

No. 21-35228

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ANITA NOELLE GREEN,

Plaintiff-Appellant,

v.

MISS UNITED STATES OF AMERICA, LLC, a Nevada limited liability
corporation, d/b/a United States of America Pageants,

Defendant-Appellee.

Appeal from the United States District Court
for the District of Oregon
No. 3:19-cv-02048-MO

**BRIEF FOR *AMICI CURIAE*
PAST PAGEANT PARTICIPANTS
IN SUPPORT OF APPELLEE AND
AFFIRMANCE OF THE DISTRICT COURT**

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INTEREST OF *AMICI CURIAE*¹

Amici are 128 biological women who have participated in pageants as contestants, coaches, and pageant directors around the globe. These women participated in pageants to join with other women to express themselves, gain confidence, and achieve greatness. These pageant participants believe that allowing a biological male to compete in a pageant that strives to uplift and highlight women would fundamentally alter the pageant and would deter biological women from participating. *Amici* have benefited greatly both personally and professionally from their pageant experience and want to preserve the ability of future women to express themselves and have similar experiences. The *Amici* pageant participants are listed in **Appendix A** hereto.

¹ In accordance with Federal Rule of Appellate Procedure 29(a)(4)(E), no counsel for a party authored this brief in whole or in part, nor did any person, other than *amici curiae* or their counsel, make a monetary contribution that was intended to fund the preparation or submission of this brief.

All parties have consented to the filing of this brief.

ARGUMENT

The First Amendment protects the freedom of association of individuals who gather to promote certain causes or messages and the government may intervene only for truly compelling reasons. The freedom of association, although it is an individual right, necessarily implies that it is exercised in conjunction with others. And individuals come together for a variety of purposes—often to form themselves, to share experiences, and to express cultural customs or shared beliefs. People also come together to express specific messages that they believe in and want to share. Indeed, “[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association . . . [with] a close nexus between the freedoms of speech and assembly.” *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460 (1958).

I. Pageant Participants Choose Specific Pageants with Specific Messages

Pageants are all about expression. Participants and their messages are, quite literally, on full display for the audience. And the pageants themselves have a particular message they promote. The “Miss Gay America” pageant has a different message than “Miss Black America” or “Ms. Wheelchair California.” Yet each pageant clearly expresses a message that the participants embrace and wish to promote as well.

The vast number and type of pageants available for participants speaks to the multiplicity of messages promoted by these events. Participants choose to enter a particular pageant based on that participant's understanding of the pageant's core values and the message it sends to participants, the audience, and broader society. Pageants have certain requirements for entry, but even those requirements flow from and are consistent with the pageant's values and message.² For example, many pageants are open only to young women who are still teenagers, while others are only open to participants who are above 18 and married. These criteria for entry support the message these pageants promote—e.g., support for young women or promoting more mature women with a message about beauty, grace, and strength for married women.

The women who enter a particular pageant do so because they agree with the message and have a personal desire to spread that message through their participation. Often, participants have a specific cause or platform they wish to promote that is consistent with the pageant's own message. As one previous participant noted, "For many pageants, including Miss United States and Miss America, having a platform is a part of the competition. I've met girls who have platforms that range from pediatric cancer to domestic violence to helping the

² See Appellee's Answering Brief, at 41–42 (discussing different pageants, entry criteria, and associated messages)

homeless.” Alyssa Gum, “How Beauty Pageants Empower Women,” *Her Campus* (Nov. 9, 2017), *available at* <https://www.hercampus.com/school/utah/how-beauty-pageants-empower-women/> (last accessed Oct. 28, 2021). Platforms may be consistent with a pageant’s broad mission to promote causes important to the participants or audience, or they may be more closely related to the pageant sponsor’s own message. For example, Ms. Wheelchair California 2022 states that her “platform for [her] reign is Disability Representation in the Media to include literature, movies, commercials, [and] shows.” MWCA Leadership Institute, “Jacquelyne Yawn, Ms. Wheelchair California 2022,” *available at* <https://www.mwcaleadership.org/> (last accessed Oct. 28, 2021). As the winner of the 50th Miss Black America title, Ryann Richardson’s “personal mission is to introduce more girls and women, minorities and children from under served communities to a world of possibilities in technology and business.” Miss Black America, “About the Queen,” *available at* <https://www.missblackamerica.com/> (last accessed Oct. 28, 2021). The messages of these participants is an extension of the pageants’ own messages regarding disabilities and empowering black women, respectively.

The sociologist Robert Nisbet once explained that “the major moral and psychological influences on the individual’s life have emanated from the family and local community and the church.” Robert Nisbet, *The Quest for Community* 50

(1953). “This is the area of association from which the individual commonly gains his concept of the outer world,” learning how to understand “affection, friendship, prestige, recognition,” as well as “work, love, prayer, and devotion to freedom and order.” *Id.* For pageant participants, pageants are often as important or more important than these other associations. Through pageants, women grow personally and professionally, and many attribute their current success to their pageant participation: “A lot of positive life choices were sparked from that one pageant. I now live a much healthier and active lifestyle. I’ve dedicated time to improve my public speaking and communication skills. I’ve devoted more time to volunteering and community service. I’ve devoted more time to bettering myself.” Rachel Gombosch, “The Beauty Behind Beauty Pageants,” available at <https://www.womenofcincy.org/home/the-beauty-behind-beauty-pageants> (last accessed Oct. 28, 2021).

But pageant participants not only learn about themselves and gain confidence, they also have the opportunity to promote a message individually and collectively. “Whether the competition is for the title of Miss Universe or the Crooked Tree Cashew Queen, these contests showcase values, concepts, and behavior that exist at the center of a group’s sense of itself and exhibit values of morality, gender, and place.” Colleen Ballerino Cohen, Richard Wilk, and Beverly Stoeltje, Eds. *Beauty queens on the global stage: gender, contests, and power 2*

(Routledge: London 1996). Pageants have developed significantly since the 1920s. Now, they “are not just about femininity, or beauty, or even competition. They evoke passionate interest and engagement with political issues central to the lives of beauty contestants, sponsors, organizers, and audiences—issues that frequently have nothing obvious to do with the competition itself.” *Id.*

II. Green’s Participation in the Miss United States of America Pageant Would Disrupt the Pageant’s Message and Cause Other Participants to Avoid the Pageant

Because pageants promote a certain message, and participants enter a pageant based, at least in part, because of that message, Green’s participation in the Miss United States of America Pageant would result in many women choosing to withdraw from the pageant and seek a different pageant that promoted a different message. By admitting a biological male to the pageant, the message that the pageant promotes about womanhood and femininity is fundamentally altered. Participants would no longer believe that the pageant seeks “to EMPOWER Women, INSPIRE others, & UPLIFT everyone!” United States of America Pageants, “The Pageant,” *available at* <https://www.unitedstatesofamericapageants.com/about> (last accessed Oct. 28, 2021).

If the pageant admitted Green, the messages of biological female participants would be forced to change. Those women could no longer associate

themselves wholeheartedly with the pageant. Rather, they would have to give a caveat to their support, acknowledging that Green’s presence changes the nature of the pageant and their own message. More likely, participants would simply choose another pageant that aligns with their own beliefs and message.

And that is all Green is being asked to do here. If Green does not meet the criteria of this pageant—just as Green does not meet the criteria of the Miss Black America pageant, the Miss Teen USA pageant, or myriad other pageants—Green can find many pageants that would allow Green to express a particular message. Green is not, however, permitted to “weaponize” the law to prevent the pageant or its participants from speaking their chosen message. *See Appellee’s Answering Brief*, at 14.

III. Conclusion

Amici have gained tremendously from their individual pageant experiences, and want to ensure that other women have the same opportunities they had. They chose the pageants they did because they agreed with the messages those pageants promoted and they wanted to add their voice to spreading that message. Allowing someone who does not meet the pageant criteria to enter the pageant and fundamentally change the pageant and other participants’ messages would be a clear violation of the right to free association. *Amici* ask this Court to affirm the district court.

Dated: October 29, 2021

Respectfully submitted,

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APPENDIX A

List of *Amici Curiae* Women Who Have Participated In and Won Pageants and Support Miss United States of America, LLC's Freedom To Promote Women Through Pageantry³

Deneen Anderson	Brittany Butler
Tina Anderson	Brooke Capra
Melissa Arredondo	Shelly Carroll Long
Kassidy Balulis	Monica Charpo
Victoria Beltran-Bataz	Susan Cima
Nancy Berhorst	Patricia Cook
Sharon Blais	Olivia Corpora
Robin Borneman	Angela Costanzo
Carly Brigaman	Makayla Cowley
Lori Brown	Sophia Cozzone
Jaclyn Brunson	Patti Cradic
Cynthia Bowers-Martin	Elizabeth Crawford
Heidi Bourgeois	Justina Crigler
Regina Burhop	Katie Curland

³ The following *amici* have participated in international, national, state, and/or local pageants and many have held or currently hold national, state, and/or local pageant titles unless otherwise identified.

Corrine Devin

Danielle Ippolito

Amy Dana
Rachell Diaz

Shannon Jackowski
Daisy Jarvis

Dawn Digrius

Kayla Johnson

Angela DiMattia-Veith

Ronda Johnson-Dove

Nastassia Dzula

Gabrielle Kerby

Samantha Evangelista

Louisa Kiem

Caitlyn Farlow

Alisa Kimble

Anne Forester

Nova Kopp

Alice Foster

Emily Kuma

Parisa Gesthi

Katie Ladomerszky

Yanné Givens

Lynda Lane
*Co-Director of Miss U.S. Events
Pageant*

Karla Gochenour

Kathryn Harrell

Shelley Lashley

Anna Hiatt

Kimberly Lattimore

Christy Hirsch

Serena Lee

Gina Hook

Courtney Lewis

Brianne Houck

Tiffany Lockhart

Anna Huf

Nichole Lowe

Ashley Ingram

April Lufriu

Kameron Mantell

Tori Petersen

Sophia Manzanares
Madison McCuiston

Victoria Phillips
Brenda Piccirillo

Terri McDonald

Pamela Privette
*Owner and Executive Producer of
PageantLive*

Laura Messing

Blaire Messmann

Tiffany Purnell

Kayla Metz

Lucinda Pyles

Sydney Miller

Darlene Quinn

Brooke Mills

Tiffany Rivel

Stephanie Milner

Stephanie Ryan

Tera Moore

Jennifer Ruddle

Lynn Neal

Summer Saylor

LaFaye Noel

Brittany Scull

Courtney Osteen

Jasmine Secrest

Cheryl Ott

Kristin Simone

Rose Ann Palazzolo

April Sixsmith

Melissa Parker

Brittany Sleeper

Mackenzi Penrod

Candice Smith

Sarah Perkins

Hannah Stacy

Sarah Perry

Sandy Stickel

Kamille Tacub

Beckie Takashima
Amandelyn Taylor

Courtney Teuton

Kelly Tran

Deborah Tuttle

Aliesha Severino-Gomez

Alexandria Van Dyke

Megan Van Someren

Anne Marie Vaughan

April Wallen

Kristine Watson
*Director of Miss Route 66
Pageant*

Rebecca West Hensinger

Ally Winski

Kristi Wischnack

Amanda Witkowski

Mikayla Wood

Sandra Zalinsky

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