



GIC TIP JOURNAL



Transgendered In Prisons

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



Trans Inmate Entitled to Care

Feds nix prison's policy of treating only pre-existing gender identity disorder

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By ARTHUR S. LEONARD - Rejecting a contrary recommendation from a federal magistrate judge, U.S. District Judge Lawrence E. Kahn in Albany ruled on July 15 that a state prisoner at Clinton Correctional Facility in Dannemora is entitled to have medical attention for her claim of gender identity disorder (GID).

Kahn rejected a prison policy of refusing to provide treatment to persons whose GID was not diagnosed prior to incarceration.

Jessica Lewis, whose legal name is Mark Brooks, was aware since childhood of her female identity, but it was not until she was incarcerated that she first learned about gender identity disorder. Having become convinced that she is a transsexual and that the disorder required treatment, she began to write letters requesting medical evaluation and treatment to prison officials, none of whom answered. Eventually, Lewis turned to the courts.

According to Kahn's summary of the state's position on this case, Lewis' requests were uniformly misinterpreted since, even in front of Kahn, the state argued that it was not obligated to provide gender reassignment surgery for the inmate, even though the ruling makes clear that is not what this case is about.

Lewis argued that her 8th Amendment right to protection from cruel or unusual punishment was violated by the prison's failure to provide medical attention. Kahn found significant merit to this claim, since many federal courts, including the Supreme Court, have concluded that gender identity disorder can be a serious medical condition, which triggers 8th Amendment protection for prison inmates.

However, an 8th Amendment violation does not result simply from disagreement between an inmate and prison officials over appropriate treatment, and Kahn pointed out that prior federal prison cases have not established that every transsexual prisoner is entitled to sex-reassignment surgery at state ex-

pense. Case precedents are more nuanced than that, noting that for some individuals psychotherapy is sufficient to deal with GID, while others can make do with hormone therapy. The significant factor, however, is that decisions about treatment must be made by competent medical authorities based on an individual evaluation, not on an inflexible general policy.

Kahn also faced the question of which individual defendants named by Lewis could be held liable for violating her constitutional rights. Only a government official who has personally participated in making a decision later found to be unconstitutional can be held liable, and then only if the rights they are charged with violating were previously "well established" through court decisions. Kahn ruled that it is not enough to show that a letter was sent to an official and the official did not answer. There had to be some affirmative action violating Lewis' rights to hold an individual liable, so many of the officials named were off the hook.

Kahn focused on Stan Berg, the supervisor of the unit in which Lewis was housed, who received two letters from Lewis. The court record indicated that Berg was aware of Lewis' contention that she suffered from GID months before he received either letter. Berg had apparently directed an underling to arrange for Lewis to get a medical evaluation, but never followed up to see that it was done, and it wasn't. Along with other prison officials who received letters from Lewis, Berg misconstrued her letters to be a demand for a sex-change operation rather than a request for medical evaluation and treatment. Berg's response to the letters he received was to cite a prison policy against providing sex-change operations to inmates.

Since Lewis never had a medical evaluation, Kahn concluded that she was deprived of medical treatment for what may be a seri-

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ous medical condition. Kahn also found that a reasonable prison official receiving one of Lewis' letters should have known that she was entitled to evaluation and treatment.

"Defendants do not contest Plaintiff's claim that he was never treated for GID notwithstanding numerous requests for treatment," wrote Kahn, referring to Lewis as a man. "In addition, Defendants have not provided the Court with any evidence showing that the decision to refuse Plaintiff treatment was based on sound medical judgment. Finally, Defendants have failed to submit any evidence that they were not aware that Plaintiff's health could be jeopardized if treatment was refused."

Kahn rejected the argument that individual prison officials should be immune from suit because they were just following an established prison policy, pointing out that the policy itself was of questionable constitutionality, and that no prison policy mandated denial of all treatment for GID.

So when Lewis first brought up the issue, she was entitled to a medical examination to determine whether she suffered from GID.

"Prison officials cannot deny transsexual inmates all medical treatment simply by referring to a prison policy which makes a seemingly arbitrary distinction between inmates who were and were not diagnosed with GID prior to incarceration," Kahn observed, pointing out that prison officials would hardly contend that they could deny treatment for diabetes, schizophrenia, or any other "serious medical need" simply because it had not been diagnosed before the inmate entered the prison system.

More good news
Michelle Lynne Kosilek
W-53865 Box 43
Norfolk, MA 02056

August 26, 2003 - It is with great joy I inform you and the rest of my sisters that at 2:15 PM today I started back on female hormones. It has been a long time coming, but it was worth it.

I first filed suit in November of 1992, which was 2½ years after my hormones had been cut off.

It was not until August of 2002 that the federal district court in Massachusetts ordered treatment, and it still took the Massa-

chusetts DOC nearly another year, 363 days to be exact, to comply with the court order.

That is probably the worst case scenario facing our sisters.

However, things appear to be changing. A New York federal judge recently ruled in favor of treatment for another transgendered prisoner, Jessica M. Lewis (AKA Mark Books).

My thanks to all for your support and encouragement.

Love-Michelle Lynne Kosilek

Colorado News

Transsexual Inmate Barred From Sex Treatments

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A transsexual man serving a 48-year state prison sentence for burglary and sexual assault has lost his appeal of an order denying him hormonal or surgical treatments for transsexualism.

The Colorado Court of Appeals on March 13 upheld a ruling by Jefferson County District Judge Ruthanne Polidori that said the prison system did not have to provide such care to Mary Kay Lynn Condit, also known as Paul Lynn Condit.

Condit was sentenced in 1993, and in 1995 completed a common-law name change, saying he was transsexual and wanted to live as a woman.

In October 1996, Condit sought reconsideration of his sentence, saying the Department of Corrections was failing to administer proper care for gender dysphoria, or transsexualism. Condit alleged proper care should have included allowing a male inmate to live as a woman or to receive certain treatments including hormones or surgery.

Condit's motion for reconsideration was denied without a hearing. Condit filed another motion in April 1999 that was rejected by the trial judge as having no merit. That decision was upheld Thursday by the Court of Appeals.

The appeals court also rejected Condit's arguments that his guilty pleas entered in 1993 were invalid because Condit's gender dysphoria and limited intelligence prevented an informed decision. Also rejected was Condit's argument that the plea was coerced by his attorney because his attorney had said the plea would result in sex

offender treatment.

[Our apologies to Ms. Condit for the AP's failure to follow their recommendations for covering transgender people. Ed.]

Associated Press Stylebook recommendations for covering transgender people, under "sex changes" in the 2000 edition:

"Use the pronoun preferred by the individuals who have acquired the physical characteristics (by hormone therapy, body modification, or surgery) of the opposite sex and present themselves in a way that does not correspond with their sex at birth.

If that preference is not expressed, use the pronoun consistent with the way the individuals live publicly."

Canadian decision upheld

Canadian Prisons Must Pay for Gender Reassignment Surgery

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Web Site: <http://www.uk.gay.com>

FROM GAY.COM UK - FEBRUARY 18, 2003 - CANADA - Transgender prisoners in Canada will be able to get gender reassignment surgery, after a court ruling saying that the prison service's refusal to pay for the operations is discriminatory, reports *Gay.com UK*.

In a written ruling, judge Carolyn Layden-Stevenson said: "If the medical opinion is that sex reassignment surgery is an essential service for a particular inmate, it follows that it should be paid for by Correctional Services Canada, as would any other essential medical service."

"The right of government to allocate resources as it sees fit is not unlimited," she added.

The decision upholds a 2001 (ruling) to allow convicted killer Synthia Kavanagh, a male-to-female transsexual, to undergo gender reassignment for which she had been pre-approved prior to her imprisonment.

After prison services refused to pay for the operation, Kavanagh ended up (paying for) the \$14,000 cost (herself). After spending more than a decade in various men's prisons, she was transferred two years ago to Joliette Penitentiary, a medium-security women's prison north of Montreal.

The human rights tribunal said that it

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was discriminatory for prisons to have a blanket ban on sex-change operations but not on "non-essential" services such as the removal of tattoos.

The ruling is expected to affect about a dozen transgendered prisoners.

Pennsylvania news

Prison officials honor transsexual name change

© Philadelphia Gay News (PGN)

Pennsylvania Department of Corrections officials will recognize the name change of a trans woman who is incarcerated at the State Correctional Institution at Graterford, a corrections spokeswoman told PGN this week.

Barbara Wilhelm said a variety of records have been updated recently to reflect the name change of inmate Jessica Elaine Wolfe.

"The Department of Corrections does honor legal name changes," Wilhelm told PGN.

Wolfe filed a lawsuit against the state corrections and various officials on April 30, 1997, seeking trans-related medications and the ability to present herself as a woman in prison.

The case was settled on July 24, 2002, and Wolfe was granted the right to receive Premarin, an estrogen replacement drug, and Lupron Depot, a medication that decreases testosterone levels.

Wolfe's prior name was James Elliot Wolfe.

In 1996, a judge approved her name change to Jessica Elaine Wolfe. However, some corrections records were not updated to reflect the name change until inquiries were made last month by a PGN reporter.

Wilhelm told PGN July 16 that mail-room, visitors' desk and records office personnel at Graterford have been notified of the legal name-change for Wolfe.

In addition, officials at the state Bureau of Probation and Parole will be informed of the legal name-change.

Ms. Sarah J. Babcock
AKA John D. Babcock # 995807
Stafford Creek Correction Center
191 Constantine Way
IMU FN C-06
Aberdeen, WA 98520-9504

Just a short note to say again how much

I appreciate the *GIC TIP Journal* and to share a few more new resources with you. I am also looking for some help or advice with my name change.

I have had considerable problems with prison authorities concerning the use of my court ordered, true and legal name, which the Washington Department of Corrections has chosen to ignore.

Except for Malik v. Brown, 71 F.3d 724 (9th Cir. 1995) at pg. 726, there does not seem to be much case law on the subject. This is what Malik v. Brown says about name changes:

In 1982, the Fourth Circuit held that prison officials could not categorically refuse to accord legal recognition to inmates' newly adopted religious name, Burrett 689 F.2d at 503. Although prisons were not required to reorganize their filing systems, the court noted 'correctional authorities may not properly condition the receipt of services or benefits upon [a prisoner's] waiving his right [to use a legally adopted name]'.

My name was legally changed to Sarah J. Babcock prior to incarceration. I amended it shortly thereafter to include the title "Ms.". The court had no problems with either request, finding legitimate cultural and religious reasons for doing so.

The Washington DOC is well aware of this, because the court orders for both name changes have been served on them not once, but several times. In spite of that, they still cruelly insist on identifying me by an AKA, which is not even my birth name.

If any of you trans-paralegals have any more case law on this subject, I would be grateful if you would share it with me. I need some fresh ideas and some new angles to try out on them.

If you are looking for pen pals, I have found another resource for you:

Friendly Pen Pal Service
 PO Box 83
 Tujunga, CA 91043

Although they request a donation (stamps okay), they will list you for free. Just send them a self-addressed stamped envelope along with a brief personal statement. Include your birth date, release date, what your interests are and the type of person you are looking for to write to.

I got some very good results using their service.

For free books, write to:

Books Through Bars
 New Society Publications
 4722 Baltimore Avenue
 Philadelphia, PA 19143

Books Through Bars will send you books on gender issues.

Finally, another place to write for spiritual support that I have found is:

Meditation Group for the New Age
 PO Box 566
 Ojai, CA 93024-0566

Sylvia Rivera Law Project **New legal initiative for TG/TS/inter-sex prisoners**

The Sylvia Rivera Law Project (SRLP) is starting a new legal initiative to advocate on behalf of transgender (TG), transsexual (TS) and inter-sex prisoners.

Located in New York, the SRLP is a program administered by the Urban Justice Center, which serves low-income New Yorkers through a unique combination of direct legal services, systemic advocacy, community education and political organizing.

In addition to TG/TS/inter-sex prisoner advocacy, SRLP's new initiative will also include foster children and patient advocacy.

Their overall mission is working to guarantee that all people are free to self-determine their gender identity and expression, regardless of income, and without facing harassment, discrimination or violence.

The Sylvia Rivera Law Project is named for civil rights pioneer Sylvia Rivera. A veteran of the 1969 Stonewall uprising, Sylvia was a tireless advocate for all those who have been marginalized as the "gay rights" movement has mainstreamed. Sylvia fought hard against the exclusion of transgender people from the Sexual Orientation Non-Discrimination Act in New York, and was a loud and persistent voice for the rights of people of color and low-income queers and trans people. The SRLP works to continue Sylvia's work by centralizing issues of systemic poverty and racism, and prioritizing the struggles of queer and trans people who face the most

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severe and multi-faceted discrimination.

The SRLP programs include the following:

Litigation: They work on class action and precedent-setting individual cases to strengthen the rights of all people against gender identity discrimination. Their January, 2002 victory in *Jean Doe v. Bell* established that discrimination against transgender youth in the New York foster care system is illegal, and that transgender youth in foster care have the right to dress in clothing appropriate to their gender identity. They are currently working on cases involving Medicaid rights and gender identity discrimination in name change procedures.

Policy Work: SRLP works to change policies that create obstacles to full inclusion and equal access for transgender, transsexual, inter-sex and gender variant people. They work in the realms of adult and juvenile justice, housing and homeless services, health care provision and insurance, police practices, employment and education.

Direct Representation: They provide free legal services to low-income transsexual, transgender, inter-sex and gender variant people. They represent clients in a variety of contexts including public benefits, family law, identity document change, and discrimination cases. For most clients, the opportunity to access legal services in an environment where gender identity self-determination is valued and respected is a new and often transforming experience.

Education and Organizing: They work in coalition with other community organizations to educate people about their rights, and to raise awareness about the manifestations of gender identity discrimination in schools, jails, jobs, hospitals, and government agencies. They work with participants to connect them with social justice struggles relevant to their lives, and help movements which have often overlooked or excluded transgender, transsexual, inter-sex and gender variant people to discover how our liberation struggles are connected.

Trainings: SRLP trains legal and social

service providers on how to make their services welcoming and accessible to transgender, transsexual, inter-sex and gender variant people, and how to spot and properly address gender identity-related issues in legal and social service cases. They also create training videos that can be distributed more broadly to raise awareness amongst service providers, schools, and other institutions about creating safe and accessible environments for people facing gender identity discrimination.

To contact the Sylvia Rivera Law Project call or write to:

Sylvia Rivera Law Project
%Urban Justice Center
666 Broadway - 5th Floor
New York, NY 10012
646 - 602-5611
Web Site: www.srlp.org
E-Mail: DTurner@urbanjustice.org

[See related story below. Ed.]

***Dutchess County New York
Trans Inmate Denied Treatment
Dutchess County juvenile facility with-
holds hormones from 17-year-old***
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By DUNCAN OSBORNE - A 17-year-old transgendered woman has sued the Office of Children and Family Services (OCFS) charging discrimination after she was denied access to hormone treatments while being held in a juvenile detention center operated by that state agency.

"I spoke with the medical director and he said I hadn't received a sufficient amount of therapy," Jennifer Rodriguez told Gay City News in a phone interview from the Red Hook Residential Center, a lockdown facility in Dutchess County. "He said it was not in my best interest. The agency was just being ignorant."

Earlier this year Rodriguez, while a client at Green Chimneys, a non-profit group home for queer youth, received a gender identity disorder (GID) diagnosis, according to records filed in her case. That diagnosis can be the first step in gender transitioning and hormones are among the first tools used in that process.

The doctor who made the GID diagnosis and prescribed "feminizing hormones" has filed an affidavit in the case supporting Rodriguez's access to the drugs as has her mother who consented to her taking hor-

mones.

In addition to being denied the hormones, Rodriguez is housed in an all-male facility and she is required to dress in the uniform that the male residents wear. She is not allowed to wear anything, such as make-up or press-on nails, that could be associated with the female gender.

Rodriguez said she arrived in the Red Hook facility on April 15 and she was denied access to hormones immediately. The interruption in her transition, something she has wanted to do for five years, has made her decidedly unhappy.

"I feel real depressed," she said. "Thank god I have the strength to hold on and not come to suicide and all those other things like other people do."

Rodriguez, who has used hormones previously—though not under a doctor's supervision—is already seeing changes to her body since suspending the treatment, such as growth in facial hair.

"I have seen changes in my sleep patterns, hot flashes, anxiety, the voice, everything," she said. "I have been getting pains in my chest area... It feels like they are trying to make me conform. It's not me."

While she said that the staff and residents had not been verbally or physically abusive, something that transgender clients can be subject to in state and city facilities, Rodriguez still objected to her situation.

"The clothes, the hormones, being in the wrong facility, them not having a transgender unit," Rodriguez said. "They cover everything else—mental health, drug abuse, sex offenders. Why not a transgender unit?"

The suit alleges that OCFS is denying Rodriguez medical care, which under these circumstances amounts to discrimination based on gender and disability.

"The main legal issue is that when the state has someone in custody they are obligated to provide medical treatment to that person," said Dean Spade, a transgendered attorney and the founder of the Sylvia Rivera Law Project at the Urban Justice Center. "In this instance, they are refusing to provide Jennifer with medical treatment which has been prescribed by a doctor."

What makes the OCFS position more confusing is that the agency is allowing Rodriguez to take a drug that blocks testosterone, a male hormone, which suggests that they have some awareness of the need for her continued treatment.

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"It makes no sense," Spade said. "Their logic doesn't even apply to what they are doing."

Spade spoke to what he saw as the discrimination underlying the denial of medical care.

"There is really no reason not to provide this treatment aside from bias," Spade said. "They are refusing to provide the treatment because of who she is."

Because a GID diagnosis can be legally construed as disabling, the OCFS action is also seen as discrimination based on disability.

Although Rodriguez will be released from Red Hook on August 11, she will continue to be in OCFS custody until her eighteenth birthday next year. She wants a decision that will get her access to hormones until then as well as one that could ensure that no other transgendered teens will be denied access to medical care in the future.

"We want a decision that OCFS can't deny her care so she will be administered the drugs at whatever facility she is at," Spade said.

"I'm not doing it for me," Rodriguez said. "I'm doing it for precedents."

A call made to the Red Hook facility seeking comment was referred to the OCFS press office which did not respond.

St. Louis blues

PRISON OFFICIALS SEE PRE-OP TRANSSEXUAL AS A MALE INMATE

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BY BILL McCLELLAN - June 18, 2003 - Shauna Godfrey celebrated her 22nd birthday earlier this month in the St. Louis County jail. Sometime this week, she'll be leaving the jail. She'll transfer into the custody of the Department of Corrections, and she'll begin serving a two-year sentence for felony possession of marijuana.

She is concerned about her safety.

That's understandable. She will do her time in an institution for male offenders. In the eyes of the state, Shauna is a man. His name is Sean.

Shauna has a very understanding mother. Here is the way her mother describes the situation: "Shauna is a pre-op transgendered female, which means that her gender is female, however she was

born with a male body. When she entered puberty is about the time she realized she was 'stuck' in the wrong body. Not knowing about SRS (sex reassignment surgery) and feeling like a freak of nature, she escaped into the drug scene."

Those were difficult times for the family. They were dealing with the two problems at once -- the drugs and the emotional havoc of having a son who was truly a lost soul. Was he gay? He didn't think so. That is, he did not feel like a male attracted to other males. He didn't feel like a male at all. His parents tried therapy. When a therapist explained that he could be a woman in a man's body, it was as if a light came on. At least, that's the way Shauna explained it when I visited her in jail Tuesday.

By the way, Shauna looks very much like a young woman. Her face is smooth, and I saw no evidence of facial hair. She is about 5-foot-7 and 140 pounds.

While it's always nice to be able to identify a problem, this was not a diagnosis you would wish on an adolescent. Hormones, surgery and then what? Would life ever be normal?

Life had started out comfortably middle-class. Sean attended the parish school at Our Lady of Lourdes and then he went to CBC high school. That's when he began having serious problems. He felt awkward, but that is hardly uncommon for a teenager.

Shauna barely got through high school, and then she was into drugs. Marijuana, cocaine, heroin. In March of last year, she was arrested for possession of drug paraphernalia and possession of pot. She had a little more than an ounce of marijuana. She pleaded guilty in January in the county's drug court. Had she been able to follow the court's guidelines, she could have avoided a prison term.

There were too many rules, she told me. She reminded me of a rebellious teen.

She said she had been scheduled for sex reassignment surgery in October, but, of course, that is now out the window. She has been in the county jail for about a month. She said she has been kept in isolation and has been treated well. While we were talking, a guard came by with pills. Shauna said she is still taking her hormone pills in preparation for eventual surgery. A jail official cited confidentiality rules and said he could

not confirm the medications that individual prisoners are receiving.

Not all the inmates have been kind. Some have been crude, she said. Some have yelled things at her and have predicted that prison life will be rough. "They'll be fighting over you, honey."

Tim Kniest, a spokesman for the Department of Corrections, said that all inmates are examined at a diagnostic center -- Shauna will almost certainly go to Bonne Terre -- and inmates with unusual medical situations might be temporarily placed in isolation. If there are safety concerns about a person being in general population, that person might be put in protective custody, Kniest said.

Correctional Medical Services is the company that provides health care services to the Corrections Department. Ralf Salke, CMS' regional vice president, said he cannot remember his company providing hormonal therapy to a transgendered inmate, but he said all cases are decided on an individual basis.

Shauna will be eligible for parole in about four months.

A. "Dominique" Broadnax **VDOC No. 279816** **NCC PO Box 488** **Burkeville, VA 23922**

I am a transgendered woman serving time in the Nottoway Correctional Center in Virginia. I have been receiving the *GIC TIP Journal* for about two years now, and I have enjoyed every issue.

I should say I found them interesting, because they often stir up a mixture of emotions in me. I do enjoy reading about the victories, but some of the other stories are heart breaking. So many of our sisters have had to endure so much torment. Still, you have to admire them for their will to survive.

I have never been one to just sit back and allow people to do as they please to me. I believe that we, as transgendered women and men, have to be strong and more demanding. Otherwise, we will be completely at their mercy.

It was my good fortune to share a cell with Ms. Ophelia De'lonta for a while. I learned a lot from her. Her courage and intelligence and her die hard mentality have inspired me. Her court victory against the Virginia DOC gives us all a

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lot of hope.

I believe it is only a matter of time before other prison systems will have to follow suit. Their days of being able to ignore the problem with impunity are numbered.

Granted, the battle is far from over yet, but if enough of us believe and then act upon that belief, anything is possible.

In my case, it is well documented that I was on hormones prior to my incarceration. They also provided hormones during my stay at the Hampton Roads Regional Jail and during my two days at the Powhatan Receiving and Classification Center.

However, once I left the Classification Center, the hormones were immediately cut off, and four years later, I am still experiencing the adverse effects of withdrawal. They have left me with no other choice than to follow Ophelia's example and take the VDOC to court.

Ophelia's case gives us a good legal precedent to work with, so to all you boys and girls out there, do not give up. Keep filing those grievances, and when that does not work, keep filing those petitions and those appeals. Our voices are being heard, and it is never too late to seek justice.

Take care, and may the Gods and the Goddesses protect you.

Blessed be, Dominique.

New address
Ophelia De'lonta
PO Box 1027
Marion, VA 24354

After my recent success with the 4th U.S. Circuit Court of Appeals, I have been mulling over another idea that I would like to share with you. I also thought that Stephanie, who has ambitions to one day take over as the *GIC TIP Journal* editor, might want to join me in this effort.

As my case illustrates, most prison systems are still not sure what to do with their transgendered prisoners. Usually they end up doing the wrong thing. Apart from the medical issues, transgendered prisoners can also pose all kinds of safety and security problems too under the present system.

What I would like to propose is to have one, or perhaps several regional,

institutions that would specialize in housing all federal and state transgendered prisoners.

I would be interested in what Stephanie and the rest of you think of my idea and how best we might pursue it. I am sure it will be an uphill battle, but they said the same thing about the case I just won. I believe that together we can get it done.

If you do decide to write to me, please note my new address, which is included in the heading of this article.

Hugs Ophelia.

Kitty

I read a couple of interesting editorials in *The Denver Post* about the need to "Stop neglecting mental illness" According to the author: "The U.S. mental health system is sick and needs more than Prozac to heal itself."

I couldn't agree more, and the sickest example of this is the way our nation's prison systems neglect and abuse those who are suffering from gender identity disorders (GID).

For example, in the Colorado Department of Corrections (CDOC) not only are they unwilling to provide treatment for GID, there is no one within the CDOC's mental health services who is even qualified. They have told me that if I want to be examined and treated by a qualified Gender Specialist, I would have to pay for it myself, which is totally ridiculous.

Like most inmates, the only income I have is a 30 ¢ per day allowance from the state, 20% of which the DOC withholds for a victim restitution fund. That leaves me with less than \$5 per month of disposable income.

How am I ever going to afford to pay for an outside consultant on that? Obviously, I can't, so I have been forced to file suit.

To add insult to injury, now they are holding back an additional 20% each month to cover the \$90 court filing fee, until it is paid off.

It is all pretty depressing. I try to keep busy and not dwell on my problems, but I can't help wondering if this nightmare will ever end.

The outlook right now is pretty bleak. Not long ago, the Attorney General came out with a new interpretation of the sen-

tencing guidelines, which has resulted in nearly doubling my time behind bars.

As hopeless as it might seem, I don't want to even think about the alternative. Giving up is just not an option.

Wishing you all the best. Kitty.

Leslie Ann

R. Manning #91A7056
Wende Correctional Facility
3622 Wende Road PO Box 1187
Alden, NY 14004-1187

Hello to all my sisters out there.

I have been a subscriber of the *GIC TIP Journal* for about a year and a half, and I love getting them. It's so great to have a newsletter for us girls. And since I cannot write to other prisoners, this is the only way I have of sharing my story with you..

I realized at around age 6 that I was different from my brothers. Unfortunately, so did they, and they began to molest me. It didn't stop until I was 13.

Nevertheless, over a period of years, I have reached a point where I could forgive them and get on with my life.

I was 13 when my parents caught me cross-dressing. They did not approve, so they had me committed to a facility for children with mental problems.

Imagine my dismay when a psychologist at the facility took up where my brothers left off. The only thing I could think of doing was to run away, which I did. In the process, I stole a school bus. (I know. Not a good choice.)

I was soon caught, and I was sent to a detention center for problem boys between the ages 12-21, where the nightmare repeated itself. Once again I found myself being molested by the very people who were supposed to be rehabilitating me.

I ran away again.

Looking back, it seems like my whole life has been spent running away - not only from others, but also from myself. I tried to be like other men, but it just didn't work.

I am now 37 years old, and I have spent over half of those years locked up. The abuse, - mental, physical and sexual - that I have had to endure has also taken its toll.

In 1986, I was stabbed 7 times and then raped by an inmate who had been follow-

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ing me around for six months propositioning me for sex.

Not surprisingly, that same year I also tested HIV positive, which has now progressed to full blown AIDS.

I have asked the New York DOC for hormone therapy, and I almost persuaded one of the doctors here to prescribe it. Unfortunately, he retired before I could convince him to do it.

Since then, they have simply ignored my requests. I filed a grievance, which also got no response.

The one positive thing I did find out is that having AIDS does not preclude hormone therapy, so there is still some hope.

Presently, I am in the Regional Medical Unit, because of the AIDS and related health problems.

Though I am forbidden from writing to other prisoners, please include me in your Pen Pal list. It gets lonely here.

To all of my sisters, incarcerated or not, stay strong, and may peace find you when you need it. Leslie Ann

A Stand-Up Guy

By Jonny Stau

When my girlfriend asked me to sit down and write an article for your newsletter, I was not sure what I could say that has not already been said. However, after reading your Summer 2003 issue, I felt like I had to do something to show my support.

While serving time in the Arizona DOC, I have seen first hand the struggles that transsexual inmates face in prison every day. They are beaten, raped, tortured and intimidated by their peers.

What is perhaps even more offensive to me is that the correctional officers in here are well aware of this and do absolutely nothing about it. Nor do they provide any treatment for their gender dysphoria

Instead, what usually happens is that these girls end up spending years in a lock down setting, because it costs less to lock them away than to give them help.

I think this is outrageous, and I, for one, refuse to sit back any longer and pretend that nothing is wrong. I could not live with myself if I did. My conscience would not let me.

In case you have not guessed it yet, I am not transgendered, nor am I gay or bisexual. I am a straight man, but I am also one that had to teach himself how to see

beyond those biases.

In the beginning, I was not quite sure what to make of the first MTF transsexual I met, but she definitely aroused my curiosity. So I started reading everything I could get my hands on about the subject.

Once I had educated myself on gender dysphoria, I began to see the light. I began to see that gender is much more complex than just our physical anatomy. It is more about what is between our ears than what is between our legs - our souls, if you wish, rather than our bodies.

I also learned that it is possible to have a female soul and be born in man's body.

Once I understood that, then I began to see transsexual women and men for who they really are, and I can't tell you what a blessing that has turned into for me.

As you probably have guessed, my girlfriend is a transsexual. She is like a little princess to me, and I plan on spending the rest of my life with her.

I guess that is why it is now so hard for me to comprehend why trans-people are treated so badly. But if I were to guess, I would probably attribute it to lazy minds and a lack of courage.

Few people who are not transgendered understand gender dysphoria, and most are too lazy to learn anything about it. They never get past the labels. For them, there is no in between, no choices and no room for any differences.

Those who do try to understand are often too afraid to reach out and help trans-people for fear of being tarred with the same brush. It does take some courage.

However, it is my hope that, instead of taking the easy way out, more of us will do the right thing here, and that they will join me in this fight.

One more thing before I go. Kathryn and I are putting together a book called "Pages to a Transsexual's Soul". It is collection of poems and short stories. If you are interested, write to:

Kathryn Marie Dē Lonta
% Southern Arizona Gender Alliance
300 East 6th Street
Tucson, AZ 85705

DONNA

I hope this letter finds you all doing well.

I have not written lately, because I am in the middle of some complex litigation.

However, I could not resist sharing with you a great resource for transgender prisoners that I have found. It is the Church of the Larger Fellowship. Their mailing address is:

Church of the Larger Fellowship
Unitarian Universalist
25 Beacon St.
Boston, MA 02108
Phone: 617-742-2100
E-Mail: clf@uua.org
Web: <http://www.clf@uua.org>

The Church of the Larger Fellowship's (CLF) mission is to provide a ministry to isolated religious liberals, (including people in prison) and to offer a spiritual home within the Unitarian Universalist movement.

The Unitarian Universalist Association comprises one of the most trans-friendly mainline churches that you can find. They even have a special office entirely devoted to GLBT concerns, and they sent me a list of some other groups that are GLBT friendly.

The CLF has a lending library where you can check out books, tapes and videos. Among the book titles offered is Leslie Feinberg's classic, *Transgender Warriors*. All that they require is that you pay for the return postage.

Deanna Fortune #1119411

Anamosa State Penitentiary
406 N. High Street
PO Box 10
Anamosa, Iowa 52205-0010

I had to write the *Journal's* editor's again and tell them what a great job they are doing. The second installment of "Trapped in Sing Sing" was excellent. It was quite interesting and very informative.

However, I do have one question about the following footnote:

[FN228]. See Gonnerman, supra note 149, at 48 (describing one transgendered prisoner who lied about prior usage of hormones to obtain hormones in a New York prison).

I am a little confused. Does that refer to a case citation?

[No. If you will check footnote number 149, to which footnote 288 makes refer-

(Continued on page 8)

(Continued from page 7)

ence, you will see that it is taken from an article in the publication "Village Voice". I have written to them asking them to send a copy of the article. Ed.]

[FN149]. See Jennifer Gonnerman, *Love Behind Bars: Lipstick, Love Letters and Laundry: Five Men Talk About Their Prison Romances*, *Village Voice*, May 13, 1997, at 46.

I did locate Claybrooks v. Tennessee Dep't. of Corrections, 182 F.3d 916 (6th Cir. 1999); Houston, supra note 82 (discussing transgendered woman inmate Shelby Cox's requests for cosmetics).

Claybrooks is a "self-described" transsexual, and because of that I noticed she had problems with having her cases dismissed.

That is something you should bear in mind, if you are contemplating filing a claim on that basis. Before you spend the \$150 that it costs you to file a civil action, get an evaluation from a qualified therapist stating that you are a transsexual.

Unless you are one of the lucky ones who had this documentation before you were incarcerated, usually the only way to get that is to bring in an outside consultant at your own expense, .

If you do not have this documentation, they are likely to dismiss your case as frivolous, just as they did with Claybrooks.

It can also help open some doors for getting treatment after your release.

As hard as it might be to do, it is well worth the effort and the expense. So no matter what the DOC says, keep it on trying and don't let them upset you.

If you don't believe me, see *Farmer v. Hawk-Sawyer*. It is worth reading, ladies.

Another article I would recommend is the "Feminist Challenge in Criminal Law" by Stephen J. Fulling.

On a more personal note, I wanted to thank Jessie for the names and addresses of some Iowa therapists. One has agreed to work with me, both while I am in prison and when I get out. He, in turn, put me in touch with a psychologist who can help me document that I am a transsexual.

Finally, I wanted to thank Linda ("Was Pre-Op") for the prisoner's self-help litigation manual. I am sorry that your request to the warden for permission to write to me was denied.

In Loving Memory of Sandra Sullivan

By Val Jean Royal

I truly regret to inform the readers of the *GIC TIP Journal* of the death of a very dear friend and advocate for our community, Sandra Sullivan

Sandra befriended many inmates like me over the years, and she will be sorely missed. She called us the "children of her heart", and it took a big heart like Sandra's to hold us all.

Among them was a sister of ours who had written to the *GIC TIP Journal* saying that she felt she had "Nowhere to Turn". I sent a copy of that article from the Summer 2001 Edition to Sandra.

Sandra, being the loving, caring spirit that I have always known her to be, immediately wrote to her to offer her friendship and support. Her letter and mine appear together on page 2 of the Fall 2001 edition.

Sandra was many things to many people, all of them good. She was a wife, mother, grandmother, sister and, for me, one of my dearest friends for over twenty years. I can't tell you how sad I am to lose her.

I was the first transsexual Sandra had ever really known, but right away she embraced me like a sister. We soon became the best of friends, and she has stood steadfastly beside me ever since, no matter how bad it got. I knew I could always count on her, and when the going got tough, she kept right on believing in me. At times, I too felt like I could not go on, but she would not let me quit. She would tell me, "You just go girl! You can do it!"

In 1991, when I was the victim of a prison rape, I contacted "Stop Prison Rape". To make sure that my case got the attention it needed. Sandra contacted them as well, which led to her becoming their secretary for a time.

When Sandra wrote to me and told me that she had lung cancer, I prayed and fasted for her deliverance. I wrote back and told her that she had to stay well, because I would be free soon.

We have actually never met face to face, just letters and phone calls and tons and tons of photos going back to 1982. Lately, we joked about contacting the Oprah Show to see if they would let us have our first face to face meeting live on Oprah.

Someday I believe we will meet, and it will be in a better place and in a better time.

Until that day comes, I will remember her in these words from Ruth 1:16-17:

Entreat me not to leave thee, or to return from following after thee: for whither thou goest, I will go; and where thou lodgest, I will lodge: thy people shall be my people, and thy God my God.

Where thou diest, will I die, and there be buried: the Lord do so to me, and more also, if aught but death part me and thee.

Help Wanted: Editor

The *GIC TIP Journal* is seeking a person with some professional or practical experience in journalism to take over the job of newsletter editor. It is preferable, but not required, that they also have some experience in the use of desk top publishing software.

Anyone who is interested in applying should send their resume` to the address listed on the lower left-hand side of the front page of this newsletter.

It is possible that some grant money might be available, for which the current editor will assist you in applying.

Requests for Back Issues

Due to errors in the numbering system, requests for back issues of the *GIC TIP Journal* should refer only to the year and the seasonal designations, such as Spring, Summer, Fall or Winter. For example, this issue is the Fall 2003 edition .

Our apologies for the mix-up and for any delays in delivery.