



Written by [Raven Clabough](#) on December 21, 2020

Judge Rules Wisconsin Transgender Prisoner Who Raped His Own Daughter Should Undergo Taxpayer-funded Sex Reassignment Surgery

A federal judge has ruled a Wisconsin man who is imprisoned for raping his own daughter is entitled to receive a sex change operation at the taxpayer's expense.

U.S. District Judge James Peterson ruled Mark Allen Campbell is entitled to sex change surgery and should be moved to a women's prison while he awaits his transition. Campbell was sentenced to 34 years in jail in 2007 after he pled guilty to first-degree sexual assault against his daughter; he now identifies as a transgender woman under the name Nicole Rose Campbell.



Photo: Vovchyn Taras / iStock / Getty Images Plus

Campbell began requesting sex reassignment surgery in 2013, the Daily Wire reports, and has been receiving female hormones and transgender counseling, paid for by Wisconsin taxpayers, while at Racine Correctional Institute, a men's prison. To accommodate Campbell's gender dysphoria, Racine has allowed Campbell to dress in women's clothing and wear makeup.

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It wasn't enough for Campbell. By 2016, Campbell filed a lawsuit claiming his Eighth Amendment rights were violated because Department of Corrections (DOC) officials were "indifferent" to his "medical needs," which he claims amounted to cruel and unusual punishment.

Last year, the 7th U.S. Circuit Court of Appeals ruled that DOC officials were immune to damages in the lawsuit because they could not be expected to know that denying Campbell a sex change was a violation of his rights.

"The Eighth Amendment requires prison healthcare professionals to exercise medical judgment when making decisions about an inmate's treatment. And they cannot completely deny the care of a serious medical condition," Judge Diane Sykes wrote in the decision.

"But cases recognizing those broad principles could not have warned these defendants that treating an inmate's gender dysphoria with hormone therapy and deferring consideration of sex-reassignment surgery violates the Constitution."

But Judge Peterson handed Campbell an enormous victory this month when he ordered the state to provide Campbell the gender-reaffirming surgery.

"The rights of transgender persons and sex reassignment surgery remain politically controversial, even outside the prison context," wrote Peterson. "And some members of the public are outraged at any effort to improve the health and well-being of inmates. But the true public interest lies in alleviating



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needless suffering by those who are dependent on the government for their care.”

The DOC requested that Peterson first be required to live for a year at Taycheedah Correctional Institution, a women’s prison, before the judge orders the surgery. The Post Millennial notes the “national standard of care” for candidates of sex reassignment surgery is to live for a year as the opposite sex with “real-life” experience. But Peterson denied that request.

“I decline to impose any further prerequisites on Campbell’s sex reassignment surgery; she has waited long enough,” Peterson further wrote.

Peterson added, however, that it could take up to a year for Campbell to schedule the surgery — there is only one surgeon in Wisconsin qualified to perform the procedure — and suggested transferring him to a woman’s prison in the meantime, despite his criminal history of rape.

Judge Peterson argued, “To be clear: an inmate’s criminal history is irrelevant to whether she has a right to necessary medical treatment.”

Peterson added that while not all transgender people need surgery as part of their treatment for gender dysphoria, “Campbell continues to suffer from gender dysphoria, which causes her anguish and puts her at risk of self-harm or suicide.”

Of course, data shows that sex reassignment surgery often contributes to increased rates of self-harm amongst the transgender community. The Centers for Medicare and Medicaid Services [observed](#) in 2018 that there was an increased “incidence of mortality and psychiatric hospitalization” in large part due to suicides amongst individuals who underwent sex reassignment.

An October 2019 [paper](#) published in the *American Journal of Psychiatry* entitled, “Reduction in Mental Health Treatment Utilization Among Transgender Individuals After Gender-Affirming Surgeries: A Total Population Study,” which includes the largest dataset on sex reassignment procedures, both hormonal and surgical, found that those procedures do not offer mental health benefits.

In August 2016, the Centers for Medicare and Medicaid [wrote](#) that “the four best designed and conducted studies that assessed quality of life before and after surgery using validated (albeit non-specific) psychometric studies did not demonstrate clinically significant changes or differences in psychometric test results after GRS [gender reassignment surgery].”

Treatment for gender dysphoria should not include indulging the delusions of gender misidentity. Instead, it should include mental health treatment that helps individuals to “align their thoughts and feelings with reality, including the reality of the body,” [writes](#) Ryan T. Anderson, Ph.D., senior research fellow in American Principles and Public Policy.

The *Milwaukee Journal Sentinel* reports Campbell will be the first in Wisconsin to have the surgery while in state custody.



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