

**Nos. 16-60477, 16-60478**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

RIMS BARBER, *et al.*,  
*Plaintiffs-Appellees*,

v.

GOVERNOR PHIL BRYANT, STATE OF MISSISSIPPI, *et al.*,  
*Defendants-Appellants*.

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CAMPAIGN FOR SOUTHERN EQUALITY, *et al.*,  
*Plaintiffs-Appellees*,

v.

PHIL BRYANT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF  
MISSISSIPPI, *et al.*,  
*Defendants-Appellants*.

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On Appeal from the United States District Court  
for the Southern District of Mississippi, Northern Division

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**BRIEF OF LGBT YOUTH IN MISSISSIPPI AND THEIR  
PARENTS, TEACHERS, AND COUNSELORS AS AMICI CURIAE  
IN SUPPORT OF APPELLEES AND AFFIRMANCE**

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## **Supplemental Statement of Interested Parties**

Pursuant to Fifth Circuit Rule 29.2, the following persons have an interest in this amicus brief:

### **Amici curiae:**

Marion O’Sullivan

Jess Bennett

Silas Griffith

██████████

Sommer Sneed Husbands

Dr. David Baylis, Ph.D.

John A. “Tony” Caldwell, LCSW

Jennifer Sigrest, LPC

Dr. George Beals, Ph.D. LPC-S NCC

### **Counsel for amici:**

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## **Statement of Identity, Interest, and Authority to File**

### **I. Amici**

Amici comprise LGBT youth and adults who know them well: a parent of a transgender girl, teachers who sponsor student clubs for LGBT youth and their allies, and counselors who provide mental health services to LGBT youth in Mississippi. “LGBT” is an umbrella term that refers to individuals who identify as lesbian, gay, bisexual, or transgender as well as other individuals who do not conform to society’s norms regarding gender and sexuality.

Amici have an interest in this case because H.B. 1523 (Miss. Code Ann. § 11-62-1 *et seq.*) enshrines into law the reality that Mississippi’s LGBT youth do not and will not enjoy the state’s protection from discrimination based on gender identity or sexual orientation. H.B. 1523 legitimizes homophobic and transphobic prejudice and discrimination against Mississippi’s LGBT youth by prioritizing select religious beliefs over their health, safety, and dignity. H.B. 1523, despite having been stayed, already has increased the levels of anxiety, depression, distress, and isolation experienced by many LGBT youth in Mississippi. Amici, as LGBT youth and their adult allies, therefore have

an interest in ensuring that HB 1523 is declared unconstitutional and void.

**A. Marion O’Sullivan**

Marion O’Sullivan is an eighteen-year-old gay woman and recent past president of her Mississippi high school’s Gay–Straight Alliance (GSA), a student club for LGBT students and their allies that has been sponsored for several years by amicus curiae Sommer Sneed Husbands, introduced *infra*. Ms. O’Sullivan now attends college in Rhode Island.

**B. Jess Bennett**

Jess Bennett is a twenty-one-year-old bisexual student at Delta State University in Cleveland, Mississippi. Mr. Bennett currently serves as the president of Delta State University’s GSA, sponsored by amicus curiae Dr. David Baylis, Ph.D., introduced *infra*. He attended high school in Clinton, Mississippi.

**C. Silas Griffith**

Silas Griffith is a twenty-one-year-old student at Delta State University. Silas identifies as transgender and nonbinary, meaning that Silas identifies neither as male nor female. Silas has experienced severe discrimination and harassment while growing up in Mississippi.

**D. [REDACTED]**

[REDACTED], whose name has been redacted from publically available versions of this brief to preserve his and his daughter's anonymity, is a resident of the Mississippi Delta. He has three children, one of whom is a five-year-old transgender girl, whom this brief will refer to as "Doe."

**E. Sommer Sneed Husbands**

Sommer Sneed Husbands is a teacher at a high school in northern Mississippi, where she sponsors the school's GSA. She has witnessed the bullying and rejection her LGBT students have endured at school from classmates and even teachers, along with the stress, anxiety, and depression that follow.

**F. Dr. David Baylis, Ph.D.**

Dr. David Baylis, Ph.D., is a geographer and professor at Delta State University, where he sponsors the university's GSA. Dr. Baylis received his bachelor's in geography and political science from Aquinas College in 2006, his master's in geography from Michigan State University in 2009, and his doctorate in geography from Michigan State University in 2015. As GSA sponsor, Dr. Baylis has heard from

students about the discrimination that they experience at home, at school, and in their communities.

**G. John A. “Tony” Caldwell, LCSW**

John A. “Tony” Caldwell, LCSW, is a licensed clinical social worker who runs a private practice in Oxford, Mississippi. In the past year, Mr. Caldwell has provided counseling services to approximately eight LGBT youth ages twelve through eighteen. Mr. Caldwell also teaches social work at the University of Mississippi. He obtained his bachelor’s in social work from the University of Mississippi in 2003 and his master’s in social work at the University of Tennessee in 2005. He has taught in the Social Work Department at the University of Mississippi since January 2012.

**H. Jennifer Sigrest, LPC**

Jennifer Sigrest, LPC, is a licensed professional counselor with a private practice in Ridgeland, Mississippi. Ms. Sigrest works with numerous high school- and college-age youth, including LGBT youth. She specializes in working with individuals with post-traumatic stress disorder, traumatic stress issues, mood and anxiety disorders, and other issues affecting LGBT individuals. Ms. Sigrest received her bachelor’s in psychology from Delta State University in 1991 and her master’s in

counseling psychology from the University of Southern Mississippi in 1993. She is a member of the Association for Lesbian, Gay, Bisexual, and Transgender Issues in Counseling.

**I. Dr. George Beals, Ph.D. LPC-S NCC**

Dr. George Beals, Ph.D. LPC-S NCC, is a licensed professional counselor with a private practice in Cleveland, Mississippi. Dr. Beals has treated approximately seven LGBT youth in the past year—about 13% of his practice. Dr. Beals is also an assistant professor in the Department of Counselor Education and Psychology at Delta State University. He received his master's in community counseling from the University of Alabama at Birmingham in 1995, and his doctorate in philosophy in counselor education with a doctoral minor in psychology from Mississippi State University in 2007.

**II. Amici's Authority to File**

All parties have consented to the filing of this brief.

**Rule 29(c)(5) Statement**

No party's counsel authored this brief in whole or in part, no party or party's counsel contributed money that was intended to fund preparing or submitting this brief, and no person—other than the amici curiae or their counsel—contributed money that was intended to fund preparing or submitting this brief.

## Summary of Argument

*“I felt constantly unwelcome.”*

—Marion O’Sullivan, amicus curiae

Many of Mississippi’s LGBT youth share this sentiment about their home state. H.B. 1523 codifies it into law.

Even prior to the introduction of H.B. 1523, Mississippi’s LGBT youth—used here to refer to individuals of primary school, secondary school, and college age—endured discrimination based at least in part on their sexual orientation, gender identity, or gender expression. Some have been beaten by family members after coming out of the closet. Some have been bullied at school, called “faggot” and “dyke,” without a single administrator’s or teacher’s intervention. Some have been turned away or referred to conversion therapy by counselors when they sought mental health services.

This constant barrage of rejection, harassment, and even violence causes severe levels of anxiety, stress, and depression in many LGBT youth. Some hide deep in the closet, disclosing their identities to no one and isolating themselves from peers and teachers for fear of excessive attention and the dangers that could come. Others are singled out and publicly shamed by classmates, teachers, and administrators.

Mississippi's LGBT youth already are vulnerable, and H.B. 1523 shatters even the hope of state protection from discrimination. H.B. 1523 does this by enshrining select religious beliefs about gender identity and sexual orientation in law, bestowing the state's blessing upon the discrimination LGBT youth already suffer. Although H.B. 1523 purports to apply only in specific circumstances, amici's experiences reveal that the passage of H.B. 1523 has empowered those who discriminate against LGBT youth to do so in nearly every aspect of life. And it sets a troubling example for future generations of Mississippians who witness and are able to perpetuate the treatment LGBT youth experience today.

## **Argument**

### **I. LGBT Youth in Mississippi Already Are Vulnerable to, and Experience, Discrimination**

Today, many LGBT youth across Mississippi—whose families, friends, communities, and houses of worship frequently reject and vilify them—are in crisis. They endure rejection, harassment, and violence, often from those who are supposed to love and support them. They suffer clinically significant levels of fear, anxiety, stress, and depression. And they regularly cope by camouflaging or concealing their

identities and by seeking out safe, insular groups of friends and trusted adults for support.

LGBT youth in Mississippi experience violence and threats of violence. *See, e.g.,* L.D. Thompson, *Transphobia in Mississippi*, Huffington Post (May 23, 2016, 5:22 PM), [http://www.huffingtonpost.com/ld-thompson/transphobia-in-mississippi\\_b\\_10096474.html](http://www.huffingtonpost.com/ld-thompson/transphobia-in-mississippi_b_10096474.html) (last visited Dec. 17, 2016) (describing how a transgender girl in Mississippi's foster care system was "placed in a boy's group home where she was tormented and physically abused by the other boys"). Amici, or the students they work with, have experienced violent treatment and threats because of their gender identity and sexual orientation. Marion O'Sullivan, who grew up in Mississippi before leaving the state for college, recalls a classmate who threatened to shoot participants at the Pride parade they were planning. When she reported the threat, others mocked her for taking the threat seriously. Sommer Sneed Husbands, who sponsors the GSA at a high school in northern Mississippi, recalls a young student at her high school who was threatened by two bullies who followed and menaced him while he was returning to class from the restroom. Jess Bennett, president of Delta State University's GSA,

recalls being threatened with violence if he returned his bullies' verbal insults with his own.

Heightening their fear of being targeted, LGBT youth in Mississippi hear stories of LGBT individuals being murdered within their home state. *See, e.g.,* Dominic Holden, *Federal Hate Crime Law Used for Transgender Violence for the First Time*, BuzzFeed (Dec. 21, 2016, 12:25 PM), [https://www.buzzfeed.com/dominicholden/hate-crime-law-for-transgender?utm\\_term=.xcQqLNWQA#.ghPl0Ba6P](https://www.buzzfeed.com/dominicholden/hate-crime-law-for-transgender?utm_term=.xcQqLNWQA#.ghPl0Ba6P) (last visited Dec. 22, 2016) (“Joshua Brandon Vallum pleaded guilty Wednesday to violating the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act by killing Mercedes Williamson in 2015 because she was transgender.”); Justin Mitchell & Margaret Baker, *Sheriff: Navy Seaman Accused of Robbing, Stabbing Transgender Woman*, SunHerald (July 25, 2016, 10:19 AM), <http://www.sunherald.com/news/local/article91690322.html> (last visited Dec. 17, 2016); Dominic Holden, *Transgender Teen Killed in Mississippi*, BuzzFeed (June 22, 2015, 5:21 PM), [https://www.buzzfeed.com/dominicholden/transgender-teen-killed-in-mississippi?utm\\_term=.iiA187wPJ#.aiw4Mo86m](https://www.buzzfeed.com/dominicholden/transgender-teen-killed-in-mississippi?utm_term=.iiA187wPJ#.aiw4Mo86m) (last visited Dec. 17, 2016); Moni Basu, *Mysterious Mississippi Murder Stokes Suspicions*

*Bred by an Ugly Past*, CNN (July 22, 2013, 9:31 PM), <http://www.cnn.com/2013/07/20/us/mississippi-murder-mystery/>. They can find death threats against LGBT individuals in public, too. *See, e.g., Anti-gay Graffiti Found on Downtown Building*, Clarion-Ledger (Jan. 16, 2015, 4:45 PM), <http://www.clarionledger.com/story/news/2015/01/16/anti-gay-graffiti-found-on-downtown-building/21879435/> (last visited Dec. 19, 2016) (“The message of ‘NO 2 GAY MARRAGE (sic) KILL THEM,’ was found on a building at the intersection of Capitol and Lemon Streets in downtown Jackson.”); Harold Gater, *Anti-gay Graffiti Found in Downtown Jackson Park*, Clarion-Ledger (Sept. 23, 2014, 9:23 AM), <http://www.clarionledger.com/story/news/local/2014/09/23/anti-gay-graffiti-in-jackson-park/16091389/> (last visited Dec. 19, 2016) (“Messages like, ‘Say no to gay marriage. Kill them gays’ were seen throughout the park.”).

In addition to the fear these tragic incidents instill in LGBT youth, many are directly impacted by bullying. As Ms. O’Sullivan and Mr. Bennett have experienced, LGBT youth are frequently called “faggot” or “dyke” by classmates online, in class, in school hallways, or at lunch—often out of earshot of teachers or administrators. *See* Anna

Wolfe, *Building LGBT Teen, Business Alliances*, Jackson Free Press (Mar. 4, 2015, 10:32 AM), <http://www.jacksonfreepress.com/news/2015/mar/04/building-lgbt-teen-business-alliances/> (last visited Dec. 17, 2016) (“I was called a wannabe dyke; a wannabe boy; a lesbian; a freak; an alien; a he-she.”). Silas Griffith, a college student in Mississippi, recalls how classmates in high school would search for images of transgender people online and make fun of them, knowing full well that Silas was nearby and could hear them. Students gave Silas a wide berth, avoiding any physical proximity and increasing Silas’s isolation, leaving Silas without a single friend. At college, people repeatedly asked whether Silas had a penis or a vagina, both in classrooms in front of teachers and in public on campus. Silas would walk across campus and hear groups of people ask, “What is that?”

Mississippi teachers and school officials frequently fail to address this pervasive bullying. *Cf.* Joseph G. Kosciw et al., GLSEN, *The 2015 National School Climate Survey* 31–32 (2016), <http://www.glsen.org/article/2015-national-school-climate-survey> (finding that 63.5% of LGBTQ student respondents who reported incidents of harassment and assault to school staff met inaction by the school). Jennifer Sigrest, a

counselor in Ridgeland, Mississippi, recalls that no one intervened when one of her LGBT clients was tormented at school. Ms. O'Sullivan cannot recall ever seeing someone in high school punished for homophobic speech, and felt that many teachers secretly agreed with these comments.

When school officials do intervene, LGBT students are often punished along with their bullies for defending themselves, thus discouraging LGBT youth from standing up for themselves. Ms. Husbands recalls that one of her students stood up to his bullies by lobbing verbal insults their way after they made fun of him. He, along with his aggressors, received several days of in-school suspension. When Ms. Husbands asked why he did not explain that he had been the victim, he responded that it would not have helped him. *See also id.* at 27 (“The most common reasons that LGBTQ students did not report incidents of victimization to school staff were doubts that effective intervention would occur, and fears that reporting would make the situation worse.”).

LGBT youth hear their teachers express strong negative opinions about homosexuality, including condemnation of homosexuality as an

abomination. *See, e.g., SPLC Reaches Settlement with Mississippi School District to Stop Anti-LGBT Bullying*, S. Poverty L. Ctr. (Feb. 24, 2015), <https://www.splcenter.org/news/2015/02/25/splc-reaches-settlement-mississippi-school-district-stop-anti-lgbt-bullying> (last visited Dec. 22, 2016). Silas recalled a substitute teacher in high school who explained to the entire class that if she hosted Silas and Silas's girlfriend for dinner and they were holding hands and being affectionate, it would be the teacher's religious right to tell them to stop. A college professor outed Silas to the entire class by denigrating a paper Silas had written on transgender rights for fifteen minutes, dismissing the importance of transgender rights.

Beyond the violence and bullying that LGBT youth experience at school, amici report that many who come out to their families are quickly and mercilessly rejected. They are told that it is not okay that they are LGBT, that it is sinful, that it would mean that they could no longer live at home. *See Arielle Dreher, Nowhere to Go: LGBT Youth on the Move, Without a Home*, Jackson Free Press (Mar. 2, 2016, 3:59 PM), <http://www.jacksonfreepress.com/news/2016/mar/02/nowhere-go-lgbt-youth-move-without-home/> (last visited Dec. 17, 2016). They are

dragged to counselors, like Tony Caldwell, a clinical social worker in Oxford, Mississippi, who has been asked repeatedly by parents to “fix” his clients and asked by churches to shame them into conversion. See Payton Green, *Coming Out in the Christian South: Ole Miss Students on Their Journey to Acceptance*, DM Online (Dec. 2, 2016, 6:22 PM), <http://thedmonline.com/coming-christian-south-ole-miss-students-journey-acceptance/> (last visited Dec. 17, 2016) (“After [I told my mom I was gay], I got sent to a quote, unquote Christian therapist. . . . If you can guess, it had something to do with gay conversion.”). Too many, like the four who shared their most traumatic experiences with Dr. David Baylis, who sponsors the GSA at Delta State University, were physically attacked by the family members they came out to. See also *id.* (“I walked into the house and I got thrown to the ground. . . . That’s when [my older brother] started to kick and punch and say some really mean and hurtful things. ‘Do you know what you’ve done? How can you disgrace the family? You’re disgusting.’”).

Many LGBT youth settle deep in the closet and become hyper-aware of every word they say, thing they do, and person with whom they associate to prevent even the perception of being LGBT. As Dr.

George Beals, a counselor in Cleveland, Mississippi, put it, Mississippi's LGBT youth learn when, where, and how to open their mouths and when, where, and how to go invisible. *See also* Zachary Orsborn, *I Don't Feel Welcome in Mississippi*, Jackson Free Press (Mar. 28, 2014, 6:25 PM), <http://www.jacksonfreepress.com/news/2014/mar/28/i-dont-feel-welcome-mississippi/> (last visited Dec. 17, 2016) ("We've had to cloak ourselves, don our straight-boy-who-has-to-play-sports costume (not found at Walmart), learn how to stand like a man, keep our wrists up, our voices deep and emotions void."). Ms. Husbands has observed how some LGBT youth create separate identities: one they present to the public and the other they present only to people with whom they feel truly comfortable. *See also id.* ("But if you're gay and living in Mississippi, you have to play a character."). Others, as Mr. Bennett recalls of acquaintances, even take on anti-LGBT personas to further conceal their identities.

At school, many LGBT youth are careful not to draw attention to themselves. Some choose not to participate actively in class or avoid building relationships with teachers and administrators. As one might expect, this self-imposed isolation negatively affects these students'

education. Ms. Husbands has observed that LGBT students in her school's GSA are bright but nonetheless usually receive grades that are a letter grade or two below those of the non-LGBT students in the club. She believes this occurs because they are disengaged from classes taught by teachers who do nothing to make them feel comfortable. This also limits the number of teachers from whom they feel comfortable asking for college recommendation letters; she finds these students ask her for these letters. These same students also are more prone to be absent from school, and as Mr. Caldwell observed, some drop out of high school and forfeit their education to avoid their peers. Silas attended three high schools before giving up on the search for a safe educational environment, then dropping out and pursuing a G.E.D. before starting at community college.

## **II. H.B. 1523 Empowers Those Who Discriminate**

H.B. 1523 empowers those who already discriminate against these vulnerable LGBT youth to continue to do so even beyond the textual scope of the law. If this Court were to vacate the district court's preliminary injunction and permit H.B. 1523 to take effect, LGBT youth, who already are vulnerable to rejection, harassment, violence,

fear, anxiety, and depression, will endure more discrimination and suffer greater emotional turmoil.

The common perception of H.B. 1523 is that it legalizes discrimination: it would excuse more bullying, allow LGBT youth to lose their jobs for being LGBT, make conversion therapy acceptable, permit counselors to turn away LGBT clients, and force individuals to use the restroom that corresponds with their sex assigned at birth.

This perception of the statute is not unfounded. As Ms. Husbands observed, H.B. 1523 invites discrimination in all sorts of places and under all sorts of circumstances. After all, if on Sunday the owner of a business can refuse service to an LGBT youth solely because of the youth's LGBT identity, how can anyone expect that business owner's child to afford dignity and respect to that LGBT youth at school on Monday?

Currently, LGBT youth who seek help from counselors are often met with rejection. Section 3(4) of H.B. 1523 sanctions this discriminatory behavior, allowing private citizens and state employees working as counselors to turn away LGBT youth: the statute provides that "the state shall not take any discriminatory action" against

counselors who choose to do so based on the specific beliefs protected by the statute. H.B. 1523, 2016 Leg., Reg. Sess. §§ 3(4), 9(3)(a) (Miss. 2016), Miss. Code Ann. §§ 11-62-5(4), 11-62-17(3)(a).

Counselors, as Mr. Caldwell and Ms. Sigrest recall, shut out LGBT youth by falsely claiming their schedules are too full to take on new clients or by repeatedly rescheduling before telling the client that they just cannot deal with their “issue.” Dr. Beals recalls a transgender youth whose school counselor tried to send her to a church rather than help her. The counselor completely ignored the student’s distress over her identity. *See also* Nico Lang, *Living in Mississippi Can Be Tough if You’re Black and Queer*, *Vice* (May 5, 2016), <http://www.vice.com/read/living-in-mississippi-can-be-tough-if-youre-black-and-queer-lgbt> (last visited Dec. 17, 2016) (“The counselor . . . sat the students down and gave them a speech about what the Bible preaches about homosexuality. ‘She gave us the example of Adam and Eve and told us that how two male frogs do not mate together, two female frogs do not mate together.’”). As Dr. Beals described it, “Being rejected by a counselor can be as bad as, or worse than, being rejected by a close family member.”

H.B. 1523 also threatens to harm LGBT children who have benefited from the rare occasions in which school officials intervene to the youth's benefit. For example, when ██████████, a parent in the Mississippi Delta, told his daughter's elementary school principal that Doe was transgender, the principal admitted ignorance but expressed a willingness to learn and to accommodate Doe. She informed faculty and staff that Doe would be accommodated, given the requirements of Title IX and in spite of anyone's personal opinions. Doe now wears the girls' school uniform, uses the girls' restroom, and is (with the occasional mistake) referred to by her preferred name and female pronouns.

██████████ worries that these accommodations could be terminated at any moment, and that administrators at the middle school and high school Doe will eventually attend will not similarly accommodate her. In particular, he is fearful that H.B. 1523 will encourage school administrators who hold the particular religious beliefs specially protected by the law to dig their heels in, foreclosing the possibility for the type of dialogue that has benefited Doe. *See* Sierra Mannie, *Trans Children in the Balance in Mississippi*, Jackson Free Press (June 1, 2016, 9:21 AM), <http://www.jacksonfreepress.com/news/2016/jun/01/>

trans-children-balance-mississippi/ (last visited Dec. 17, 2016) (“On Tuesday, May 24, the nine-member Mississippi Board of Education decided unanimously to disregard the federal government’s Title IX guidelines to protect transgender students from discrimination just days after the state superintendent had said the state would follow them.”).

Mr. Caldwell has also observed conversations that could foster better treatment of LGBT students in Mississippi, and is concerned that H.B. 1523 will put an end to this positive dialogue. His students, whom he is helping prepare for a career in counseling, fiercely debated whether H.B. 1523 permits counselors to violate the American Counseling Association’s Code of Ethics and the National Association of Social Workers’s Code of Ethics. Mr. Caldwell has seen that, unlike any other issue, homosexuality is the one issue on which counselors are willing to break with these codes if given the opportunity. H.B. 1523, he fears, would make it impossible for his students—the soon-to-be-counselors—to understand the devastating effects they can inflict upon LGBT persons, by giving state sanction to those ethical breaches.

H.B. 1523 amplifies the message many LGBT youth in Mississippi have received all their lives: “You are not welcome here.” As Mr. Bennett put it, H.B. 1523 is a prime example of what causes many LGBT youth in Mississippi to feel that their society is actively trying to reject them. Ms. Sigrest’s young LGBT clients have expressed an increase in anxiety and depression caused by Mississippi’s persistence in defending H.B. 1523 and choosing not to protect the state’s LGBT youth. *See, e.g.,* Arielle Dreher, *Governor Will Join Multi-State Transgender Bathroom Lawsuit Even If State Won’t*, Jackson Free Press (May 27, 2016, 12:30 PM), <http://www.jacksonfreepress.com/news/2016/may/27/governor-will-join-multi-state-transgender-bathroo/> (last visited Dec. 17, 2016).

Amici and their classmates, students, clients, and friends closely followed the passage of and legal challenges to H.B. 1523. Ms. Husbands recalls the members of her high school’s GSA, including its middle school students, downloading the law and the briefs filed at the district court in an attempt to understand the law’s implications for their lives. Seeing how H.B. 1523 can affect them personally, these

youth shared a range of reactions, including shock, fear, disappointment, and a sense of inevitability.

If they did not want to leave Mississippi before, many LGBT youth in the state do now. Ms. Husbands's high school students want to leave and continue to apply to colleges outside the South, though some may not be able to leave because of financial dependence or strong emotional ties. ██████ plans to move out of Mississippi to a safer state with his children if H.B. 1523 takes effect; he would not wait to see if all of his children can thrive and remain safe in Mississippi. Others have been advised to leave. Ms. O'Sullivan's parents encouraged her to leave Mississippi, believing it to be in her best interest after the passage of H.B. 1523. Some, as Ms. Sigrest and Mr. Caldwell observed, choose to stay because, although their current environment seems dead set on rejecting them, it is still what is most familiar to them. And still others, like Silas, are in no position to leave the financial or emotional support they find in friends or even parents despite the potential for supportive communities elsewhere.

## Conclusion

Mississippi's LGBT youth already are vulnerable to discrimination based on their identities and they suffer tremendously for it. H.B. 1523 has demoralized many of them even further, and undermined any hope that their state might seek to protect them. The law empowers those who choose to discriminate and sends a clear warning to LGBT youth: "You are not welcome here."

For these reasons, amici respectfully request that this Court affirm the district court's preliminary injunction.

Respectfully submitted.

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/s/ Diego A. Soto

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December 23, 2016

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### **Certificate of Compliance**

This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 4,094 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and Fifth Circuit Rule 32.2.

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Century Schoolbook.

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## Certificate of Service

I hereby certify that I have served an electronic, redacted copy of the forgoing brief on the following, who agreed to waive service of paper copies pursuant to Fifth Circuit Rule 31.1, this December 23, 2016:

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