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A not-so-subtle trap

Nancy Nangeroni



Last week's editorial in *Bay Windows* that lays out the facts of the Michelle Kosilek case (a trans woman imprisoned for murder who is seeking gender reassignment surgery) poses a challenge to the transgender community: What is our response to this case? As the local trans community's leading political organization, the Massachusetts Transgender Political Coalition (MTPC) has discussed this troubling matter at some length. Our carefully reached consensus is that we need to make a clear statement that affirms the right of all persons, trans or otherwise — including prisoners — to appropriate medical treatment. At the same time we want to state emphatically that we are in no way sympathetic to those who commit horrific crimes of the sort for which Kosilek was convicted.

MTPC has been working for five years with the criminal justice system to obtain respectful care for incarcerated trans people. We are challenged to respond to this controversy in a way that supports both the rights and fair treatment of trans incarcerates, and our own integrity as an organization dedicated to justice and fairness.

The vast majority of transgender persons are decent, law-abiding citizens and residents, who are horrified by violence of any sort. Yet the sad truth is that almost none of us have access, except at great personal expense, to the kind of medical care to which Kosilek is laying claim as a right. Although the situation is changing, most medical insurance currently excludes coverage for hormones and surgery for transgender-related needs. What Judge Wolf has concluded about transgender medical needs is a judgment that we have yet to win from most employers and insurance providers.

Bay Windows's editorial laying out the specifics of the Kosilek case makes clear the paradox that confronts the trans community. Hormones and sex reassignment surgery — while not the choice of all transgender persons — are indeed becoming more widely recognized as medically necessary for some. But should a convicted murderer's need for these treatments be recognized before hard-working, law-abiding transgender citizens and residents themselves are accorded similar respect for their legitimate needs?

How should we respond to Judge Wolf's vision, for seeing clearly our humanity and siding with the fulfillment of our legitimate need? It is tempting for transgender persons to embrace the Judge's sympathies toward our need as evidence in support of that which we have been striving towards for many years. And yet, to do so is to embrace the needs of a person — a murderer — convicted of a particularly foul crime. How ironic that the very respect for our needs, for which our souls cry out, should be offered first to the one among us convicted of the most heinous crime!

So what is our answer? Do we align ourselves with a selfish murderer, in order to further the issue, our reasonable demand for fair treatment? Shall we rise in a chorus of, "See, this proves that we all deserve better treatment!", and press the case for our inclusion, too? Or do we eschew this fraught-laden opportunity and risk delaying further the day when appropriate medical care policy is finally obtained for our community as a whole?

As long as we're talking about medical care, we have to talk about employment, too. Most people obtain their medical insurance through their employer; the best medical care goes to the employed. Hence, respect for

medical need goes hand in hand with employment rights. Do we sacrifice gains there, too, by not seizing on the sympathetic conclusion of this wise judge?

Politics often presents difficult choices, and this situation is among the most difficult yet faced by our relatively new community. But our answer is clear: let there be no doubt. We do not condone violence under any circumstances. We decry murder most foul, and hold out for another path toward gaining recognition of our legitimate needs. We cannot condone the provision of medical treatment to a murderer which is not reasonably available to every other citizen. The inhumanity of withholding such treatment has been recognized by Judge Wolf. Let our insurers and legislators recognize this inhumanity, and correct it for our community at large.

Nancy Nangeroni is chair of the Media and Public Relations Steering Committee for the Massachusetts Transgender Political Coalition.