do so too. My address is:

Jeff Willsea #94B2745
Caller Box 20, Cady Road
Malone, NY 12953

I have already heard from one sister, who has become my friend, and I would like to have more. I would love to hear from you.

Jessie, you and Ms. Israel are doing a great job reaching other transsexual sisters and educating them and the public on the issues. Thank you for your hard work and for doing such an outstanding job.

Ms. Bettie

Hello and good day. I just received the Vol. I, Issue 4 of the *GIC TIP Journal*. Apparently my last letter crossed that in the mail.

I have two small qualms with you though. First, my name is not "Elizabeth D. Hussey", as the envelope was addressed. It is hard enough getting these "tranny-phobes" to call me by my new legal name. I would appreciate it if you would do me the justice of getting it right. There are no "z's" in my name, although it sounds as if there are two. And the "Ms." is not just a title - it is part of my legal name.

I was looking forward to receiving the *GIC TIP Journal* under my real name, not a screwed up version of it. It's a small thing, but it is important to me. You wouldn't want me to call you "Jesse Schaeffer" would you? [No prob-

lem. It is pronounced the same. Editor]

Second, "A free service provided by the Gender Identity Center of Colorado, Inc." appears in the heading of this issue of the Journal, as well as on page 7, yet I got a form letter telling me that a subscription to the Journal is \$25.00. Which is it? Is it free to inmates (like me) or do we have to pay \$25.00 for your "free service"? [The "*GIC TIP Journal*" is free to the inmates. Bettie has confused the "*GIC TIP Journal*" with the "*GIC Journal*", which is the Gender Identity Center's regular member newsletter and is an entirely separate publication. For Bettie's further edification, the "*GIC TIP Journal*" costs me about 75 cents each to print out and mail, which I pay out of my own pocket. I also spend about 40 hours on each issue reviewing, transcribing and editing the material sent to me by the inmates and then formatting it so that it fits into the newsletter. Editor]

I understand your inundation with requests for correspondence with inmates, and I don't expect a personal response any time soon. However, in the latest issue, it says that back issues are available. I am interested in receiving Vol. I, Issue 1 and 3, if it is really free, as you say it is.

I know of two or three other girls here in prison who may like to "subscribe" to your journal, depending on the cost.

I have been trying to get an accurate address for Roni Soubrette's "Transsexuals In Prison". You have had contact with her, and I would appreciate you forwarding any of my three letters, or my name and address, to her. Alternatively, if you can personally respond to my current letter, I would appreciate it immeasurably if you would send me her info instead.

Thank you for Ophelia's info. I'll be writing to her as soon as I get the stamps. I would write to Nzaddie, but here in Massachusetts we cannot write to fellow prisoners, unless we are involved in the same case (civil or criminal) or are related. I will also write to Xena.

Inform Nzaddie that she is mistaken if she believes that Wanda was successful in obtaining a court order for

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(Continued from page 6) **Bettie**

"conversion surgery and/or hormone therapy". Wanda is here at NCCI, and she has not won any lawsuits or begun any HRT/GRS.

In my first letter to you, I asked about Gianna Israel's inmate survey. I haven't received one yet. Have you sent me one?

[Ms Israel's survey, to which myself and others have contributed in varying degrees, has been undergoing a very comprehensive peer review by a number of her professional colleagues to detect design flaws that might compromise the validity and accuracy of the results. With the GIC TIP Journal being the primary means of distribution and collection of data, it will also be to our advantage to wait until we have a larger circulation to ensure that we have an adequate sampling on which to base our conclusions. Editor]

With regards to your inclusion of GenderPAC in the resource guide, please check out IFGE's *Transgender Tapestry*, #93, page 7...Personally, I wouldn't recommend them to anyone, ever.

[The Tapestry article is harshly critical of GenderPAC's redefining its mission from an exclusively identity-based, transgender focus to the boarder and more inclusive issue of gender in general, as it affects everyone - gays, lesbians, bisexuals, feminists, and others, as well as the transgendered.

It also criticizes GenderPAC for filing for non-profit status, which limits the use of its funding for lobbying to 20% of its budget in exchange for its tax exempt status. Several of GenderPAC's board members resigned in protest.

To be fair, you should know that I was and still am a member of GenderPAC's board during that difficult time of transition. I can tell you that the object was not to exclude our transgender constituents or to force them off the board, as some would have you believe, but to be more inclusive and to build stronger alliances with our friends and allies outside the narrow confines of the transgender community and its very limited resources.

Suffice it to say that there is sharp disagreement on how GenderPAC's mission should be defined. To their credit,

GenderPAC has not responded in kind to the attempts by others to discredit it in the eyes of the transgender community.

Henceforth, I would prefer not to use the GIC TIP Journal as a means to promote divisiveness in the GLBT community. Editor]

...I would also recommend that your readers check with the IFGE's Synchronicity Bookstore before purchasing any books on your recommended reading list. They also sell many other books that are not on your list, and *Transgender Tapestry* has an extensive resource guide. Maybe you could get together with them and cross-publish stuff, like the reading list, resource guide and appropriate articles.

For your Christian readers, you may want to mention two other magazines of interest: "The Other Side: Strength for the Journey" (May/June 2001 issue) and "Open hands: Resources for Ministries Affirming the Diversity of Human Sexuality" (Volume 12, Number 2, Fall 1996). Both contain a lot of useful information which may be useful to your other readers. Their addresses are:

The Other Side
300 Apsley St.
Philadelphia, PA 19144

Open hands
3801 N. Keeler Ave.
Chicago, IL 60641

Thanks for sending me the Fall 2001 edition of the *GIC TIP Journal*, and I look forward to receiving those two back issues quite soon. Take care, stay well and may God bless you.

Minnesota Anonymous Needs Help

First of all, I would like to thank you for your newsletter. I think it is important what you are doing, but it has filled me with mixed feelings. There is so much I want to share with you, and I have so many questions.

Reading your newsletter, I get the impression that most of your contributors and subscribers are already well into their transition and ready to have their surgery. I don't even know how to get started.

I have written to the University of Minnesota and spoken with a prison psy-

chologist who used to work in the University of Minnesota's Human Sexuality Program, but the bottom line is that I don't get much help. I wish there was something more that could be done for me, because I want to be a woman.

I won't get out of prison until 2013, unless I win my appeal, and all this sitting around with no hope or help is driving me nuts.

I guess what I am asking for is help in getting started. I don't want to have to wait 12 years. I would have started the process before I was incarcerated, but I simply did not know where to go or what to do. I still don't.

[Unfortunately, unless you can document that you had been diagnosed and were being treated for your gender identity disorder before your incarceration, there is not much hope for any kind of medical intervention from the state and federal corrections systems, including anything in the way of counseling on those issues. However, that does not prevent you from educating yourself on the subject, assuming you can obtain books and other educational materials through the prison library, various prison book projects (See our Fall 2001 edition), and friends on the outside.

Katheena

Thank you very much for sending me this survival package.

My female name is Katheena. I am originally from the Islands of Bermuda. Since the age of four, I have suffered from being born with the wrong gender identity. I am now 45 years old, and I have been in prison for the past 19 years, having been found guilty of first degree murder.

I have a civil action pending in the federal court system, for which I have my own counsel. It is nearing settlement, hopefully in my favor.

In the meantime, they are talking about transferring me to either one of their New York or Colorado facilities that houses people with gender dysphoria. I believe it will only be temporary, until I am able to be transferred back to a women's prison here in Massachusetts.

I would like to correspond with someone who has already had the gender reassignment surgery. The doctors that I have

(Continued on page 8)

(Continued from page 7) **Katheena** been writing to about the surgery recommended it, so that I will know what to expect, both the good and the bad. If all goes well, I will be having my surgery before too long. I would appreciate your help in this matter, and thank you for sending me the *GIC TIP Journal*.

Deanna Fortune

Hello from Iowa. I hope you are all doing fine at the GIC of Colorado.

I have a couple of quick questions for you. First, do the ICTLEP Jail guidelines, which appeared on page 3 of the Spring 2001 edition of the newsletter, apply to the Bureau of Prisons? [No. They are merely the recommendations of the International Conference on Transgender Law and Employment Policy (ICTLEP). They do not have the force of law, nor do they represent a legal precedent that is recognized by any court of law. Editor]

On the same page, under the title, "Pro Se Litigator", the author says that she is fighting for a temporary restraining order and preliminary injunction to receive substantial relief from her ongoing suffering. I am also seeking the same kind of relief.

I have recently filed a civil suit to receive hormone therapy and/or surgical castration. [Occasionally, transsexuals opt for an orchiectomy, which is another term for castration, in lieu of complete genital reconstruction. It is less expensive and invasive than creating an artificial vagina. The other advantage is that it significantly reduces the need for high doses of estrogen to offset the effects of testosterone, which is the male hormone produced by the testicles. Editor] However, they seem to think it was all a big joke. Their official position is that an orchiectomy is elective surgery, which means that it is not a treatment option for transsexual inmates, and they said that I do not meet the criteria for hormone therapy. The judge in my case has stated that I have no liberty (civil rights) interests at stake in obtaining treatment.

As an alternative, I have considered asking be put on medroxyprogesterone. [Also known as Depo-Provera, this drug is sometimes prescribed for obsessive sexual offenders to suppress their otherwise uncontrollable sexual urges. It is also a female hormone that suppresses testosterone

production. It is absolutely not a substitute for estrogen and produces little or no feminization. To qualify, Deanna would have to register as a lifetime sexual offender. Editor]

I have spoken with Medical Director, the Deputy Superintendent, my counselors and the parole board about my issues and the need for treatment. Their reaction seems to be one of complete indifference, or that I have ulterior motives.

I showed them all a copy of the *GIC TIP Journal* and tried to get them interested in communicating with you, but they politely declined. They said it goes against their policy. The good doctor said I could deal with my gender issues when I get back on the streets, which probably won't be for another eight years. The only place I can freely discuss my gender issues and get some understanding is with my Friday GLBT support group.

Is there a better way to present my case? Everyone I have to deal with seems to think this is all a big con job or a devious attempt to get a big cash settlement through a civil action.

For your information, I have another case citation that might be of interest to you and your readers: John Andrew **Cuoco v. Kenneth MORITSUGU et al.** [222 F. 3d 99 2000. Lexis 18376] Cuoco filed a complaint against the prison administrators at the Federal Correctional Facility in Otisville, NY to obtain estrogen therapy.

I hope this helps. Your newsletter is so very important to me. Thanks for just being there Sisters.

Deanna Fortune #1119411
Mt. Pleasant Correctional
1200 E. Washington
My. Pleasant, Iowa 56241

[Regarding the above case, Cuoco filed pro se complaint, alleging that she was denied estrogen tablets necessitated by her status as preoperative male to female transsexual.

The unique thing about this case was that Cuoco was a pre-trial detainee when the alleged incidents occurred, and not a "prisoner" in the legal sense of the word. Thus, the Eighth Amendment prohibition against "cruel and unusual punishment" did not apply, which is usually the basis for transsexual inmates' claims to obtain treatment or damages for withholding treatment. However, the district court

correctly concluded that Cuoco's claims did arise under the Due Process Clause of the Fifth Amendment instead.

In any event, there are two elements to Cuoco's claim: She must show that she had a "serious medical condition" and that it was met with "deliberate indifference."

Courts have repeatedly held that treatment of a psychiatric or psychological condition may present a "serious medical need".... There is no reason to treat transsexualism differently than any other psychiatric disorder. Thus ... plaintiff's complaint does state a "serious medical need." *Meriwether v. Faulkner*, 821 F.2d 408, 413 (7th Cir.1987)

To establish the second element, deliberate indifference, "a plaintiff must show 'something more than mere negligence'; but proof of intent is not required, for the deliberate-indifference standard 'is satisfied by something less than acts or *107 omissions for the very purpose of causing harm or with knowledge that harm will result.'" *Weyant*, 101 F.3d at 856 (quoting *Farmer v. Brennan*, 511 U.S. 825, 835, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994)). "An official acts with the requisite deliberate indifference when that official 'knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.'" *Chance v. Armstrong*, 143 F.3d 698, 702 (2d Cir.1998) (quoting *Farmer*, 511 U.S. at 837, 114 S.Ct. 1970). "[M]ere medical malpractice' is not tantamount to deliberate indifference," but it may rise to the level of deliberate indifference when it "involves culpable recklessness, i.e., an act or a failure to act ... that evinces 'a conscious disregard of a substantial risk of serious harm.'" *Id.* at 703 (quoting *Hathaway v. Coughlin*, 99 F.3d 550, 553 (2d Cir.1996).

There were other substantive issues in question here relating to discovery limitations imposed on Cuoco and the appeals process, but the bottom line is that the court ruled in favor of the defendants, based on their full or partial immunity as federal employees and the failure to prove they acted with "deliberate indifference." Editor]

HAPPY HOLIDAYS