

The Law Office of

David E. Coombs

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RE: Chelsea's Medical Treatment for Gender Dysphoria

A year after declaring on The Today Show that she was a woman and wanted to begin treatment for her gender dysphoria “as soon as possible”, Chelsea is still waiting for adequate medical care. Over the course of the last year, the military has ignored multiple pleas by Chelsea regarding her medical care. The military has even ignored its own mental health experts who have confirmed the gender dysphoria diagnosis and recommended immediate medical treatment.

The military's failure to provide adequate medical care dates back to April of 2010. In April of 2010, Chelsea sent her supervisor an email entitled “My Problem” along with a photo of herself dressed as a woman. In the email, Chelsea described in painful detail how her gender dysphoria was impacting her life. She told her supervisor that she believed a career in the military would get rid of her gender dysphoria, but it only made it worse. Gender dysphoria impacted Chelsea so much that she described her entire life as being “a bad dream that won't end.” Despite receiving this cry for help, her supervisor did nothing.

In May of 2010, Chelsea opened up to her military mental health provider about her problem. It was at that time that Chelsea was first diagnosed with possibly having gender dysphoria. The mental health provider confirmed this diagnosis later that same month and recommended that she begin a treatment plan immediately.

A few days later, Chelsea made the fateful decision to reach out to Adrian Lamo for comfort and support. In her online chats with Lamo, Chelsea described how lost she felt and how her gender dysphoria was affecting her life. Days later, due to Lamo's betrayal of trust, Chelsea was arrested and placed into pretrial confinement at Camp Arifjan, Kuwait.

Over the course of 59 days at Camp Arifjan, Chelsea was held in virtual isolation and denied access to family and friends. Under these conditions, Chelsea quickly deteriorated to the point that she was placed on 24-hour suicide watch. Given the limited resources at Camp Arifjan, Chelsea was transported to the pretrial confinement facility at Marine Corps Base Quantico on July 29th, 2010. While at Quantico, she was once again diagnosed with gender dysphoria, but again denied any medical treatment for her condition.

Chelsea endured nine months of solitary confinement and mental abuse at Quantico. It was only after public outcry and the embarrassment of PJ Crowley's statements that President Obama directed Chelsea be removed from Quantico and transferred to the Joint Regional Correctional Facility (JRCF) at Fort Leavenworth. Although Chelsea was no longer being held in solitary confinement at the JRCF, she was still being denied access to necessary medical care for her gender dysphoria.

For over two years, Chelsea remained at the JRCF awaiting trial. The Army ignored her repeated demands for a speedy trial. While her trial was still pending, Chelsea did not want the issue of her medical care for gender dysphoria to become a distraction. Instead of raising concerns over her treatment at the JRCF, Chelsea chose to suffer in silence.

The day after her sentencing, Chelsea elected to end her silence. Since making her public announcement on The Today Show, Chelsea has successfully changed her legal name and has begun living her life as a woman. Unfortunately, her struggle for adequate medical care continues.

Despite having received at least four diagnoses of gender dysphoria, Chelsea has received no treatment. Specifically, her requests for hormone therapy and clothing and grooming standards consistent with her female gender have all been ignored. There is a clear medical consensus that gender dysphoria is a serious medical condition. There is also a medical consensus that if left untreated, gender dysphoria can lead to severe medical problems.

The military's failure to comply with the treatment recommendations and protocols for Chelsea's diagnosed gender dysphoria violates her well-established constitutional right to be free from cruel and unusual punishment. The military may not deny access to certain types of treatments based on a blanket policy that it does not allow for medical treatment of Soldiers with gender dysphoria. Courts across the country have held that the Eighth Amendment does not permit prisons to deny prisoners adequate medical treatment for gender dysphoria. The Constitution also does not authorize prison officials to withhold medically necessary care from a prisoner because of the arbitrary decisions of governmental officials.

Given the military's failure to provide adequate medical care, the American Civil Liberties Union along with myself have sent a letter demanding that the military immediately initiate treatment for Chelsea consistent with the recommendations of her treating doctors and an outside expert who evaluated her. If the military fails to adequately respond to the demand, we are prepared to pursue litigation to vindicate her constitutional rights.



David E. Coombs