Nos. 21-35815 & 21-35856

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIAN TINGLEY,
Plaintiff-Appellant/Cross-Appellee,
v.
ROBERT W. FERGUSON, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL FOR THE STATE OF WASHINGTON, ET AL.,
Defendant-Appellees/Cross-Appellants,

EQUAL RIGHTS WASHINGTON,
Intervenor-Defendant-Appellee,

On Appeal from the United States District Court
for the Western District of Washington
No. 3:21-cv-05359-RJB
Hon. Robert J. Bryan

BRIEF OF *AMICI CURIAE* FRED T. KOREMATSU CENTER FOR LAW AND EQUALITY, AOKI CENTER FOR CRITICAL RACE AND NATION STUDIES, CENTER ON RACE, INEQUALITY, AND THE LAW AT NEW YORK UNIVERSITY SCHOOL OF LAW, LOYOLA LAW SCHOOL ANTI-RACISM CENTER, AND BOSTON UNIVERSITY CENTER FOR ANTIRACIST RESEARCH IN OPPOSITION TO PLAINTIFF-APPELLANT'S PETITION FOR REHEARING EN BANC

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 26.1 and 29(a)(4)(A), undersigned counsel for amici curiae make the following disclosures. The Fred T. Korematsu Center for Law and Equality, the Aoki Center for Critical Race and Nation Studies, the Center on Race, Inequality, and the Law at New York University School of Law, the Loyola Law School Anti-Racism Center, and the Boston University Center for Antiracist Research are not publicly-held corporations, do not issue stock, do not have parent corporations and, consequently, there exist no publicly held corporations which own 10 percent or more of their stock.

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STATEMENT OF IDENTITY AND INTEREST OF AMICI CURIAE[1]

Amici curiae, the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law, the Aoki Center for Critical Race and Nation Studies, the Center on Race, Inequality, and the Law at New York University School of Law, the Loyola Law School Anti-Racism Center, and the Boston University Center for Antiracist Research are academic centers at their respective universities that focus on research, education, and advocacy on issues regarding race and racial justice.[2] Amici are acutely aware of the harm subordinated minorities can suffer when laws passed for their protection are challenged by those claiming a constitutional privilege to act in ways that harm subordinated minorities. Amici submit this brief in support of denying the petition for en banc rehearing because they believe states must be able to exercise their legislative authority to guarantee equal treatment to all people in the U.S. and protect subordinated minorities from harmful treatment.

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[1] Pursuant to Fed. R. App. P. 29, amici note they have obtained consent from all parties to file this brief. In addition, amici certify that, pursuant to Federal Rules of Appellate Procedure 29(a)(4)(E) and 29(b)(3), no party's counsel authored this brief in whole or in part, nor did any party or party's counsel contribute money that was intended to fund preparing or submitting this brief. No person—other than the amici curiae, their members, or their counsel—contributed money that was intended to fund preparing or submitting this brief.

[2] Amici and their interests are detailed individually in Appendix A.

INTRODUCTION

Throughout this country's history, valid exercises of states' inherent police power to protect subordinated minorities from harmful treatment have been subject to legal challenges by those who wish to deny those minorities equal protection under the law. Cloaked in invocations of free speech or free exercise, challengers contend they have a constitutional privilege to harm subordinated populations on account of their minority status. Time and again, courts reject such arguments, finding no First Amendment right to, among other things, exclude members of certain races from restaurants, bar students in interracial relationships from attending schools, or prevent organizations from admitting members of other genders to their ranks.

Amici know all too well what it means to be singled out for harmful treatment based on their minority status. And amici are troubled to see these same arguments being raised to challenge laws that ensure members of the lesbian, gay, bisexual, transgender, and/or queer (or questioning) ("LGBTQ+") community are not singled out for harmful treatment based on their sexual orientation or gender identity or expression. Washington's law prohibiting conversion therapy is a quintessential exercise of police power; it bars licensed medical practitioners from performing treatments that harm children. The right to inflict such harm is not constitutionally protected. Instead, the state's enactment of laws and regulations to

ensure protection from harm is an ordinary and lawful exercise of power consistent with the Constitution.

This Court's panel decision correctly found that Tingley has no constitutional privilege to target subordinated minorities for harmful treatment. Preserving that decision will protect the communities which amici represent from exposure to similar harm. While much progress has been made in eradicating segregation and other forms of invidious discrimination, racial and ethnic minorities continue to suffer from pervasive discrimination, as evidenced by the recent increase in hate crimes across the country. *See The Year in Hate and Extremism 2019*, S. Poverty L. Ctr. (2020), https://perma.cc/YJQ8-EFYZ. Moreover, while the law Tingley challenges here regulates the conduct of licensed professionals, his arguments threaten to undermine fundamental public accommodation and anti-discrimination laws that guarantee equal treatment across all sectors of our society.

Amici submit this brief to highlight the extent to which "free speech" and "free exercise" have been invoked historically to justify harmful and discriminatory practices directed toward subordinated minorities. Amici further address why licensed medical practitioners' speech and religious interests in particular cannot supplant the rights of subordinated minorities to be protected from harmful conduct.

I. Opponents of Civil Rights Legislation Have Long Tried to Ground a Right to Discriminate in Free Speech or Free Exercise Theories

Since this country's founding, racial, ethnic, and other minorities have faced discriminatory laws and practices subjecting them to unique harm on the basis of their minority status. The fundamental message of these laws is that minorities are "other" and should not be able to enjoy the same privileges as "ordinary" Americans. One of Congress' first major attempts to prevent this harm, the Civil Rights Act of 1875, was found to have exceeded Congress's power under the Thirteenth and Fourteenth Amendments. *Civil Rights Cases*, 109 U.S. 3 (1883). In a now infamous passage, Justice Bradley held that racial minorities should not be treated as "the special favorite of the law[]." *Id*. at 25.

Emboldened by the Civil Rights Cases, a wave of post-Reconstruction segregation laws, ordinances, and customs "lent the sanction of law to a racial ostracism that extended to churches and schools, to housing and jobs, to eating and drinking" and "to virtually all forms of public transportation, to sports and recreations, to hospitals, orphanages, prisons, and asylums, and ultimately to funeral homes, morgues, and cemeteries." C. Vann Woodward, *The Strange Career of Jim Crow* 7 (3d rev. ed. 2002). From cradle to grave, segregation laws sanctioned harmful conduct against racial minorities.

Federal and state legislatures attempted to combat this unequal treatment through the passage of civil rights legislation and public accommodation laws—most notably, the Civil Rights Acts of 1957 and 1964. Title II of the Civil Rights Act of 1964, a watershed moment in civil rights legislation, aimed to eliminate the loss of "personal dignity that surely accompanies denials of equal access to public establishments." S. Rep. No. 88-872 (1964), *as reprinted* in 1964 U.S.C.C.A.N. 2355, 2370. Alongside those legislative efforts, strategic lawsuits resulted in recognition and affirmation of the fundamental right to equality across all walks of life. In the 1940s and 1950s, minorities won crucial victories to prevent discrimination in access to voting (*Smith v. Allwright*, 321 U.S. 649 (1944)), interstate buses (*Morgan v. Virginia*, 328 U.S. 373 (1946)), graduate school facilities (*McLaurin v. Okla. State Regents for Higher Educ.*, 339 U.S. 637 (1950)), law school admissions (*Sweatt v. Painter*, 339 U.S. 629 (1950)), and, most famously, public school education (*Brown v. Bd. of Educ.*, 347 U.S. 483 (1954)).

This groundbreaking progress was often met with vehement resistance, with opponents such as the White Citizens' Councils and the Ku Klux Klan promoting segregation and white supremacy in their communities through extra-legal means, including economic coercion, social pressure, and even violence. *White Citizens' Councils*, The Martin Luther King, Jr. Rsch. & Educ. Inst. at Stanford, https://tinyurl.com/56phn7x3. This "terror and intimidation in each of the

Southern states"[3] included attacks levied against those who integrated schools,[4] buses,[5] interstate transportation,[6] and places of public accommodation.[7]

These opponents also fought progress in the courts, raising First Amendment challenges to new civil rights laws. For example, opponents of Title II of the Civil Rights Act of 1964 argued that the law "violated the rights of owners of public accommodations to decide whom to serve, characterizing this as both an individual right of association and a property right." Brian K. Landsberg, *Public Accommodations and the Civil Rights Act of 1964: A Surprising Success?*, 36 Hamline J. Pub. L. & Pol'y 1, 4 (2014).

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[3] Julian Bond, *Julian Bond's Time to Teach: A History of the Southern Civil Rights Movement* 44 (Pamela Horowitz & Jean Theoharis eds., 2021).

[4] Bond, *supra* Ch. 8 (describing physical and verbal abuse of the first Black students to integrate Little Rock Central High School).

[5] Bond, *supra* Ch. 6 (describing attacks against participants in the Montgomery bus boycotts).

[6] Bond, *supra* Ch. 12 (describing attacks against the Freedom Riders).

[7] *See, e.g.*, Bond, *supra* Ch. 22 (white gas station owner shot and killed a black civil rights activist named Samuel Younge after Younge used a "whites only" bathroom in Tuskegee, Alabama); Lorraine Boissoneault, *In 1968, Three Students Were Killed by Police. Today, Few Remember the Orangeburg Massacre*, Smithsonian Mag., Feb. 7, 2018, https://tinyurl.com/yed9rsbd.

The Supreme Court has repeatedly and without reservation rejected such challenges. In the first major challenge to Title II, *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241, 260 (1964), the Court "rejected the claim" that the law violated property owners' speech rights. Similarly, the Court has rejected free exercise challenges to anti-discrimination laws, rejecting the arguments of a restaurant chain owner who refused to integrate his establishments on the basis that Title II violated his First Amendment rights. *Newman v. Piggie Park Enters., Inc.*, 390 U.S. 400 (1968) (per curiam), *aff'g* 256 F. Supp. 941 (D.S.C. 1966). Civil rights laws protecting other subordinated minorities similarly have been upheld against First Amendment challenges. *See, e.g.*, *Hishon v. King & Spalding*, 467 U.S. 69 (1984) (rejecting First Amendment defense against Title VII enforcement); *Bd. of Dirs. of Rotary Int'l v. Rotary Club of Duarte*, 481 U.S. 537 (1987) (rejecting assertion of First Amendment right to bar women from Rotary Club membership, in violation of state civil rights law); *Roberts v. U.S. Jaycees*, 468 U.S. 609 (1984) (no First Amendment right to discriminate on the basis of gender); *State v. Arlene's Flowers, Inc.*, 441 P.3d 1203 (Wash. 2019) (upholding Washington Law Against Discrimination over free exercise challenge).

The underlying rights those challengers unsuccessfully sought to vindicate are not fundamentally different from the rights Tingley asserts here. Tingley professes a belief "that sexual relationships are beautiful and healthy, but only if

lived out in a particular context—namely, between one man and one woman committed to each other through marriage." Appellant's Br. at 6-7. And he claims that belief entitles him to provide conversion therapy treatment to LGBTQ+ patients on "gender, gender identity, gender expression, sexual orientation, and sexual behaviors," *id*. at 10, regardless of the harm such treatment causes. The challengers in these other cases similarly held viewpoints or beliefs, religious or otherwise, that members of different races, genders, or other minority communities should be subjected to different treatment based on their minority status. Those challenges failed in those cases and should likewise be rejected here.

II. States Have the Inherent Authority to Protect Youth From Harmful Medical Treatments

Washington enacted the law at issue to further its "compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by conversion therapy." Wash. Rev. Code Ann. § 18.130.180 off. notes (2018) (Intent--Finding--2018 c 300). These interests are at the heart of states' power to legislate—"without a doubt a legitimate state interest," as the panel decision found. *Tingley v. Ferguson*, 47 F.4th 1055, 1078 (9th Cir. 2022) (internal quotation marks omitted). States have an "interest in the protection of children [that] is unquestionably of the utmost importance." *State v.*

Motherwell, 788 P.2d 1066, 1072 (Wash. 1990). Courts routinely uphold "legislation aimed at protecting the physical and emotional well-being of youth even when the laws have operated in the sensitive area of constitutionally protected rights." *N.Y. v. Ferber*, 458 U.S. 747, 757 (1982). The state's authority in this regard is not nullified even when a challenger grounds their objection to the law "on religion or conscience." *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). *See, e.g.*, *Motherwell*, 788 P.2d 1066 (state may compel reporting of child abuse); *Jehovah's Witnesses v. King Cnty. Hosp.*, 390 U.S. 598 (1968) (per curiam), *aff'g* 278 F. Supp. 488 (W.D. Wash. 1967) (state's interest in providing minor child with blood transfusion).

Washington's law further vindicates states' "weighty" interest in protecting LGBTQ+ people from being "treated as social outcasts or as inferior in dignity and worth." *Fulton v. City of Phila.*, 141 S. Ct. 1868, 1882 (2021) (internal quotation marks omitted). And although not expressly enacted as an anti-discrimination law, amici see the statute fulfilling the fundamental role state governments have in protecting vulnerable and traditionally subordinated classes of people to promote their equal treatment. "The guaranty of 'equal protection of the laws is a pledge of the protection of equal laws.'" *Romer v. Evans*, 517 U.S. 620, 633-34 (1996). *Romer* recognized that anti-discrimination laws need not be limited to groups that received "the protection of heightened equal protection scrutiny" under Supreme

Court precedent, but instead can encompass "an extensive catalog of traits which cannot be the basis for discrimination, including . . . sexual orientation." *Id*. at 628-29. *Romer* further held that preventing a state government from protecting a class of citizens is antithetical to the Constitution. *Id.* at 635. This protection extends to prevention of healthcare regimes specifically harming LGBTQ+ patients. *See N. Coast Women's Care Med. Grp., Inc. v. Super. Ct.*, 189 P.3d 959, 966-68 (Cal. 2008) (rejecting practitioners' free speech and free exercise challenges and holding that lesbian patients may not be singled out for denial of fertility treatment).

Beyond the significant interests articulated above, states further have inherent authority to regulate the professional practice of medicine to prevent citizens from harm caused by unsafe or unsound treatments. The Supreme Court has upheld the state's "broad power to establish and enforce standards of conduct within its borders relative to the health of everyone there" with ample discretion extending to "the regulation of all professions concerned with health." *Barsky v. Bd. of Regents*, 347 U.S. 442, 449-51 (1954). For example, it is unlawful in Washington to introduce or deliver new drugs that have not been approved by the FDA (RCW 69.04.570), even if the practitioner has a sincerely held view, religious or otherwise, that the drugs would be therapeutic to their patients.

There can be no question that the law at issue here furthers all these compelling interests. Washington legislated here on a well-established record of unspeakable harm conversion therapy causes to LGBTQ+ children on account of their sexual orientation and/or gender identity. Conversion therapy "targets adolescents who lack the legal authority to make medical decisions on their own behalf,"[8] with at least 20,000 LGBTQ+ teens likely to "receive conversion therapy from a health care professional before they turn 18."[9] Conversion therapy is highly damaging to a child's psyche and development.[10] The American Psychiatric Association considers it unethical and encourages legislation banning it.[11] Twenty

[8] William Byne, *Regulations Restrict Practice of Conversion Therapy*, LGBT Health (Apr. 5, 2016), at 97–99, https://doi.org/10.1089/lgbt.2016.0015.

[9] Sam Brinton, Opinion, *I Was Tortured in Gay Conversion Therapy and It's Still Legal in 41 States*, N.Y. TIMES (Jan. 24, 2018), https://tinyurl.com/4vmuw7dn.

[10] *See* G. Andrade & M. Campo Redondo, *Is Conversion Therapy Ethical? A Renewed Discussion in The Context of Legal Efforts to Ban It*, Ethics, Med. & Pub. Health, Feb. 2022, https://doi.org/10.1016/j.jemep.2021.100732; Daniel E. Conine, et al., *LGBTQ+ Conversion Therapy and Applied Behavior Analysis: A Call to Action*, J. Applied Behav. Analysis (Winter 2022), https://doi.org/10.1002/jaba.876.

[11] *Position Statement on Conversion Therapy and LGBTQ Patients,* Am. Psychiatric Ass'n, Dec. 2018, https://tinyurl.com/mr3jj27u.

U.S. states and Washington D.C. have banned conversion therapy on minors,[12] and Canada has criminalized conversion therapy completely.[13] The International Rehabilitation Council for Torture Victims recognizes it as a form of torture.[14]

The harms inflicted by conversion therapy are particularly acute for LGBTQ+ children of color. Such youth are already more susceptible to negative experience, structural disadvantages, and poor health outcomes, sitting as they do at the intersection of multiple marginalized identities.[15] Compounding those issues, young people of color may be more likely to be subjected to conversion therapy. A recent study found both Hispanic and Black respondents were far more likely than white respondents—fifty-two percent more and twenty-eight percent

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[12] *Conversion "Therapy" Laws*, MOVEMENT ADVANCEMENT PROJECT, https://tinyurl.com/29a86xdt (last updated Jan. 7, 2022).

[13] The criminal code specifically prohibits (1) causing another person to undergo conversion therapy; (2) removing a minor from Canada to subject them to conversion therapy abroad; (3) profiting from providing conversion therapy; and (4) advertising or promoting conversion therapy. An Act to amend the Criminal Code (conversion therapy), S.C. 2021, c. 24 (Can.).

[14] *It's Torture Not Therapy: A Global Overview of Conversion Therapy: Practices, Perpetrators, and The Role of States*, INTERNATIONAL REHABILITATION COUNCIL FOR TORTURE VICTIMS, 2020, https://tinyurl.com/yc7c2vzf.

[15] Amy E. Green, et al., *All Black Lives Matter: Mental Health of Black LGBTQ Youth*, THE TREVOR PROJECT, 2020, https://tinyurl.com/msdmmtjx.

more, respectively—to have undergone conversion therapy.[16] Black LGBTQ+ youth subject to conversion therapy experience a fifty percent increase in attempted suicide.[17] Invalidating the law here would surely subject subordinated minority children to serious harm.

III. Ruling in Tingley's Favor Would Threaten Longstanding and Hard-Fought Civil Rights Protections.

If this Court were to disturb the panel decision and find that Tingley enjoys a constitutional privilege to engage in harmful treatment of LGBTQ+ children under the guise of free speech or free exercise, then, by extension, holders of discriminatory beliefs can claim the same privilege to evade civil rights laws and engage in harmful treatment of subordinated minorities in other contexts. This result would undermine civil rights protections for minorities at a time when such protections remain critical to ensuring equal protection for all Americans.

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[16] Amy E. Green, et al., *Self-Reported Conversion Efforts and Suicidality Among US LGBTQ Youths and Young Adults,* 110 Am. J. of Pub. Health 1221, 1227 (Aug. 1, 2020), https://doi.org/10.2105/AJPH.2020.305701. Similarly, a 2018 national survey in England revealed that respondents of color were nearly twice as likely as white respondents to have undergone or been offered conversion therapy. *National LGBT Survey: Research Report*, GOVERNMENT EQUALITIES OFFICE, July 2018, at 83-84, https://tinyurl.com/5hyww7n4.

[17] Green, *supra* note 15.

The arguments Tingley employs to oppose Washington's legal protections for LGBTQ+ youth have been rejected by the Supreme Court when applied to other minorities. For example, the Supreme Court found a religious exercise objection to interracial marriage did not overcome the government's interest in combatting race-based discrimination. *Bob Jones Univ. v. United States*, 461 U.S. 574 (1983). Unfortunately, some continue to use religious beliefs as a guise for discriminating against those involved in interracial relationships: as recently as 2019, a wedding venue refused to rent to an interracial couple, citing religious beliefs. P.R. Lockhart, *A Venue Turned Down an Interracial Wedding, Citing Christian Belief. It's Far From the First to Do So*, VOX (Sept. 3, 2019), https://perma.cc/5WWN-JPW2. Even today, organizations—including those receiving public funds—attempt to invoke a religious right to discriminate against protected classes.[18]

[18] In December 2021 a faith-based adoption agency sued the Biden administration, arguing that its religious beliefs should allow it to discriminate on the basis of religion, sex, sexual orientation, gender identity and same-sex marriage status. Complaint ¶¶ 146-70, *Holston United Methodist Home for Child. v. Becerra*, No. 21-cv-00185 (E.D. Tenn. Dec. 2, 2021), ECF No. 1. That agency was itself sued after allegedly refusing to place a child with a Jewish couple on the basis of their religion. Tyler Whetstone, *Tennessee-Based Adoption Agency Refuses To Help Couple Because They're Jewish*, KNOXVILLE NEWS, Jan. 21, 2022, https://tinyurl.com/yckkdhvd.

Analogous First Amendment arguments have been raised to justify excluding individuals from public accommodations like bars, restaurants, and stores across the country. In 2015, for example, when a student filed a complaint against his former college, alleging that the college expelled him for racially discriminatory reasons in violation of the Pennsylvania Fair Educational Opportunities Act ("PFEOA"), the Court found that "[t]here is no dispute that the [PFEOA] is a neutral law" that can be applied to religiously affiliated colleges without infringing their religious autonomy. *Chestnut Hill Coll. v. Pa. Human Rels. Comm'n*, 158 A.3d 251, 265 (Pa. Commw. Ct. 2017) Likewise, Washington's law prohibiting conversion therapy applies neutrally to all licensed therapists acting in their licensed capacity in Washington.

In 2017, several businesses similarly raised First Amendment arguments to challenge the application of an Oklahoma state non-discrimination statute after those businesses publicly posted signs declaring their business was a "Muslim free establishment" and denied service to an African American Muslim U.S. Army Reserve member. Mot. for Voluntary Dismissal at 1-2, *Fatihah v. Neal*, No. 16-cv-00058 (E.D. Okla. Feb. 17, 2016), ECF No. 106. The court rejected these arguments, holding that "[t]he First Amendment is not a defense to a discrimination claim." Order at 10, *Fatihah*, No. 16-cv-00058 (E.D. Okla. Dec. 19, 2018), ECF No. 97.

Lawsuits challenging discriminatory denials of service in public accommodations capture only a small subset of the pervasive, harmful and longstanding discrimination that minorities face in this country. For example, in 2013, a nightclub refused to serve people of Korean ancestry because of their race and national origin. Joseph William Singer, *We Don't Serve Your Kind Here: Public Accommodations and the Mark of Sodom*, 95 B.U. L. Rev. 929, 930 (2015). In 2018, a landscaper in Georgia, a state which lacks comprehensive LGBTQ+ protections,[19] refused services for a gay couple because of their sexuality and even admitted to doing so against other LGBTQ+ customers as a matter of course. Katie Burkholder, *Sandy Springs Man Denied Landscaping Service Because of Sexuality*, GA VOICE (Oct. 19, 2018), https://tinyurl.com/5n7j6yhu.

These examples are merely the tip of the iceberg of discrimination in public places in the U.S., but they demonstrate that robust legal protections are necessary to prevent harmful treatment of minorities. If Tingley's First Amendment arguments prevail, such protections will be severely undermined. A free speech or free exercise right to visit harmful treatments on subordinated patients could readily spread into a right to visit other harms on minority populations,

[19] *LGTBQ Nondiscrimination in the States: Georgia*, FREEDOM FOR ALL AMERICANS, https://freedomforallamericans.org/category/states/ga/ (updated Jan. 5, 2021).

undermining decades of efforts to combat discrimination and to erect legal and structural protections that guarantee equal rights to all citizens.

CONCLUSION

For the foregoing reasons, this Court should deny the petition for rehearing en banc and continue to allow the Washington law to fulfill its salutary purpose of protecting children from harm.

Respectfully submitted,

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APPENDIX A: AMICI CURIAE STATEMENTS OF INTEREST

The Fred T. Korematsu Center for Law and Equality (Korematsu Center) is a non-profit organization based at Seattle University School of Law that works to advance justice through research, advocacy, and education. Inspired by the legacy of Fred Korematsu, who defied the military orders during World War II that ultimately led to the incarcerationof 120,000 Japanese Americans, the Korematsu Center works to advance social justice for all. The Korematsu Center has a strong interest in ensuring that the government is empowered to protect vulnerable groups, including LGBTQ youth, from harm. The Korematsu Center does not, in this brief or otherwise, represent the official views of Seattle University.

The Aoki Center for Critical Race and Nation Studies at King Hall, UC Davis School of Law, fosters multi-disciplinary scholarship and practice that critically examine the law through the lens of race, ethnicity, indigeneity, citizenship, and class. Named to honor the memory of Keith Aoki, the Aoki Center seeks to deepen our understanding of issues that have a significant impact on our culture and society. The Aoki Center seeks to promote the role of law in redressing structural racism and safeguarding against the discrimination of vulnerable groups, including LGBTQI+ youth. The Aoki Center does not in this brief or otherwise, represent the official views of the

University of Davis.

The Center on Race, Inequality, and the Law at New York University School of Law works to highlight and dismantle structures and institutions that have been infected by racial bias, plagued by inequality, and visit harm upon marginalized groups. The Center fulfills its mission through public education, research, advocacy, and litigation. It has a special interest in ensuring that states, and the federal government, exercise their lawful authority to protect the rights of oppressed and disadvantaged people and communities. The Center on Race, Inequality, and the Law does not, in this brief or otherwise, represent the official views of New York University or New York University School of Law.

The LLS Anti-Racism Center (LARC) of LMU Loyola Law School (LLS), embraces the moral and professional duty to engage, confront and dismantle individualized and structural racism. LARC draws upon the multiple lawyering strategies of LLS's diverse community members to challenge and transform legal regimes that reify structural racism and inequality. LARC connects legal scholarship and policy research, academic and policy forums, and the on-the-ground clinical work of the Loyola Social Justice Law Clinic to strengthen LLS's real world impact. By applying our collective skills, knowledge, and perspectives to initiatives defined and driven by the community, LARC takes a fundamental

step toward achieving equity and democracy under the law. LARC therefore, is concerned with the ability of government to protect subordinated groups from harm such as LGBTQ+ youth of color. LARC does not, in this brief or otherwise, represent the official views of LMU Loyola Law School.

The Boston University Center for Antiracist Research (the "Center") is a nonpartisan, nonprofit university-based center that seeks to promote and facilitate antiracist progress by unifying research, policy, narrative, and advocacy efforts. The Center's animating goal is to eliminate racism through a rigorous, research-based, and integrative approach. The Center has a keen interest in legal protections for subordinated groups, including LGBTQ+ youth and youth of color, and the ability of legislative bodies to promote equity and safeguard civil rights. The Center does not, in this brief or otherwise, represent the official views of Boston University.

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CERTIFICATE OF SERVICE

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