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Damages Awarded after Transsexual Woman's Death

Payout to Mother of Victim of Bigoted Emergency Workers' Negligence

by Sarah D. Fox, PhD., Q.U.I.L.L., Washington D.C. 12th December, 1998

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On 7th August 1995, Tyra Hunter, a pre-operative transsexual woman and highly successful hair stylist, was critically wounded in an automobile accident when a motorist ran a stop sign and broadsided her car. Finding today that she died in part because of negligence by the D.C. Fire Department and malpractice by the D.C. General Hospital, a jury awarded \$2.8 million in damages to Margie Hunter, Tyra's mother.

... at the 1995 accident scene, they discovered her male genitalia. One of them exclaimed. "This ain't no bitch. It's a nigger. He's got a [phallus] and balls." Treatment was immediately discontinued.

When three D.C. Fire Department E.M.T.s, including Adrian Williams, removed Ms. Hunter's slacks to assess her bleeding at the 1995 accident scene, they discovered her male genitalia. One of them exclaimed. "This ain't no bitch. It's a nigger. He's got a [phallus] and balls." Treatment was immediately discontinued. The E.M.T.s ridiculed the still-conscious Ms. Hunter, allowing her to bleed profusely on the pavement while horrified onlookers begged them to render aid. Treatment was resumed only after Fire Chief Otis Latin arrived at the scene.

Still conscious upon her arrival at D.C. General Hospital, Ms. Hunter was given a medication to paralyse her. She died about an hour later from blood loss. According to expert testimony, Ms. Hunter would have experienced "sheer terror" from feelings of intense suffocation. That, combined with drug-induced paralysis and the probable memory of the

E.M.T.s hateful remarks, paints a macabre picture of Ms. Hunter's final moments.

A deposition by attending physician Joseph Bastian states that while Ms. Hunter lay dying in the E.R., the E.M.T.s continued ridiculing her in a nearby visiting area. They became so disruptive that the hospital staff reported them to the police.

The jury attributed Ms. Hunter's death in part to the E.M.T.s' refusal to administer critical first-response aid and in part to the malpractice of Dr. Bastian. According to expert testimony, Ms. Hunter would have had a 71 to 88 percent chance of survival with prompt, competent attention.

The trial was riddled with unlikely testimony and missing evidence: E.M.T. Adrian Williams testified he assumed Ms. Hunter was a man as he approached her and rendered aid, failing to notice that she had breasts, make-up, women's clothing, a woman's hairstyle, and white nail polish. One subpoenaed D.C. General employee disappeared to Africa until late December. Important patient records were physically altered. Blood gas results and x-ray films were all lost.

Ms. Hunter's treatment has so incensed the American transgender population that activists have discussed it prominently when lobbying the U.S. Congress for hate crimes protection. Tyra's story is surprisingly commonplace and speaks to the fears of most transsexuals, who sometimes feel pressured to undergo expensive sexual reassignment surgery and to alter their legal documents specifically to avoid such nightmares.

It is disappointing that criminal action was not taken and that the offending E.M.T.s were neither disciplined nor reprimanded, despite widespread complaint from Washington citizens. Still, the victory today is a milestone. Today a jury ruled that a transgendered person's life is worth protecting. Today the transgendered population became a bit more human in the eyes of the public.

In the words of transgender activist Jessica Xavier, "I think they came to see Tyra as an ordinary human being, just trying to make her life work, when it was taken from her by the proven negligence of city health care professionals whose duty it was to treat her. This is a victory for transpeople everywhere."

Tyra Hunter

From Wikipedia;  Tyra Hunter (1970 – 1995) was an African-American pre-operative transsexual woman

who died after being injured as a passenger in a car accident and being refused emergency medical care. Emergency medical technicians at the scene of the accident uttered derogatory epithets and withdrew medical care after discovering that she had male genitalia, and E.R. staff at D.C. General Hospital subsequently provided dilatory and inadequate care.



On December 11, 1998, a jury awarded Hunter's mother, Margie, \$2.9 million after finding the District of Columbia, through its employees in the D.C. Fire Department and doctors at D.C. General, liable under the D.C. Human Rights Act and for negligence and medical malpractice for causing Tyra's death. While \$600,000 of the amount was awarded for damages attributable to violations of the D.C. Human Rights Act associated with the withdrawal of medical care at the accident scene and openly denigrating Tyra with epithets, a further \$1.5 million was awarded to her mother for Tyra's conscious pain and suffering and for economic loss from the wrongful death medical malpractice claim. Doctors at D.C. General failed to diagnose and treat Tyra who died of internal bleeding in the hospital emergency room. Evidence at the trial demonstrated that had Tyra been provided with a blood transfusion and referred to a surgeon, she would have had a 90 percent chance of surviving. The case against the District of Columbia was tried by Richard F. Silber. Dana Priesing, an observer at the trial, wrote that the evidence supported "the inference that a stereotype (namely that Tyra was an anonymous, drug using, transgender street person) affected the treatment Tyra received", and that the "E.R. staff, as evidenced by their actions, did not consider her life worth saving".

Tyra had transitioned at the age of 14 and lived entirely as a woman. Over 2,000 people attended her funeral. T.Y.R.A. (Transgender Youth Resources and Advocacy), a program of the Illinois Gender Advocates and Howard Brown Health Centre, is a Chicago area transgender youth initiative named in her memory.

Further Information

[G.L.A.A. Victory in Tyra Hunter Case](#) 

[Metro Weekly: A Life Remembered](#) 

[Tyra Hunter Medical Transphobia Death 15th Anniversary](#) 

[TransGriot: Tyra Hunter Anniversary](#) 

[Advocate.com: Injustice at Every Turn](#) 

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