

Dee Farmer, Reg. No. 23288-037  
P.O. Box 4000  
Springfield, MO 65808

IN PRO PER

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

63

DOCKET NUMBER
U.S. DISTRICT COURT WEST. DIST. OF WISCONSIN
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FILED JOSEPH W. SKUPNIEWITZ, CLERK
CASE NUMBER

DEE FARMER,	)	Civil Action No. 91-C-716-S
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
J. MICHAEL QUINLAN, ET. AL.,	)	
	)	
Defendants'	)	

I, DEE FARMER, do hereby declare and state:

1. I am a federal inmate and have been confined in Bureau of Prisons institutions since August, 1986. I was convicted in the United States District Court of Maryland for violations of 18 U.S.C. §1029 (Credit-card fraud) and sentence to a twenty (20) year term of imprisonment. I am currently confined at the United States Medical Center for Federal Prisoners' in Springfield, Missouri.

EXHIBIT 1 - (Judgment and Commitment).

2. Prior to my commitment to the Federal Bureau of Prisons, I was diagnosed as a transsexual. My transsexualism was communicated to the Bureau of Prisons through my Pre-Sentence Report and the Psychiatric Report of Dr. Niel Blumberg. EXHIBIT 2 & 3 (Presentence Report and Dr. Niel Blumberg Psychiatric Report).

3. I was transported by the U. S. Marshal's in Baltimore, MD to the United



States Penitentiary, Lewisburg, Pennsylvania ("USP-Lewisburg") where I was housed overnight in a hospital segregation cell, because of my transsexuality. Also, Tonett Johnson and Simone Scott - both transsexuals - were housed in the hospital segregation unit. The following day I was transported by Bureau of Prisons airlift to the United States Medical Center for Federal Prisoners' in Springfield, Missouri ("USMCFP-Springfield").

EXHIBIT 4 - (Inmate Movement).

4. On August 15, 1986 I arrived at USMCFP-Springfield and was placed in administrative segregation because of my transsexualism. Subsequently, I was permitted to interact with terminally ill patients on Ward 3-2, where I was housed. While at USMCFP-Springfield, I was seen by several doctors who prepared reports documenting my transsexuality. Specifically, a psychological report was prepared that stated I would be subject to a great deal of sexual pressure during my incarceration because of my youth and feminine appearance.

EXHIBIT 5 - (Medical and Psychological Report).

5. On or about September 1, 1986, a Transfer Request was sent to the Bureau of Prisons, North Central Regional Office, documenting my transsexualism and recommending I be transferred to USP-Lewisburg. On October 17, 1986, I was transferred from USMCFP-Springfield and placed enroute to USP-Lewisburg with temporary holdover at the Federal Correctional Institution in Elreno, Oklahoma ("FCI-Elreno"), where I was administratively segregated because of my transsexualism.

EXHIBIT 6 & 7 (USMCFP-Springfield Transfer Order and Transfer Request).



6. On November 7, 1986 I arrived at USP-Lewisburg and was again administratively segregated. I was given a detention order that confers: Inmate Farmer is a transsexual who is 21 years old, designated to USP-Lewisburg. Accordingly, she is being placed in detention. During my entire stay at USP-Lewisburg I remained segregated. The reasons for my segregation was further documented in an administrative remedy response prepared for Defendant EDWARDS (then, Warden at USP-Lewisburg), stating that there was a high probability that I could not safely function at USP-Lewisburg. It was explained to me by Captain Williams, that if they were to permit me to enter the general population at USP-Lewisburg I would be raped at knife point or possibly murdered because I would be the closest thing the inmates could get to a woman. In the case of Farmer v. Carlson, 685 F. Supp. 1335 (M.D. Pa. 1988), initiated by me, which Defendant EDWARDS was a defendant and served with a copy of the complaint, the court upheld the Bureau of Prisons decision to transfer me from USP-Lewisburg, because there was a high probability of danger to my life. EXHIBITS 8, 9, 10 ("USP-Lewisburg, Detention Order, Administrative Remedy, Farmer v. Carlson).

7. Also, while I was at USP-Lewisburg, a medical summary was prepared which claimed that my last dosage of Premarin (illegal and without authorization) had been one month earlier and pertinent physical examination findings included some decrease in facial hair and rearrangement of body fat to a female distribution. A summary was also prepared regarding the continuation of my previous medication Premarin - a conjugated estrogen.



EXHIBIT 11 - (Medical Summary, *also see Farmer v. Carlson, supra* at \_\_\_\_ ).

8. On March 17, 1987 I was transferred from USP-Lewisburg to the Federal Correctional Institution in Petersburg, Virginia ("FCI-Petersburg). I was administratively segregated upon my arrival at FCI-Petersburg, for a very short time, because of my transsexualism. Later I was released into the general population where I was constantly approached by inmates for sex. I was even threatened and on three occasions I was forced by physical abuse and intimidation to engage in sexual intercourse with inmates.

9. I often sought psychological counseling and medical assistance for help with problems related to my transsexualism.

10. In January, 1988, I was transferred from FCI-Petersburg to the Federal Correctional Institution in Oxford, Wisconsin ("FCI-Oxford"), with holdover housing at USP-Lewisburg, FCI-Elreno and the United States Penitentiary, Terre Haute, Indiana ("USP-Terre Haute"). At each of these hold-over institutions I was administratively segregated solely because of my transsexualism.

11. I arrived at FCI-Oxford in January, 1988, and was released shortly thereafter into the general population. On February 4, 1988, my transsexualism was documented in a psychological questionnaire and summary. On February 8 and June 22, 1988, I filed administrative remedies with Defendant BRENNAN that outlined my transsexuality. For example, one remedy stated: Farmer, a transsexual prior to her incarceration received psychological counseling for a sex-change operation at Johns' Hopkins University. Additionally, she received the medication of conjugated estrogen and had an unsuccessful operation on the blackmarket in New York City to have her testicles removed.



EXHIBITS 12, 13, and 14 - (Psychological Summary and Administrative Remedies).

12. On July 11, 1988, I filed an administrative remedy with Defendant DUBOIS that concerned my transsexualism.

EXHIBIT 15 - (Regional Administrative Remedy Appeal).

13. On February 12, 1988, I brought the case of Farmer v. Edwin Meese, Michael Quinlan, E. J. Brennan, and Mr. Haas, 88-C-110-S (W.D.Wi 1988) directly regarding my transsexualism. Both Defendant QUINLAN and BRENNAN received service of process in this case and relied on the case of Farmer v. Carlson, *supra*, in their response. Thus, they are aware of my transsexuality and danger to my safety because of my transsexualism.

EXHIBIT 16 - (Farmer v. Meese, et al., 88-C-110-S).

14. While in the general population at FCI-Oxford, I presented myself as a female and was often observed by Defendants' BRENNEN and KURZYDLO. Further, because of my feminine appearance I received a lot of sexual pressure from fellow inmates and on at least one occasion was forced to engage in a sex act with another inmate.

15. Also, while at FCI-Oxford, I brought the case of Farmer v. Quinlan, 88-0879J6P (District of Columbia) (claiming discrimination because of my transsexualism). Defendant QUINLAN received a copy of the complaint in this case, which gave him knowledge of my transsexualism.

16. I was transferred from FCI-Petersburg to FCI-Oxford for disciplinary reasons. Particularly, while at FCI-Petersburg, I received disciplinary reports for alleged infractions



such as fraudulently ordering ladies sweat clothing, hair relaxer and watch; wearing my T-shirt in a female fashion (off one shoulder) which prison officials claimed exposed a portion of my breast, and attempting to introduce female hormones in the institution. I also received one disciplinary report at USMCFP-Springfield and USP-Lewisburg for alleged credit-card misuse. At FCI-Oxford I received similar incident reports for allegedly attempting to introduce female hormones into the institution and fraudulently ordering a ladies watch and flowers for other inmates. Throughout my incarceration I have had to smuggle female hormones into the institution.

EXHIBIT 17 - (Incident reports from FCI-Petersburg, USMCFP-Springfield, USP-Lewisburg and FCI-Oxford).

17. As a result of the incident report of allegedly fraudulently ordering flowers for other inmates, it was recommended that I be given a disciplinary transfer. Pursuant thereto on February 6, 1989, Defendant KURZYDLO prepared a Request for Transfer for Defendant BRENNAN, addressed to Defendant DUBOIS and SMITH, recommending that I be transferred to a maximum security penitentiary. Defendant KURZYDLO included a copy of my Pre-Sentence Investigation Report, which thoroughly documents my transsexualism. He also included a Progress Report that outlined my previous transfers.

EXHIBIT 18 and 19 - (Request for Transfer and Progress Report)

18. Though Defendant KURZYDLO recommended that I be transferred to the United States Penitentiary in Leavenworth, Kansas, Defendants DUBOIS and SMITH, directly or indirectly, redesignated me to USP-Terre Haute, and on March 9, 1989



Defendant BRENNAN signed a Transfer Order for me to be transferred to USP-Terre Haute.

EXHIBIT 20 - (Transfer Order)

19. Prior to my transfer from FCI-Oxford, I received three additional disciplinary reports for allegedly engaging in a sex act, writing another inmate and unauthorized possession of a Motrin, aspirin. With regard to my disciplinary reports in a letter dated July 14, 1988, from Niel Blumberg, M.D.P.A., Diplomate American Board of Psychiatry, Neurology and Forensic Psychiatry, addressed to prison officials at FCI-Oxford, advising them of my transsexualism and other mental disorders and concluding that unless I receive appropriate treatment for my problems, it is unlikely that my involvement in criminal activities would cease. Though, Defendants' here seem to imply that my non-violent, non-aggressive, fraud type disciplinary infractions warrant my placement in a maximum security institution of the Bureau of Prisons. Officials at USP-Lewisburg were aware of these same facts, but still because of the danger to my safety, would not release me into the penitentiary environment. Furthermore, Defendant EDWARDS declares that he was advised of these facts before I ever reached USP-Lewisburg.

EXHIBITS 21 and 22 - (Letter from Niel Blumberg, M.D.P.A., Declaration of Calvin Edwards).

20. Defendant KURZYDLO, BRENNAN, DUBOIS and SMITH knew that the environment of a penitentiary would not necessarily offer me any additional security, benefits or otherwise serve a legitimate interest.

21. BUREAU OF PRISONS, HEALTH SERVICE MANUAL 6100.2 confers that



transsexuals will ordinarily be placed in co-correctional facilities. However, neither Defendant QUINLAN, EDWARDS, BRENNAN, KURZYDLO, DUBOIS or SMITH adhered or observed this policy in designating me to institutions within the Federal Bureau of Prisons, including USP-Terre Haute. Moreover, Defendant QUINLAN has failed to make the policy effective or determine its' effectiveness, enforce its' provisions or reference it in any of the Federal Bureau of Prisons policies normally used to determine an inmates designation.

EXHIBIT 24 - (BUREAU OF PRISONS, HEALTH SERVICE MANUAL)

22. In fact, the Federal Bureau of Prisons, its' employees and agents believe and rely on Bureau of Prisons, Security and Classification Manual when determining inmate's designations, including transsexuals.

EXHIBIT 25 - (ADMINISTRATIVE REMEDIES)

23. Bureau of Prisons, Security Classification and Designation Manuals essentially asserts certain criteria for determining an inmates security and custody level and assigns particular security and custody levels to federal institutions. However, the policy gives prison officials broad discretion in designating inmates and also provides a sliding scale. At all times mentioned in this declaration, USP-Lewisburg was a level 5, USP-Terre Haute, FCI-Petersburg and FCI-Oxford was a level 4. With regard to USP-Terre Haute though it was a level 4, because it is designed as a penitentiary it offered greater security than any other level 4 institution. At one point and now USP-Terre Haute is considered a level 5 institution.

EXHIBIT 26 - (BUREAU OF PRISONS, SECURITY AND DESIGNATION)



MANUALS)

24. On March 23, 1989 I was released into the general population at USP-Terre Haute, and assigned to Unite 3M. On April 1, 1989, approximately one week later between 9-10 p.m. an inmate I know only as D.C., entered my cell and asked me what I was going to do. Obviously, referring to having sex with him. I responded I wasn't going to do anything. I could tell that he had been drinking because his words were slurred and I could smell the alcohol on him. After I said I wasn't going to do anything, he just stared at me for a moment (it seem like forever), than he punched me in the face, knocking me back up against the locker and into the window. He continued to hit me and I kept trying to grab his hands and he said if you don't let my hands go I will use my feet. I kept holding his hand saying "Why are you doing this?" So he raised his foot and started kicking me, that is when I saw the home made knife stuck in his sneaker, and let his hands go. He hit me a few more times before tearing and pulling my clothes off me, holding me down on the bed and forcibly raping me. Then he left. Before he left was the most terrifying moment, because from the time I saw the knife until he left I was frantic he was going to stab me.

After he left I just laid there for a few minutes, not knowing what to do, than I remembered hearing everybody yelling count time, so I got up and began to try and pull myself together before my cell mate returned. One thing I recall distinctly is there was blood on the mirror and it made me nervous. My face was swollen, my lips and nose were busted, there was a scratch on my back and there was some anal bleeding.

I heard my cell mate and another inmate coming so I washed my face, pushed the



locker back, etc. When my cell mate and the other inmate (whom left immediately because it was count time) come in the cell and I could tell they already knew. After count several guys come and ask me what I was going to do - was I going to "snitch". I shouldn't "snitch" because wherever I went somebody would get me. Thank to make matters worst, D.C. came back, with his chest stuck-out and said, "These guys keep riding me, I guess I shouldn't have done that to you, you're a girl." At that point, I began to openly cry and ask everybody to please leave me alone. Several days later I was moved to another unit. On April 7, 1989, I was placed in administrative detention, at which time I informed several prison officials of the rape. However, the only mention of the incident, is in a 90 day Review Report, dated February 1, 1990, stating I was assaulted. This Report also states: "It was the review committee's consensus that Farmer would project feminine characteristics in the general population . . . .

The medical department and psychological department agree that M[s] Farmer projects feminine characteristics, both mentally and physically . . . . it is the belief of the review team that M[s] Farmer will be perceived by other inmates as feminine and be pressured for sexual favors . . . . Lieutenant Kerr indicates that inmate Farmer may not actively pursue sexual relationships but may be pressured buy other inmates because of h[er] appearance.

EXHIBIT 27 - (90 DAY REVIEW - USP- Terre Haute)

25. While at USP-Terre Haute, I witnessed numerous assaults, fights and other acts of violence. There was enormous amounts of drugs and alcohol in the population. The environment of USP-Terre Haute is much more aggressive and violent, than either



FCI-Petersburg or FCI-Oxford. I am aware of several inmates who were sexually assaulted at USP-Terre Haute, including Jeff Fies, who was forced to perform sex acts with other inmates and Courtney Moore, who received a cut from the tip of her neck straight down her spine. There were also work strikes, riots, etc. while I was at USP-Terre Haute. Further, there were numerous inmates in protective custody because they believed the population of USP-Terre Haute posed a danger to their lives. Some of these inmates were LaRosa Richardson, Clinton Stiener, Roger Bartley, Ricardo Jackson, etc.

EXHIBIT 28 - (INMATE AFFIDAVITS)

26. Because of the inmates I witnessed receiving disciplinary transfers to and from USP-Terre Haute, I know without a doubt that Defendants BRENNEN, KURZYDLO, DUBOIS and SMITH knew USP-Terre Haute was a violent type institution. Inasmuch as inmates who commit violent acts at FCI-Oxford are often transferred to USP-Terre Haute and of course Defendant BRENNEN and KURZYDLO are involved in those transfers. While Defendant SMITH handled a slew of disciplinary transfers from USP-Terre Haute and Defendant DUBOIS reviewed administrative appeals, etc., presenting the environment of USP-Terre Haute. Furthermore, while I was at USP-Terre Haute, Defendant EDWARDS was the Warden for a short time.

27. During the entire period I was in USP-Terre Haute, I was sexually pressured by inmates even while in detention. A good example of the inmates at USP-Terre Haute is presented in an incident that occurred while I was returning from Court in Wisconsin during May, 1991. I was placed at USP-Terre Haute as a holdover and administrative



segregated in their Special Housing Unit. In the cell next to me was an inmate from USP-Terre Haute general population who demanded that I masturbate him through the cell bars and when I refused he did it himself, then demanded that I eat his semen. When I refused this too, he began to threaten me, telling me I didn't know who I was fucking with. I was messing up the game and if I went to recreation he was going to fuck me up. It was not uncommon to encounter these types of inmates during my incarceration at USP-Terre Haute.

I declare under penalty of perjury that the foregoing is true and correct.

3-13-92  
Date

Dee Farmer  
Dee Farmer



CERTIFICATE OF SERVICE

DOCKET  
NUMBER

U.S. DISTRICT COURT  
WEST. DIST. OF WISCONSIN

MAR 18 1992

JOSEPH W. SKUPNIEWITZ, CLERK

THE UNDERSIGN HEREBY CERTIFY THAT  
A COPY OF THE FOREGOING PLAINTIFFS CROSS-  
CLAIM FOR SUMMARY JUDGMENT; MEMORANDUM  
IN SUPPORT OF CROSS-CLAIM FOR SUMMARY JUDGMENT;  
AND PRELIMINARY OPPOSITION OF DEFENDANTS  
MOTION FOR SUMMARY JUDGMENT; MOTION TO FILE  
DOCUMENTS OUT OF TIME; MOTION TO COMPEL  
DISCOVERY WAS MAILED THIS 16th DAY OF  
MARCH, 1992, to: (PLAINTIFFS' DECLARATION INCLUDING)

MARK CAMELI, AUSA  
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Dee Damm