

TRANSADVOCATE

Gender Nation: Rape, Segregation, & Justice

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Published November 16, 2017 | Updated March 31, 2026

https://www.transadvocate.com/gender-nation-rape-segregation-justice_n_20915.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. Molesting & Raping Inmates as “Justice” A 52-year-old trans woman has filed a federal lawsuit against the Massachusetts Department of Corrections. The case cites harassment suffered by both guards [...]

Article



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Molesting & Raping Inmates as “Justice”

A 52-year-old trans woman has filed a federal lawsuit against the Massachusetts Department of Corrections. The case cites harassment suffered by both guards and other inmates due in part to her being housed in the Massachusetts Correctional Institution in Norfolk, an all-male prison. She is seeking to be moved to the Massachusetts Correctional Institution in Framingham, which is an all-female facility.

Listed as “Jane Doe” in the lawsuit, the inmate has been living in her preferred gender, including

hormone replacement therapy, for 40 years. She has not had genital conversion surgery, which is why the state housed her with male inmates: the state houses prisoners solely based on anatomy, not their gender identity.

Due to her placement, she is often referred to by guards as a “wannabe woman,” and is ogled by guards and other prisoners during strip searches and showers. She has had to deal with inmates attempting to force themselves on her, as well as male correctional officers groping her breasts.

According to the lawsuit, she “is often afraid to leave her cell for fear of harassment and violence from [Department of Corrections] prisoners, staff, and correctional officers.”

Per the Bureau of Justice Statistics, there were over 3,200 transgender people in prisons in 2011-2012, of which 39.9% reported a case of sexual abuse or sexual assault. An additional 1,700 transgender people were held in jails during that timeframe, of which 26.8% reported assaults or abuse. This is ten times the average for prisoners in general.

She is serving a 3-4 year sentence for a non-violent drug offense. She is set for release in November of 2019.

Demanding Special Rights to Segregate Cis & Trans Students

A Federal lawsuit filed in Oregon by the Parents for Privacy, Parents Rights in Education, and a handful of parents seeks to undo school policies that benefit transgender students, stating that the policies of Dallas School District No.2 in create the “unavoidable consequence” that their children may see the bodies of students of the opposite sex by allowing transgender students to share bathrooms and locker rooms.

More than simply going after the school district, the suit also names the state governor as well as the U.S. Secretary of Education and the Attorney General. The suit claims that the government, by threatening to hold funding to schools over compliance for Title IX, is holding schools “hostage.” to “to advance an unlawful agenda enacted unlawfully.”

The plaintiffs are seeking damages, a declaratory judgment, and injunctive relief. The latter would specifically attempt to disallow the Department of Education from identifying “sex” under Title IX as including gender identity.

Subverting the Trans Military Ban

In spite of the Trump Administration’s ongoing efforts to ban transgender military members, an infantry soldier underwent gender conversion surgery on the 14th of November.

“This afternoon, an active-duty military member received a sex-reassignment surgery,” read a statement from the Pentagon. “Military hospitals do not have the surgical expertise to perform this type of surgery, therefore it was conducted in a private hospital”

The soldier, whose name has not been released, is reported to be on active duty and received her Combat Infantry Badge in Operation Anaconda in Afghanistan in 2003.

The Pentagon statement discussed the reasoning behind offering this surgery, “Because this service

member had already begun a sex-reassignment course of treatment, and the treating doctor deemed this surgery medically necessary, a waiver was approved by the director of the Defense Health Agency. The Supplemental Health Care Program will cover this surgery in accordance with the Department's interim guidance on transgender Service members."

Donald Trump initially announced the banning of transgender service members in July, with a memo in August attempting to halt both the acceptance of new transgender recruits and the funding of medical care for transgender service members. This ban was blocked in federal court in October, but questions remain for trans people in uniform.

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Suggested citation

Gwen Smith. "Gender Nation: Rape, Segregation, & Justice." TransAdvocate, November 16, 2017.
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