



# Fields v. Smith, 653 F.3d 550 (7th Cir. 2011)

Topics Covered: Gay, Lesbian, Bisexual and Transsexual Rights and Civil Rights

**Outcome: Very Favorable**

## Issue

The issue in this case was whether a Wisconsin law that prohibited prison doctors from using hormonal therapy or sex reassignment surgery to treat inmates with gender identity disorder (GID) caused the inmates to suffer cruel and unusual punishment under the Eighth Amendment or deprived them of equal protection of the laws under the Fourteenth Amendment.

## AMA Interest

The AMA supports the provision of competent medical care for all patients, and it opposes limiting medical treatment options because of moral idiosyncrasies or social stigmas.

## Case Summary

Persons suffering from GID feel that their physical sexual characteristics are the opposite of their internal sexual identity. Thus, a GID sufferer is a man trapped in a woman's body or vice versa. In addition to feeling depressed and frustrated, a sufferer may attempt self-mutilation or suicide.

A Wisconsin law prohibited prison doctors from using hormonal therapy or sex reassignment surgery to treat inmates with GID, regardless of the medical necessity of such therapies and regardless of the resultant disruption or financial cost to the prison system from withholding the therapy. Several inmates in Wisconsin prisons sued to have the law declared facially unconstitutional. Following an evidentiary hearing, the trial court judge found that the law violated the Eighth and Fourteenth Amendments.

The State of Wisconsin appealed to the Seventh Circuit. The Seventh Circuit affirmed, holding that it would be cruel and unusual punishment, in violation of the Eighth Amendment, to withhold hormone therapy or sex reassignment surgery from prisoners with acute GID.

## AMA Involvement

The AMA filed an *amicus* brief in the Seventh Circuit to support the prisoners.

Seventh Circuit Brief