

TRANSADVOCATE

Gender Nation: Trans prisoners, the next battleground

By Gwen Smith

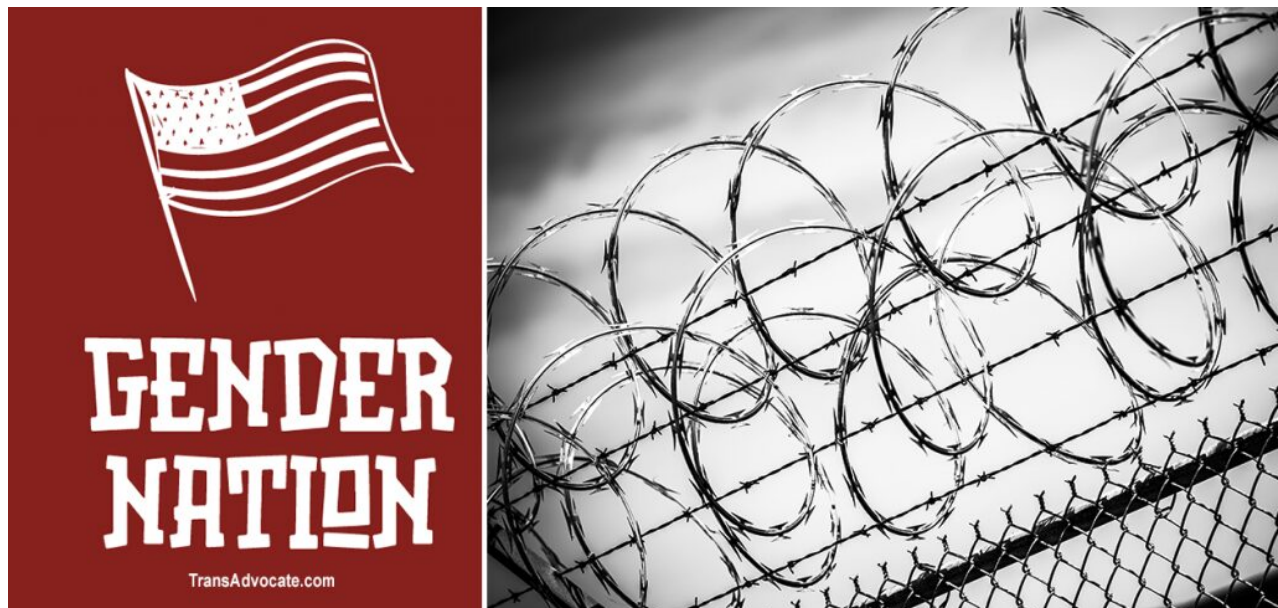
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https://www.transadvocate.com/gender-nation-doj-fibs-trans-troops-2_n_21356.htm

Abstract

Gender Nation is a bi-weekly column by Gwendolyn Ann Smith, the founder of the Transgender Day of Remembrance, reviewing news affecting the trans, intersex, and genderqueer community. Trans prisoners, the next battleground A federal court case represented by the Alliance Defending Freedom, Rhonda Fleming vs. the United States of America, could effectively bar transgender prisoners from [...]

Article



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Trans prisoners, the next battleground

A federal court case represented by the Alliance Defending Freedom, Rhonda Fleming vs. the United States of America, could effectively bar transgender prisoners from facilities appropriate to their gender identity.

The case, filed in late 2016 under the Obama Administration, seeks to have trans feminine prisoners removed from Federal Medical Center Carswell, a federal prison for women located in Fort Worth,

Texas. Regulations were established in 2012 to protect transgender inmates from violence.

The case is currently before District Judge Reed O'Connor, who has been hostile towards transgender rights in past cases, including protections for transgender students and workers, as well as transgender health care under the Affordable Care Act.

In August, lawyers for the Department of Justice argued that the women at the center of the case had not exhausted all their administrative options and had not proven that they were threatened by having transgender inmates at the facility. Nevertheless, it is expected that the Department of Justice will settle the case out of court with the Alliance Defending Freedom, likely rolling back transgender prisoner rights.

An amendment to the case, filed in May of this year, claims that the regulations for transgender inmates under the Obama administration are a “politically-driven agenda to affirm that gender identity theory, rather than biological sex, is the normative basis to determine whether an inmate is male or female.”

The case argues that the inclusion of transgender women at the facility is harmful to the cisgender inmates, increasing the potential for rape and violating the privacy of inmates. These are largely the same arguments used in “bathroom bills” to discriminate against public accommodations for transgender people.

Carswell has private shower stalls, and there are already policies in place to protect the privacy of inmates. It is also worth noting that transgender inmates are more likely to be subject to rape and sexual abuse when housed in men’s prisons. One transgender prisoner at Carswell, Donna Langan, feels that her life would be in danger if she were transferred away from Carswell.

The Alliance Defending Freedom was designated by the Southern Poverty Law Center as a hate group, citing their defense of state-sponsored sterilization of transgender people and their push for the recriminalization of homosexuality.

Texas of course was the site of a political standoff last year, with a statewide “bathroom bill,” Senate Bill 6, failing to pass through the Texas Legislature even after Texas Governor Greg Abbott forced a 30-day special session largely to pass the same.

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