



## **Federal Court Upholds Transgender People’s Right to Access Medical Treatment in Prison**

**ACLU and Lambda Legal Sued to Allow Transgender Inmates to Receive Hormone Treatments**

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CHICAGO – The U.S. Court of Appeals for the Seventh Circuit today upheld the right of transgender people to receive medical care while they are incarcerated. The American Civil Liberties Union, the ACLU of Wisconsin and Lambda Legal had challenged a Wisconsin law that prohibited prison doctors from prescribing hormone treatment or sex reassignment surgery to transgender inmates.

“This was a discriminatory law that cruelly singled out transgender people by denying them – and only them – the medical care they need,” said John Knight, senior staff attorney with the ACLU Lesbian Gay Bisexual and Transgender Project. “Too often the medical needs of transgender persons are not treated as the serious health issues that they are. We are glad that the appeals court has found that medical professionals, not the Wisconsin legislature, should make medical decisions for inmates.”

The appeals court wrote: “Surely, had the Wisconsin legislature passed a law that DOC inmates with cancer must be treated only with therapy and pain killers, this court would have no trouble concluding that the law was unconstitutional. Refusing to provide effective treatment for a serious medical condition serves no valid penological purpose and amounts to torture.”

In 2005, the state of Wisconsin passed a law that barred prison doctors from providing transgender inmates medically necessary hormone therapy or sex reassignment surgery while in state custody. The ACLU, the ACLU of Wisconsin and Lambda Legal sued the state on behalf of transgender inmates, some of whom had been receiving hormone treatment in Wisconsin prisons for years. An injunction was granted to continue hormone treatment until a ruling was made. In April 2010, after a full trial, a federal district court struck down the so-called “Inmate Sex Change Prevention Act.”

“The court correctly ruled that denying prisoners medical treatment constitutes cruel and unusual punishment,” said Dru Levasseur, Lambda Legal’s transgender rights attorney. “The medical needs of transgender people don’t disappear once they enter prison. We’re glad that the court has ruled that the legislature cannot outlaw the only effective treatment for some people with Gender Identity Disorder.”

"This decision should make it abundantly clear that it is unconstitutional to deny transgender inmates hormone therapy and sex reassignment surgery absent a medical basis for doing so," said Larry Dupuis, legal director of the ACLU of Wisconsin.

More information on this case, Fields v. Smith, can be found on the American Civil Liberties Union case profile page at: [www.aclu.org/lgbt-rights\\_hiv-aids/sundstrom-v-frank-case-profile](http://www.aclu.org/lgbt-rights_hiv-aids/sundstrom-v-frank-case-profile) or on Lambda Legal's case page at: [www.lambdalegal.org/in-court/cases/fields-v-smith.html](http://www.lambdalegal.org/in-court/cases/fields-v-smith.html)

The ACLU of Wisconsin has approximately 6,500 members who support its efforts to defend the civil liberties and civil rights of all Wisconsin residents. For more on the work of the ACLU of Wisconsin, visit our [webpage](#). You can also get news and opinion on civil liberties in Wisconsin on our [Cap City Liberty blog](#). Find us on [Facebook and Twitter at ACLUMadison and ACLUofWisconsin](#).