

No. 25-840

IN THE
Supreme Court of the United States

INTERNATIONAL PARTNERS FOR ETHICAL CARE, INC.,
et al., *Petitioners*,

v.

BOB FERGUSON, Governor of Washington, et al.,
Respondents.

On Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

**Brief *Amicus Curiae* of
America's Future,
Public Advocate of the United States,
Public Advocate Foundation,
U.S. Constitutional Rights Legal Defense Fund,
Center for Morality,
Restoring Liberty Action Committee, and
Conservative Legal Defense & Education Fund
in Support of Petitioners**

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INTEREST OF THE *AMICI CURIAE*¹

Amici curiae America's Future, Public Advocate of the United States, Public Advocate Foundation, U.S. Constitutional Rights Legal Defense Fund, Center for Morality, Conservative Legal Defense and Education Fund are nonprofit organizations, exempt from federal income tax under either section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. Restoring Liberty Action Committee is an educational organization. These entities, *inter alia*, participate in the public policy process, including conducting research, and informing and educating the public on the proper construction of state and federal constitutions, as well as statutes related to the rights of citizens, and questions related to human and civil rights secured by law.

Some of these *amici* filed an *amicus* brief in this case in this Court in support of the petition for certiorari. See Brief Amicus Curiae of America's Future, et al. (Feb. 17, 2026). In addition, some of these *amici* have filed *amicus* briefs in this Court in other cases addressing similar parental rights issues. See *Parents Protecting v. Eau Claire Area School District, Wisconsin*, No. 23-1280, Brief Amici Curiae of America's Future, et al. (July 8, 2024); *United States v. Skrmetti*, No. 23-477, Brief of Amici Curiae America's Future, et al. (Oct. 15, 2024); *Mahmoud v. Taylor*, No. 24-297, Brief Amici Curiae of America's

¹ It is hereby certified that no counsel for a party authored this brief in whole or in part; and that no person other than this *amicus curiae*, its members, or its counsel made a monetary contribution to its preparation or submission.

Future, et al. (Oct. 16, 2024) and Brief Amici Curiae of America’s Future, et al. (Mar. 10, 2025); *Mirabelli v. Bonta*, No. 25A810, Brief Amicus Curiae of America’s Future, et al. (Jan. 21, 2026); and *Stovall v. Jefferson County Board of Education*, No. 25-1302, Brief Amicus Curiae of America’s Future, et al. (June 17, 2026).

STATEMENT OF THE CASE

The law challenged here was enacted by the State of Washington in 2023, giving strangers authority over the sexual lives of runaway children, while keeping their parents in the dark. Previously, a state-regulated youth shelter was required to attempt to contact parents of runaway children within 24 hours, and was required to contact them within 72 hours to pick up the child unless they believed the child would be subject to neglect or abuse if returned home. See Petitioner’s Brief (“Pet. Br.”) at 5. The 2023 law, Wash. Rev. Code § 13.32A.082(2)(c)(ii), provided that if the child is seeking “protected health care services,” the shelter need not inform the parents, and need only inform the Washington State Department of Children, Youth and Families (“DCYF”). *Id.* at 6. DCYF must then “[o]ffer to make referrals on behalf of the minor for appropriate behavioral health services,” Wash. Rev. Code § 13.32A.082(3)(b)(i). Pet. Br. at 7. These “protected health care services” expressly include so-called “gender-affirming treatment.” Wash. Rev. Code §13.32A.082(2)(d). Pet. Br. at 6. The requirement that parents must be notified within 72 hours was entirely removed. See Pet. Br. at 6-8.

The 2023 law was challenged by five Washington couples, four of whom are parents of gender-confused children (one of the children had already run away in the past), and by advocacy organizations International Partners for Ethical Care, Inc. (“IPEC”), and Advocates Protecting Children. The plaintiffs argued that the law incentivized children to run away from their parents to seek potentially irreversible and life-altering surgical and chemical treatments for “gender transition” which their parents did not wish to provide, in violation of the parents’ Due Process rights under the Constitution. Defendants are Washington’s Governor, Attorney General, and Secretary of the Washington Department of Children, Youth and Families.

The District Court for the Western District of Washington dismissed the case, concluding that because none of the plaintiff parents’ children had run away and been granted “gender treatments” by the state, the parents’ injuries were too speculative to support standing. *Int’l Partners for Ethical Care, Inc. v. Inslee*, 2024 U.S. Dist. LEXIS 87844 at *3-4 (W.D. Wash. 2024) (“*IPEC I*”).

A Ninth Circuit panel affirmed. The parents argued that they had stopped even discussing issues of gender with their confused children for fear that the children would run away to take advantage of the new law and receive surgical and chemical intervention without parental consent or knowledge. The Ninth Circuit ruled that the parents’ choice not to speak with their children about gender issues constituted “[d]amages ‘inflicted by [their] own hand,’” and thus

they had no standing. *Int’l Partners for Ethical Care, Inc. v. Ferguson*, 146 F.4th 841, 849 (9th Cir. 2025) (“*IPEC II*”).

The Ninth Circuit denied en banc review. *Int’l Partners for Ethical Care, Inc. v. Ferguson*, 161 F.4th 604 (9th Cir. 2025) (“*IPEC III*”). Dissenting from the denial of en banc review, Judge VanDyke noted that “Washington [claims it] doesn’t harm any parent until the moment that it gets caught secretly subjecting a child to so-called gender transition services — something that parents might never know until it’s too late.” *Id.* at 605 (VanDyke, J., dissenting). He argued that “[s]uch a reductionist view of parental rights ... chills the rights of these parents to direct the care and upbringing of their children, strikes at the heart of what the parental right protects, and constitutes a current and ongoing invasion of the parents’ constitutional rights.” *Id.* Judge VanDyke argued that:

[s]o long as Washington encourages minors to take the plunge into gender transitions without the knowledge (or even over the objection) of fit parents, parents lose their ability to direct the care and upbringing of their children, regardless of whether § 13.32A.082(2)(c)(ii)’s sword of Damocles ever falls on that particular parent.... [O]ur own court has tragically erred. [*Id.* at 611 (VanDyke, J., dissenting)].

SUMMARY OF ARGUMENT

The Ninth Circuit decision invents and applies a new rule of standing which requires actual harm be done to children before federal courts will entertain a parental challenge to the statute which facilitates that harm. There is no known rule of standing which requires children be sexually traumatized, potentially irreversibly, before federal courts will find a case or controversy exists. Moreover, if the challenge here had been heard, there is little doubt that the Washington State law would have been struck down under *United States v. Skrmetti*, 605 U.S. 495 (2025) and other recent decisions of this Court. Thus, there is grave risk that the standards for standing are being manipulated by judges to achieve the results personally desired by them.

The Washington State law was enacted at the height of the transgender craze which swept the nation. Since then, the corrupt origins of transgenderism, and its damaging effect on children, has been demonstrated from multiple sources including the Epstein files. Several states, the British and U.S. governments, the American Society of Plastic Surgeons and the American Medical Association finally have recognized the profound danger of transgender treatments for minors. That which certain Washington State legislators termed “gender affirming” care is now understood to constitute child abuse. The Ninth Circuit’s decision is not required by Article III and cannot stand.

ARGUMENT

I. WASHINGTON’S INJURY TO PETITIONERS’ PARENTAL RIGHTS IS IMMEDIATE AND DEFINITE, NEITHER FUTURE NOR SPECULATIVE.

One hundred years ago, this Court established that parents — not government agents — have the authority to direct the lives of their children: “[t]he child is **not the mere creature of the State**; those who nurture him and direct his destiny **have the right**, coupled with **the high duty**, to recognize and prepare him for additional obligations.” *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 535 (1925) (emphasis added). The State of Washington has legislatively stripped that constitutionally recognized authority from the Petitioner parents here, creating a very real risk of irreversible harm to the children, which is itself sufficient to demonstrate standing.² “The loss of [constitutional] freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

The Ninth Circuit apparently disagrees with these long-standing principles established by this Court, believing that only after one of Petitioners’ children runs away to a youth shelter, and is victimized by dangerous surgical or chemical “sex-change

² Some of these *amici* recently discussed parental rights being violated by a California parental exclusion policy in *Mirabelli v. Bonta*, No. 25A810. See Brief Amicus Curiae of America’s Future, et al. (Jan. 21, 2026).

"treatments without the parents' knowledge, Petitioners would have standing. Such a perverse rule would prevent parents from acting to protect their children before strangers actually, and sometimes irreversibly, interfere in the health and personal sexual development of minor children. The Washington law immediately stripped parental authority from certain parents, typified by Petitioners, transferring that parental authority to agents of the state. Making matters worse, these agents of the government embrace a perverse, immoral, gender-based political agenda likely to harm the gender-confused children of others. Putting the sexual lives of minor children under the authority of strangers should be felony child abuse, but rather than be prosecuted, these agents of the state will be protected by the State of Washington. In practice, the Washington law destroys the core promise of *Pierce*, rendering certain children "mere creature[s] of the state." *Id* at 535.

Indeed, the law was written for the very purpose of reversing the rule of *Pierce*, as the law's sponsors made clear. Senator Lias stated, "when a young person is [among other things] seeking gender-affirming care in the face of opposition and hostility from their family ... we need to focus on the essential needs of a young person — ensure they're getting the care they deserve...." Pet. Br. at 10. Representative Taylor stated:

we're talking about children who are not in this room hearing really encouraging language from their parents. It's the ... words that are constantly told — "you cannot be uniquely you.

You cannot be something other than what I desire for you to be. And if you do not follow my rules ... I'm not even gonna give you the safety, the comfort that you so desire when you want to be uniquely you." ... [So w]e must step in. We must provide a place for this child. [*Id.* at 11.]

Senator Trudeau stated, "we would love to know that every family is a family that supports their children. But ... [m]any families don't. And for the kids that come from those families, they deserve the support and love as well." *Id.* By "support," Senator Trudeau meant, *inter alia*, facilitating the chemical or surgical manipulation of the sexual organs of minor children.

These Washington state legislators clearly view themselves in an adversarial relationship with the parents of gender-confused runaway children. The state has arrogated to itself the power to choose the best medical path for these children, regardless of the parents' wishes. To avoid the need to rule on whether the Washington State law is consistent with this Court's jurisprudence, the Ninth Circuit established an impossibly high bar for standing, that the court can only intervene after the children are sexually harmed, often irreversibly. Under the Ninth Circuit's decision, Petitioner parents have been stripped of authority, and their children reduced to "mere creatures of the state" by the simple act of running away from home. The law was written not to be triggered by some assessment of parental unfitness, but by the assumption that the mental and emotional confusion of minor children

should be indulged. After the harm is done, the children are returned to the parents to address the harm done, after which the agents of the state go home to their homes and families.

The language of “love” and “support” voiced by these state legislators veils the iron fist of the state allowing children too young to give valid consent to make irreversible, life-destroying decisions without the consent or even the knowledge of their parents. Before the law, Petitioners’ children could not seek to have healthy body parts removed or chemically altered without parental consent. Now, it appears they can. The parents’ legal right to interpose between their confused, runaway children and physicians willing to perform irreversible surgeries or prescribe chemical treatments for profit has been voided by Washington. The harm from such a policy for the Petitioners is definite and immediate, neither future nor speculative. As Judge VanDyke noted in his dissent,

[u]nder its rationale, Washington doesn’t harm any parent until the moment that it gets caught secretly subjecting a child to so-called gender transition services — **something that parents might never know until it’s too late**. Such a reductionist view of parental rights mistakes parental authority for a mere property interest in the physical possession of a child. [*IPEC III* at 605 (VanDyke, J., dissenting) (emphasis added).]

The law is already “a current and ongoing invasion of the parents’ constitutional rights.” *Id.*

In a similar situation, Justice Alito recently noted,

the challenged policy ... specifically encourage[s state actors] to keep parents in the dark about the “identities” of their children, especially if the [state] believes that the parents would not support what the [state] thinks is appropriate. Thus, **the parents’ fear that the [state] might make decisions for their children without their knowledge and consent is not “speculative.” They are merely taking the [state] at its word.** [*Parents Protecting Our Child.*, *UA v. Eau Claire Area Sch. Dist.*, 145 S. Ct. 14 (2024) (Alito, J., dissenting from denial of certiorari) (emphasis added).]

The Ninth Circuit needs to be reminded: “[t]he requirements of standing are strict, but they are not cruel.” *IPEC III* at 614 (Tung, J., dissenting). Petitioners have more than met those “requirements of standing” here.

II. LOWER COURTS HAVE OFTEN USED DENIALS OF STANDING TO AVOID REACHING THE MERITS OF PARENTAL RIGHTS CASES.

Petitioners argue that “in too many cases overly stingy standing doctrine has barred [parental rights] claims from Article III courts.” Pet. Br. at 56. These *amici*, having been active in many transgender and family values cases, have observed this same pattern,

which should be recognized and corrected by this Court without further delay.

Constitutionally, the question of standing appears to be clear. As Justice Scalia wrote for this Court in 1992:

[T]he irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an “injury in fact” — an invasion of a legally protected interest which is (a) concrete and particularized.... Second, there must be a causal connection between the injury and the conduct complained of — the injury has to be “fairly ... trace[able] to the challenged action of the defendant, and not ... the result [of] the independent action of some third party not before the court.” Third, it must be “likely,” as opposed to merely “speculative,” that the injury will be “redressed by a favorable decision.”³

Commentators from various ideological perspectives have seen this application of the standing doctrine applied along ideological lines rather than constitutional ones. Yale professor Robert Pushaw has argued, “[u]nfortunately, the injury, traceability (*i.e.*, causation), and redressability standards are so malleable that they can be easily **manipulated depending upon whether a judge wishes to**

³ *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561 (1992) (citations omitted).

reach the merits.”⁴ This is not a new problem, as 25 years ago, George Washington University Law School Professor Richard Pierce noted the difficulty of teaching his students how to fathom the law of standing, when it often appears unevenly applied:

I would like to be able to describe and to teach standing with reference to legal doctrines.... I would like to ... provide them with a doctrinal algorithm that they can use to predict judicial decisions with a reasonable degree of confidence. Unfortunately, ... [t]hey can predict judicial decisions in this area with much greater accuracy if they ignore doctrine and rely entirely on a simple description of the law of standing that is rooted in political science: **judges provide access to the courts to individuals who seek to further the political and ideological agendas of judges....**⁵

Standing is not only manipulated to avoid deciding parental rights cases, as just a couple of illustrations will demonstrate. For example, for some years after the hotly disputed 2020 presidential elections, the courts noticeably employed standing to avoid considering the merits of challenges to disputed

⁴ Robert Pushaw, “The Court Continues to Confuse Standing: The Pitfalls of Faux Article III ‘Originalism,’” 31 Geo. Mason L. Rev. 893, 894 (Spring 2024) (emphasis added).

⁵ Richard J. Pierce, Jr., “Is Standing Law or Politics?,” 77 N.C. L. Rev. 1741, 1742-43 (June 1999) (emphasis added).

election laws or procedures. Professor Steven Mulroy argues that in the aftermath of the 2020 election, “many ... courts took an unjustifiably strict view of standing as applied to both voters and candidates ... [which] may have resulted in courts too cavalierly dismissing legitimate claims of standing, confusing standing questions with merits questions, or both.”⁶ Additionally, certain circuits which have historically been hostile to the Second Amendment have manipulated standing. As Judge Kleinfeld of the Ninth Circuit noted in a 2003 dissent, “[t]he panel opinion erases the Second Amendment from our Constitution as effectively as it can, by holding that no individual even has standing to challenge any law restricting firearm possession or use. This means that an individual cannot even get a case into court to raise the question.” *Silveira v. Lockyer*, 328 F.3d 567, 570 (9th Cir. 2003) (Kleinfeld, J., dissenting from denial of reh’g. en banc).

However, returning to parental rights, courts have often found parents to lack standing, allowing schools to push their “transgender” agenda on children. As religious liberty litigator Frederick Claybrook recently explained, such cases “have not gotten much attention at the federal appellate court level.”⁷

⁶ Steven Mulroy, “Baby & Bathwater: Standing in Election Cases After 2020,” 126 Dick. L. Rev. 9, 13 (Fall 2021).

⁷ Frederick Claybrook, “Wrong Foote Forward: First Circuit Tramples Parental Rights,” *FedSoc.org* (Feb. 25, 2025).

When district courts have ruled in favor of parents, for example in a District of Kansas case and in a Southern District of California case, the school districts have not appealed. When parents have lost, for example in *Parents v. Montgomery County Board of Education*, they have proceeded to circuit court, **but those courts to date have dodged addressing the merits**. The Fourth Circuit (over a dissent) and the Seventh Circuit have both held, counterintuitively, that parents do not have standing to complain that schools would keep things secret from them when they don't know for sure if the schools have kept things secret from them. [*Id.* (emphasis added),]

Other commentators have “concluded that the doctrine of standing is either a judicial mask for the exercise of prudence to avoid decisionmaking or a sophisticated manipulation for the sub rosa decision of cases on their merits.”⁸ Professor Heather Elliott notes, “the common belief that standing is merely a means of manipulation: courts will find standing lacking when they wish to avoid the merits of cases and ignore standing when they wish to reach the merits.”⁹

⁸ Steven Winter, “The Metaphor of Standing and the Problem of Self-Governance,” 40 Stan. L. Rev. 1371, 1373 (1988).

⁹ Heather Elliott, “Further Standing Lessons,” 89 Ind. L.J. Supp. 17, 18 (2014).

Nor is the concern limited to one side of the ideological spectrum. Professor Elliott notes that the judicial use of standing as a means of “judicial legislation” has affected the rights of citizens across the political divide. “The Article III standing doctrine ... is often criticized as a restriction that prevents liberal, but not conservative, plaintiffs from proceeding in the federal courts. Standing doctrine has, however, increasingly been an issue in many cases involving conservative litigants.” *Id.* at 17.

Certain lower court judges who personally embrace the doctrine of transgenderism continue to refuse to decide obvious “cases” and “controversies” by wrapping themselves in the constitutional cloak of standing. Two centuries ago, Chief Justice John Marshall explained that such actions were an abdication of the judicial duty:

We have **no more right to decline** the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. **Questions may occur which we would gladly avoid; but we cannot** avoid them. All we can do is, to exercise our best judgment, and conscientiously to perform our duty. In doing this, on the present occasion, we find this tribunal invested with appellate jurisdiction in all cases arising under the constitution and laws of the United States. We find no exception to this grant, and we cannot insert one. [*Cohens v. Virginia*, 19 U.S. 264, 404 (1821) (emphasis added).]

Marshall echoed this theme in *Marbury v. Madison*. “It is emphatically the province **and duty** of the judicial department to say what the law is. Those who apply the rule to particular cases, **must** of necessity expound and interpret that rule.” *Marbury v. Madison*, 5 U.S. 137, 177 (1803) (emphasis added).

This Court has continued to acknowledge “the virtually unflagging obligation of the federal courts to exercise the jurisdiction given them....” *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976). Justice Harlan warned in 1961 that standing must not “become a catchall for an unarticulated discretion on the part of this Court to decline to adjudicate appeals involving Constitutional issues.” *Poe v. Ullman*, 367 U.S. 497, 530 (1961) (Harlan, J., dissenting). And more recently, Justice Alito has cautioned that “the Court should not use a practice of selective silence to accept or reject prominently presented standing arguments on inconsistent grounds.” *United States v. Texas*, 599 U.S. 670, 725 (2023) (Alito, J., dissenting).

As noted *supra*, the area of parental rights is one in which the federal courts have been notably reticent to find standing for parents. This Court should correct this error. As Judge Tung noted in his dissent below, “[t]he parents’ concern that the State would displace their role as their child’s guardians with respect to the proper treatment of gender dysphoria is plainly reasonable and far from speculative.” *IPEC III* at 614 (Tung, J., dissenting).

The law ... makes running away to those shelters attractive for children suffering from gender dysphoria and seeking “gender-affirming” treatment, and accordingly, produces an increased risk of harm to the parents of state interference with their child’s upbringing. Combine that risk with the severity of the harm — potential irreparable damage wrought upon children by such treatment — and the parents have easily shown standing. [*Id.* (Tung, J., dissenting)]

Judge Tung rightly faulted the majority for using standing to duck the constitutional question, by forcing the parents to prove that a child had actually run away and been “treated” by the state, under a law forbidding timely notice to the parent. “Only by drawing inferences in favor of the State (rather than the plaintiffs) could the panel conclude that standing was lacking.” *Id.* at 617 (Tung, J., dissenting). Judge Tung pointed out the Ninth Circuit’s apparent use of standing to achieve the court’s ideological objectives.

This court has routinely found standing based on future injuries in cases with alleged facts that appear more attenuated than the facts alleged here. In cases where plaintiffs have alleged risk of harms to aesthetic and recreational enjoyment, harms to privacy interests, potential exposure to chemicals, and other types of future harms, the Court has had no problem finding standing. But when it comes to the fraught topic of gender identity and whether parents have the right to direct

the treatment of a child suffering from gender dysphoria, courts have appeared to **use standing doctrine to dodge** the issue, characterizing the parents' alleged harms as speculative when they appear actual or imminent. [*Id.* at 618 (Tung, J., dissenting) (emphasis added).]

Judge Tung argued that “Article III standing is an important component of our Constitution’s structural design,’ and ‘[t]hat doctrine is cheapened when the rules are not evenhandedly applied.” *Id.* at 618 (Tung, J., dissenting) (*quoting Murthy v. Missouri*, 603 U.S. 43, 98, (2024) (Alito, J., dissenting)). “However difficult this issue may be for us to resolve, this court should have grasped the nettle and held that there was standing in accordance with settled Supreme Court and Ninth Circuit law.” *Id.* at 619 (Tung, J., dissenting).

Justice Alito recently noted the problem of courts using standing to avoid important questions of parents’ constitutional rights. “I am concerned that some federal courts are succumbing to the temptation to use the doctrine of Article III standing as a way of avoiding some particularly contentious constitutional questions. While it is important that federal courts heed the limits of their constitutional authority, it is equally important that they carry out their “virtually unflagging obligation ... to exercise the jurisdiction given them.” *Parents Protecting* at 14-15 (Alito, J., dissenting from denial of certiorari) (*quoting Colorado River* at 817).

Fortunately, in the very recent past, this Court has heard and decided some important parental rights cases, despite the claim by schools that parents' objections should not be heard. In *Mahmoud v. Taylor*, 606 U.S. 522 (2025), a case in which some of these *amici* filed *amicus* briefs on petition and on the merits in this Court,¹⁰ this Court reiterated the constitutional significance of parents' rights to direct the upbringing of their children. Where irreversible surgeries and hormone treatments are at stake, the stakes are only higher than the stakes in *Mahmoud*. However, parental rights cannot be vindicated if judges deny that parents have standing to exercise those rights before, not after, their children are harmed.

III. THE WASHINGTON LAW HAS NO RATIONAL BASIS, AS IT IS PREDICATED ON A DESTRUCTIVE HOAX.

The sponsors of the challenged Washington law have cloaked their radical law as advancing the best interests of children who were not being sufficiently “affirmed” in their gender confusion by their parents. However, stated bluntly, the unspoken supposition of these legislators was the “politically correct” belief that cutting off children’s healthy body parts or chemically suppressing their naturally occurring sex hormones are appropriate treatments for an emotional

¹⁰ See *Mahmoud v. Taylor*, U.S. Supreme Court, No. 24-397, Brief Amici Curiae of America’s Future, et al. (on petition, Oct. 16, 2024) and Brief Amici Curiae of America’s Future, et al. (on the merits, Mar. 10, 2025).

or mental health condition. *See* Pet. Br. at 10. For example:

- Senator Llias asserted that significant transgender intervention is “the care [young people] deserve.” *Id.* at 10;
- Senator Trudeau stated that supporting gender transition equals “support and love.” *Id.* at 11; and
- Governor Inslee believes such radical procedures constitute “gender-affirming treatment.” *Id.* at 12.

Those views were baseless when presented in 2023, but fortunately, since then, the unscientific, irrational, and immoral basis for such transgender “medical care” has been exposed. The dark nature of this particular form of child sexual abuse is finally being understood.

A. The Origins of the “Transgender-Medical Complex” Were Steeped in Fraudulent “Science” and Child Sexual Abuse.

The “transgender surgery” option can be traced to three “scientists”: Alfred Kinsey, Harry Benjamin, and John Money. Kinsey achieved fame from his books Sexual Behavior in the Human Male (1948) and Sexual Behavior in the Human Female (1953). While transgenderism was almost unknown at the time,¹¹

¹¹ The American public first learned of so-called “sex change” procedures through reporting on George William Jorgensen in late 1952. *See* “Ex-GI Becomes Blonde Beauty,” *New York Daily News* (Dec. 1, 1952).

Kinsey's research and rejection of the sexual binary was a major contributor to its development. Kinsey "dismissed ... biological... explanations, and instead stood with a group of American physicians and scientists who in the 1950s postulated a behaviorist model of gender roles and gender identification."¹²

Although his books are famous, the fraudulent and criminal means by which Kinsey conducted his "research" are not, as he:

believed that all sex acts were legitimate — including pedophilia, bestiality, sadomasochism, incest, adultery, prostitution, and group sex. He authorized abusive experiments on infants and toddlers to gather information to justify his view that children of any age enjoyed having sex. **Kinsey advocated the normalization of pedophilia** and lobbied against laws that would protect innocent children and punish sexual predators.¹³

These descriptions of Kinsey's work are not hyperbolic; they are well deserved, as he:

¹² Joanne Meyerowitz, "Sex Research at the Borders of Gender: Transvestites, Transsexuals, and Alfred C. Kinsey," *Bulletin of the History of Medicine*, Vol. 75, No. 1 at 72-73 (Spring 2001).

¹³ Walt Heyer, "The troubling history of 'sex change' surgery," *Mercatornet.com* (May 8, 2015) (hereinafter "Heyer") (emphasis added).

chronicled systematic sexual abuse of boys aged 2 months to 15 years old. Kinsey concluded that the boys, despite violent reactions and crying, enjoyed being manually and orally stimulated by pedophiles. To Kinsey, what most people thought was rape was merely “sex play” with children, which was essentially harmless, particularly if the child gave “consent.”¹⁴

Kinsey’s writings helped “normalize” sexual abuse of children:

Of 4,441 females interviewed, 1,075 reported being “sexually approached” as a girl by an adult male. But Kinsey dismissed emotional and even physical harm.... “[We] have only one clear-cut case of serious injury done to the child, and a very few instances of vaginal bleeding which, however, did not appear to do any appreciable damage.” [*Id.*]

In his book about female sexual behavior, Kinsey writes, “It is difficult to understand why a child, except for its cultural conditioning, should be disturbed at having its genitalia touched, or disturbed at seeing the genitalia of other persons, or disturbed at even more specific sexual contacts.”¹⁵

¹⁴ Robert Knight, “How Alfred C. Kinsey’s Sex Studies Have Harmed Women and Children,” *ConcernedWomen.org*.

¹⁵ Alfred Kinsey, et al., “Sexual Behavior in the Human Female” at 121 (1953).

One of Kinsey's clients was a man who wanted to be a woman. Kinsey referred the man to Dr. Harry Benjamin, who later became famous for performing genital replacement surgery on World War II veteran George William Jorgensen, known thereafter as "Christine."¹⁶ Born and educated in Germany, Benjamin promoted "turtle serum" as a "miraculous cure for tuberculosis."¹⁷ When the product was revealed as useless, Benjamin began promoting "tying off the ducts carrying sperm from the testes to the urethra" as a means of "renewing male potency and lengthening life and vitality." *Id.* He then "adapted the ... procedure to women by directing X-ray radiation to the ovaries, which would presumably lead to sterility." *Id.* Medical journals disproved Benjamin's techniques as "medical follies," and physicians in the American Medical Association counted Benjamin among the "quacks, near-quacks, and faddists." *Id.* Kinsey nonetheless referred his client to Benjamin. Benjamin advised his new client that genital removal surgery would solve his gender dysphoria. He recommended surgeons in Europe, who "performed one of the earliest gender-reassignment operations" on the client.¹⁸

¹⁶ Rebecca Poole, "From GI Joe to GI Jane: Christine Jorgensen's Story," *Nationalww2museum.org* (June 30, 2020).

¹⁷ Vernon Rosario, "The Birth of Transgender Science," *Gay and Lesbian Review* (Sept.-Oct. 2024).

¹⁸ Jennifer Thetford-Kay, "A Brief Look at the History of Medicalising Sex & Gender — Part Two," *Medium.com* (June 28, 2023).

In the 1970s Benjamin formed what later became the Harry Benjamin International Gender Dysphoria Association (“HBIGDA”), an association of therapists and psychologists. HBIGDA devised a set of ‘standards of care,’ largely derived from Benjamin’s case studies, that sanctioned the criteria and diagnostic procedure for transsexuality.” *Id.* HBIGDA became the World Professional Association for Transgender Health (“WPATH”) in 2007. Benjamin developed the “Harry Benjamin Standards of Care for Gender Identity Disorders,” which became today’s WPATH¹⁹ “Standards of Care” (“SOC”), frequently cited by courts in support of eliminating the binary distinction between biological males and females.

The third member of the “Transgender Trio” was the infamous Dr. John Money, “a dedicated disciple of Kinsey and a member of a transsexual research team headed by Benjamin.”²⁰

Money’s first transgender case came in 1967 when he was asked by a Canadian couple, the Reimers, to repair a botched circumcision on their two-year-old son, David.... Money told the distraught parents that the best way to assure David’s happiness was to surgically change his

¹⁹ Justice Thomas exposed the unscientific nature of WPATH in *Skrmetti* at 543-46 (Thomas, J., concurring) (“WPATH’s lodestar is ideology, not science.”). The unscientific and politicized views of WPATH were addressed extensively by some of these *amici* in Brief of Amici Curiae America’s Future, et al., *United States v. Skrmetti*, No. 23-477 (Oct. 15, 2024).

²⁰ Heyer, *supra*.

genitalia from male to female and raise him as a girl. As many parents do, the Reimers followed their doctor's orders, and David was replaced with Brenda.... [*Id.*]

Unfortunately for David, the sex-change experiment was a disastrous failure.

In reality, David Reimer's "adaptation" to being a girl was completely different from the glowing reports concocted by Money for journal articles. By age twelve, David was severely depressed and refused to return to see Money. In desperation, his parents broke their secrecy, and told him the truth of the gender reassignment. At age fourteen, David chose to undo the gender change and live as a boy. [*Id.*]

But the secret David's parents kept from him paled in comparison to the secret Dr. Money kept from them:

In 2000, at the age of thirty-five, David and his twin brother finally exposed the sexual abuse Dr. Money had inflicted on them.... The pedophilic doctor ... forced the boys to engage in incestuous sexual activities with each other.... In 2003 ... David's twin brother, Brian, died from a self-inflicted overdose. A short while later, David also committed suicide. Money had finally been exposed as a fraud, but that didn't help the grieving parents whose twin boys were now dead. [*Id.*]

B. The Epstein Files Reveal the Connection between Transgender Care and Child Sexual Abuse.

The Jeffrey Epstein files released by the U.S. Justice Department reveal that leading “transgender care” figures have been involved in longstanding relationships with Epstein, including soliciting funds from him. In 2013, an unidentified assistant of Epstein wrote to Dr. Jess Ting: “Jeffrey would like you to enjoy a day on his island during your vacation! ... We can have you and your family picked up from St. John on what ever day is convenient for you, brought to Jeffrey’s island to play with his “toys” and have some lunch.”²¹ Ting apparently accepted that invitation, as another Epstein assistant wrote him a few days later, “I hope you had a nice visit to Jeffrey’s island last Friday.” *Id.* Dr. Ting, a “pioneer of ‘gender-affirming’ medical procedures” and now “an assistant professor of surgery at New York’s Mount Sinai Health System,” later asked Epstein “to fund his upcoming documentary” pushing his offerings. Ting wrote, “Mount Sinai, being the progressive place that it is ... created the first full-spectrum academic program in the US focused on transgender surgery and care....” *Id.* Consider this exchange of emails:

“If I could just be really forward, I was wondering if you would be interested in supporting this documentary?” Ting asked

²¹ Hudson Crozier, “Sex-Change Surgeon Asked Epstein To Fund ‘Groundbreaking’ Transgender Documentary, Emails Show,” *Daily Caller* (Feb. 2, 2026).

Epstein. “If so, the producer, director and I would love to come and give you the pitch in person. This is an exciting, groundbreaking project — both the center and the documentary.... I hope you can be a part of it.”
[*Id.*]

In 2018, Rutgers professor Robert Trivers wrote to Epstein expressing his excitement over the sexual activities that the advancement of transgender hormones could make possible.

With greater molecular control over development we are increasingly capable of **producing novel phenotypes** — more feminine men, by blocking testosterone receptors (or castration) and, at the same time, increasing estrogen production ... male -> female is 4 times more frequent than female -> male. the first is attractive — he is a woman with a [penis], so that if your fantasy is to suck a man’s [penis], otherwise you are completely heterosexual, it would be much nicer if the rest of the organism is female, then **you get the best of both worlds**. so many transsexual women are very attractive and easily make money, which in turn they assert **promotes their prostitution** since they have to pay **hefty fees for injections every week**, but they are sexually happy.”²²

²² Matt Walsh, “The Disturbing Facts the Epstein Files Revealed,” *Daily Wire* (Feb. 2, 2026) (emphasis added). *See also* Jeffrey Epstein email to Robert Trivers (Mar. 29, 2016), and Robert

Trivers then goes on to argue for the virtual elimination of age minimums to perform such procedures on small children, albeit with a note indicating that following his own advice “frightened” him, as it had unknown effects. “BTW we are now pushing the intervention earlier — so you notice your 3-year old son has trans tendencies, so now you intervene with hormones — **i would be frightened to do that — but who knows?**” *Id.* (Emphasis added.) This is consistent with WPATH’s modern SOC which eliminate any recommended age minimums for hormones or surgery.

Epstein also had connections to the transgender-supporting billionaire Pritzker family, who are immensely well-connected politically and are heavy funders of the transgender surgery effort. The Epstein files show Epstein emailing Thomas Pritzker, cousin of Illinois Governor J.B. Pritzker. “Epstein emailed: ‘nice to see you, please come more often.’ Tom Pritzker responded, ‘Always fun.’ Epstein also wrote that Tom Pritzker was ‘like family’ in 2017 in a text message.”²³ “Epstein accuser Virginia Giuffre testified in 2016 that she was coerced into having sex with [Pritzker].” *Id.*

Trivers email to Jeffrey Epstein (Dec. 17, 2018), Epstein Files, U.S. Department of Justice.

²³ Kate Armanini, “Tom Pritzker, cousin of Gov. JB Pritzker, named in latest release of Epstein documents,” *Chicago Tribune* (Nov. 19, 2025).

The Tawani Foundation, founded by the former James Pritzker, who now identifies as Jennifer Pritzker after a 2013 “transition,” has been a massive funder of the transgender-medical complex, including WPATH.²⁴ Pritzker, known as the “first transgender billionaire,” is the cousin of Illinois Governor J.B. Pritzker. The entire Pritzker family are some of the biggest funders of the radical transgender revolution. *Id.*

Over the past decade, the Pritzkers of Illinois, who ... include among their number former [Obama] U.S. Secretary of Commerce Penny Pritzker, current Illinois Gov. J.B. Pritzker, and philanthropist Jennifer Pritzker, appear to have used a family philanthropic apparatus to drive an ideology and practice of disembodiment into our medical, legal, cultural, and educational institutions. [*Id.*]

IV. THE PASSAGE OF TIME HAS SERVED TO EXPOSE THE TRANSGENDER HOAX.

A. Medical Organizations Are Beginning to Admit that “Transgender Care” Is Child Abuse.

As the medical evidence against WPATH and the transgender-medical complex has been mounting, government agencies and major medical groups are

²⁴ Jennifer Bilek, “The Billionaire Family Pushing Synthetic Sex Identities (SSI),” *TabletMag.com* (June 14, 2022).

retreating from their support for imposing irreversible medical treatments on minors.

The Cass Review (2024)²⁵ reported the lack of evidence behind “transgender care,” and based on that report, the UK National Health Service banned transgender treatments for minors except for trials. That report concluded that evidence supporting the use of puberty blockers and hormone treatment of minors is remarkably weak.

Our own Department of Health and Human Services (“HHS”) has joined the UK National Health Service in reversing course on irreversible treatments. HHS released a peer-reviewed study highlighting the dangers of surgical and chemical interventions attempting to reverse nature.²⁶

HHS Secretary Robert F. Kennedy, Jr., stated:

The American Medical Association and the American Academy of Pediatrics peddled the lie that chemical and surgical sex-rejecting procedures could be good for children.... They betrayed their oath to first do no harm, and their so-called “gender-affirming care” has inflicted lasting physical and psychological

²⁵ Hilary Cass, “The Cass Review Final Report,” *nationalarchives.gov.uk* (Apr. 2024)

²⁶ Dept. of Health and Human Services, “Supplement to Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices” (Nov. 19, 2025).

damage on vulnerable young people. That is not medicine — it’s malpractice.²⁷

“‘This report marks a turning point for American medicine,’ said National Institutes of Health Director Jay Bhattacharya, M.D., Ph.D. ‘The evidence in it meticulously documents the risks the profession has imposed on vulnerable children.’” *Id.* “‘Our report is an urgent wake up call to doctors and parents about the clear dangers of trying to turn girls into boys and vice-versa,’” said Assistant Secretary for Health Brian Christine, M.D. *Id.*

The HHS report found that “the harms from sex-rejecting procedures—including puberty blockers, cross-sex hormones, and surgical operations—are significant, long term, and too often ignored or inadequately tracked.... [U]nnecessary procedures and long-term health risks such as infertility are the byproduct of the overmedicalization of children.” *Id.*

Earlier this year, the American Society of Plastic Surgeons (“ASPS”) announced that it recommends that surgeons **not operate on school-age children**, but rather delay gender-related chest, genital, and facial surgery until a patient has more than reached the age of majority — being at least 19 years old.²⁸ A past

²⁷ Dept. of Health and Human Services, “HHS Releases Peer-Reviewed Report Discrediting Pediatric Sex-Rejecting Procedures,” (Nov. 19, 2025).

²⁸ See American Society of Plastic Surgeons, “Position Statement on Gender Surgery for Children and Adolescents” (Feb. 3, 2026);

president of ASPS, Bradley Glasberg, has cautioned: “This is a vulnerable, adolescent population ... We are mindful that some of these surgeries are irreversible.” *Id.*

Here, establishment medicine has now repudiated the predicate for the Washington state law. A spokesman for the American Medical Association (“AMA”), which previously appeared to adopt the politicized WPATH Standards of Care wholesale, supported that change, saying that “the **evidence for gender-affirming surgical intervention in minors is insufficient** for us to make a definitive statement’ but that it agrees with ASPS that surgeries for minors should be generally deferred to adulthood in the absence of clear evidence.” *Id.* (emphasis added).

It may be that the legal system has had an influence on the ASPS and AMA positions, as on January 30, 2026,

[a] 22-year-old woman who identified as a boy in her teen years won a \$2 million decision in a landmark lawsuit against New York doctors accused of pushing a double mastectomy on her when she was a minor. Fox Varian had the life-altering surgery when she was just 16-years-old — getting approval from a psychologist and a surgeon — both of whom a jury found liable of medical malpractice [and] was awarded \$1.6 million for past and

Paige Cunningham, “First major medical group opposes gender transition surgeries for youth,” *Washington Post* (Feb. 3, 2026).

future pain and suffering, and an additional \$400,000 for future medical expenses — in the first detransitioner malpractice lawsuit in the nation to go to trial and win. [Shane Galvin, “Detransitioner wins \$2 million against New York docs who pushed double mastectomy,” *New York Post* (Jan. 31, 2026).]

As of January 2026, nationwide, 28 similar lawsuits were in different stages of legal proceedings. *Id.*

B. State Legislatures and Justices of this Court Have Likewise Recognized the Abusive Reality of Transgender Treatments.

States have not just retreated from the WPATH view; they have come to recognize that “transgender” surgeries and chemical castration constitute child abuse. In 2022, Texas Attorney General Ken Paxton issued an opinion holding that “procedures done on minors such as castration, fabrication of a ‘penis’ using tissue from other body parts, fabrication of a ‘vagina’..., prescription of puberty-suppressors and infertility-inducers, and the like are all ‘abuse.’” Paxton stated, “There is no doubt that these procedures are “abuse” under Texas law, and thus must be halted.”²⁹

²⁹ Office of the Attorney General, Press Release, “AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be ‘Child Abuse’ Under Texas Law,” (Feb. 21, 2022).

Tennessee, in a law upheld by this Court in *Skrmetti*, banned such brutal procedures on minors. The legislative findings referenced the grim history of child abuse that has marked the transgender-medical complex.

The legislature determines that medical procedures that alter a minor's hormonal balance [or] remove a minor's sex organs ... are harmful to a minor when these medical procedures are performed for the purpose of enabling a minor to identify with, or live as, a purported identity inconsistent with the minor's sex.... The legislature finds that Dr. John Money, one of the earliest advocates for performing or administering such medical procedures on minors ... abused minors entrusted to his care, resulting in the suicides of David and Brian Reimer.... The legislature finds that healthcare providers in this state have sought to perform such surgeries on minors because of the financial incentive associated with the surgeries, not necessarily because the surgeries are in a minor's best interest.³⁰

For years, the transgender-medical complex has terrified parents with threats that their children will commit suicide if the parents do not permit irreversible surgeries and experimental hormone treatments. As psychologist Elliot Kaminetzky notes, "It's the lie that convinced a thousand parents ...

³⁰ TN Code § 68-33-101.

across America.... Governors and lawmakers have given in to the same fear.... Parents have likely heard some variation of ‘Better a live son than a dead daughter,’ [but the] lies about suicide are ... misleading scare tactics.”³¹

Even some of the most strident advocates for trans surgeries have retreated. During oral argument for *Skrmetti*, ACLU attorney Chase Strangio (born Kate Strangio) conceded to Justice Alito that “**there is no evidence** ... in the studies that this treatment reduces completed suicide. And the reason for that is completed suicide ... is rare and we’re talking about a very small population of individuals with studies that don’t necessarily have completed suicides within them.”³²

At this point, it is clear not just that the transgender craze is ending, but that the transgender-medical complex has lost the scientific battle. The premise of the Washington law is that it is reasonable for the State to facilitate minors making life changing decisions to cut off healthy body parts or suppress naturally-occurring sex hormones, and that these procedures constitute “the care [young people] deserve” (Pet. Br. at 10; statement of Senator Liias), or provide

³¹ Elliot Kaminetzky, “Lawmakers must recognize the transgender-suicide lie — and protect children,” *New York Post* (Jan. 24, 2024).

³² Leor Sapir, “ACLU Attorney Confesses: Transgender-Suicide Claim is a Myth,” *City-Journal.org* (Dec. 5, 2024) (emphasis added).

“support and love” (*id.* at 11; statement of Senator Trudeau), or constitute “affirming treatment” (*id.* at 12; statement of Governor Inslee). This premise has been utterly debunked.

The transgender-medical complex has not just supported bad science and what Secretary Kennedy described as malpractice; it is also actual child sexual abuse. It imposes lifelong, irreversible consequences on children too young to consent — facilitated by keeping their parents in the dark — in service to a dangerous ideology.

None of this is news to this Court, as Justice Thomas last year called out WPATH’s so-called “Standards of Care” as unscientific and politicized.

Recent revelations suggest that WPATH, long considered a standard bearer in treating pediatric gender dysphoria ... bases its guidance on insufficient evidence and allows politics to influence its medical conclusions.... WPATH itself recognizes that evidence supporting the efficacy of puberty blockers, cross-sex hormones, and surgical intervention for treating gender dysphoria in children is lacking.... A contributor to the Guidelines underscored this challenge, explaining that, “[o]ur concerns, echoed by the social justice lawyers we spoke with, is that evidence-based review reveals little or no evidence.” [Skrmetti at 543-44 (Thomas, J., concurring).]

CONCLUSION

These *amici* urge the Court to determine that Petitioners have standing, vacate the decision below, and, because similar issues were recently resolved in *Skrmetti*, remand with instructions to declare the challenged Washington law unconstitutional.

Respectfully submitted,

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