

No. 24-30399

In the United States Court of Appeals for the Fifth
Circuit

STATE OF LOUISIANA, BY AND THROUGH ITS ATTORNEY GENERAL,
ELIZABETH B. MURRILL; LOUISIANA DEPARTMENT OF EDUCATION;
STATE OF MISSISSIPPI, BY AND THROUGH ITS ATTORNEY GENERAL,
LYNN FITCH; STATE OF MONTANA, BY AND THROUGH ITS ATTORNEY
GENERAL, AUSTIN KNUDSEN; STATE OF IDAHO, BY AND THROUGH ITS
ATTORNEY GENERAL, RAUL LABRADOR; SCHOOL BOARD OF WEBSTER
PARISH; SCHOOL BOARD OF RED RIVER PARISH; SCHOOL BOARD OF
BOSSIER PARISH; SCHOOL BOARD SABINE PARISH; SCHOOL BOARD OF
GRANT PARISH; SCHOOL BOARD OF WEST CARROLL PARISH; SCHOOL
BOARD OF CADDO PARISH; SCHOOL BOARD OF NATCHITOCHE PARISH;
SCHOOL BOARD OF CALDWELL PARISH; SCHOOL BOARD OF ALLEN
PARISH; SCHOOL BOARD OF LASALLE PARISH; SCHOOL BOARD
JEFFERSON DAVIS PARISH; SCHOOL BOARD OF OUACHITA PARISH;
SCHOOL BOARD OF FRANKLIN PARISH; SCHOOL BOARD OF ACADIA
PARISH; SCHOOL BOARD OF DESOTO PARISH; SCHOOL BOARD OF ST.
TAMMANY PARISH,

Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF EDUCATION; MIGUEL CARDONA, IN
HIS OFFICIAL CAPACITY AS SECRETARY OF EDUCATION; OFFICE FOR
CIVIL RIGHTS, UNITED STATES DEPARTMENT OF EDUCATION;
CATHERINE LHAMON, IN HER OFFICIAL CAPACITY AS THE ASSISTANT
SECRETARY FOR CIVIL RIGHTS; UNITED STATES DEPARTMENT OF
JUSTICE; MERRICK B. GARLAND, IN HIS OFFICIAL CAPACITY AS THE
ATTORNEY GENERAL OF THE UNITED STATES; KRISTEN CLARKE, IN HER
OFFICIAL CAPACITY AS ASSISTANT ATTORNEY GENERAL FOR THE CIVIL
RIGHTS DIVISION OF UNITED STATES DEPARTMENT OF JUSTICE,

Defendants-Appellants

SCHOOL BOARD RAPIDES PARISH,

Plaintiff-Appellee

v.

UNITED STATES DEPARTMENT OF EDUCATION; MIGUEL CARDONA, IN HIS OFFICIAL CAPACITY AS SECRETARY OF EDUCATION; OFFICE FOR CIVIL RIGHTS, UNITED STATES DEPARTMENT OF EDUCATION; CATHERINE LHAMON, IN HER OFFICIAL CAPACITY AS THE ASSISTANT SECRETARY FOR CIVIL RIGHTS; UNITED STATES DEPARTMENT OF JUSTICE; MERRICK B. GARLAND, IN HIS OFFICIAL CAPACITY AS THE ATTORNEY GENERAL OF THE UNITED STATES; KRISTEN CLARKE, IN HER OFFICIAL CAPACITY AS ASSISTANT ATTORNEY GENERAL FOR THE CIVIL RIGHTS DIVISION OF UNITED STATES DEPARTMENT OF JUSTICE,

Defendants-Appellants

On Appeal from the United States District Court

for the Western District of Louisiana

Nos. 3:24-CV-563, 1:24-CV-567

**BRIEF OF *AMICUS CURIAE* DR. STEPHEN CRANNEY
IN SUPPORT OF PLAINTIFFS-APPELLEES AND AFFIRMANCE**

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SUPPLEMENTAL STATEMENT OF INTERESTED PERSONS

No. 24-30399

FIFTH CIRCUIT RULE 29.2

The undersigned counsel certifies that the following persons and entities have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Deborah J. Dewart, Counsel for *Amicus Curiae*

Jeffrey P. Bristol, Assistant Drafter for *Amicus Curiae*

Dr. Stephen Cranney, *Amicus Curiae*

The undersigned counsel also certifies that the sole *Amicus Curiae*, Dr. Stephen Cranney is a natural person.

DATED: September 26, 2024

/s/ Deborah J. Dewart
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IDENTITY AND INTEREST OF *AMICUS CURIAE*¹

Dr. Stephen Cranney, as *amicus curiae*, respectfully urges this Court to uphold the District Court’s preliminary injunction because of the severe harm that the suggested changes to Title IX that the proposed Rule will effect will be serious, immediate and for some, potentially irreversible.

Dr. Cranney is an expert in the fields of sociology and demography. He has written several popular and academic articles on subjects relating to sexuality and social change. He is gravely concerned that the proposed changes to the government’s enforcement of Title IX will cause grave harm to both society and the very individuals Title IX is intended to protect.

¹The parties have consented to the filing of this brief. Neither the parties nor their counsel have authored this brief, and neither they nor any other person or entity other than amici curiae contributed money that was intended to fund preparing or submitting this brief.

INTRODUCTION

The debate around transgender accommodations is one of the most fraught of our times. The fervor of other amicus briefs and previous court rulings on both sides of the issue makes this clear. Before beginning in earnest, we must address some simple points.

Our position acknowledges the humanity of all people regardless of their sex and gender identification and holds that everyone's rights are important. It is obvious to the Court that respecting everyone's rights is far from an easy thing, for people differ in their interests and needs and it is the law's job to balance these rights when they come into conflict. Achieving this balance is no less important in the matter of transgender rights versus the rights of the overwhelming majority who are not transgender. Whatever balance the law strikes, it cannot sacrifice the rights of one group, especially when representing the overwhelming number of people in society, for the other. Unfortunately, that sacrifice is exactly what these Title IX rule-changes represent.

There are strong cultural norms revolving around who can see who in a state of undress that are held by the vast majority of people in the United States. Being exposed to genitals characteristic of the opposite sex (or having their own genitals and private areas exposed to people who were born to the opposite sex) seriously violates those norms. As our survey and related research, experiences and surveys demonstrate, these rights are not just widespread, but grounded in strong, concrete reason.

This Amicus Brief accomplishes several things. We begin by discussing the history of bathroom segregation, its justification and various laws surrounding privacy. We continue by discussing a methodologically robust survey conducted for the purposes of this brief that involves a representative sample of the American population that shows the overwhelming privacy interest that the average American feels towards single-sex bathroom spaces. This survey was designed specifically to capture the popular concern over this topic and demonstrates in exquisite scientific detail how far the removal of bathroom and locker separation by sex will prejudice and harm the privacy rights of the average student, particularly women.

This survey was prepared and supervised by Dr. Stephen Cranney. Dr. Cranney owns a data science firm, is an adjunct professor at Catholic University of America where he has taught a course on human sexuality, and is a non-Resident Fellow at Baylor's Institute for the Studies of Religion. He has published over 30 peer-reviewed studies, many in the domain of sexuality and gender, and has a dual-Ph.D. in Sociology and Demography. His research has been reported on by *The Guardian*, *The New York Times*, *Deseret News*, *The Wall Street Journal*, *The Atlantic* and *Christianity Today*. He is well-qualified and experienced to speak directly to the issues concerned in this brief.

Title IX recognizes the fundamental, important distinction of the sexes, a distinction felt, seen and acknowledged by the vast majority of Americans. It was their will, expressed through the legislative acts of their representatives and upheld

by generations of legal professionals (both judges and lawyers) that have established, maintained and perpetuated the fundamental privacy and fairness concerns that the biological distinctions of sex implicates. To recognize the ability of transgender individuals to enter intimate areas not belonging to their birth sex would collapse those practical and legal distinctions that preserve the liberty, privacy and fairness for all Americans who use school bathrooms.

ARGUMENT

I. Introduction

Bathrooms and locker rooms involve the most intimate parts of our physical selves. In these places we are sometimes nude, always vulnerable, and engaged in acts which we share hesitantly with anyone and only with those who are either like ourselves in sex or to whom we are bound through intimate relations. Because of these physical concerns, segregation in these premises is allowed as justified on grounds both legal and moral. This segregation also serves an important social function. Not only does sexual segregation protect the basic privacy rights that Americans commonly feel, it serves to protect these individuals from sexual and other forms of assault. It is a bulwark of safety for both body and spirit.

As scholarly research demonstrates, bathroom sex-segregation was “among the earliest anti-sexual harassment laws in the [American] nation;” such segregation had its origins in concerns about the safety of women.² The safety

² W. Burlette Carter, *Sexism in the “Bathroom Debates”: How Bathrooms Really Became Separated by Sex*, 37 Yale Law & Policy Review, 227, 228 (2018).

concerns of sexual assault were therefore pre-eminent from the beginning in sex segregation, and since nothing has changed in the nature of man and woman since the institution of separate bathrooms was created (indeed the disparity in rates of crimes between the sexes,³ the overwhelming rate of sexual violence of men against women, and the dearth of such violence by women against men remains significant⁴), these original reasons for segregation retain an evergreen vigor. We shall also see through anecdotal reports of individual instances and public records information that assault in intimate spaces, both restrooms and other venues, remain a serious and continuing danger.

American law is far from insensate to the importance of privacy to human dignity and its central role as a natural right.⁵ The Supreme Court has recognized that the right to bodily privacy, holding that “[p]hysical differences between man and women...are enduring.”⁶ In fact, when integrating the Virginia Military Institute (VMI), the Supreme Court held that “VMI would undoubtedly require

³ Among the many sources proving this point, we cite as most easily accessible the FBI’s own crime numbers for the US in the most recently accessible year, 2019. Federal Bureau of Investigation, 2019 Crime in the United States, <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-42#:~:text=Arrests%2C%20by%20Sex%2C%202019&text=Males%20comprised%208.0%20percent%20of,larceny-theft%20offenses%20in%202019> (last visited Sep. 23, 2024).

⁴ Rosemary Gartner, “Sex, Gender, and Crime” in *The Oxford Handbook of Crime and Criminal Justice*, Michael Tonry, ed., 348, 349-50, 352-55, 361-66 (2011).

⁵ Various Circuits have recognized the right to bodily privacy in general, see *Doe v. Luzerne Cnty.*, 660 F.3d 169, 176 (3d Cir. 2011); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 633-34 (4th Cir. 2020) (Niemeyer, J., dissenting); *Brannum v. Overton Cnty. Sch. Bd.*, 516 F.3d 489, 494 (6th Cir. 2008).

⁶ *U.S. v. Virginia*, 518 U.S. 515, 533 (1996).

alterations necessary to afford members of each sex privacy from the other sex in living arrangements...,” thereby implicitly recognizing the legally necessary separation of accommodations.⁷

Federal circuit courts across the country have extended this right to privacy even to prisoners,⁸ holding that inmates cannot be forced to expose their bodies to members of the opposite sex without serious justification even when that member of the opposite sex is a prison guard.⁹ In making this decision, these Courts clearly considered biological sex as the important criterion.¹⁰

Given that even prisoners are protected from exposure to those born of the opposite sex, it would be strange indeed if school children, in being forced to endure this exposure, were to have fewer rights than a federal inmate, if a middle school-aged girl on an away-team soccer trip were to have less protection from a member of

⁷ *Id.*, 550 fn. 19.

⁸ Court typically accomplished this extension by applying the factors established by the Supreme Court in *Turner v. Safley* to prison rules regarding privacy rights. 480 U.S. 78, 89-91 (1987). For federal Circuit courts applying the *Turner* factors to bodily privacy, see *Bonitz v. Fair*, 804 F.2d 164 (1st Cir. 1986) (Overruled on unrelated grounds); *Covino v. Patrissi*, 967 F.2d 73 (2d Cir. 1992); *Parkell v. Danberg*, 833 F.3d 313 (3d Cir. 2016); *Lee v. Downs*, 641 F.2d 1117 (4th Cir. 1981); *Oliver v. Scott*, 276 F.3d 736, 744 (5th Cir. 2002) (Holding that prisoners retain at least a minimum Fourth Amendment interest in privacy); *Henry v. Hulett*, 969 F.3d 769 (7th Cir. 2020); *Sepulveda v. Ramirez*, 967 F.2d 1413 (9th Cir. 1992); *Farmer v. Perrill*, 288 F.3d 1254 (10th Cir. 2002); *Fortner v. Thomas*, 983 F.2d 1024 (11th Cir. 1993).

⁹ See *Bonitz*, 172-73; *Harris v. Miller*, 818 F.3d 49, 57-58 (2d Cir. 2016); *Lee*, 1120; *Farmer*, 1256-57 (Where a transgender inmate objected to being viewed by others while being strip searched); *Sepulveda*, 114-1417; *Fortner*, 1030. Each of these cases involve strip-searches of inmates involving guards of the opposite sex.

¹⁰ *Id.*

the opposite sex than a convicted serial rapist, yet in eliminating Title IX sex-segregation, this bizarre situation is the very reality we run the risk of creating.

That this position is not just a reflection of legal reasoning, but good common sense cannot be denied. Transgendered individuals make up a vanishingly small minority.¹¹ While that fact does not mean they should be harmed or injured, it also does not mean they should receive privilege, especially if that privilege harms the majority. Most people recognize this truth. In fact, we have fielded and analyzed a robust, national poll that shows just how common is the sentiment that privacy in intimate spaces is a sensitive and basic right natural to our condition as a sexed species.

Given that bodily dignity and privacy form a serious component of our natural liberty, the feeling of violation in these areas is in fact a violation of these same rights and represents in part those basic liberties our Constitution is intended to protect.

II. The Poll

Our custom survey was designed to ask the basic question at the heart of this case: does the presence of transgendered individuals in bathrooms violate the basic privacy rights of individual citizens? In order to answer this simpler question, however, we had to ask a series of revelatory and highly relevant questions that

¹¹ Pew Research Center, Americans' Complex Views on Gender Identity and Transgender Issues, <https://www.pewresearch.org/social-trends/2022/06/28/americans-complex-views-on-gender-identity-and-transgender-issues/> (last visited Sep. 23, 2024) (Putting the total number of transgender individuals at 1.6% of the population).

together provide a firm and comprehensive answer. Privacy is an essentially personal issue. It has as much if not more to do with the subjective feelings of security, discretion and dignity as any objective measure. Consequently, the only way to determine rigorously whether the presence of transgender individuals in bathrooms violates the privacy rights and expectations of individuals is to ask.

We conducted a nationally-representative survey using the SurveyMonkey/Momentive panel to gauge attitudes and comfort levels of women and men sharing spaces with biological members of the opposite sex who identified as their same-sex. A panel survey is one in which a survey company hires a panel of people to take surveys. This is a very standard, reputable method of obtaining representative numbers about the US population.¹² In our particular case we balanced the survey by age and gender, helping assure that it matched the demographics of the US per Census estimates. The original sample had N=1,058, but to assure quality responses we conducted a quality check question to remove bad-faith survey takers. We asked “this is a quality check question, please select D.” We removed respondents who did not select D, leaving a final sample size of 928. The poll ran from September 12th to September 13th, 2024.

This survey showed relevant results indicating the grave privacy violations of the majority of Americans, both male and female, that the presence of transgender individuals in bathrooms, locker rooms and private spaces will create. Through

¹² Stantcheva, Stefanie. "How to run surveys: A guide to creating your own identifying variation and revealing the invisible." 15:1 *Annual Review of Economics*, 205 (2023).

their own expressions of discomfort, it is almost impossible to deny that their rights will be seriously violated if the Court fails to uphold basic Title IX protections in segregating sensitive facilities.

Below we present the questions, their results, and follow with a brief explanatory discussion.

1. *How comfortable would you feel if a biological member of the opposite sex who identified as a member of your sex saw you undress in the locker room? For example, if you are a man and a biological woman who identifies as a man saw you undress, or if you are a woman and a biological man who identifies as a woman saw you undress?*

Response	Male %	Female %
<i>Very uncomfortable</i>	38	57
<i>Somewhat uncomfortable</i>	19	20
<i>Somewhat comfortable</i>	12	12
<i>Very comfortable</i>	30	11

2. *How comfortable would you feel if you saw a biological member of the opposite sex who identified as a member of your sex undress in the locker room? For example, if you are a man and you saw a biological woman who identifies as a man undress, or if you are a woman and you saw a biological man who identifies as a woman undress?*

Response	Male %	Female %
Very uncomfortable	37	52
Somewhat uncomfortable	21	21
Somewhat comfortable	12	15
Very comfortable	29	12

3. *Should women in a high school gym class be required to share a shower space with a biological male that identifies as a female?*

Response	Male %	Female %
Yes	36	17
No	54	71
Maybe	10	12

4. *If a female sports team sleeps over at a hotel while on a tournament trip and the teammates are sharing rooms, should the female teammates be pressured into sharing a room with a biological man who identifies as a woman?*

Response	Male %	Female %
Yes, the female teammates should be pressured into sharing a room with a biological man who identifies as a woman	35	20
No, the female teammates should not be pressured into sharing a room with a biological man who identifies as a woman	65	80

5. *How comfortable would you feel if a biological man who has male genitalia (penis, testicles), but who identifies as a woman walked around naked in a woman's locker room while there were elementary school-aged girls present?*

Response	Male %	Female %
<i>Very uncomfortable</i>	56	72
<i>Somewhat uncomfortable</i>	10	8
<i>Somewhat comfortable</i>	9	9
<i>Very comfortable</i>	25	11

This survey is very clear. The overwhelming majority of Americans are simply not comfortable with the presence of transgender individuals born into the opposite sex being in their intimate, private spaces. This sense of deep violation is the ultimate affront to one's sense of privacy and therefore basic privacy rights. This deep sense of violation extends both to individuals themselves as well as to individuals' concerns for the privacy rights of their children.

The sexual differences in the survey are remarkable. While majorities of men still support strict biological sex-only spaces, for women the majority is

overwhelming. In total, 77% of American women would be uncomfortable and feel their privacy violated if seen undressed by a person born into the opposite sex. 73% would experience the same violation of privacy if they merely saw a person born into the opposite sex undressed.

In summary, well over 70% of women find a privacy violation regardless of whether they are the ones being exposed or exposing.

When children are involved, the concern is even more drastic. Fully 80% of women are uncomfortable with the presence of someone born into the opposite sex if elementary-aged children are present. In school-aged sports-trips the numbers are the same, with 80% of women saying that female teammates shouldn't be *pressured* into sharing rooms.

Please note the wording used in the above question: these Americans don't simply object to the *requirement* that girls share rooms with people born into the opposite sex, they object even to *the strong suggestion* of this violation of their children's privacy.

These results have also been confirmed by another nationally representative survey conducted by highly ranked survey firm SurveyUSA.¹³ SurveyUSA conducted this project in 2023 with a sample size of 1,262. They showed that "88% say a female 12-year-old attending a sleep-away summer camp for boys and girls, who has been signed up by her parents for a girls' cabin, should be assigned

¹³ 538, 538's Pollster Rating, <https://projects.fivethirtyeight.com/pollster-ratings/> (last visited Sep. 23, 2024).

bunkmates who are female only. 9% say her bunkmates should be either female or male, as long as they consider themselves girls.”¹⁴

The results of both ours and the SurveyUSA surveys show that women overwhelmingly consider the elimination of single-sex accommodations a violation of their privacy, creating situations where women would be rendered especially vulnerable to violence and its threat. Women’s rejection in these cases is not bigoted; it is justified, rational, and its aim is equity. Indeed, destroying this equity and rendering women less secure from violence against women by those who are born male threatens to make victims out of the innocent and undeserving public, inflicted by the hands of the very institution, the government, which is supposed to protect their safety and their rights.

III. Evidence for Male Violence

Our survey is one of the strongest direct pieces of evidence that the elimination of Title IX sex-segregation would seriously harm Americans’ privacy rights. Experience and studies from other nations and national jurisdictions highlight that this is far from an isolated concern of Americans, but that real cause from concern exists *everywhere* where the boundaries between the sexes are broken down.

¹⁴ SurveyUSA, Strong Majorities Prefer Female-Only Interactions for Women, Girls in Athletics, Restroom, Other Situations, <https://www.surveyusa.com/client/PollReport.aspx?g=42574e21-871e-4023-9ef2-d9b5b39f47c8> (last visited Sep. 23, 2024).

In the world of transgender studies, one of the longest and most reliable data sets emerged from Sweden where, at the time of the last in-depth analysis, transgender individuals had been involved in the study for three decades.¹⁵ Because of the length of the study and the large number of subjects, its results provide clear and robust insights into the sociological and psychological conditions of transgender individuals over time and as a group.

One of the most relevant findings of this long-term and highly robust study for our purposes is the criminality rate. As is well-known, men commit crimes at vastly higher rates than women.¹⁶ This differential in the propensity to commit crimes, especially of a sexual nature,¹⁷ is a key reason for the segregation of men and women into separate bathrooms and lodging facilities. Because of the tight relationship between privacy and protection from crime, the concern for one's physical security should properly be read as a part of one's privacy rights. Privacy, in other words, intertwines with safety

According to this study, gender transition did nothing to abate the higher criminality of those born as men. The study found:

[R]egarding any crime, male-to-females had a significantly increased risk for crime compared to female controls (aHR 6.6; 95% CI 4.1–10.8) but not compared to males (aHR 0.8; 95% CI 0.5–1.2). This indicates that they retained a male pattern regarding criminality. The same was true regarding violent crime. By contrast, female-to-males had higher crime rates than female controls (aHR 4.1; 95% CI 2.5–6.9) but did not

¹⁵ Cecilia Dhejina et al. Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden 6(2) *PLoS One*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043071/> (2011).

¹⁶ FBI 2019 Crime Statistics.

¹⁷ See Gartner.

differ from male controls. This indicates a shift to a male pattern regarding criminality and that sex reassignment is coupled to increased crime rate in female-to-males. *The same was true regarding violent crime.* (Emphasis added)¹⁸

In other words, while men remain just as violent after their transition, women become more violent after theirs and in no case does violence decrease.

Put simply, *all* transgender individuals have male rates of violent criminality.

These results paint a very unfortunate picture for women who identify as such, as they face the potential of increased violence when exposed to anyone who has undergone serious exposure to testosterone. Hardly a ringing endorsement for joining the sexes.

A non-scientific, but still rigorous study by the British newspaper *The Times* confirms the legitimate safety concerns of women who share spaces with men.¹⁹ They found that “[u]nisex changing rooms are more dangerous for women and girls than single-sex facilities...Almost 90% of reported sexual assaults, harassment, voyeurism in swimming pool and sports-centre (sic) changing rooms happen in unisex facilities, which make up less than half the total.”²⁰

¹⁸ *Id*

¹⁹ Andrew Gilligan, Unisex changing rooms put women in danger, *The Times* Sep. 2, 2018, <https://www.thetimes.com/life-style/sex-relationships/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kgk>.

²⁰ *Id*

Of a total of 134 complaints reported across Britain in 2017-2018, 120 occurred in unisex changing rooms while only 14 occurred in single-sex rooms.²¹ “The data emerged four days after Darren Johnson, a serial voyeur, was sentenced to 16 months’ imprisonment after stalking schoolgirls in the mixed changing area of a Putney leisure centre (sic).”²²

In other words, while the sexually offending male-to-female transgender inmate may not characterize all or even most transgender individuals, neither is it a myth; it remains a reality that threatens the majority who identify with their birth sex.

Conclusion

The results of our survey and a cursory survey of other data sources available vindicate the common-sense and long-held position that intimate spaces should be segregated by sex. Not only do the majorities of both men and women (but especially women) view this segregation as an essential part of their right to privacy and physical safety, but the violation of this segregation can result in the expected harms to women who stand to suffer increased chances of sexual assault when exposed to men who transition to become women.

Our survey is particularly important in this discussion because they are the only numbers presented so far to this Court (according to our knowledge) that takes the position of the heretofore silent majority: those individuals who use bathrooms,

²¹ *Id*

²² *Id*

locker rooms and other facilities who stand to be exposed to individuals that are different than themselves in the most intimate ways and from whom they have legitimate fears in their exposure.

To strike down the Title IX protections of women and men who make up the vast majority of the American public (over 99%, in fact), to support the perceived needs of a very small minority (less than 1%) cannot be anything but a serious violation of their constitutional and natural rights to privacy, safety and perhaps, in an extreme circumstance, even life itself.

DATED: September 26, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2024, an electronic copy of the foregoing brief was filed with the Clerk of this Court using the CM/ECF system, which will serve all counsel of record.

/s/Deborah J. Dewart
Deborah J. Dewart

CERTIFICATE OF COMPLIANCE

This document complies with Fed. R. App. P. 32(a)(7)(B) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) this document contains 4,318 words.

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/s/ Deborah J. Dewart
Deborah J. Dewart

ECF CERTIFICATIONS

I certify that the required privacy redactions have been made pursuant to 5th Cir. R. 25.2.13, the electronic submission is an exact copy of the paper submission, and the document has been scanned for viruses and is free of viruses.

/s/ Deborah J. Dewart
Deborah Dewart