

COMMENTARY **Gender**

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If this wasn't a real order from a real federal judge, you'd think it was something written for The Babylon Bee or Mad magazine.

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KEY TAKEAWAYS

in prison for murdering a baby.

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He says that Indiana’s failure to provide Richardson with the surgery necessary to cut off his penis and give him fake breasts violates the Eighth Amendment.

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Residents of Indiana should be stunned by the actions of Judge Richard Young who used his power to force them to pay for a sex change operation for a child murderer.

Every time a radical, out-of-control federal judge issues an outrageous opinion, you would think things couldn’t get any worse. But then someone like Richard Young comes along.

Young, a Clinton-appointed federal district court judge in Indiana, just ordered the state’s Department of Corrections to provide sex reassignment surgery to a man who wants to masquerade as a woman—a man who is in prison for murdering a baby.

That, shockingly, is what Young did in his order in *Autumn Cordellione v. Indiana*. Lest you be fooled by the name “Autumn” or the fact that Young refers to “Autumn” as “Ms.” and “her” throughout his disgraceful opinion, this criminal’s real name is Jonathan Richardson. He is in prison for strangling his 11-month-old stepdaughter to death in 2001.

Richardson, who the judge refers to in his order as the “individual” or the “incarcerated transgender person,” is being represented by the ACLU in this lawsuit, in which Richardson demands that he be provided with “gender-affirming

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Indiana has already provided this male child killer with “panties, makeup, and form-fitting clothing” while in prison—a place that, if justice is served for this vicious crime, Richardson will never, ever leave. But as Indiana Attorney General Todd Rokita [says](#), “Convicted murderers don’t get to demand that taxpayers foot the bill for expensive and controversial sex-change operations. It defies all common sense.”

Au contraire, according to Young. He says that Indiana’s failure to provide Richardson with the surgery necessary to cut off his penis and give him fake breasts violates the Eighth Amendment.

If this wasn’t a real order from a real federal judge, you’d think it was something written for *The Babylon Bee* or *Mad* magazine.

The Eighth Amendment prohibits the infliction of “cruel and unusual punishments.” As the *Heritage Guide to the Constitution* [explains](#), the amendment was included in order to prevent the type of “torturous punishments” often inflicted by the British Crown, like “pillorying, disemboweling, decapitation, and drawing and quartering.”

Yet for decades, opponents have tried to use the ban on “cruel and unusual punishments” to outlaw the death penalty altogether. The Supreme Court ended that in 1976 in [Gregg v. Georgia](#), when it held that the death penalty is not a per se violation of the Eighth Amendment.

The court has further held in a series of cases that under the Eighth Amendment, punishments cannot be disproportionate to the offense. But it also held just last year in [City of Grants Pass v. Johnson](#), a case illustrating the extremes to which those trying to misuse the Eighth Amendment will go, that public bans on camping in public parks are not “cruel and unusual punishment.” That claim was just as absurd as the ACLU’s claim in the Richardson case.

Young relies on his opinion in the guidelines on “gender dysphoria” issued by the World Professional Association for Transgender Health, as well as some other so-called experts. WPATH’s [work](#) and medical opinions have been severely criticized

Young dismissed the opinion of the treating psychologist at Richardson’s prison that Richardson has personality disorders, not “gender dysphoria,” that display “an established pattern of attention-seeking behavior.”

Richardson is certainly getting that attention with Young’s decision that not providing him with gender surgery is “cruel and unusual punishment.” But we shouldn’t be surprised. Young is the same judge who in 2018 struck down an Indiana law that required healthcare providers to report abortion complications to the state health department in [PPINK v. Indiana](#).

>>> [Trump’s Transgender Orders Are Well Within Executive Authority](#)

In other words, when the health and lives of real women were endangered by botched abortions performed by incompetent physicians who committed malpractice, Young prevented state health authorities from being able to do anything about it. Young apparently believes in protecting only fake women, not real ones.

As this case demonstrates, it isn’t only the Trump administration that’s dealing with an arrogant, imperial judiciary that ignores the Constitution and the rule of law and acts far outside of its authority. State governments are also on the receiving end of outlandish and bizarre orders like this one.

The Supreme Court recently declined to intervene—at least for now—in [Department of State v. AIDS Vaccine Advocacy Coalition](#), in which the Trump administration is dealing with another rogue judge who has ordered the government to distribute \$2 billion of taxpayer money without examining the serious defenses raised by the government. In a dissent from the court’s refusal to hear the case, which was joined by Justices Clarence Thomas, Neil Gorsuch, and Brett Kavanaugh, Justice Samuel Alito wrote:

to compel the Government of the United States to pay out (and probably lose forever) \$2 billion? The answer to that question should be an emphatic "No," but a majority of this Court apparently thinks otherwise. I am stunned.

The taxpayers and residents of Indiana should also be stunned by the actions of Judge Richard Young who used his thus-far-unchecked power to force them to pay for a sex change operation for a child murderer, the worst of the worst.

Stunned indeed.

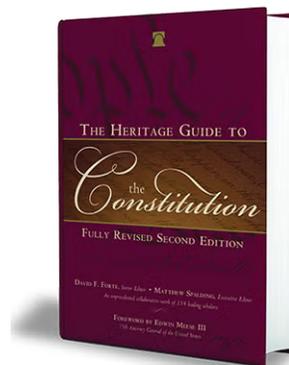
This piece originally appeared in The Daily Wire

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