



GIC TIP JOURNAL



Transgendered In Prisons

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

Gendered Crime & Punishment:

Strategies to Protect Transgender, Gender Variant & Intersex People in America’s Prisons
By Alexander L. Lee



Jessie Shafer
Editor
Gianna E. Israel
Contributing Editor

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[Due to the length of “Gendered Crime & Punishment”, we are publishing it in two parts. The first part (Sections I-IV) is mostly devoted to describing the problem. The second part, which is reprinted here, is more a discussion of possible solutions. Ed]

Author of “Gendered Crime & Punishment” announces the TGI Justice Project!

The TGI Justice Project (TGIJP) is a new organization that works to expose and end the abuse and discrimination against transgender, gender variant/genderqueer and intersex (TGI) prisoners in California. If you are a TGI person imprisoned anywhere in California, including in jails and in federal institutions, we want to hear from you. We want to know who you are, and whether you are currently experiencing abuse and discrimination related to your gender and/or intersex status. TGIJP is guided by the wisdom and experience of TGI people in prison -- we need you and your knowledge to help us develop strategies to defend the human rights of all TGI people in prison.

TGIJP can provide some limited advocacy and legal referrals, but unfortunately cannot represent you as your attorney at this time. Although we cannot provide advocacy for prisoners outside California, we invite out-of-state TGI prisoners to write us. Please spread the word!

You can reach us at:

TGIJP
c/o Justice Now
1322 Webster Street Suite 210
Oakland, CA 94612

Alex Lee
Director

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V. Immediate Recommendations & Long-Term Solutions

A. Do the Most By Asking the Least

It is clear that given the gendered nature of prison punishment, there is no real solution to the TGI prisoner “problem.” Some alternatives are better than others, but because TGI people are so varied in their gender expressions, drawing bright-line rules and creating blanket housing policies for this vulnerable population are nearly impossible. Therefore, I recommend that advocates concerned with TGI prisoners’ immediate safety push for housing decisions on a case-by-case basis, rather than call for large-scale reforms. I realize this flies in the face of most advocacy and activism currently being done on behalf of TGI prisoners, but history has taught us that systemic reforms often result in larger prison budgets and extensions of the prison industrial complex.

For example, where to house a particular TGI prisoner should depend on where ze would be safest. Since there is no place that is absolutely “safe” – after all, this is prison – advocates for TGI prisoners should con-

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

GIC TIP Journal
1401 Saulsbury, Suite G9
Lakewood, CO 80214-4755
info@gicofcolo.org
www.gicofcolo.org

Update on transgendered prisoner documentary

News from the producer, Janet Baus

Since it is hard for me to write every one of you who has contacted me through this journal, I would like to let you know what's going on with our production, and to make another appeal. We will hopefully finish the documentary by the end of the year. We are trying to gather some final stories and footage. We've been able to secure 5 prison interviews, and we've been following one woman who was released in February. Also, one of the women we interviewed in prison was released in June, so we've been able to work with her a little out of prison too.

The issues we've been able to get at through these interviews are how a lack of support might contribute to landing a transgender woman in prison, the inadequacy of a gender-specific institution like prison to humanely house transgender women, including placement and hormonal treatment, the violence and humiliation that many transgender women face. Some of our strongest and most moving stories are about the abrupt withdrawal of hormones.

We're excited about the possibility of helping to bring this important human rights issue to public awareness. We could not have done it without the help of the *GIC TIP Journal*, and all of you who wrote to us.

A few more interviews are needed focusing on violence or life after prison

I'd like to make one last appeal for interviews. We were denied access for interviews by many states, and we don't feel we have quite enough stories to tell the full story. The states that don't allow any interviews are California, Michigan and Arizona, although Arizona will theoretically allow 15 minute phone interviews. We are trying to secure one of those right now. In many other states we were denied because they saw it as a security risk, or they just didn't give a reason.

We are looking for a couple more stories, particularly ones that might illustrate the violence one faces in prison. If you think you'd like to participate, please

write us at the address below.

Also, we'd love to be in contact with anyone who was recently released, or might be released. Thanks again for the generosity of the *Journal* community. I will keep you updated as to the screening and broadcast plans.

Contacting the producer

If you think you fit the foregoing profiles, please contact Ms. Baus at the address below.

Reid Productions
320 Seventh Avenue #202
Brooklyn, NY 11215

[PLEASE NOTE: Letters sent to this address should be strictly limited to correspondence related to your participation, or your desire to participate, in the trans-prisoner documentary. THIS SHOULD NOT BE USED AS A PENPAL RESOURCE. Ed.]

A transsexual's experience in the California Department of Corrections (CDC)

By Janet Loftin

(Cont. from Summer 2004 edition)

[The first part of Ms. Loftin's story begins with her arrival at San Quentin, where she is told by the corrections officers and staff that, because she is transgendered, she would almost certainly be sexually assaulted and that they could not do anything about it. Only after threatening self-mutilation and suicide was she able to obtain hormones. Despite her fears for her safety and her ensuing requests to be placed in Administrative Segregation (Ad. Seg.), the first part ended with her being forced to share a cell with a gay inmate called Frankie.

Part two takes up the story with Ms. Loftin being coerced by Frankie into some unauthorized cell swapping, so that Frankie and his boyfriend could spend the night together. Ms. Loftin was written up for participating in this deception and was subsequently placed in Ad. Seg. The hormones she had fought so hard to get were once again withdrawn, which heightened her distress and led to three suicide attempts. Then she was temporary transferred to Cali-

fornia's Ironwood State Prison, apparently for another evaluation, after which she was returned to her original unit in San Quentin, 4 Badger 8.]

After my return to San Quentin, I was regularly placed on suicide watch and was in and out of Ad. Seg. on numerous occasions. For a while I did get the hormones reinstated, but whenever I was in Ad. Seg. or on suicide watch, they were again withheld. I was really getting fed up with all the hassles.

It all came to head in the chow hall one evening a few weeks after my return. One of the female C/O's came to my table and told me to get up and follow her. Much to her surprise, I told her, "No".

She again demanded that I get up and follow her, and when I again refused, she tried taunting me, looking down at her breasts and saying, "You're just mad because you wish you had these."

That did it. Cursing her, I threw my cup of coffee in her face.

The other C/O's in the area came rushing over and ordered me to get down on the ground or else they would pepper spray me. I did as they ordered but got sprayed anyway by all three of them. Two used hand held canisters and one had a mace gun equipped with a big reservoir that you wear strapped on your back.

When the excitement was over, I was placed in a holding cage for about an hour, waiting for a "MTA" to come and check me over. The MTA finally arrived, looked me over and asked if I was OK.

I said, "No, I was just maced!"
"Oh well" the MTA said, "I'll tell the C/O to give you a shower."

Then it was back to Ad. Seg.

Still no hormones, so later that evening I began yelling for them to anyone who would listen. The only response was more taunting, this time over the PA system, using terms like "wanna-be woman" and "wanna-be bitch".

Once again, I lost control and, out of frustration, flooded the whole tier. The C/O's came and got me and again placed me on suicide watch.

Not until my third day on suicide

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(Continued from page 2) **California TG Story** watch did a doctor come to see me. We spoke for a while, and the doctor left, only to return with the C/O's in tow. They cuffed me, took me out of my cell and placed me in another suicide cell a couple cells over from the one I was in originally. As they were closing the door, the doctor explained, "Well Loftin, you've just been released and reassigned to suicide watch."

I was actually released from suicide watch a couple days later and again placed in Ad. Seg., but this time in East Block, East Yard, where my neighbors were death row inmates. I think this was done deliberately to unnerve me, and sure enough a month and a half later I again tried to hang myself.

After another short stint on suicide watch, I was sent back to regular Ad. Seg. where I was thankfully able to finally connect with some inmates who tried to help me. By then the C/O's were pretty much ignoring any talk of suicide coming from me.

A couple of months later I met with the warden and some kind of special committee, evidently convened to review my case. As I entered the room, the warden remarked, "So you're the famous Loftin."

I told the warden about not receiving my hormones. She simply told me to fill out a medical slip, as if this had not been done before.

Then I learned that they were getting ready to transfer me again. A week later, an announcement came over the PA for me to pack up, and within an hour I was on my way to Pleasant Valley State Prison. (PVSP). What a misnomer that turned out to be.

I arrived at PVSP on May 29, 2003, and the harassment began the minute I walked in the door.

"Mr. Loftin" the lieutenant said, with special emphasis on the mister, "that is your name... right? Jeff Lofton?"

"No." I protested. "My name is Janet, thank you."

Continuing to leaf through my file, the lieutenant soon rendered his own judgment, saying, "Lofton, you are a man."

As if on cue, one of the sergeants added, "So you will walk, talk and act

like a man. You are not a woman, and you will cut your hair! ...You will not be getting your hormones here [either]. This prison does not endorse that type of treatment."

"You take hormones!" another sergeant exclaimed. "Yeah, you definitely won't get hormones, because you're a man!"

These demands were made repeatedly over the next 30-45 minutes that I was there, I guess to wear me down and intimidate me. While this was going on, there was a regular parade of C/O's filing through the office just to watch the show. Another five strung along, as I was finally escorted to my cell.

The next morning was taken to see a captain, and he started in again on the same theme, after which I was returned to my cell.

Later, after lunch, one of the sergeants came to get me again, saying, "So you want to cut your hair...right?"

"No, I don't," I said. "The captain said I had to, but I refuse to cut it."

Motioning to the C/O in the gun tower to open my cell door, the sergeant informed me, "You are getting your hair cut right now."

This particular sergeant stood over 6 feet tall and weighed about 300 pounds. Placing a big hand on the back of my neck, he maneuvered all 5 foot 5 inches and 150 pounds of me out of my cell and down a couple of hallways to where they had a chair already set up for the cropping ceremony. Too afraid to resist, I meekly sat down and braced myself for the worst.

Without even bothering to drape an apron around my neck and shoulders, an inmate barber immediately began cutting my hair. When he started, my hair measured about 7-8 below my shoulders, and as the hair began to fall, so did my tears. I begged them to stop, but the sergeant kept insisting that it had to be shorter - three inches or less.

After it was over, as I was being escorted across the yard and back to my cell, one of the other inmates called out, "Hey Janet, why did you cut your hair?"

"This is not Janet," the sergeant sternly replied. "It's Jeff!"

[Janet's story also mentioned several later instances of sexual harassment by some of the C/O's, parts of which appear

to have been censored and have therefore been excluded.

In the meantime, with the help of some other concerned inmates, Janet has several complaints pending against her tormentors. Ed.]

Vanity's Story

First of all, thanks to a friend who is a subscriber, I just got my first look at your newsletter. It's great, and I could relate with a lot of the stories. Maybe some of them can also relate to my story.

I came into the prison system young and vulnerable. I was small and timid by nature. Not much has changed in that regard. I am still only 22 years old, and fear is still almost my constant companion.

In the eyes of most other inmates, I am prey. Whether I choose to fight back or choose not to fight is not so much a matter of choice for me as it is a question of survival.

When I arrived at prison, my free world mentality and my free world values were still pretty much intact, and a lot of the prison rules and customs seemed silly to me at first. After all, I was hardly what you could call a hardened criminal or a habitual offender. This was my first brush with the law. Nevertheless, I found myself facing 5 years in prison because of it.

As you might expect, I made a lot of mistakes in the beginning, and right off the bat I found myself placed in a special unit for safe keeping.

Safe keeping is supposed to provide some measure of protection for people like me by keeping the "predators" out. What I discovered was that conditions were, in certain respects, worse than they were before.

I was supposedly at one of the safer units. Wrong! Not only did I get raped while I was there, so did my best friend. I had to get out of there.

I started doing things and acting out just to get off the unit. In this way I managed to get myself placed in a mental health unit, but only temporarily.

The word is that the unit where I will probably go after this is worse than the unit I was in. I have another friend there, and I've heard he is being prosti-

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(Continued from page 3) **Vanity's Story** tuted and forced to "ride".

As you can see, the system's idea of safe keeping is a joke. Some of the people who are placed there are, or were, mixed up in prison gang activity. Some have gang hits placed on them. When they get in here, they become the predators, and they love the control that protective custody and safe keeping gives them. They can beat on us, rape us and push us around almost at will.

How can people let this continue? When my friend got raped, nothing happened to the rapist. It really, really sucks.

Ms. Synthia-China Blast

On April 19, 2004, New York Magazine released an article called "Kiss of the Scorpion Woman: Scenes from an Attica Marriage." The article was about me, a beautiful Latina MTF pre-op transsexual, and my beautiful husband, the New York City Zodiac serial killer, who is currently serving a 200 years to life prison sentence. I am also serving a life sentence.

Only the first four years of my sentence were served in Attica, an institution made infamous by one of the most violent prison uprisings in history. Though I did not arrive there until February 11, 2000, which was almost 29 years after the prison riot took place, my experiences in Attica were also very traumatic.

For a while, I was a member of a prison gang known as the Latin Kings. However, after I quit the gang and began my transition, an order was put out that I was to be killed because of what I had become - a transsexual.

Fortunately, the prison guards at Attica made sure that I was protected. I was also given some good jobs in the Corcraft Industry Shops, which helped limit my contact with violent inmates too.

Then I was promised a television set, which are permitted when purchased through the commissary, but the price for this favor was that I would have to perform oral sex on one of the guards. This was something for which I was totally unprepared, and, at first, I resisted. I had heard of some other sisters

engaging in sex with the staff, but for me this was a no-no.

However, I eventually gave in. In 2002, while assigned to the laundry post, I began having sexual relations with one of the company officers.

The way it worked was he told me not to come out of my cell when the doors were opened. Then he would inform his partner that he was leaving their assigned post and going down to search some of the cells. The post they occupied was a caged area, and it was supposed to have at least one officer present at all times, which meant the one down in the cells with me didn't worry too much about our little tryst being interrupted.

I did what he asked, because I was scared to death not to.

In return for the sexual favors, I was given panties, dresses, smokes and pizza. This was not your usual prison pizza, and I savored every bite of it.

However, once was enough for me, and I began trying to figure out a way to get away from him.

It wasn't long before I ended up in involuntary protective custody. It was there that I meant my prison lover. His name is Heriberto "Eddie" Seda, New York's own self-proclaimed Zodiac serial killer. Our relationship turned into a kind of prison soap opera.

[See previously mentioned "Kiss of the Scorpion Woman: Scenes from an Attica Marriage" in the April 19, 2004 issue of "New York Magazine" or go to <http://newyorkmetro.com> and do a search on "Eddie Seda".]

During that time, I started adorning my body with tattoos, until my whole body was covered with them, including one that I had put on my private parts. My signature tattoo is a giant scorpion that covers the entire left side of my face.

All good things must come to an end, and on April 22, 2004, I was forced to leave the involuntary protective custody unit. I think maybe it was the guards' way of getting back at me for revealing so many of Attica's little secrets. I was also told that I would "be killed in GP."

I have to admit I was terrified, and I did not know what to do, except stay in my cell as much as possible, which I did. When they said I would be killed, I took

them at their word.

Fortunately, the Inspector General's Office for the DOC got wind of the situation and quickly had me transferred out of Attica to the Wende Correctional Facility in Alden, New York.

Those first four years were an interesting time for me, to say the least, and, looking back on them, I can see I let some things get out of control and made some bad choices. I think some of it was due to the gender dysphoria and people taking advantage of me when I was vulnerable.

Now I can see what that guard forced me to do in that cell was nothing less than rape. At the time, I thought he was being nice to me. It did not dawn on me then that prison guards can never engage in any kind of sex with a prisoner without it being rape, because, just like a minor, by law a prisoner is unable to give his or her consent to such a relationship.

I can also see now that the things he gave me were not really gifts, at least not in the usual sense of the word. He did not give them to me because he cared for me. They were nothing more than bribes to keep me silent.

Despite the transfer to Wende, the death threats continue. It is fair to say that most of them originate from any one of several different gangs who would like to see me dead.

If I could get into an "APPU", which is a special kind of victim prone unit, it would be a lot safer for me, but Albany refuses to approve the transfer. Apparently, it is a privilege which I have yet to earn.

I am so tired of living in fear and in the shadow of death. I have a bad premonition that my days are numbered, so I want to be sure that my sisters in New York's DOC system to know that I loved them "down." Jessica, Venus, Bianca, Jade, Melissa, Missy, Tray-Set, and my lovely gay daughter Miss Diana, I love you all.

I would like to hear from the rest of you too. I asked Jessie to put my name in the Pen Pal section, so write to me if you can.

In the meantime, count your blessings. As for me, I just want to be able to close my eyes and know that I am safe and won't be harmed tonight.

Sequoia

Hi! I am a 34 year old trans-gender prisoner incarcerated in California's Tehachapi State Prison.

I just found out about your newsletter and would like to be added to your mailing list. Maybe then I won't feel quite so isolated and alone, being stuck here in a men's prison.

I have enclosed a self-portrait, which I was hoping you could publish, along with my story.

She's Two Spirited

Sequoia is my name. Others may call me by another name, but this is "my" name.

I will begin my story fourteen years ago, which is when I came out to Hollywood with dreams of becoming a star. Sadly, the reality turned out to be something quite different.

Right from the very start, I loved being in Hollywood, especially the life along Santa Monica Boulevard. It was fun just walking the streets, meeting new people, partying and, most of all, drinking "Cisco's" with the boys. A lot happened to me on the Boulevard - some good and some bad - but I don't think I've ever felt so alive.

But the life I was living was also risky and more than a little self-destructive, and eventually it all caught up with me. I had just been released from the Beverly Hills jail one afternoon this past year on a charge of drinking in public, and I was back on the streets getting drunk again. To

make a long story short, I said the wrong thing to the wrong people—in this case, three police officers—who then proceeded to beat me senseless and put me back in jail.

Rather than fight another losing battle, I pled guilty and took state time—much to my everlasting regret.

As you can imagine, the transition from such a carefree life on the streets to life in prison was quite a shock, but sometimes that is what it takes to turn your life around. Sometimes you have to lose everything before you realize what really matters.

When things are at their worst, that is also when we usually turn to God, which is how I found Him.

Since turning to God, I have begun to understand just how precious the

gift of life is in all of us, and I am learning to let go of all the anger I brought in here with me.

It has also reawakened the artist in me, and when I draw something, I can feel the Lord's healing power working within me. I can see that, just as you sometimes find God in the most unexpected places, so it is with truth and beauty.

Katie

Encouraging words for the "Boy Toy"

Thank you for sending me the *GIC TIP Journal* and *Tran-Scriptions 1996*. My name is Katie, and I am serving time in Utah's Purgatory Correctional Facility, which is where I've spent the last three years.

They are very restrictive here with their trans-gender prisoners, not allowing any kind of feminine clothes, nor have I been allowed any contact with the other transgendered prisoners in the system.

However, I did want to reach out to the Boy Toy, whose story in the Spring 2004 issue touched me so much. I want him to know that he is special person and that there are people out there who care about you and don't want to see you hurt.

You don't have to let others use you the way your cell mate has. You are not a toy, whose only purpose is for other people's amusement.

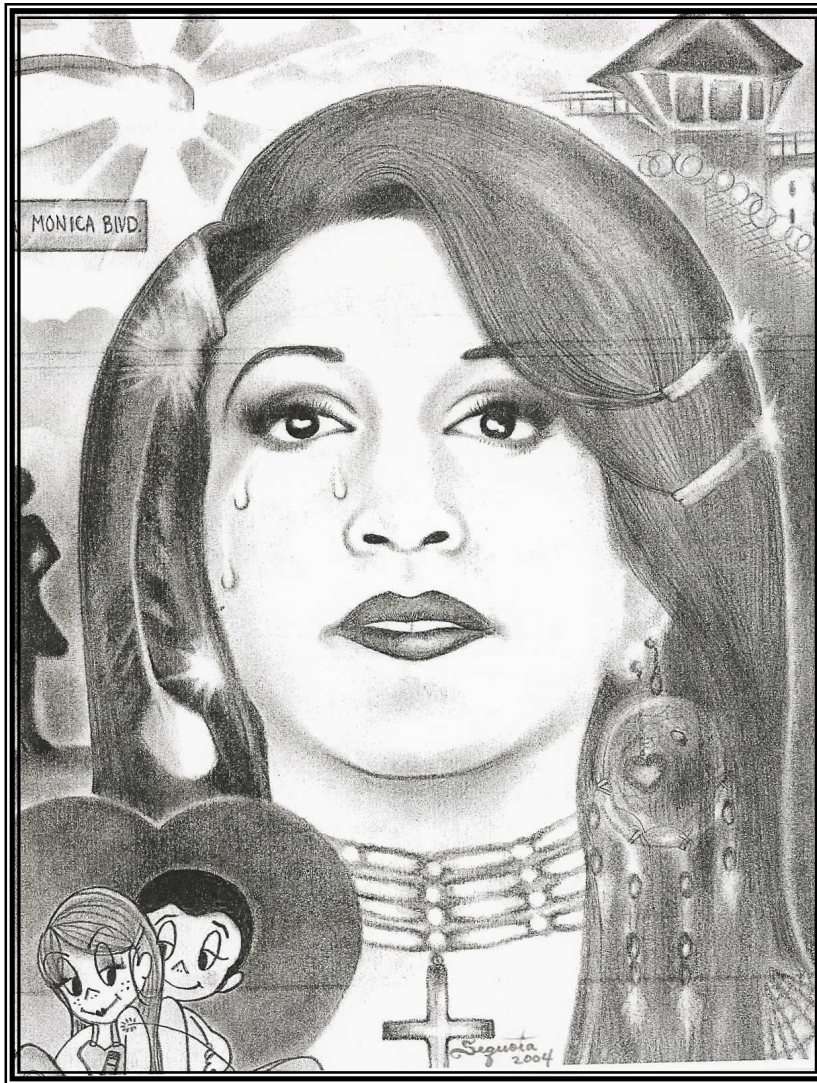
Take care of yourself, and remember that you are special.

Ricky Maddix

The things we do for love.

Let me begin by saying I am not transgendered. I am, however, in love with a transgendered woman, which is

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Sequoia's Self-Portrait

(Continued from page 5) **Ricky Maddix** not an easy thing in the Missouri DOC because they are very anti-gay. That is why I am hoping this letter gets published, because I really need your help.

I have a reputation throughout the MDOC as a jailhouse lawyer, and I have a civil suit pending against several prison officials right now. Since then, certain things have happened which I believe are intended to force me to drop my suit. These include sexual harassment, threats and being physically assaulted.

My lover, Niki, has also been threatened and was the victim of a physical assault too.

To make matters worse, they also had me transferred to another facility, so that we could not be together. We have been told that we will never see each other again.

What made it more outrageous is that they fabricated evidence and falsified documents to make it look like we were sworn enemies and intend each other harm, as a pretext for the transfer.

Obviously, just the opposite is true, and we have strongly denied those allegations, both verbally and in writing, through signed affidavits, but all to no avail.

It is all very distressing to me, and I worry about Niki, now that we are separated. I love her more than anything else in the world, and I would give my life for her.

Despite our forced separation, I have remained faithful to Niki, and she has done the same for me. This is the kind of relationship we have. In our minds, as well as in our hearts, we are husband and wife. We have even gone so far as to petition the Massachusetts Supreme Court to grant us a same sex marriage license.

If there is any individuals or groups in here or out there, particularly any in Missouri, who are willing to help us or have any suggestions, please write to me at the address listed in the Pen Pal section under Ricky Maddix.

Both Niki and I would also be interested in participating in the documentary being filmed about trans-prisoners.

(Continued from page 1) **Gendered Punishment** duct a careful determination of housing options that include investigating staff and prisoner attitudes, as well as services and programs available to the prisoner. Of course, advocates should also take into consideration the prisoner's own informed choice of where he would like to go. This may result in surprising housing arrangements: a middle-aged TGI woman prisoner might choose to be housed in general population in men's prison because her age makes her a less inviting target for sexual harassment and she wants to be near her boyfriend. Or a pre-op TG man might want to stay in the mental health ward of a woman's prison because he has made friends with a counselor there. Housing arrangements may need revising if circumstances change and the placement becomes dangerous; for example, an especially hostile new guard may rotate into the ward. This would require advocates to stay in constant touch with long-term TGI prisoners to make sure they are indeed as safe as possible for the duration of their incarceration.

Making case-by-case determinations avoids arguing for expanding the prison industrial complex. U.S. carceral history over the past century illustrates the dangers of reforms that call for more money to be allocated to prison systems and the criminal justice system. While they were meant to address flagrant human rights abuses, many reforms have now become justifications for astronomically large prison budgets, and combined with new policing and prosecution strategies (not the least of which was the war on drugs), these reforms have resulted in the construction of more prisons than ever before, all bursting at the seams with brown, black and poor white bodies.

Because we currently live in an era of ever-expanding prison populations and prison sentences, large-scale reforms like building TGI-only wards should not be advocates' first strategies. The history of prison reform provides a poignant history lesson as to why. In this section, I will first describe the growth of women's prisons as an example, and then describe the

socio-political trends that filled them up to overflowing.

B. Reform: A Growth Industry in Women's Prisons

Before 1830, there was very little segregation among men, women and children in prisons, and women were "exposed to sexual attacks, floggings, and severe punishments that often led to sickness and death."¹⁵⁶ In response to these conditions, Quaker reformists pushed for and won separate facilities for women.¹⁵⁷ In 1839 the Mount Pleasant Female Prison began operation on the grounds of the Sing Sing prison for men in Ossining, New York, as the first prison where women were segregated from male prisoners and were supervised by women prison staff.¹⁵⁸ In 1873, the first all-female prison, and the first to be completely operated by female staff, opened in Indianapolis as the Indiana Reformatory Institution for Women and Girls.¹⁵⁹

Over the next forty years, four more women's reformatories were to open across the Northeast, and by 1917, fourteen states had their own all-women reformatories.¹⁶⁰ This number more than doubled to thirty by 1972, including the Federal Reformatory built in 1927.¹⁶¹ In addition, by 1972 there were twenty-four state facilities for women under male warden leadership, and one federal prison on Terminal Island in California.¹⁶² The movement to segregate women prisoners away from men also extended to local county jails, as five separate county jails for women had been established by the 1970s, and 3,000 other local jails segregated women on separate cellblocks away from male prisoners.¹⁶³

Historian Estelle Freedman notes that the post-Civil War women's prison reform movement died out by the 1930s even while women's prisons and jails were booming, and the women's prisons had become so part of the established criminal justice penal system that they no longer held the promise of human, rehabilitative treatment the reformers had originally envisioned. She observed that "after the 1920s the separate prisons were now

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run by women who lacked the critical approach to men's prisons taken by earlier reformers.¹⁶⁴ Freedman writes that these prisons "no longer existed to serve women. Rather, they supported the male-dominated system and adopted its values."¹⁶⁵ The women's prison reform movement had been effectively co-opted early-on by conservative penal ideologies and attitudes, "[testifying] to the capacity of the American institutions to accommodate reform for conservative ends."¹⁶⁶

Over the course of the last several decades, the number of women prisoners has skyrocketed. In 1972, women made up only 3% of state prisoners nationwide, but as of 1995 they comprise 6% of the state prisoners and 7% of federal prisoners.¹⁶⁷ In the early 1970s, penal institutions imprisoned approximately 22,000 women, but by 1995, this figure had grown to more than 108,000 women, a 390% increase.¹⁶⁸ The 1980s saw a 256% increase in the number of women in prison, compared to a 140% increase in male prisoners.¹⁶⁹ The rate of growth in the number of women prisoners has outpaced men every year since 1981. In California alone, the number of women prisoners increased 450% between 1980 and 1993, and by 1995, California had more than 9,000 women prisoners.¹⁷² By contrast, in 1980 the state held only 1,316 women prisoners.¹⁷¹ Disproportionately represented among prison populations, the numbers of women of color prisoners continues to mount. In 1995, 40% of incarcerated women were African American and 30% were Latina.¹⁷² These population explosions contrast sharply with the historically low numbers of women prisoners, which had remained steady for the last fifty years.¹⁷³ Also beginning in the 1970s, seventeen new prisons for women began operation, and states and the federal government built thirty-four new units for women prisoners in the 1980s.¹⁷⁴ According to the 1994 American Correctional Association Directory, "we now have a total of seventy separately run and operated state prisons for women; twenty-nine women's prison units that often are

referred to as 'co-ed facilities' but are housed in state prisons for men; three federal women's prisons; and nine women's units in federal ('co-ed') prisons for men."¹⁷⁵

C. If We Build Them They Will Come

While prison construction boomed in the early part of the twentieth century, overall numbers of prisoners remained low; the incarcerated population of the country remained at a steady 100-120 per 100,000 citizens.¹⁷⁶ Not until the mid 1970s did the rate of imprisonment begin to skyrocket, as a result of changing economic structures, policing strategies and political priorities.¹⁷⁷ This great growth in the number of prisoners would not have been possible however, had not reforms pushed through after the Civil War and again in the 1960s – badly needed as they were – made room for more bodies in the growing punishment industry. An unintended consequence of the reformers' work, these backfiring strategies nonetheless form part of the foundation of the current incarceration crisis.

As discussed above, the post-Civil War reform movement died out by the Depression, largely failing to make long-lasting improvements in state and federal penal systems. But by the 1960s, a new liberal prison reform movement formed in reaction to barbarous prison conditions, especially those in the "warm weather gulags" of the South.¹⁷⁸ Conditions inside U.S. prisons had become an "international scandal that undermined the moral authority of the American political system in its battle against 'international communism.'"¹⁷⁹ Prisoners received little health care or real food, and toiled for ten hours a day, six days a week no matter the weather, on the roads and in cotton fields.¹⁸⁰ "Bullwhips, sweat boxes, shotguns and electrode torture kept them moving," and "death and escape rates were astronomical."¹⁸¹ The 1970s reform movement changed all that, giving rise to the ultra-modern, ultra-clean, well-lit concrete and steel monoliths that are modern prisons today. Prison health care, (relatively) better food, and even (very) low wage paid jobs for prison-

ers now characterize doing time. Of course these changes required massive resources: new prisons had to be designed built, doctors, guards and other prison staff had to be hired and trained, and contracts with corporations looking to make a buck supplying prisons or through cheap prison labor had to be negotiated and implemented. These reforms required prison systems to receive ever-larger shares of the state and federal budgets, which prison authorities used to expand even further. Expansion in turn served to justify asking for even more money, especially by influential prison guard unions. In this way, the push and pull of reform and institutional inertia has set up a self-perpetuating cycle of growth for the prison industrial complex.

Once "better" prisons had been built to "better house" more prisoners, all that was needed was for the bodies to roll in. Studies show that the huge increase in numbers of incarcerated women, for example, are not due to the increased law-breaking by women, but the increased criminalization of women of color resulting from changes implemented in the 1970s in law enforcement practices, sentencing (i.e. three-strikes laws and mandatory minimums), and the war on drugs.¹⁸² Drug related offenses represented 55% of the increase in the women's prison population between 1986 and 1991.¹⁸³ However, violent crimes by women have remained constant over the past several decades.¹⁸⁴ Changing attitudes by judges and prosecutors towards an increased willingness to prosecute and sentence women to prison time rather than to accept plea bargains and probation contribute to the explosion in the number of women in prison.¹⁸⁵ In the 1970s, nearly 66% of women convicted of federal felonies were given probation, while in 1991 only 28% were placed on probation.¹⁸⁶

In addition, other forces combined with changes in criminal justice policy in the 1960s and 70s to give rise to increased numbers of incarcerated people. The modernization of capitalism resulted in a makeover of the class and occupational structure of American society, which created a new, larger

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poverty-stricken underclass made up largely of people of color who stoked urban malcontent through radical left political movements.¹⁸⁷ Unable to counter the multi-faceted threats these movements posed, governments responded instead through counterinsurgency that prioritized policing “and other ‘front end’ forms of criminal justice.”¹⁸⁸ In the early 1980s, when these movements had been neutralized, discontent borne of the poverty caused by neo-liberal economics became the threat that needed containment.¹⁸⁹ By then prison reforms had cleared the way and opened the space to more “humanely” punish the poor for stepping out of line, and so the criminal justice system easily became a “bulwark against the new dangerous classes because it [absorbed] and [controlled] them and [extended] its threat onto the street.”¹⁹⁰

Right-wing electoral rhetoric also played a role in increasing the number of incarcerated people.¹⁹¹ Because neo-liberal economics hit the working class especially hard, conservative and reactionary politicians needed scapegoats to distract people from the real causes of increased poverty – corporate greed and politicians’ own personal cut.¹⁹² They chose to blame immigrants, the poor, and people of color generally, but blacks especially.¹⁹³ They were “cast as parasites, and violent predators pilfering middle-class (read white) America by means of such Great Society programs as AFDC and Head Start.”¹⁹⁴ The symbol for all that was wrong with society was “the young dark criminal, the untamed urban buck, running free threatening order, property and (white) personal safety.”¹⁹⁵ Thousands of new criminal justice statutes carrying the racist and classist stamp of this rhetoric resulted, establishing harsh mandatory minimums and other laws that led directly to more and more black and brown bodies behind bars for longer and longer periods of time.¹⁹⁶

D. Implications of Further Large-Scale Reform to Protect TGI Prisoners

Because we are still in a period of high rates of incarceration, large-scale

reform on behalf of TGI prisoners will likely lead to further expansions of the prison industrial complex while failing to actually protect TGI prisoners.¹⁹⁷ The unintended consequences of efforts by well-meaning reformers helped start the staggering growth in the prison industrial complex over the last century. In the women’s prison context, progressive-minded Quaker women sought to protect women prisoners by advocating for separate women’s prisons. Tragically, this original benevolent idea has turned into a huge warehousing system to control a growing indentured class of poor women of color that are “the frightening result of slapdash policy focused on retribution, not common sense.”¹⁹⁸ While they won a segregated prison system, they lost the larger goal of protecting women.¹⁹⁹

The same can happen if advocates are too eager to press for changes that require even more resources to be allocated to prisons. Perversely, in this political and economic climate, providing resources so prisons can “better” incarcerate TGI people means more TGI people will be locked up, and given the way penal systems are so fundamentally gendered, large-scale reforms are likely to fail to actually improve the lives of TGI prisoners. Conversely, flexible smaller-scale reforms that address specific needs of specific TGI prisoners do not provide justification for an increase in prison budgets, and can meaningfully improve the safety of a particular prisoner. This suggests yet another irony: advocates can help the most by asking the least, at least while the criminal justice system continues to function as a warehousing system for the poor and colored.

E. Alternative Sentencing

The majority of advocacy for TGI prisoners (what little there exists) focuses entirely on improving conditions of confinement for TGI prisoners via large-scale policy reforms. In addition to the risks posed by such reforms as discussed above, the brutal reality of prison life for TGI people often limits conditions of confinement advocacy to unsatisfying and reactionary solutions that only kick in after the damage has

already been done. For example, advocates usually only learn of a particular TGI prisoner who needs assistance after that prisoner has already been harassed or abused, or after a policy has gone into effect that disparately adversely impacts TGI prisoners. This kind of advocacy forces us to constantly play “catch up” to the state, inhibiting us from articulating a progressive vision of how our prison system ought to be used, if at all, and how TGI people should be treated by the government. Work to improve conditions of confinement for TGI prisoners is also monumentally difficult because prison systems have little incentive to listen to us. TGI people are still a highly stigmatized population and we are often forced to fight for our own by ourselves. We are not yet powerful enough to effect systematic change at the state level for the benefit of TGI prisoners.

These limitations, combined with the intricate web of hurdles on habeas and the general lack of affordable post-conviction legal services, call for innovative short-term solutions that will intervene further “up stream” – before TGI people enter prison systems and are brutalized as a matter of course. One such solution is alternative sentencing and sentencing mitigation specifically for TGI jail detainees awaiting trial or pre-sentencing.

Alternative sentences, as the name implies, are non-incarceral “sentences” that a judge can impose onto criminal defendants.²⁰⁰ A judge can require a defendant to make use of available social services, for example, as an alternative to serving a prison term. Defense attorneys can propose alternative sentencing plans to help convince judges and prosecutors that their clients and society would be better served if they were allowed to make use of social and medical services they need anyway in exchange for not going to prison or jail.²⁰¹ Alternative sentencing has become increasingly popular as prisons become overcrowded and as judges recognize prisons’ failure to rehabilitate.²⁰²

Alternative sentencing is especially attractive as a strategy to end the abuse

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of TGI people in prison in several ways. Alternative sentencing can help put TGI people in touch with the social and medical services they need, which can in turn obviate their need to break the law in the first place. Alternative sentencing also serves to advance the interest of protecting TGI people from abuse because it diverts TGI people out of penal systems as early as possible, before they are dropped into the “chamber of horrors” of prison. While some jail time may be inevitable if defendants cannot make bail, alternative sentencing will minimize the number of days spent behind bars. Additionally, alternative sentencing directs advocates to put pressure on local entities that are more susceptible to local TGI organizing and activism than the state government as a whole, thereby increasing our chances of success. And finally, successful alternative sentencing holds the promise of reducing the overall number of TGI prisoners as a whole. Reducing the number of TGI people going to jail or prison will allow us to attack the problem of the abuse of TGI prisoners by reducing the number of TGI people who must endure these traumas in the first instance. This strategy, unlike large-scale reform movements, does not provide justifications for expanded state prison budgets, and puts activists in a more proactive position to organize and mobilize the TGI communities against prison abuse. Community organizing will be discussed further in the next section.

Alternative sentencing of course is not a panacea to the prison industrial complex. The strategy may not be able to overcome judges’ pre-existing prejudice against TGI people. Alternative sentencing may also not work if the social and medical services are not in place for TGI people to use. Alternative sentencing for TGI people will therefore require collaboration among service providers, legal advocates, and the TGI communities to succeed. In some communities, networks for TGI people seeking services as part of alternative sentencing schemes may have to be built from the ground up. In areas where service providers already serve TGI people, advocates may still have to systemati-

cally organize these providers to streamline the transition from jail to rehabilitative programs. Grassroots pressure, combined with continuing education for a jurisdiction’s criminal legal bar, can also help to educate the local legal community about the abuse of TGI people and help them confront and overcome their own prejudice against TGI people.

F. Long-Term Solutions

I conclude by turning my attention to long-term solutions to the TGI prisoner “problem.” In this section, I identify three strategies that will have long-term positive impacts for TGI prisoners and the TGI community as a whole. First, advocates should step-up pressure on law and policy-makers to create meaningful economic opportunities and anti-discrimination protections that will reduce poverty among the TGI communities and end anti-TGI police profiling and harassment. Second, advocates should also work with entities currently providing services to prisoners and parolees to make services truly TGI inclusive. Finally and most importantly, non-TGI prisoners rights activists should commit to support the organizing of TGI communities against prison abuse. This will require non-TGI prison activists to unlearn their own biases against TGI people in order. Breaking down these barriers will not only create a more unified movement against the prison industrial complex, but working alongside each other will support the empowerment of the TGI communities as a whole.

Policies that Address TGI Poverty & High Rates of Incarceration

As described in Section I of this comment, poverty resulting from severe job discrimination, unemployment and underemployment leads to various crimes committed for survival, such as prostitution, drug use that accompanies sex work, and related crimes.²⁰³ Lawmakers should channel funds into offering more job training, drug rehabilitation, health care, and housing service programs that are more inclusive and more widely available to TGI people. Additionally, legal protections against anti-TGI discrimination in employment, the criminal justice system (especially with regards to police practices), health care and housing must be created and

enforced. Transgender people are not explicitly covered by Title 7 of the Civil Rights Act²⁰⁴ and are explicitly excluded from the Americans with Disabilities Act²⁰⁵ (despite the DSM-IV “diagnosis” of “gender identity dysphoria”).

Additional long-term legal changes in criminal law policy that would dramatically lower TGI incarceration rates include decriminalizing of certain kinds of work, such as sex work and the black market in drugs. Many TGI people engage in prostitution and the illegal drug trade to survive because all other legal avenues to make money have been cut off due to various forms of discrimination.²⁰⁶ It is cruel to continue to criminalize these forms of work; many TGI people have no choice but to earn money in these ways. Steps leading to decriminalizing prostitution and ending the war on drugs are beyond the scope of this comment, but they would undoubtedly decrease TGI rates of incarceration. It goes without saying that these steps would also greatly benefit non-TGI people and communities adversely impacted by the criminalization of sex work and the war on drugs.

Law enforcement harassment and profiling of TGI people must cease immediately. This may mandate additional training for officers to unlearn their own biases, and the screening out of police academy recruits who show a propensity for anti-TGI bias. However, the most important step will be the creation of an effective disciplinary structure to censure law enforcement personnel who trample on the rights of TGI people. Realistically, however, police profiling and harassment of TGI people will likely not end soon because to do so would require law enforcement to recognize the ways they abuse, neglect and profile people of color, immigrants, and the poor generally. However, this should not deter advocates and the TGI community at large but rather should inspire us to create deeper alliances with other oppressed groups adversely affected by discriminatory police practices.

2. Existing Services Should Be Made TGI Inclusive

The services available to prisoners and former prisoners are by and large not TGI-inclusive. While acknowledging

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that the availability of these services are nowhere near adequate to meet the needs of non-TGI prisoners and ex-prisoners, the dearth of inclusive services discriminates against TGI prisoners as a class. TGI exclusion from these programs harks back to the days where these programs were largely unavailable to women. This can sabotage early release options for TGI people, for example. A secured placement in a substance abuse program or transitional housing can greatly enhance a prisoner's chances for an early release or an alternative sentence, but the lack of services that understand and accept TGI people translates into decreased chances for early release for TGI prisoners. Compassionate releases are also early release arrangements sometimes granted to terminally ill prisoners at the last stages of their lives.²⁰⁷ A placement in a hospice greatly enhances the likelihood for a prisoner to receive a compassionate release from the court, but again if no hospice will take a dying TGI prisoner out of ignorance and fear, ze is out of luck.

Old habits and old prejudices die hard. Still, opening of these services agencies to TGI prisoners and parolees will help our communities slow the revolving door that keeps us returning to prison. Recognizing the immense burden TGI people carry with them daily to educate non-TGI people, non-TGI allies and advocates should step up here to help shoulder this burden. Service providers can be approached with in-depth trainings for staff and program participants, and through case-by-case consultation. While I am not naïve enough to think that life-long biases and prejudices can be overcome without the collective determination of everyone involved (including the service providers) and the passage of time, I believe the eventual reward of additional services available to TGI people will be worth the struggle. Additionally, people of color, women and former prisoners make up the staff of many of these organizations. While these people are not TGI, they are still allies with TGI people in the struggle against the prison industrial complex. As such, they deserve our patience and the benefit of the doubt that they can rise to the occasion and likewise recognize

us as their allies and work in solidarity with us.

3. Prisoner Rights Activists Should Commit to Support Organizing by TGI Communities Against Prison Abuse

Throughout the discourse on the oppression of TGI prisoners, the voices of TGI people and TGI prisoners are rarely heard. Even in the prison activist movements, the issues facing TGI prisoners have received little recognition and even less advocacy. But despite the prejudice from even those who work to help prisoners, TGI prisoners and former prisoners have been resisting on their own by relying on each other and their allies to stay sane and alive, and now are beginning to pick up the activist toolbox for themselves.

Currently there are very few resources for TGI prisoners and former prisoners. However, in late 1997 an informal California advocacy group of prisoners' rights activists calling themselves the Ad Hoc Committee for Prison Health Care Reform launched a campaign to improve health care for transgender prisoners housed at California Medical Facility at Vacaville.²⁰⁸ They issued a press release announcing their campaign, and sent a letter signed by more than twenty-five concerned organizations and individuals to the warden of CMF-Vacaville, demanding a series of reforms including ending correctional officers' acting to "demean, demoralize, humiliate and discriminate against TGs [transgendered people];" improving access to hormone therapy both for those already taking hormones prior to incarceration and those seeking to initiate hormone therapy while incarcerated; protecting transgender prisoners from physical, verbal and sexual abuse; allowing transgendered prisoners who have developed feminine characteristics to wear bras and make-up; and providing transgender-sensitive mental health services for transgender prisoners.²⁰⁹

The Ad Hoc Committee has since dissolved, but in June of 2001 by the Trans/Gender Variant in Prison Committee of California Prison Focus (TIP) took up the cause.²¹⁰ At its inception, the group was made up entirely of volunteers, some of whom were transgender former prisoners. Through interviews and correspondence with prisoners, TIP

documented and investigated many abuses of transgender prisoners in California state prisons.²¹¹ The group advocated for change using public education and protest.²¹² In 2001 the group wrote a letter of protest to the warden at California State Prison at Corcoran, a male facility with a HIV/Hepatitis C ward that houses several transgender and gender variant prisoners on the MTF spectrum, demanding increased access to hormones, clothing appropriate to these prisoners' genders (including bras for the transwomen who had already developed breasts from hormone treatment prior to arrest), and an end to homophobic violence and hate speech by prison guards.²¹³ In the summer of 2002 the group coordinated a public education event at the Lesbian, Gay, Bisexual and Transgender Community Center of San Francisco, focusing on the oppression of gay, lesbian, bisexual, and HIV+ prisoners, but also highlighting the gender-specific abuse of transgender and gender variant prisoners.²¹⁴

The TIP Committee's task is great, but at times its work has been hampered by ignorance and prejudice from the larger prisoner rights movement.²¹⁵ Pulling no punches, former TIP Committee member Kevin Weaver pointed to unchallenged homophobia and transphobia in the prison activist world, writing that it seemed to him like "it may be one thing to advocate for the brother on death row, but the 'faggots, butches, and queens' are on their own or they don't exist."²¹⁶ He believed that larger society is mostly to blame, but attitudes of "former prisoners who carry the disrespect of queer prisoners they learned or perpetuated while in prison out into the outside activist community" are also responsible, as prison activists look to former prisoners as "ideological barometers of how prison activism should move forward."²¹⁷

Of all the long-term solutions I have discussed, making the prison activist movement more inclusive and supportive of TGI prisoners and former prisoners may be the most important one, and the most likely to become reality. Prisoners and former-prisoners know that the prison industrial complex very negatively affects TGI prisoners – their own

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experiences inside tell them that. Prison activism that prioritizes developing the leadership of those most affected should have no problem including TGI prisoners and ex-prisoners from a political standpoint. The only thing that stands in the way is ignorance and prejudice, which activists can and should work to overcome, just as they can and should work to overcome racism, sexism, classism and ableism in their movement. Real inclusion of TGI people in the prison activist movement holds the most promise for long-term improvements in the lives of TGI prisoners because it builds the capacity for TGI prisoners and ex-prisoners to advocate for themselves.

Conclusion

At the outset of this comment, I stated my goals were to educate a wider audience about the issues facing TGI prisoners and to articulate short- and long-term solutions that would help address the abuse of TGI prisoners. However I have also had an ulterior motive in writing this comment: to demonstrate that the fates of TGI people and other oppressed communities are closely intertwined. It should be no surprise to readers by now that the solutions I call for would greatly benefit all prisoners, former prisoners, and communities disproportionately adversely impacted by our nation's growing over-reliance on prison systems. The social, legal and economic marginalization borne from racism, sexism, classism, and homophobia (to name a few) also contribute to the oppression of TGI people. Therefore, solutions that reduce poverty and incarceration rates among TGI communities will also benefit non-TGI communities negatively impacted by the prison industrial complex.

However, TGI people also face pervasive anti-TGI discrimination and prejudice that interferes with their access to anti-poverty programs and services – including discrimination from social justice activists working against our nation's growing over-reliance on the prison industrial complex. The particular experiences of TGI people – and especially TGI prisoners – therefore highlight two important goals for social justice movements working against the prison industrial complex: 1) activists should make legal and social strategies

that can obviate the need for “survival crime” truly inclusive of TGI people, and 2) activists should fully confront their own anti-TGI prejudice and ignorance. There has simply never been any good excuse for those who believe in the leadership of prisoners and former prisoners to continue to discourage TGI prisoners and former prisoners from joining the movement.

At minimum, prison activists can start working towards these goals by educating themselves on the basics of TGI cultural competency and the issues facing TGI prisoners. But non-TGI prison activists can become true allies by collaborating with TGI prisoners and other TGI prison activists to further empower the TGI communities to advocate for our own. Low-income TGI people of color and low-income white TGI people of all genders, both prisoners and former prisoners, should be in the leadership of the anti-prison industrial complex movement. TGI prisoners and former prisoners should be working alongside their non-TGI counterparts.

However, TGI prisoners and former prisoners do not have the luxury or the privilege of college educations and stable employment that makes social justice advocacy so easy for white, middle class, non-TGI people. Instead, non-TGI activists whose personal privilege has allowed them to pick up organizing and advocacy skills should share them with TGI prisoners and former prisoners who need them. Basic things like how to write a press release, how to organize a rally or direct action, and even how to use email are all vital to social justice organizing today, and these skills should be disseminated widely among TGI prisoners and former prisoners. This commitment to leadership development will result in a more empowered TGI community one giant step closer to having the leadership capacity to effectively advocate for TGI prisoners and TGI people as a whole.

Fundamentally, developing and supporting the leadership of TGI prisoners calls for the mass unlearning of transphobia and homophobia among prison and poverty activists, and a recognition that the perspectives of TGI prisoners brings revolutionary perspectives on how governments also use gender to

control and punish those who break the law. Women prisoners and women prisoner advocates expose female subjugation as part and parcel of government ideologies of the punishment of women, but TGI prisoners can extend this analysis to highlight the gender binary as one source of this subjugation. This in turn extends the gender analysis of state punishment to include male prisoners as well. Taking a look at gender oppression through the lens of transgender, gender variant, and intersex prisoners benefits us all because doing so will advance the struggle to reverse our nation's “frenzied and brutal lockup binge.”²¹⁸

Footnotes

- [156] Kathryn Watterson, *Women in Prison: Inside the Concrete Womb*, rev. ed., 194 (1996). Hereinafter “Watterson.”
- [157] See Part V.B. *supra*.
- [158] *Id.* at 196
- [159] *Id.* at 198.
- [160] *Id.*
- [161] *Id.* at 199.
- [162] *Id.*
- [163] *Id.*
- [164] Howe at 135.
- [165] *Id.*
- [166] *Id.* at 136 (internal quotations omitted).
- [167] *Id.* at 33.
- [168] *Id.* at xv.
- [169] *Id.*
- [170] Kurshan at 150.
- [171] HRW at 64.
- [172] *Id.*
- [173] Kurshan at 150.
- [174] Watterson, *supra* note 156, at 199.
- [175] *Id.* (quoting the American Correctional Association Directory)
- [176] Parenti, *supra* note 16, at 163.
- [177] *Id.* at 163, 167.
- [178] *Id.* at 164.
- [179] *Id.*
- [180] *Id.*
- [181] *Id.*
- [182] All Too Familiar at 17.
- [183] *Id.*
- [184] Kurshan at 150.
- [185] Watterson at 42.
- [186] *Id.*
- [187] Parenti at 167-688.
- [188] *Id.* at 167.
- [189] *Id.*
- [190] *Id.* at 168.

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- [191] *Id.*
 [192] *Id.*
 [193] *Id.*
 [194] *Id.*
 [195] *Id.*
 [196] *Id.* at 167.
 [197] Watterson at 194, 196.
 [198] *Id.* at 199.
 [199] See Part II *supra* regarding human rights abuses in women's prisons.
 [200] *Sentencing Alternatives: From Incarceration to Diversion*, Nolo.com (2004), at <http://www.nolo.com/lawcenter/ency/article.cfm/ObjectID/FF6855E8-383B-441D-86FBBA60CE6BE864/catID/428413CA-3B6B-48E3-B69FDF80F4D8E95D>.
 [201] Cynthia Chandler, with Gwen Patton and Jenny Job, *Community-Based Alternative Sentencing for HIV-Positive Women in the Criminal Justice System*, 14 Berkeley Women's L.J. 66, 92-93 (1999).
 [202] *Sentencing Alternatives*, Nolo.com, *supra*, note 200.
 [203] E.g. theft to support a drug habit, etc.
 [204] See 42 U.S.C. §§ 2000e-2000e-17.
 [205] See 42 U.S.C. § 12208. transvestite?
 [206] For example, racism, sexism and transphobia could play roles in job discrimination against a transgender woman of color.
 [207] See California Penal Code § 1170(e).
 [208] Ad Hoc Committee, *supra* note 119.
 [209] *Id.*
 [210] Trans/Gender Variant in Prison Committee, California Prison Focus, at <http://www.prisons.org/TIP.htm>. Hereinafter "TIP Website."
 [211] *Id.*
 [212] *Id.*
 [213] HIV/Hepatitis C in Prison Committee and Trans/Gender Variant in Prison Committee, California Prison Focus, Letter to California State Prison Corcoran Warden Frederic Brown (2002) at http://www.prisons.org/tip_letter.htm. Hereinafter "TIP Letter."
 [214] TIP Website, "Locked Out," at http://www.prisons.org/locked_out.htm.

- [215] Kevin Weaver, *No Prisoner Left Behind: The Fight for Transgender/Gender variant Prisoners*, distributed via e-mail listserve "Locked Out," at <http://groups.yahoo.com/group/lockedout/message/157>. Copy also on file with author.
 [216] *Id.*
 [217] *Id.*
 [218] Parenti at 163.

GIC TIP Journal News

Mislabeling of Summer 2004 edition—My thanks to those of you who have so graciously reminded me of the error I made mislabeling the front page of the last edition. It should have been "Volume IV, Issue 3" and "Summer 2004".

I am even more grateful to those of you who were gracious enough to not remind me of this and other faults of mine that are there to be observed in black and white in almost every issue.

Actually, I did catch the error in this instance, but not until I had printed out all 400 copies. Not wanting to waste a lot of paper and ink, or the time it would have taken me to do a reprint, I enclosed a self-adhesive label with "Summer 2004" printed on it, that you could paste over the incorrect dateline.

Headings and Pen Pal section—You may have noticed that I have discontinued including the complete contact information in the article headings from our inmate subscribers. The reason I have begun doing this is that, in addition to forbidding any correspondence between inmates, some prison systems will not allow them to receive any publications containing any prisoner-to-prisoner contact information, such as pen pal lists and the addresses that I used to include in the headings of inmate articles.

Rather than having to create two different versions of the newsletter for every issue and do two separate print runs, it was much easier to just include the prisoner's name only, and leave out the other contact information.

That is also why I considered eliminating the Pen Pal section. The other reason is that, as mentioned before, many prisoners are not allowed to write or

receive correspondence from other inmates. Because virtually all of the people on Pen Pal list are prisoners, it seemed to me to be too much like an exercise in futility.

The other consideration is the extra printing and mailing costs it adds to the newsletter, which was about \$150 for the last edition. Admittedly, the last time was a little bit more because the newsletter, by itself, was just a little under the 60¢ postage limit and the pen pal insert added just enough weight to make it cost and additional 23¢ to mail.

Also, I have received a complaint or two concerning people on the list whose intentions, based on past performance, would appear to be anything but good. In other words, what they are looking for are not pen pals, but fresh victims. If this proves to be true, or there are any more such complaints, I will have no choice but to discontinue the service.

Donating stamps—If you feel compelled to send stamps to the *GIC TIP Journal*, please do not send the 37¢ stamps. If you must send stamps, please send either 60¢ or 23¢ stamps, the reason being that the minimum postage required to mail the newsletter is 60¢. Anything weighing 3 ounces or more requires an additional 23¢ for each additional ounce. If you use 37¢ stamps, you always end up wasting some of the cost for the postage, because it is not evenly divisible into the rates for mail weighing 2 ounces or more.

Similarly, I would encourage you to not send me self-addressed, stamped envelopes.

Art work and graphics—I am sure that you could not help but notice that I included a scanned copy of a drawing, something I have rarely done in the past, mainly because the printer we were using did such a poor job reproducing them.

The newer printer that we have now does a significantly better job, so I thought I would try it again. If the quality is good enough, I hope to do more in the future. We have quite a few talented artists among our subscribers.

I might start putting in a few photos too, but I will have to be pretty selective, as I have with the artwork, due to space limitations.