

No. 24-297

In the Supreme Court of the United States

TAMER MAHMOUD, ET AL.,
Petitioners,

v.

THOMAS W. TAYLOR, ET AL.,
Respondents.

*ON WRIT OF CERTIORARI TO THE U.S. COURT
OF APPEALS FOR THE FOURTH CIRCUIT*

**BRIEF OF THE MANHATTAN INSTITUTE AND
SEVEN PSYCHOLOGISTS AS *AMICI CURIAE*
SUPPORTING PETITIONERS**

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QUESTION PRESENTED

Do public schools burden parents' religious exercise when they compel elementary school children to participate in instruction on gender and sexuality against their parents' religious convictions and without notice or opportunity to opt out?

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INTEREST OF *AMICI CURIAE*¹

The **Manhattan Institute** is a nonprofit public policy research foundation whose mission is to develop and disseminate new ideas that foster greater economic choice and individual responsibility. It has historically sponsored scholarship and filed briefs opposing regulations that either chill or compel speech, as well as supporting parents' rights.

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¹ Rule 37 statement: No part of this brief was authored by any party's counsel, and no person or entity other than *amici* funded its preparation or submission.

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This case interests *amici* because it involves public officials' desire to indoctrinate children in radical gender ideology and their callous disregard for parents' strong interest to oppose that indoctrination.

SUMMARY OF ARGUMENT

The Montgomery County Public Schools (MCPS) has approved storybooks for elementary-school students featuring lesbian, gay bisexual, transgender, and queer characters for use in educational curricula. Although MCPS claim that these books are simply intended to improve critical reading skills and literacy, administrators ignore that these books contain controversial presentations of science and social norms that may diverge from parents' wishes for their children's upbringing. Young children will accept reading materials unquestioningly, so having them use these books, even if only for the purpose of improving their reading, begins a process of subtle indoctrination of some of the most questionable aspects of gender theory.

This brief sets out to demonstrate that the current debate over gender is far from settled. While new "gender theorists" seek to undermine social norms around sex, family, and marriage by insisting that gender is

simply a “social construct” there is in fact a long tradition, both philosophical and scientific that suggests that there are fundamental inherent differences between the sexes. These differences have long been reflected in accepted gender norms, as well as being consistent with basic biology.

Additionally, gender theory has exacted a heavy price from those it influences. Mental illness and anxiety are common amongst those who are “gender questioning.” Studies suggest that, as ideas surrounding transgenderism have become more prevalent in the public discourse, there have been increases in anxiety and depression in the American public—particularly among teenagers. Many social scientists have pointed to a nexus between increased doubts about gender identity and these social ills.

Given the corrosive nature of ideas around gender, it is problematic to be introducing them to young children. Children are easily influenced; they do not know to question what they are taught, especially by adults to whom their parents have entrusted their care and often have instructed them to respect and obey. Children will suppress their natural instincts to be repulsed by what is presented in books. They are then put in an untenable position of feeling expected to accept the novel gender concepts presented, while knowing at some level this does not fit reality as they experience it, creating confusion at best and distress for some. It is for this same reason that parents have a right to know and remove their children from classes involving books that contain LGBTQ characters. Parents who do not subscribe to gender theory or do not want their children exposed to LGBTQ culture can

rightly worry that their children will be unduly coerced or influenced by such material in school.

ARGUMENT

I. THE MATERIAL GIVEN TO YOUNG STUDENTS HERE PRESENTS AN UNEVEN AND DISTORTED VIEW OF SEX AND GENDER

Historical wisdom often offers solutions to contemporary questions. Like a proverbial sieve, time separates myths from enduring truths, leaving behind the core principles that have consistently proven to be the foundations of civil society. These foundational truths—hard-won insights sifted by our predecessors—have stood the test of time, serving as demonstrable truths upon which successive generations have built their understanding of the human experience.

One such foundation is the recognition of the inherent differences between males and females. With only the observable world as their guide, our human predecessors discarded the myth of human uniformity and instead affirmed the demonstrable truth that males and females are inherently distinct. This understanding permeated early human societies and shaped their philosophies, structures, and traditions. Even among philosophical opponents, this distinction was acknowledged. Socrates and Plato, though differing in their views on how society should be structured, both recognized that a fundamental tenet of any civilization involved acknowledging the natural, biological differences between men and women. See Patricia Ward Scaltsas, *Virtue Without Gender in Socrates*, 7 *Hypatia* 126, 128 (1992); Johannes Morsink, *Was Aristotle's Biology Sexist?*, 12 *J. His. of Bio.* 83, 85 (1979) (describing Aristotle's mentor, Plato's, description of the biological

differences of the sexes). The ancient Romans also understood these differences, describing male and female not only in terms of social roles but also in relation to their distinct physical and intrinsic qualities. A millennium later, this time-tested wisdom was inscribed in the very texts that laid the foundation for modern Western society, including the Bible. *See* Genesis 5:2 (King James) (“He created them male and female...”).

For centuries, societies relied on historical wisdom to build themselves upon this fundamental truth, which was reinforced by scientific discoveries that probed the biological basis of humanity. Yet today, our society finds itself locked in debate over its continued relevance. Faith in time-tested knowledge is waning as modern theories, enticing some with their revolutionary dialectics, offer a radically different perspective. Scholars have challenged the notion of innate differences between males and females, arguing instead that gender is a social construct divorced from biology. Professor Judith Butler, a prominent voice in gender theory, asserts that neither “male” nor “female” is a fixed identity but rather “an identity tenuously constituted in time and instituted through a stylized repetition of acts.” Judith Butler, *Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory*, 40 *Theatre J.* 519 (1988). According to Butler, because gender identity is fluid, traditional categories such as “man” and “woman” are unstable and ultimately inapplicable as universal norms. *See id.*; Vasu Reddy & Judith Butler, *Troubling Genders, Subverting Identities: Interview with Judith Butler*, 2 *Agenda: Empowering Women for Gender Equality* 115, 116 (2004) (elaborating on that point). Instead, she argues that individuals must construct their own gender identity, rather than conform to predefined

social structures that attempt to rigidly define human identity. Reddy & Butler, *Troubling Genders*, at 117.

The outright rejection of historical wisdom by this ideology may, in part, explain its growing appeal. Since the advent of Butler's approach, many individuals and institutions have embraced the notion that gender is a social construct rather than a biological reality. While this idea has circulated within academic and public discourse for decades, its introduction into public-school curricula is a relatively recent development. Public schools have increasingly framed transgender identity as a prevalent and pressing topic, fostering an environment for discussions on whether gender itself is a social construct. These discussions are no longer confined to college classrooms, however, extending into high, middle, and even elementary schools—reaching students who are just beginning to formulate their understanding of the world. At a time in life when historical wisdom could serve as a guiding foundation, that received understanding is being replaced with contemporary theories—ones that reshape the way future generations perceive human nature and identity.

And yet, this replacement of longstanding truth appears even more unnecessary when viewed in the modern context. For centuries, human societies have recognized the inherent differences between men and women through intuition and observation. But technological advancements have obviated the need to rely solely on assumption and common sense; we can have scientific proof! Science has provided researchers with tools to uncover the biological foundations of human society, and vindicated historical wisdom. Studies examining the intricacies of male and female anatomy

reveal stark, measurable differences at the neurological, physiological, and genetic levels, confirming beyond all doubt that these distinctions are far deeper than a mere social construct.

There are, of course, clear biological differences between men and women in terms of stature, muscle mass, and other physical characteristics. On average, men tend to be taller than women. Additionally, biological males have approximately 36% greater skeletal muscle mass than females when controlling for age and height. Ian Janssen et. al, *Skeletal Muscle Mass and Distribution in 468 Men and Women Aged 18-66 yrs.*, 89 J. Appl. Physio. 81, 86 (2000). This difference translates into a statistically significant disparity in overall strength. *Id.*. See also Phillip Bishop et. al, *Sex Differences in Muscular Strength in Equally-Trained Men and Women*, 30 Ergonomics 675, 682 (1987). In a study examining the relative strength of athletically trained men and women across multiple muscle groups, men were found to be, on average, 75–173% stronger in upper-body exercises and 20–60% stronger in lower-body exercises. Bishop et. al, at 679. How each sex is perceived by others is partially defined by these innate and immutable physical characteristics.

The differences between men and women extend beyond physical attributes; they also influence how our brains function. Studies have confirmed that male and female brains are structurally distinct. Men have a higher percentage of white matter, which facilitates rapid communication between brain regions, while women possess significantly more gray matter, which is responsible for decision-making and sensory processing. Srikanth Ryali et. al, *Deep Learning Models Reveal Replicable, Generalizable, and Behaviorally*

Relevant Sex Differences in Human Functional Brain Organization, 121 *Psychol. & Cog. Sci. Neurosci.* 1 (2024). These neurological variations contribute to differences in cognitive processing, problem-solving, and behavioral tendencies.

Furthermore, each individual, regardless of gender, exhibits a unique pattern of brain activity, akin to a cognitive “fingerprint.” *Id.* at 3. Researchers can measure this neural signature even during periods of low stimulation, offering insight into how a person’s brain functions at rest. *Id.* In a study analyzing the brain “fingerprints” of 1,500 participants, researchers found that while each pattern was unique, they tended to cluster around one defining characteristic—biological sex. *Id.* at 3-6. This finding underscores that male and female brains are not only anatomically distinct but also cognitively different, exhibiting patterns of neural activity that reflect inherent sex-based differences in brain function. These structural and functional variations may contribute to observed differences in cognition, communication styles, and even susceptibility to certain neurological conditions.

The differences in brain structure and function between men and women have been a subject of particular interest for researchers. Understanding these differences is crucial, as they can help identify the underlying causes of certain neurological and psychiatric disorders and potentially lead to targeted treatments. One key area of study is how sex differences influence the release and regulation of specific neurotransmitters, such as dopamine and serotonin. Research has shown that in response to physical stress, male and female brains exhibit distinct neurochemical reactions. Tuck C. Ngun, et. al., *The Genetics of Sex Differences*

in Brain and Behavior, 32 *Frontiers in Neuroendocrinology* 227, 230-34 (2011).

Men tend to show increased dopamine activity, which plays a critical role in motor control, motivation, and reward processing. *Id.* In contrast, women exhibit higher levels of norepinephrine, a neurotransmitter involved in the body's fight-or-flight response and memory function. *Id.* Notably, only males in these studies demonstrated increased memory loss following stress exposure, suggesting a sex-specific prioritization in cognitive function under stressful conditions. *Id.* While some have argued that these differences arise from social conditioning and learned behavioral expectations, scientific evidence suggests otherwise. Research indicates that gonadal hormones—such as testosterone and estrogen—exert powerful effects on brain organization early in development, leading to “permanent, irreversible changes” that establish sex-specific neural patterns. *Id.* at 241. Further, genetic factors play a direct role, as genes encoded on the sex chromosomes (X for females, Y for males) actively influence neural development. *Id.* These biological mechanisms underscore the intrinsic nature of brain-sex differences, beyond environmental influences alone.

Further evidence substantiates that these differences are not socially constructed or environmentally influenced, but rather innate characteristics present from birth. Brain development is heavily influenced by biological sex even during pre-natal development. A study that imaged fetal brain development found significant differences in neural connectivity between male and female fetuses, with certain connections appearing exclusively in one sex but not the other. M.D. Wheelock, et. al., *Sex Differences in Functional*

Connectivity During Fetal Brain Development, 36 Dev. Cog. Neurosci. 1, 5-6 (2019).

For example, female fetuses exhibited a higher number of neural connections within the left temporal region, a part of the brain associated with language processing and social cognition—connections that were entirely absent in male fetuses. *Id.* In contrast, male fetuses demonstrated greater connectivity within the cerebellum and stronger associations between the dorsal and ventral regions of the prefrontal cortex, areas linked to motor control and spatial processing. *Id.* This evidence is compelling and challenges the notion that social or environmental factors shape cognitive differences between the sexes. Instead, it supports the reality that biological sex influences brain structure and function even before birth, laying the foundation for later cognitive and behavioral differences.

Historical wisdom is not antithetical to modern science; it is often reinforced by it. The foundational principles of society, passed down through generations, frequently find validation through empirical study. One such principle—the recognition of innate differences between males and females—has been acknowledged for millennia. Although contemporary narratives attempt to cast doubt on this understanding, scientific research continues to affirm its validity.

Alas, the tension between these modern myths and objective reality is not innocuous. Distorting the fundamental pillars of society carries significant consequences, particularly for children beginning to make sense of the world. When young students are presented with contradictory depictions and descriptions—modern-day creation myths—they are not merely encouraged to consider new ideas. They are

asked to reject the very realities their minds and bodies intuitively recognize as “normal.” The effects of this distortion are now becoming evident.

II. YOUNG PEOPLE ARE EASILY INFLUENCED BY AUTHORITY FIGURES WHO ASSERT PARTICULAR VIEWS

As the culture of gender theory and fluid gender identity spread among the youth, the Montgomery School District has chosen to inculcate these ideas and culture into their curriculum. Besides the questionable scientific and philosophical aspects of these teachings, it is important to understand how impressionable children are. Even if Montgomery County Public Schools (MCPS) do not present these topics in a coercive manner, children will still readily accept the information and are by virtue of their developmental stage unable to distinguish fact from opinion or contested theory.

A child is thus never “simply hearing other views” in a classroom setting. There is always a bias in human communication that even well-intended teachers will introduce in what they choose to portray, how they emphasize certain aspects of a lesson, etc. Children are accustomed to accepting assertions put forth by an adult authority figure unquestioningly. They lack the critical-thinking skills to evaluate gender-theory views of sexual identity. While children may feel discomfort when first presented with something they view as “weird,” they are more willing to accept it as normal if it continues to be presented by the adult authority figure whom they have been told to respect. The presentation of transgender, nonbinary, or “queer” culture, particularly if consistently applied, can result in children developing values distinct from

their parents. Although perhaps not intentional, such development has been shown to normalize abnormal behavior and stigmatize those who fail to conform.

For young people in K-12 and even sometimes for those somewhat older, there is often an implicit psychological assumption that information communicated by an authority figure is correct and any discomfort associated with that information is the student's problem. Children often experience pressure from their teacher to conform to what he or she provides them. Respondents note that "simply hearing about other views does not necessarily exert pressure to believe or act differently than one's religious faith requires." *See* Pet.App.35a-36a. But that is irrelevant, because of the nature of the developmental dynamic between a young child and an authority figure. This authority figure likely instructs the child in other subjects where there is an expectation of accepting unquestioningly (such as in mathematics), which dynamic will carry into classroom discussions on gender. A child is thus never "simply hearing other views" in a classroom setting.

Respondents note that the guidance provided by MCPS encourages teachers to respond to students who describe another student as "weird" by saying something like "That comment is hurtful; we shouldn't use negative words to talk about people's identities." *Pet.App.94a.* But the material presented in books used by MCPS likely will appear to a child as "weird" because of the natural intuitive understanding children have of the inherent differences between males and females, so responding to a child in this way is coercive—suppressing their initial reaction to books such as *Born Ready: The True Story of a Boy Named Penelope*. Children have natural reactions to what they are

shown, and informing children that their reactions are “hurtful” will indeed coerce them into accepting what is presented as normal, as well as doing damage to the development of the child’s efforts at critical thinking

Similarly, attempts by Respondents to frame the stories in question as comparable to fairy tales like *Cinderella* or *Snow White* invite children to accept the patently imaginary as possible realities. Unlike cherished fairy tales, which impart time-tested life lessons through fantastical allegories, books like *Born Ready* invite children to accept untested, experimental, ideas and dangerous false “lessons.”

Given the contestable nature of the books promoted by MCPS and the influenceable nature of children, it is highly problematic to present such books in public school. Children are simply unable to differentiate between fact and opinion, so the material presented will be understood by the children to be normative, culturally, religiously, and socially. This creates a situation where a specific viewpoint—namely the gender-theory approach to gender fluidity, transgenderism, and the like—are being imposed on young minds.

III. GENDER THEORY HAS LED TO INCREASED MENTAL ILLNESS AND DEPRESSION AMONG YOUTH

Despite the many fundamental differences between the genders, the radical theories of scholars such as Judith Butler are beginning to penetrate American culture and education. While undermining scientifically based ideas and cultural norms around sex and gender these theories have also begun to negatively affect Americans. As Americans—and especially American teenagers—experiment with gender identities,

there have been measurable increases in mental illness, depression, and anxiety throughout the country.

Sixteen years ago, young girls interviewed would say their goal in life was to be “effortlessly perfect.” A culture of perfectionism was prevalent for girls who were seeking excellence in all aspects of their life, including academics and their physique. *Amicus* Leonard Sax, a psychologist and physician, documented this phenomenon in his 2010 book, *Girls on the Edge: The Four Factors Driving the New Crisis for Girls*. In the revised second edition of *Girls on the Edge*, Dr. Sax writes that the desire to be “effortlessly perfect” has largely disappeared. Instead, girls today view being “perfect” or even “normal” as boring and unexciting. Instead, a new cultural phenomenon is emerging around LGBTQ and a preference for “neurodivergence” and nonconformity to gender norms. Young people are now encouraged to think of themselves as profoundly misaligned with their cultural milieu.

This dynamic is borne out by statistics demonstrating that among Generation X (1965-80) and Millennials (1981-96), the self-identification as LGBT ranged from below 5% to 10%. Among Generation Z (those born after 1997), however, LGBT identification shoots to over 20%. Specifically, the rise in Gen Z identification with LGBT began in 2017. Between 2017 and 2021, the proportion of people in Gen Z who identified as LGBT nearly doubled, from 10.5% to 20.8% —even as such identification remained largely stable among other generations. See Leonard Sax, PowerPoint Presentation, www.leonardsax.com/becket2.pptx, slide 33 (citing Jeffrey M. Jones, *LGBT Identification Rises to 7.2% in U.S.*, Gallup, Feb. 18, 2021, <https://tinyurl.com/bdz6axwd>). In the latest just-released

survey, the proportion of people in Gen Z who identify as LGBT has risen still further, to 23.1%. Jeffrey M. Jones, *LGBTQ+ Identification in U.S. Rises to 9.3%*, Gallup, Feb. 25, 2025, <https://tinyurl.com/bdz6axwd>.

The Diagnostic and Statistical Manual of Mental Disorders published in 1994 (DSM-IV) noted that “There are no recent epidemiological studies on prevalence of Gender Identity Disorder² [in the United States]. Data from smaller countries in Europe with access to total population statistics and referrals suggest that roughly 1 per 30,000 adult males and 1 per 100,000 adult females seek sex-reassignment surgery.” Am. Psych. Ass’n., DSM-IV 535 (1994). In 2023, the national Youth Risk Behavior Survey assessed transgender identity in a large and demographically representative survey of American youth. That survey found that more than 3 in 100 high school students identified as transgender. Nicolas A. Suarez, et al., *Disparities in School Connectedness, Unstable Housing, Experiences of Violence, Mental Health, and Suicidal Thoughts and Behaviors Among Transgender and Cisgender High School Students—Youth Risk Behavior Survey, United States, 2023*, MMWR (2024), <https://tinyurl.com/v939znnb>. Moreover, just between 2016 and 2019, the number of Americans undergoing “gender-affirmation surgery”—formerly known as sex-reassignment surgery—nearly tripled. Jason D. Wright et al., *National Estimates of Gender-Affirming Surgery in the US*, JAMA Netw. Open, Aug. 23, 2023, <https://tinyurl.com/4x6dstz9>. These findings show that sexual orientation and gender identity are much more susceptible to cultural influences than was previously suspected.

² This was the clinical name for transgenderism.

Along with these increases in persons identifying as transgender or expressing confusion in this regard, the research has become increasingly clear that these persons suffer with higher levels of anxiety and depression than the general population. Studies have shown that transgender students experienced a higher prevalence of violence, mental health problems, suicidal thoughts and behaviors, and a lower prevalence of school connectedness than their cisgender peers. Sixty-nine percent of questioning students and 72% of transgender students have experienced persistent feelings of sadness or hopelessness which are symptoms of depression. Twenty-six percent of transgender students had attempted suicide as opposed to 5% of cisgender students. Suarez, *supra*. Similar correlations between transgender identity and mental illness have been found throughout the globe. For example, in Denmark, transgender people were seven times more likely to have attempted suicide and three times more likely to have died from suicide. Annette Erlangsen, et al., *Transgender Identity and Suicide Attempts and Mortality in Denmark*, JAMA, June 27, 2023, <https://tinyurl.com/yy927knc>.

In the United Kingdom, where similar increases in transgender and LGBT identity have emerged, the National Health Service was directed to review the scientific literature regarding the outcomes of medical interventions for transgender identifying patients, producing the famous Cass Review in 2024. The Cass Report does not support medical intervention for gender transition for children below the age of 18. The report discouraged the distribution of puberty blockers or drugs that could induce cross-sex hormones to children under 18 and indeed this practice was subsequently stopped in the UK. See Hilary Cass, *Independent*

Review of Gender Identity Services for Children and Young People, <https://tinyurl.com/3st6ftkh>. The Cass Review pointed to the dangers of introducing gender transitioning to children too early.

Research from the Cass Review and other studies document that along with the rise in LGBT identity and transgenderism, there have been increases in anxiety and depression among the youth in the United States and in the West; speculation with respect to the reasons for this escalation has generated different hypotheses. Some researchers have argued that developments like social media and the smartphone cause increases in anxiety and depression and not the questioning of gender identity at a young age. Studies of children outside the Anglosphere, however, question that theory. Whereas within the Anglosphere, which includes the U.S., Canada, Australia, the U.K. and New Zealand, happiness among those under the age of 30 declined significantly between 2006 and 2023, in the rest of the world happiness among that cohort mostly increased. See Derek Thompson, *America's Top Export May Be Anxiety*, *The Atlantic*, June 2024, <https://tinyurl.com/2s3as5h6> (noting that the years from 2006 to 2023 are often considered the period during which the use of social media and the smartphone grew to become ubiquitous). For example, studies show that high psychological distress stayed largely stable in countries like Russia, Greece and Spain during this period, even though these countries also experienced the growth of smartphone and social-media use. See Zach Rausch, et al, *Supplement for The Youth Mental Health Crisis Is International Part 4: Europe*, <https://tinyurl.com/3fknpc9k>.

The research of *amicus* Dr. Sax suggests that while smartphones and social media may be a vector of cultural malaise, ultimately they cannot be pinned down as its cause. Leonard Sax, *Toxic Phones—or a Toxic Culture?*, Inst. for Family Studies, Sept. 30, 2024, <https://tinyurl.com/34h3ets8>. Given the lack of spikes in depression and mental illness in non-Anglosphere countries with similar rates of smartphone and social-media adoption, there is something specific to the Anglosphere that produces such malaise. As the data suggest, the strong correlation between mental illness and LGBT identification indicates that there does seem to be a problem with introducing fundamental questions about gender identity to children younger than 18. These ideas are highly destabilizing and disruptive to young minds, which are already vulnerable due to hormonal changes and other developments as they enter adolescence. Although gender theory and sexual transition may have its place among mature adults, the imposition of these topics onto young minds distorts their growth and can cause psychological problems.

IV. PARENTS SHOULD HAVE A RIGHT TO WITHDRAW THEIR CHILDREN FROM CLASSES AND MATERIALS INVOLVING RADICAL GENDER THEORY

MCPS is promoting ideas that contrast with the traditional values and historical wisdom that many students have previously been exposed to. At the start of the 2022–2023 school year, children as young as four were introduced to storybooks featuring gay, lesbian, bisexual, transgender, and queer characters. Pet. Br. at 4. The purpose of this exposure, according to MCPS, is twofold: first, to use the storybooks as a tool for improving literacy competency, as with any other age-

appropriate text; and second, to ensure that students, in pursuing the first goal, have access to a diverse range of texts that foster an understanding of multiple perspectives. *See id.* Following these readings, mandatory classroom discussions were held, during which teachers guided students in exploring the themes and questions raised by each book. *Id. at 7.* Families who found these themes and discussions not only age-inappropriate but also contradictory to the foundational teachings they sought to instill in their young children were given virtually no say in the decision. *See id.*

Exposure to diverse viewpoints is beneficial, to be sure, but mandatory acquiescence to a contestable reality is not. Children first learn about the realities of the world from their parents and guardians. When they enter school, they bring these foundational beliefs with them, including those rooted in religious or cultural significance. As previously noted, however, children lack a deep understanding of why they perceive reality as they do. They simply accept that their parents, the only authority figures in their lives up to that point, have instilled these beliefs. Therefore, the claim that no children in MCPS were asked to change their personal beliefs during classroom discussions about foundational realities—such as the definitions of male and female—is moot. *See Pet. Br. at 6.*

Children do not yet possess the cognitive ability to critically evaluate propositions presented to them by other authoritative figures. When teachers introduce the idea that males can be females and vice versa, a child is not equipped to assess the validity of this claim. Further, if a precocious child with the courage to speak scientific truth is then shamed as being hurtful, the development of quieter, more reticent children

who observe this interaction will be harmed, as they will then learn that speaking about their own intuitions or feelings is unwelcome.

Because a child lacks the ability to critically evaluate such conclusions, the decision to reject the normative beliefs and historical wisdom instilled by their parents becomes inconsequential. Whether the school explicitly “coerces” students into accepting these ideas is largely irrelevant. The mere fact that children are being taught to view concepts like gender fluidity as part of normal reality is enough to create confusion and distortion in young, undeveloped minds that are not yet capable of fully grasping the logical implications. The books used by MCPS, such as *Born Ready* and *My Rainbow*, portray gender transformation and changing one’s sexual identity as normal aspects of life. These depictions directly contradict the values and lessons many students are taught at home.

As previously discussed, the introduction of distorted beliefs can have negative mental impacts on young children as they navigate the alternate realities imposed upon them by authority figures at school. It is thus essential that parents have the right to decide which belief system their child is exposed to. The MCPS curriculum presents children with a choice between two realities: maintaining the traditional wisdom passed down by their parents and broader society for millennia, or subscribing to an alternate reality presented by an authoritative figure implicitly endorsed by the parents. For a psychologically undeveloped mind, this choice is both confusing and highly susceptible to influence. Yet, under MCPS policy, parents are not permitted to opt out of classroom discussions that introduce these controversial themes to

their children. Put simply, parents have no control over which reality their children are led to accept.

And parents have the right to influence that choice. Although MCPS acknowledges that parents remain free to discuss these topics at home within the context of their family's beliefs, this supposed remedy fails to address the primary challenge these children face. The issue is not whether a child's choice can later be corrected, but whether the choice between conflicting realities should be presented at all. Young children are vulnerable and need to be protected by adults entrusted with their care, and not be exposed to dangers that can be avoided. Parents can certainly intervene after the fact, but they should be afforded the opportunity to proactively make choices for their children. This is where the rights of parents over the content their children are exposed to must be emphasized.

Such a concept is not without precedent. Even when public schools are not explicitly engaging in coercion, courts have recognized the role of parental influence in curating the content to which students are exposed. In *Flore v. Sioux Falls Sch. Dist.*, for example, the court rejected a freedom of expression claim, noting that students could be excused from religious Christmas hymns at the request of their parents. 619 F.2d 1311, 1319 (8th Cir. 1980). In contrast, MCPS affords parents no such ability to influence what reality is presented to their children. Given the potential for negative psychological harm, such disregard for parental rights is unconscionable.

CONCLUSION

This case presents important scientific and cultural issues that the lower court swept aside. For the foregoing reasons, and those stated by the petitioners, the Court should reverse the judgment below.

Respectfully submitted,

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