

No. 24-410

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In the  
Supreme Court of the United States

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L. M., a Minor, by and Through His Father and  
Stepmother and Natural Guardians,  
CHRISTOPHER and SUSAN MORRISON,  
*Petitioner,*

v.

TOWN OF MIDDLEBOROUGH, MASSACHUSETTS;  
MIDDLEBOROUGH SCHOOL COMMITTEE;  
CAROLYN J. LYONS, Superintendent,  
Middleborough Public Schools, in her official  
capacity; and HEATHER TUCKER, Acting  
Principal, Nichols Middle School, in her official  
capacity,  
*Respondents.*

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*On Petition for Writ of Certiorari to the  
United States Court of Appeals for the First Circuit*

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**BRIEF OF AMICI CURIAE PACIFIC JUSTICE  
INSTITUTE, CONCERNED WOMEN FOR  
AMERICA, AND NATIONAL LEGAL FOUNDATION  
in Support of the Petitioner**

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## STATEMENTS OF INTEREST<sup>1</sup>

The **Pacific Justice Institute** (PJI) is a non-profit legal organization established under section 501(c)(3) of the Internal Revenue Code. Since its founding in 1997, PJI has advised and represented in court and administrative proceedings thousands of individuals, businesses, and religious institutions, particularly in the realm of First Amendment rights. PJI has represented hundreds of parents and guardians with children in the public schools relative to curriculum, school policies, and student and parental rights. As such, PJI has a strong interest in the development of the law in this area.

**Concerned Women for America** (CWA) is the largest public policy organization for women in the United States, with approximately half a million supporters from all 50 States. Through its grassroots organization, CWA encourages policies that strengthen women and families and advocates for the traditional virtues that are central to America's cultural health and welfare, including religious liberties. CWA actively promotes legislation, education, and policymaking consistent with its philosophy. Its members are people whose voices are often overlooked—everyday, middle-class American

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<sup>1</sup> No counsel for any party authored this brief in whole or in part. No person or entity other than amici and their counsel made a monetary contribution intended to fund the preparation or submission of this brief. Timely notice was given to all parties.

women whose views are not represented by the powerful elite.

The **National Legal Foundation** (NLF) is a public interest law firm dedicated to the defense of fundamental parental rights and First Amendment liberties, including the freedoms of speech, assembly, and religion. The NLF and its donors and supporters, in particular those from Massachusetts, are vitally concerned with the outcome of this case because of its effect on the fundamental rights of parents and their minor children.

## SUMMARY OF ARGUMENT

Considering the significant attention this case received from *amicus* participants below, your *amici* here do not belabor the merits, but leave that discussion to others. Instead, your *amici* make two points briefly, in support of granting the petition: (1) the type of school policies challenged here have proliferated throughout the country, “protecting” youth from hearing opposing viewpoints on transgenderism—not just from fellow students, but from teachers and parents as well—and enforcing an ideological conformity on a hotly contested scientific, medical, and moral issue; and (2) the argument that transgender youth need special protection due to their fragile psyches is wholly at odds with the assumption that these children are mature enough to make life-changing choices for themselves.

## ARGUMENT

### I. Policies Like that Challenged Here have Proliferated Across the Country

The challenged policy, taking its springboard from prohibitions of “bullying” and “harassment,” has shut down any discussion about the logic and advisability of exhibiting as transgender. This case involves speech by a student, but school policies typically extend to teachers and administrators as well, requiring them to use the “preferred,” rather than given, names and pronouns of children who have expressed the desire to exhibit as another gender at school. *See, e.g., Meriweather v. Hartop*, 992 F.3d 492 (6th Cir. 2021) (university); *Mirabelli v. Olson*, 2023 WL 5976992 (S.D. Cal. Sept. 14, 2023) (elementary school).

These policies also typically “protect” students who are exhibiting as transgender from their parents when the school or child thinks they may be “unsupportive” of the child exhibiting as transgender. It does this by requiring teachers and administrators to hide records and information from parents, all in the name of keeping the children “safe” from their own parents’ influence, spinning unsubstantiated educational “justifications” by claiming that the children will feel better about themselves if they hear nothing negative and, thus, become better students. *See, e.g., John and Jane Parents 1 v. Montgomery Cnty. Bd. of Educ.*, 78 F.4th 622 (4th Cir. 2023). A monitoring organization, while cautioning that its list is not comprehensive, now finds such policies in over

1,100 school districts in 37 states and D.C. covering over 12,000,000 students. See <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/> (last updated Oct. 3, 2024).

The wisdom of transgenderism cannot be allowed to become a taboo subject in our schools when its exercise is rampant in them, but that is what is happening. The importance of this issue amply supports granting the petition.

## **II. The School’s Justification for Its Censorship is Internally Inconsistent**

The school’s justification for shielding students who have decided that they were “born in the wrong body” and want to “fix” that by exhibiting as transgender is that they are fragile souls who need protection from the knowledge that others disagree with the very concept that someone could be born in the wrong body and that gender is mutable, rather than immutably binary. At the same time, the school champions the presumption that these same children are fully capable of deciding for themselves that they should exhibit as other than their biological sex. But if they are mature enough to make such a decision, they are certainly mature enough to hear that others disagree with the very idea on which they are basing a major, life-changing choice.

It is central to our system of government that more information is better than less, with the hope that the truth will eventually win out. See *Snyder v.*

*Phelps*, 562 U.S. 443 (2011) (holding that Free Speech Clause shields against tort of intentional infliction of emotional distress when speech is on matter of public concern). While a school setting may involve particular time, place, and manner restriction considerations, it does not allow the type of “tails I win, heads you lose” logic that schools are now employing, regarding their students as mature as adults when they make a choice in accord with the “advanced” thinking of the school on the issue of transgenderism, but converting those same students to fragile flowers when they might be exposed to a contrary point of view.

## CONCLUSION

The petition presents a matter of critical importance affecting schoolchildren throughout the country. This Court should grant the petition.

Respectfully submitted this  
12th day of November 2024,

/s/ Frederick W. Claybrook, Jr.

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