

No. 26-120

IN THE
Supreme Court of the United States

GAYS AGAINST GROOMERS, *et al.*,

Petitioners,

v.

LORENA GARCIA, INDIVIDUALLY AND AS A
COLORADO STATE REPRESENTATIVE, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

**BRIEF OF *AMICUS CURIAE*
WOMEN'S LIBERATION FRONT
IN SUPPORT OF PETITIONERS**

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INTEREST OF AMICUS CURIAE¹

Amicus is the Women’s Liberation Front (“WoLF”), a non-profit, radical feminist organization dedicated to the liberation of women by ending male violence, preserving woman-only spaces, abolishing sex stereotyping, and protecting reproductive sovereignty. WoLF’s interest in this case stems from its commitment to empowering and protecting the safety and privacy of women and girls, preserving women’s sex-based civil rights, and protecting girls from ideologically based interference with their First Amendment rights and from coerced indoctrination into misogynistic ideologies.

If the Court rules in favor of the Respondents, it will strip WoLF supporters and other women of their constitutional right to freedom of speech and the right to petition their government. The Court should accept this case because the Tenth Circuit’s ruling will have broad systemic effects. If the decision below stands, it is likely to influence the behavior of legislative bodies nationwide, emboldening them to adopt viewpoint-discriminatory rules to exclude dissenting speakers while appearing to welcome public participation.

1. Per Rule 37.6, no counsel for any party authored this brief in whole or in part. No such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No monetary contributions were made to this brief other than the amicus. Per Rule 37.2, all parties received timely notice of intention to file this amicus brief.

SUMMARY OF ARGUMENT

Women are guaranteed the right to free speech, and they rely on this right to advocate for their own legal rights and to secure equal protection under the law. The First Amendment protects not only the substance of women’s speech but also their ability to participate fully in public debate on matters that directly affect their safety, privacy, and civil rights.

Tiara’s Law is harmful to women and girls because it increases their risk of exposure to physical and sexual violence. By creating special exceptions to public-safety rules governing name changes for convicted felons, the law allows dangerous offenders to exploit loopholes designed to protect the community. These exceptions are justified by the legislature under the guise of “gender identity,” but they disregard the well-established and statistically significant reality that violence against women and girls is overwhelmingly committed by males.

The disparities in crime perpetration between men and women track biological sex, not “gender identity.” The population eligible to utilize Tiara’s Law—males in the correctional system who identify as transgender—has a statistically significant likelihood of being convicted of sex offenses. Allowing such individuals to change their names without public notice or standard safety review increases the risk of future harm to women and girls and undermines the integrity of sex-based data used to protect them.

The decorum rules imposed during debate over Tiara’s Law further exacerbated these harms. By suppressing

dissent and prohibiting factual, sex-based language, the legislature deprived the public of meaningful discussion about the bill's consequences. These rules do not regulate civility; they compel ideological conformity, distort public discourse, and burden women's ability to advocate for their legal rights. Such viewpoint-discriminatory restrictions violate the First Amendment and undermine democratic participation.

For these reasons, the decision below should be reversed.

ARGUMENT

I. Women Are Guaranteed the Right to Free Speech and to Petition the Government

The right to freedom of speech guaranteed by the First Amendment has been critical to the advancement of women's rights in the last century, and it continues to be a vital tool in the fight to defend these rights. Women cannot defend their sex-based rights if they are not permitted to weigh in on matters of public concern.

It is also heavily protected. "Speech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection." *Connick v. Myers*, 461 U.S. 138, 145 (1983).

"[T]he government may not compel a person to speak its own preferred messages." 303 Creative LLC v. Elenis, 600 U.S. 570, 586 (2023). Nor may it reject an individual's grievance merely because officials regard its language as disrespectful. *Brodheim v. Cry*, 584 F.3d

1262, 1271–72 (9th Cir. 2009) (discussing a prisoner’s use of the administrative grievance process).

A. Women Rely on Free Speech Rights to Protect Their Sex-Based Rights

Women have long faced censorship, harassment, and violations of their rights when they speak out on issues that impact them as a class. Sarah Pruitt, *The Night of Terror: When Suffragists Were Imprisoned and Tortured in 1917*, HISTORY (Mar. 4, 2019), <https://www.history.com/news/night-terror-brutality-suffragists-19th-amendment>.

Women’s exceptional gains in legal equality cannot be defended without free speech and a voice in public policy. Women must be able to speak freely about their reality and their experiences without risk of exclusion or marginalization from their rightful involvement in the democratic process. Limitations on this expression—and distortion of official records, both indirectly by policing speech as it occurs and directly by modifying the record afterward—violates not only free speech rights, but also the First Amendment’s guarantee of the right to petition the government for redress of grievances.

Respondents violate the right of Petitioners to freedom of speech under the First Amendment by prohibiting Petitioners from using words and language with objective, neutral meaning to describe and express concerns about Tiara’s Law. Reem Alsalem, the United Nations Special Rapporteur on Violence Against Women and Girls, reported that in several countries, women who assert the importance of biological sex and the need for

female-only spaces have been subjected to threats and actual violence. See Reem Alsalem, *Sex-Based Violence Against Women and Girls: New Frontiers and Emerging Issues*, ¶ 37, U.N. Doc. A/HRC/59/47 (June 16, 2025), available at bit.ly/4wUEfVq.

An amicus brief the Special Rapporteur filed in support of the women prisoners in *Chandler v. Macomber* also stated that “compelling a woman to use the pronouns that do not correspond to the biological sex... amount[s] to the violation of her freedom of expression.” Brief for U.N. Special Rapporteur on Violence Against Women and Girls and Transgender, Gender Variant, & Intersex Justice Project as Amicus Curiae Supporting Appellants at 21, *Chandler v. Macomber*, No. 26-3283 (9th Cir. filed Aug. 5, 2026), <https://bit.ly/4ivsali>.

The vulnerabilities of the female sex, and the lack of autonomy afforded them, kept women out of the male-dominated public sphere for thousands of years (and in some places still do). Women could not inherit property or titles in most societies (and in some places still cannot). They could not (and in some places still cannot) study at universities, serve in the military, or be treated as credible witnesses in courtrooms. Women have been (and in some places still are) the longstanding victims of marital-rape clauses, discriminated against in employment, and unprotected from domestic abuse so long as public peace was not disturbed. *Timeline of Legal History of Women in the United States*, National Women’s History Alliance (last accessed Sept. 12, 2023), <https://nationalwomenshistoryalliance.org/resources/womens-rights-movement/detailed-timeline/>.

Recognition of sex is the foundation for protecting many of the rights women and girls have fought for and won. Suppression of speech recognizing sex when sex is relevant is suppression of advocacy for women’s legal rights. Discrimination on the basis of pregnancy, childbirth, or breastfeeding are considered forms of sex discrimination. See, e.g., **Cleveland Bd. of Ed. v. LaFleur**, 414 U.S. 632 (1974) (mandatory leave for pregnant teachers violates due process). Likewise, recognition of members of the female sex class as similarly situated has powered thousands of statutes, regulations, and case laws. Government endorsement or imposition of the fiction that sex is untethered to reproductive class—that men can also get pregnant and give birth—is not only unconstitutional, but also renders these and other protections vulnerable to challenge or exploitation by diverse actors across the political spectrum, causing women and girls material harm, including disability and death. **Dobbs v. Jackson Women’s Health Org.**, 597 U.S. 215 (2022).

Any legal equality women now have in the United States is a blip on the radar of human history. As proven in recent years, progress is not inevitable, not linear, and is threatened when those in power use coercive actions to stifle speech that might effect change to harmful policy.

B. Limitations on “Misgendering” Unduly Burden Crime Victims Seeking Justice

Problems with compelled and suppressed speech regarding “gender identity” language and the criminal-justice system are not limited to the legislative process, nor are their harms.

Tremaine Carroll was transferred to a women’s facility by claiming a female “gender identity,” where he subsequently committed multiple forcible rapes of women housed with him. Now on trial for these crimes, Carroll has—successfully—petitioned the trial court to force those in court to refer to him as female, regardless of his male anatomy and the fact that he is on trial for using that male anatomy to commit a crime that, under California law, can only be committed with male anatomy. *California v. Carroll*, No. MCR080645 (Cal. Super. Ct. Madera Cty. Dec. 16, 2024), transcript at <https://bit.ly/3STvXyw>.

Despite the district attorney’s expressed concerns regarding Carroll’s rape victims being forced to refer to him as a woman and use feminine pronouns, the court nonetheless ruled that it was more important to respect his wishes than those of his victims. *Id.*

Carroll has since been moved back to men’s facilities, but he is still intervening in a lawsuit challenging the law that allowed him to be placed in the women’s facilities in the first place. *Chandler v. California Dep’t of Corr. & Rehab.*, No. 26-3283 (9th Cir. filed Aug. 5, 2026).

II. Tiara’s Law Is Harmful to Women by Exposing Them to Higher Risk of Crime Perpetration

Tiara’s Law is harmful to women and girls, and the process of passing the bill was an ideal example of how decorum rules exacerbate problems with such legislation by simultaneously reducing women’s ability to participate in the process that so deeply impacts them.

The bill itself privileges “gender identity” language by creating special exceptions to laws meant to protect

public safety—exceptions that Petitioners (and others) argue would be harmful to the community. By embedding gender-identity concepts into the law, Tiara’s Law subsumes and ignores the relevance of sex in public-safety statutes, harming both public and personal safety.

Specifically, the bill made changes to rules governing when a person convicted of a felony may change their name. It creates special exceptions allowing individuals to change their names to something they feel aligns with their “gender identity,” even when such changes would otherwise be prohibited for public-safety reasons. The bill also exempts these individuals from the public-notice requirement that applies to all other name changes. The legislature further stated that doing so was “necessary for the immediate preservation of the public peace, health, or safety....” H.B. 24-1071, 74th Gen. Assemb., 2d Reg. Sess. (Colo. 2024).

A. Women and Girls Are Vulnerable to Physical and Sexual Violence Perpetrated by Males

Women and girls are vulnerable to male violence. Nearly all murders, assaults, and rapes against women are committed by men. Satoshi Kanazawa & Mary C. Still, **Why Men Commit Crimes (And Why They Desist)**, Sociological Theory 434 (Nov. 2000). Upwards of 85% of homicides in the United States are committed by males, and more than 95% of rapes are perpetrated by males. **Uniform Crime Reporting Handbook: UCR** (2004–2019), U.S. Dep’t of Justice, Federal Bureau of Investigation.

B. Disparities Between Men and Women in Crime Perpetration Are Based on Biological Sex, Not “Gender Identity”

There is no objective justification for exempting males from general violent-crime statistics based on self-identification as female.

According to a high-quality longitudinal study, even men who have self-identified as women for decades—and who have taken hormones and undergone genital surgery—offend at rates no different from other males and significantly higher than the female population. Cecilia Dhejne et al., *Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery*, PLOS One.

Additionally, the vast majority of males who identify as women retain their penises, meaning rape and pregnancy remain possible threats. J.L. Herman, B.D. Wilson & T. Becker, *Demographic and Health Characteristics of Transgender Adults in California* (UCLA Center for Health Policy Research 2017). See also J.K. Canner et al., *Temporal Trends in Gender-Affirming Surgery Among Transgender Patients in the United States*, JAMA Surg. (2018).

Bills such as Tiara’s Law contribute to institutions ignoring, suppressing, and downplaying sex-based data, even though such data remains relevant regardless of a person’s self-identity or medical status. Permitting dangerous offenders to change to female names will likely increase future crimes being recorded as being committed by women.

C. The Population Eligible for Name-Change Exceptions Under Tiara’s Law Are Disproportionately Sex Offenders

According to all available state, federal, and international data, males involved in the correctional system who identify as transgender are significantly more likely to be sex offenders than the general male population—and massively disproportionately more likely than the general female population:

- In California, 33.8% of biological male inmates seeking transfer to women’s facilities are registered sex offenders. California Dep’t of Corrections & Rehabilitation, Public Records Act Response (Feb. 9, 2022).
- In the federal prison system, 47.8% of male inmates identifying as women were serving time for sex offenses, compared to 6.86% of female inmates identifying as men. Federal Bureau of Prisons, **Transgender Inmate Report** (Aug. 19, 2023). This compares to 12–13% of the general prison population. Federal Bureau of Prisons, **Inmate Statistics: Offenses**.
- In Canada, 88% of trans-identifying male inmates have been convicted of a sexual offense; 85% were convicted of a serious violent crime; and 58% of victims were women or children. S. Farrell McDonald et al., **Examination of Gender Diverse Offenders**, Correctional Service Canada (2022).

- In the United Kingdom, 58.9% of trans-identifying male inmates committed sex offenses, with 28% having committed rape and 18% attempted rape. Rosa Freedman, Kathleen Stock & Alice Sullivan, Evidence Submitted to the Women and Equalities Committee on Gender Recognition Act Reform (UK).

These data demonstrate that Tiara's Law creates a pathway for a population with disproportionately high rates of sexual and violent offenses to obscure their identities and evade public-safety mechanisms.

III. Suppressing Dissent via the Decorum Rules Has No Legitimate Purpose and Harms the Public

While Tiara's Law embeds gender-identity principles into the law, the decorum rules embed gender-identity concepts into the legislative process, making it more difficult to have honest and transparent debate about such bills.

The concept of "misgendering" is harmful in situations where sex is relevant, such as in public comment over Tiara's Law. It is relevant that men commit the majority of crimes against women. It is relevant that a significant number of the men who might make use of Tiara's Law's provisions have committed crimes against women and children.

A. The Decorum Rules Do Not Regulate Civility

These practices show that misgendering rules do not actually serve to regulate civility—they compel speakers to adopt contested terminology, burdening their freedom of expression and preventing them from accurately describing sex-based realities.

Choosing to speak factually about sex belies no animus or malice toward those who identify as transgender. Many simply do not believe that sex is biologically defined by self-identification. Recent national polling shows this is true for more than two-thirds of respondents, who agree that only women and girls are, by definition, biologically female. Spry Strategies, *Nationwide Issue Survey* (Apr. 14–25, 2026), <https://bit.ly/4gC3V2s>. This includes nearly all political identifications, all regions of the country, and all age groups.

There is a gap between the public and the institutions claiming to represent them. The legislature creates and enforces “decorum” rules that require more than two-thirds of people to speak contrary not only to fact, but to their own personal beliefs. (Not that minority viewpoints ought to be discouraged either, but it is striking that these widely shared viewpoints are institutionally suppressed.)

The Supreme Court has long held that “[s]peech on public issues is entitled to special protection under the First Amendment because it serves the ‘principle that debate on public issues should be uninhibited, robust, and wide-open.’” *Snyder v. Phelps*, 131 S. Ct. 1207 (2011).

B. The Decorum Rules Reduced Meaningful Debate About Tiara’s Law and Obfuscated Problems with the Bill

Dissenters attempted to raise concerns about criminal-history concealment, fraud risks, public safety, victims’ rights, and the namesake of the bill (“Tiara”) being a violent male offender. Petitioners allege that under “decorum,” citizens were cut off, admonished, and erased from the record for using sex-based language; that supportive speakers were allowed, while dissenters were silenced.

The bill itself demonstrates a legislative preference for secrecy around gender-identity-based name changes. When combined with decorum rules that silence dissent, the public is deprived of both information and the ability to comment on it.

Because Tiara’s Law removed the public-notice requirements for gender-identity name changes, dissent was even more important to the discussion, since the public will further be deprived of the ability to object to specific instances of future name changes if “gender identity” is cited by the individual seeking a name change.

Raising valid concerns should not be treated or mislabeled as harassment, discrimination, or misconduct. Women (and others) should not be punished for raising safety concerns. Punishment includes reduced ability to participate in the legislative process. When dissenting speech is labeled “harassment,” speakers lose their freedom to express factual or policy-based viewpoints, illustrating how misgendering rules burden expression and distort public discourse.

CONCLUSION

The decision below should be reversed.

Respectfully submitted,

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