

(TRANSSEXUALS IN PRISON, Inc.)
A Newsletter by, for and
about Transsexuals in Prison.

Vol #1, # 6 October/November 87

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Welcome to Transsexuals In Prison, a non-profit organization with information for the transsexual inmate.

We here at T.I.P. rightfully are pleased to serve those that are interested in the work and effort placed in this newsletter which is published by-monthly by transsexual inmates listed as Board of Directors.

We print other material that is forward to us from other transsexual inmates, and we refuse to, and reserve the right not to publish any material that does not meet the following guidelines;

- (1). All material received must be hand or typewritten. It must contain facts that are true and can be researched. It must not contain any profane words or be totally discriminatory to the cause that you are speaking on.
- (2). Your name and address must be on your letter, (this can be withheld at your request.
- (3). All facts related in your statement must be accurate and true.
- (4). That a written and signed authorization be with your letter giving this organization permission to re-write your facts, and to refer your complaint to the proper legal person(s).

STATEMENT OF FACTS:

That all funds received at the Office of the Facilitator or Minority Prison Project for T.I.P. are used in the production of this and future newsletters, at no time does or will these funds transfer into the hands of the Executive Board Members in Prison. And that any person found using T.I.P. for other than a resource and information newsletter to defraud others will be sought out and prosecuted to the fullest by this and other organizations that hold interest in T.I.P.....

TS prisoners- I have been asked for information on TS prisoners by Amnesty International. If any TS prisoners would please write me a short letter describing your case, your TS history, and under what conditions you're confined, it might help TS prisoners get better care. All case histories will be kept strictly confidential by AI. This is the only break I've had trying to get people on the outside interested in your plight, & I believe it's an important breakthrough. Send letters to: Anne Ogborn, PO 1112, Lawrence KS 66044. I'm a free TS friend of Vanassa's-I've been trying to help TS prisoners for about 10 months. Keep your chins up, we're rooting for you!

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FROM THE DESK OF:

Vanassa DeShaun. Meriwether
(Rita)

Executive Director (acting), Editor, & ,
Publisher of T.I.P., Inc.

As I was going through some old files of mine I came across a newsletter that had an article in it about me from a lady that I have come to respect very much in these last few years that I have been here. A Lady that set my course of action and is responsible for installing in me a strong sense of who I really am , and to deal with myself as a real person, and not the silly transsexual who when first locked up was in a fantasy world, not yet ready to deal with reality.

This article goes something like this:

"Some people in following the path of life, trip more often, run into more brick walls, more or fewer understanding people to help or hurt us.

Which, partly, leads me up to a letter I received recently. It was from a pre-operative transsexual named Rita. She's in prison in Indiana. In her life she found it necessary to attempt to pass in straight society. One date with a man who believed she was a woman found out differently, because of this he became enraged and she killed him in self defense.

I had a very difficult time dealing with that in some ways. But how can I judge? I have lived my own life the best I could and in the eyes of many I live a lie.

I am gay. prefer relationships with women but have had sexual partners as men more often as with women. I call myself bisexual because I enjoy the companionship , friendship of men and because it is safer to use the term bisexual.

I could have had the same sort of circumstances happen as Rita did, but I was luckier. I have always managed to lie, con, runaway or stand up and fight problems when I had them. But all have been alternatives, I have used all of them.

Probably all of us have at various times, I don't know that but it seems to fit with having to live within a society such as we have which does have a percent of people who don't know how to care for others some people do not want to learn how, it is few in the whole but it is present, it is not as many as many of us fear.

Rita ran into one of them, that was all it took to put her in prison rather than have a good time on a date. Others have done the exact same thing without the same outcome. "

The lady I speak about is Dee Daily. Someone that I owe very much a lot of love care and deep understanding to, for had not she wrote to me several letters that were rather harsh before this article came out, but from those letters I learned that even though she understood, it was within her to set the record of life for me straight, and I assume hopefully she felt that I would grasp her words and make use of them later on in life, I don't think that she would expect me to take to heart those words so soon and set on them, But Dee I must say that I do owe you a hell of a lot, because you are responsible for the courage that I have and the drive force in me to continue this work for the many transsexuals that are in prison and that don't have any help in legal and medical awareness at all, I want to think that I am making this possible and that I had a person behind me that was right on time.

The Coalition
La Coalition

The following information is relayed in French only and for those transsexuals that are in Canada that do not read the english language veyr well.

ARCHIVES GAIES
DU QUEBEC:

Les archives gaies ont pour mandat d'acquerir, de traiter, de conserver et de diffuser toute information rekative a l'homosexualite ou au lesbainisme, et a la sexualite en general.

Activites: Classification, satalogage et indexation de la documentation acquise.

Collaboration et echanges d'information avec des organismes canadiens, americains ou autres.

Nos collections sont disponibles pour consultation.

Adresse postale:

C.P. 395 Succ. Place du Parc, Montreal. H2W-2N9

(514) 521-9629

FACT:

"The Foundation for the Advancement of Canadian transsexuals"est un orgainisme pan-canadian qui a pour but d'aider et de soutenir les transsex-els (avant,pendant et apres la transformation). La FACT travaille en etroite collaboration avec des professionnels de la sante et des services sociaux.

La FACT diffuse de l'information aupres de la population en plus d'une revue specialisee pour les transsexuels.

Adresse postale:

C.P. 293 Succ Cote-des-Neiges

Montreal, Canada,

H3S-2S6

TRANSSEXUAL BASICS.

Professional Essentials:

ELECTROLYSIS:

Electrolysis is the destruction of hair roots with an electric current, and is performed by a qualified electrologist. Transsexuals use this method to rid thier bodies of unwanted hair (e.g. on thei faces). This hair removal process typically requires 100 or more hours. To find a qualified electrologist, see the yellow pages or ask a friend or therapist to reccommend one.

HORMONE TREATMENT:

Hormone treatment is another integral part of making the transsexual transition hormone changes your body's chemistry, and must be administered under close medical supervision. For the transsexual, hormones are a lifelong necessity — even after the reassignment surgery, hormones will feminize or masculinize your body. Your heredity from parents or grandparents determines the amount of such change.

WARNING!!!!!!!!!!

USING BLACK MARKET HORMONES CAN BE DEADLY!

TRANSSEXUAL HOT INFORMATION::

- (1) The reassignment surgery will not solve all your problems- life still goes on.
- (2) ~~Set~~ reasonable goals, do not set inflexible time schedules.
- (3) The emotional pain is far worse than any physicial pain involved.
- (4) Rejection by family and friends is very very, painfull! Transsexua(ls) have lost their family or friends over transsexualism.
- (5) Losing your job is quite possible.
- (6) Your goal is to bend in with the rest of society.
- (7) You must unlearn any and all male or female characteristics, this takes timetime and a hard effort on your part as either a male or female transsexual. some changes might be; help from a therapist, voice coach and others of what ever change that you are going through.
- (8) Male to female transsexuals are promoted to a status of 2nd class as that of a woman.
- (9) Female to male transsexuals experience greater authority, and some are suprised as they are suddenly listened to.

The above information has been reprinted as a public service information to those of you that may have missed this vital information in one of our last issues of T.I.P.

Some added information; in checking around I have came up with the cost for the male to female sex reassignment surgery is about from \$4,000.00 to \$16,000.00, this does not inculde the cost of a hospital stay, and the best that I have seen in the U.S. is Doct-or Biber in Colo.

LEGAL APPEAL, A COURSE OF ACTION

ARGUED JANUARY 23rd, 1987, DECIDED June 4th, 1987 in the 7th Circuit Court of Appeals in Chicago.

I; FACTUAL BACKGROUND:

In reviewing a dismissal under Rule 12(b)(6), the factual allegations contained in the plaintiff's complaint must be taken as true and must be reviewed, along with all reasonable inferences to be drawn therefrom, in the light most favorable to the plaintiff. *Doe v. St Joseph's Hospital*, 788 F 2d 411, (7th Cir. 1986). The following discussion is therefore drawn directly from plaintiff's complaint.

"Since May 1982, plaintiff has been serving a thirty-five year sentence for murder. She is a pre-op-transsexual suffering from gender dysphoria, a medically recognized psychological disorder. She has been chemically (although not surgically) castrated, as a result of approximately nine years of estrogen therapy under the supervision of physicians and has undergone surgical augmentation of her facial structure, breast, and hips so as to alter her body shape to resemble that of a biological female. She has feminine mannerisms, wears make-up and feminine clothing and undergarments when permitted, considers herself female, and in fact has been living as a female since the age of fourteen.

After being sentenced in 1982, plaintiff was transferred to the Reception and Diagnostic Center for evaluation and classification. Although the medical examinations and evaluations conducted there supported a diagnosis of gender dysphoria, the consensus of the staff was to treat her as any other anatomical male. She was therefore assigned to the State Prison for commitment without a prescription for or a authorization for the use of hormone supplements.

II: MEDICAL CARE:

Plaintiff initially contends that the defendants failure to provide any medical treatment for her gender dysphoria constitutes a violation of her right under the Eight Amendment to adequate medical care. In reviewing the sufficiency of her claim, we apply the familiar standard set out in *Conley v. Gibson*, 355 U.S. 41, 45-46, that a complaint should not be dismissed for failure to a claim unless it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him relief.

A state has an obligation under the Eight Amendment "to provide persons in it's custody with a medical care system that meets minimal standards of adequacy". *Benson v. Cady*, 761 F 2d 335, 339 (7th Cir 1985), (quoting *Wellman v. Faulkner*, 715 F2d 269, 271 (7th Cir 1983), certiorari denied, 468 U.S. 1217).

However, not every prisoner alleging a claim in inadequate medical care states a constitutional violation. The Supreme Court has limited recovery under the Eight Amendment to those cases in which a prisoner can establish "deliberate indifference to serious medical needs". *Estelle v. Gamble*, 429 U.S. 97, 104. Mere negligence on the part of a physician in diagnosing or treating a medical condition will not state a valid claim of medical mistreatment under the Eight Amendment. *Id.* at 106.

Courts have repeatedly held that treatment of a psychiatric or psychological condition may present a "serious medical need" under the Eight Amendment, and under the Estelle formulation See, e.g. Partridge v. Two unknown Police Officers of Huston, 791 F 2d 1182,1187 (5th Cir 1986); Wellman v. Faulkner, 715 F 2d 269,273 (7th Cir 1983), certiorari denied, 468 U.S. 1217; Ramos v. Lamm, 639 F 2d 559, 574 (10th Cir 1980), certiorari denied, 450 U.S. 1041; Inmates of Allegheny County Jail v. Pierce, 612 F 2d 754,763 (3rd Cir 1979); Bowring v. Godwin, 551 F 2d 44,47 (4th Cir 1977). There is no reason to treat transsexualism differently than any other psychiatric disorder. Thus contrary to the district court's determination plaintiff's complaint does state a "serious medical need".

At oral argument it became apparent that the defendants real argument is that the plaintiff is not in fact a transsexual. However, this argument, challenging factual allegations contained in plaintiff's complaint may not be made on a motion to dismiss, where, as already emphasized, the plaintiff's allegations must be accepted as true. The defendants of course remain free to challenge the factual basis of plaintiff's complaint in a motion for summary judgement pursuant to Fed R. Civ. P. 56. It is worth noting though that plaintiff's original pro-se complaint contained names of two physicians in California who had been treating her for gender dysphoria and supervising her estrogen treatment.

In *Supre v. Ricketts*, the plaintiff, an inmate in the Colorado Department of Corrections, was examined by two endocrinologist and a psychiatrist. These doctors considered estrogen treatment, but ultimately advised against it, citing the dangers associated with this controversial form of therapy. Instead they prescribed testosterone (a male hormone) replacement therapy and medical health treatment consisting of a program of counseling by psychologist and psychiatrist for re-adjustment.

It is to be noted that this transsexual inmate was released before this process had started.

There is a wide range of medical treatment in the gender dysphoria area, and a court can decided whether or not that a specific medical needs is required for a transsexual person in prison, Moreover, it is always best to have medical professionals that you have been with on the streets and under their care for a better chance at receiving medical care that is in the correct area.

**"Dreams can come true. . . and I'm
doing what I can to make them."**

transsexuals in prison subscription form

NAME: _____
ADDRESS: _____
PRISON NUMBER: _____/CITY: _____
STATE: _____/ZIP: _____

SUBSCRIPTION TYPE: (please mark the correct place stating your subscription)

TRANSSEXUAL INMATE: _____/NON-TRANSSEXUAL INMATE: _____
SUBSCRIPTION FOR TRANSSEXUAL INMATE: _____/PERSON IN FREE SOCIETY: _____
SUPPORTING ORGANIZATION: _____/NON-SUPPORTING ORGANIZATION: _____

IF YOU ARE A NON-SUPPORTING ORGANIZATION OR A SUPPORTING ORGANIZATION PLEASE FILL OUT THE SPACE BELOW, PEOPLE IN FREE SOCIETY DO NOT HAVE TO FILL THIS OUT UNLESS THEY WANT TO.:

SUPPORTING ORGANIZATION/NON-SUPPORTING ORGANIZATION: NAME: _____
ADDRESS: _____
CITY: _____/STATE: _____
ZIP: _____

TRANSSEXUAL IN PRISON SUBSCRIPTION RATE:

Non Transsexual inmate; 75¢ a issue/ one year \$9.00
Transsexual inmate 50¢ a issue/one year \$6.00
Supporting Organization; \$1.00 a issue/\$12.00 a year
Non-Supporting Organization; \$1.75 a issue/one year \$21.00

PAYEMENT IS TO BE MADE AS FOLLOWS:

Due to the policy at T.I.P. we do not accept personal checks or cash, payments are to be made only in Postal Money order form only, any other way will not be accepted Funds are to be paid to the Facilitator's of T.I.P. at the following address;
Metamorphosis Foundation
P.O. Box 5963, Station A
Toronto, Ontario, Canada. M5W-1P4
Attn: Mr. R. Raj
OR;
Minority Prison Project
3214 Anna
Little Rock, Ark. 72204
Attn: Mr. John Prowett

THANK YOU FOR YOUR SUPPORT AND FAITH IN T.I.P. AND WE LOOK FORWARD TO HEARING ANY SUGGESTIONS THAT YOU MAY HAVE REGARDING T.I.P., AND AS ALWAYS STATED IN EACH ISSUE THIS IS THE TRANSSEXUAL NEWSLETTER AND WE LOOK FORWARD TO HEARING WHO AND HOW YOU WANT US TO HELP YOU AND PRINT OUR PAPER.

Sincerely:

The Staff of T.I.P.

The following information was gathered by Mr. David Lee Adams at the Huntsville, Correctional Facility in Texas. Mr. Adams is our Legal Advisor for T.I.P..

QUESTIONS ASKED 50 States Attornies was; "Are there currently any laws in your State concerning the rights of the Transsexual inmate in obtaining hormone treatment, sex reassignment surgery and/or any other type of treatment." Here below and on the following page were the responses.

ALABAMA: NO LAWS
ALASKA: Has State regulate of pratice of medicine and surgery; State has no laws which specifiially relates to transsexuals sex reassignment surgery or hormone treatment.
*ARIZONE: REFUSED TO REPLY
*ARKANSAS: REFUSED TO REPLY
*CALIF: REFUSED TO REPLY
COLORADO: COLORADO REGULATION #405-14
CONNECT: NO LAWS
*DELAWARE: REFUSER TO REPLY
*FLORIDA: REFUSED TO REPLY
GEORGIA: NO LAWS
HAWAII: NO LAWS
IDAHO: NO LAWS/INMATE DEAN SCWARTMILLER AT STATE CORRECTIONAL FACILITY
ILLINOIS: NO LAWS
IOWA: NO LAWS
KANSAS: INTERNAL MANAGEMENT POLICY AND PROCEDURES 010-115 K.S.A. 76-1305
*KENTUCKY: REFUSED TO REPLY
*LOUISIANA: REFUSED TO REPLY
MAINE: NO STATUTES SPECIFIIALLY DEALING WITH T.S. (see 34-A, M.R.S.A.3031)
MARYLAND: NO LAWS
*MASS: NO LAWS
MICEIGAN: NO LAWS
MINNESOTA: NO LAWS
*MISSOURI: REFUSED TO REPLY
*MISSISSI: REFUSED TO REPLY
*MONTANA: REFUSED TO REPLY
NEBRASKA: DOES NOT HAVE RESOURCES TO RESEARCH FOR PRIVET PERSONS.
NEVEDA: NO LAWS
NEW HAMP: NO LAWS
*NEW JERSEY: REFUSED TO REPLY
NEW MEXICO: LIMITED RESOURCES TO DC RESEARCH
*NEW YORK: REFUSED TO REPLY
N. CAROLINA: STATUTE CONCERNING AMENDMENT OF BIRTH CERTIFICATE BECAUSE OF SEX RE_ASSIGNMENT SURGERY N.C. GENERAL STATUTE 130-A-118
N.DAKOTA: NO LAWS
*CHIO: REFUSED TO REPLY
OKLAHOMA: NO LAWS
*OREGON: REFUSED TO REPLY
PENNSYLA: THE DEPT OF HEALTH WILL CHANGE DESIGNATION OF THAT PERSONS NAME AND SEX ON BIRTH CERTIFICATE UPON RECEIPT OF AN APPPRIATE CERTIFIED ORDER OF THE COURT AND FROM THE DOCTOR WHO PREFORMED SUCH SURGERY.
*RHODE ISLAND:/REFUSED TO REPLY
S. CAROLINA: NO LAWS
*S. DAKOTA: REFUSED TO REPLY
*TENN: REFUSED TO REPLY
TEXAS: NO LAWS
*UTAH: REFUSED TO REPLY