



# U.S. Supreme Court Rejects Challenge to Medical Treatment For Transgender People In Prison

ACLU and Lambda Legal Comment on Lower Court Victories

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MILWAUKEE — Today, the United States Supreme Court rejected an appeal from the State of Wisconsin after the American Civil Liberties Union, the ACLU of Wisconsin and Lambda Legal successfully challenged a state law that prohibits medically necessary treatment for transgender people in prison.

In 2005, the Wisconsin legislature ignored the testimony of the state's prison medical and mental health directors about the human suffering, monetary costs, and staff burden caused by a law banning medically necessary treatment to transgender prisoners and enacted a law taking away prison doctors' discretion to ever prescribe hormone therapy or sex reassignment surgery no matter how serious a transgender prisoner's medical need for the treatment.

"We're pleased that the Court recognized that prison doctors, rather than legislators, should be making decisions about medical care," said John Knight, senior staff attorney with the ACLU Lesbian Gay Bisexual and Transgender Project. "There is no rational explanation for a law like this, which causes predictable results for transgender prisoners -- severe psychological distress, including suicidality for those denied the medical treatment they need."

"The law singles out transgender people and leaves them extremely vulnerable to symptoms that occur when a serious medical condition goes untreated," said Dru Levasseur, Lambda Legal's Transgender Rights Attorney. "In deciding that certain medical treatments were off limits for transgender inmates, the Wisconsin Legislature acted with callous disregard for those inmates' medical needs and arrogant disdain for the medical judgment of the state's own doctors."

The Supreme Court has previously ruled on transgender people's right to be free from cruel and unusual punishment while in prison. In the 1994 case *Farmer v. Brennan*, the court stated that "prison officials have a duty under the Eighth Amendment to provide humane conditions of confinement. They must ensure that inmates receive adequate food, clothing, shelter, and medical care."

After working its way through the courts, the lawsuit brought by the ACLU and Lambda Legal to challenge this law reached the Seventh Circuit Court of Appeals in 2011. The appellate court

unanimously upheld the lower court's decision that transgender people have a right to access necessary medical treatment in prison.

The clients in this case were represented by John Knight of the ACLU LGBT Project, Dru Levasseur of Lambda Legal, Larry Dupuis of the ACLU of Wisconsin, Erik Guenther of Hurley, Burish & Stanton and Jonathan Baum and Alyx Pattison of the Chicago firm Katten Muchin Rosenman.

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