

Via E-mail

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IMMEDIATE ATTENTION REQUIRED

Dear Mses. Krauss, Lang, and Jacobs,

I am writing to you about Springer Nature's intention to retract the article, "[Rapid Onset Gender Dysphoria: Parent Reports on 1655 Possible Cases](#)" (the "Article"). I believe it is a capricious decision and is likely to cause irreparable harm to my reputation as an academic, jeopardize my ability to promote research, and may cause irreversible monetary damages.

When I submitted the Article for publication with Springer Nature ("Springer") we became bound by contract to treat each other with good faith and fair dealing. Should Springer choose to retract the Article that has already been selected for publication, Springer will have violated the contract and the duties of good faith and fair dealing which will have caused the Article's writers, including me, to be irreparably harmed.

Further, to silence the critical conversation around gender issues will result in harm to Springer's important position as a source for fair, unbiased publication of scholarly articles addressing the urgent gender issues facing society today. I write today to encourage Springer to step away from outside pressures, analyze the issues raised, and consider the journal's central purpose of "advancing discovery." By doing so, it is immediately apparent that the Article deserved publication, and that retraction would be inappropriate, irresponsible, and injurious.

1. The rationale for retraction is a moving target and cannot be applied without triggering a discriminatory action.

Springer is responding and reacting to pressure from activists, and suppression of debate in the form of retraction of the Article that does not promote education or discussion. The [original demand by the activists](#) to retract the paper was on the grounds that the authors allegedly did not obtain Institutional Review Board ("IRB") approval, which they claimed was an ethical violation.

As we have since demonstrated, the paper did not require IRB approval because the primary author, Suzanna Diaz, was not affiliated with an academic institution, and I, as the secondary author, appropriately consulted my own institution's IRB and acted in accordance with its guidance.

I welcome Springer Nature's acknowledgement that we as authors did not commit any ethical violations, and that the Editor, Dr. Zucker, appropriately adhered to [Springer's policies](#) in his

decision to approve the paper for publication. However, despite this, Springer still appears to be moving to retract the paper, but for an entirely different reason.

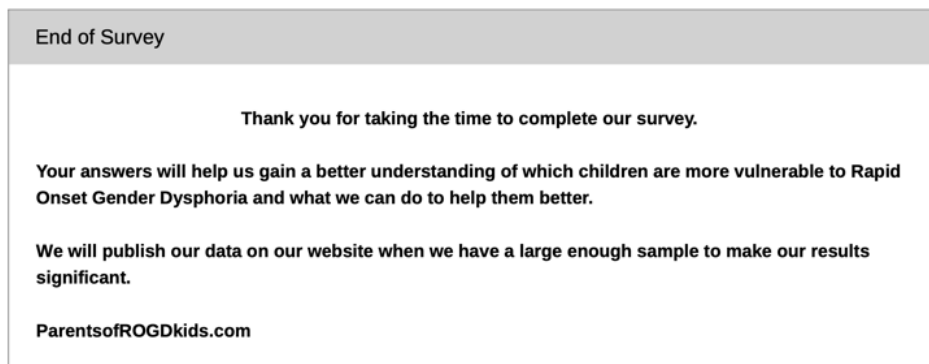
The reason provided in the email I received on May 23, 2023 says nothing about the IRB, but instead now claims the retraction is due to **“noncompliance with editorial policies around consent”** as stated in the below excerpt from the email:

The Publisher and the Editor-in-Chief have retracted this article due to noncompliance with our editorial policies around consent. The participants of the survey have not provided written informed consent to participate in scholarly research or to have their responses published in a peer reviewed article.

Below I elaborate on why this rationale is problematic. Here, I merely observe that it seems that Springer first made the decision to retract the paper due to intense activist pressures, and then, when the first reason for retraction (the IRB allegation) did not support the decision, Springer appears to have chosen a new tact to judge the study and retract it for a new reason—a narrow technicality which, as I explain below, is applied to our paper, but not to other papers published by Springer. This discriminatory application of a changing landscape of reasons is not consistent with Springer’s well-known integrity and not deserved by the Article or its authors.

2. The claim that participants did not provide “written consent to participate in scholarly research or to have their responses published in a peer reviewed article” misrepresents the spirit of consent by all the survey participants.

As a scientist who has worked for several decades in the field of sex research, I assume the responsibility of protecting research participants’ privacy and autonomy very seriously. I firmly assert that we adhered to [Springer’s policy on informed consent without exception](#). The participants not only clearly consented to participate in the survey, based on the survey recruitment language, but also **were clearly aware of the intention to publish their data**.



I reject Springer’s claim that merely because the disclaimer did not clearly state that the data will be published in a “scholarly article,” that somehow to consent to publish is invalid. Instead, Springer’s narrow application of “written consent” appears to be applied for discriminatory purposes to quash the conversation rather than to acknowledge that the intent of the consent

requirement can take many forms. Here, the consent was open, obvious, and clearly communicated the intent to “publish” the data resulting from the survey.

Any researcher in the field of gender medicine is aware of the fact that at the time the data were collected, the scientific community was only starting to recognize the novel presentation of gender dysphoria, which has been hypothesized to represent rapid-onset gender dysphoria (ROGD). Parents of affected children were alarmed that their children were being treated with irreversible interventions for a condition that bore virtually no resemblance to previous presentations of gender dysphoria for which the treatments had been originally designed. At the time, the parents’ concerns were dismissed, which prompted the creation of the survey with the aim of alerting the scientific community and calling attention to this important issue.

The sole intent of parental participation in the survey was to inform the scientific community about the novel presentation of gender dysphoria among youth with no prior history of the condition. The notion that a scientific journal would take notice and agree to publish the results was not something that families of the affected children conceived of as a possibility. In fact, it took several years before scientific journals acknowledged this novel clinical presentation and its validity. Currently, nearly every youth gender clinic in the world reports this phenomenon, referring to it using the [ROGD acronym](#), along with other descriptors such as “[postpuberty adolescent onset transgender histories](#),” or otherwise describing the [emerging phenomenon of adolescent-onset gender dysphoria](#) affecting [primarily females with preexisting mental health problems](#).

On behalf of authors, I strongly assert that consent to publication on a website dedicated to the topic of ROGD, provided by the family members of the affected youth, extends to similar types of publications that the family members could not have conceived would be possible in the future. Research into novel phenomena is always groundbreaking. The real question here is, whether the parents **consented** to their data being shared and if so, whether they **consented** to the dissemination of their data to as broad an audience as possible within the scientific community. Further, it is important to consider whether they wanted their **consent** to support a distribution channel that was as credible as possible for their reports to be taken seriously. In reviewing the language of the recruiting methodology and the disclaimers in the survey, including the clip of the final notice to survey participants depicted above, it is unequivocally clear that the **consent** extended to each of these aspects of the use of the data supplied by the participants.

Like the original website where the data were originally to be published (established and maintained by parents advocating for their children), these same data were published on a website—albeit a different website, one maintained by Springer. Further, like the original website which intended to make the survey results public to disseminate the knowledge of this potentially novel type of gender dysphoria, the Springer webpage that published these data is open-access and available for anyone to read. The open access option is intentionally designed by Springer to promote its mission of “playing our part” in promoting discussion and critical thinking.

Unlike the originally planned publication on the parent-led site, which would have been handled by volunteers unskilled in data analysis and de-identification, publication by Springer promotes the benefits of attention from a skilled researcher and several peer-reviewers and the Editor who

scrutinized the data, which ultimately resulted in a higher quality analysis and stronger, not weaker, human subject protections.

Had the participants originally consented to only participate in future peer-reviewed academic research, but later their responses appeared on a non-academic website with much lower quality standards, one could claim that the original consent was invalid. However, in this case, just the opposite happened—the respondents’ wishes were respected with additional quality standards in place. To be clear, the **consent** matched the intended use of the data provided.

No reasonable person examining the language of the survey, the disclaimer, and the context could assert that any of the parents would likely object to having the results of the analysis appear in a peer-reviewed and highly respected journal, rather than on a parent-led website. In fact, the opposite is true. To respect the courage of the participants, publication by a reliable and responsible source, like Springer, is appropriate and necessary.

Research that relies on reports from patients or family members of affected patients is as close to the originating source as research can reach and the medical community has recognized the vital importance of patient- and caregiver-reported measures. Historically, early research and initial identification of epidemiological changes and trends often relies on patient and family reports.

Further, the table included in the article, which was intended to distinguish the political orientations of survey respondents and contained only masked patient data, was struck from the publication. While we disagree with the decision to remove the table containing de-identified patient data (as we believe we sufficiently de-identified it), we assert that doing so effectively eliminates Springer’s concern about a lack of written informed consent to disclose any potentially identifiable information.

It is clear from the notice given to participants that by completing the survey, they **consented** to the use of the data and publication of the data; that fully satisfies the purpose and intent of the concept of written consent. To argue otherwise suggests that Springer is reaching to find a justification to block the Article and that flies in the face of Springer’s mission.

3. Springer has never attempted to retract any of the numerous publications based on survey research where the respondent provided no consent to having their data used for any publication—let alone in a scholarly publication.

Even a cursory review of Springer’s published articles reveals a slew of “scholarly publications” based on survey research in which the respondents did not provide explicit permission for “scholarly research” use—and often apparently did not provide consent for any research purpose at all. I provide three sets of examples of a dozen or more publications based on survey data that contained no respondent permission for use in “scholarly research” or publication in a “peer-reviewed publication” yet Springer proceeded with publication.

- **American College Health Association (“ACHA”) - National College Health Assessment**

Springer published no fewer than six different publications based on results of this ACHA survey completed by college students, which included intensely personal questions relating substance use, sexual behaviors, and other highly sensitive topics:

<https://link.springer.com/article/10.1007/s11469-018-0036-0>;
<https://link.springer.com/article/10.1007/s10995-018-2560-8>;
<https://link.springer.com/article/10.1007/s40615-016-0259-3>;
<https://link.springer.com/article/10.1007/s10508-012-0066-9>;
<https://link.springer.com/article/10.1007/s10900-012-9605-5>; and
<https://link.springer.com/article/10.1007/s00408-010-9244-5>.

Having reviewed the survey underlying this analysis, [available at this link](#) and provided for your convenience at the screenshot below, I see no evidence that the students **consented** to having their data used for any research—let alone “scholarly research” in a “peer-reviewed article.” I also see no effort by Springer to attempt to retract these articles.



National College Health Assessment

The ACHA-NCHA asks about various aspects of your health and is completely voluntary. You may skip any question you do not want to answer. You may complete the survey in multiple sessions. This survey link is unique to you. You may begin the survey on one device and continue where you left off on another device. Use the buttons at the bottom of survey to navigate through the survey. Do not use your browser's back button. The survey is confidential. When you hit the "Submit Survey" button on the last page of the survey, the link between your email address and your survey responses is destroyed. By clicking the 'Begin Survey' button below, you agree that:

- the purpose of this study has been thoroughly explained to you;
- you are at least 18 years of age;
- and you consent to participate in the survey.

Please direct any questions about the survey to the campus contact identified in your survey invitation email.

Inconsistent application of policies suggests an alternate agenda or purpose. It is difficult to see how Springer can publish articles that fall far below the high consent standards of the Article at issue here without sensing that something else is at play. Springer is respected in the community for fairness and rigorous review, yet these articles lacking consent to publication of results achieve publication, and the fully consented Article at issue here is at risk of censorship via retraction. This cannot be consistent with Springer's reputation.

- **Youth Risk Behavior Survey (“YRBS”)**

Springer Nature published no fewer than 7 different publications based on results of this YRBS survey which also included answers to highly personal questions asked of and answered by children.

Having reviewed the survey underlying this analysis [available at this link](#) (and inserted below), I see no evidence that the respondents (who are children) consented to having their data used for

any research—let alone “scholarly research” in a “peer-reviewed article.” I also see no effort by Springer to attempt to retract these articles:

<https://link.springer.com/article/10.1007/s11121-022-01417-w>;
<https://link.springer.com/article/10.1007/s10964-020-01384-x>;
<https://link.springer.com/article/10.1007/s10508-018-1275-7>;
<https://link.springer.com/article/10.1007/s11121-018-0963-9>;
<https://link.springer.com/article/10.1007/s10903-017-0686-1>;
<https://link.springer.com/article/10.1007/s00127-010-0322-z>; and
<https://link.springer.com/article/10.1007/s11126-010-9138-y>.

2017 State and Local Youth Risk Behavior Survey

This survey is about health behavior. It has been developed so you can tell us what you do that may affect your health. The information you give will be used to improve health education for young people like yourself.

DO NOT write your name on this survey. The answers you give will be kept private. No one will know what you write. Answer the questions based on what you really do.

Completing the survey is voluntary. Whether or not you answer the questions will not affect your grade in this class. If you are not comfortable answering a question, just leave it blank.

The questions that ask about your background will be used only to describe the types of students completing this survey. The information will not be used to find out your name. No names will ever be reported.

Make sure to read every question. Fill in the ovals completely. When you are finished, follow the instructions of the person giving you the survey.

Thank you very much for your help.

Again, inconsistent application of Springer’s standards suggests a motivation to control and filter content for some other purpose. If Springer has an alternate purpose for censoring the Article, I welcome a discussion around that issue.

- **United States Transgender Survey 2015 (“USTS 2015”)**

Springer published no fewer than 6 different publications based on results of this USTS 2015 survey, which focused on transgender issues.

Having reviewed the survey underlying this analysis [available at this link](#) (starting on page 251—which is reproduced below, emphasis added) I see no evidence that the respondents consented to having their data used for “peer-reviewed article”:

This study is being conducted **to better understand** the demographics, health, and experiences of trans people in the United States. The findings of this study **will be used for the benefit of the trans community and the research community.**

The stated purpose is to “understand,” and the use of the data is entirely unclear. I also note a questionable promise made by the researchers that these data can only be used “for the benefit of the trans community.” In fact, the authors of USTS 2015 have no control over how these data are used, as many academic institutions have access to the raw survey data.

Some would argue that had the transgender-identified respondents anticipated the use of their data to argue against the provision of certain types of “gender-affirming” procedures (as was the case with this non-peer-reviewed, but widely available [scholarly publication](#) which claimed that the USTS 2015 data show no benefit of puberty blockers for suicidality reduction, once the effect of cross-sex hormones is controlled for), they would not have participated in the research. Nor would the USTS 2015 respondents have likely welcomed the use of their data in another [peer-reviewed scholarly publication](#) published by Springer, where the researchers demonstrated that the participants in the survey were not representative of the US transgender population, and the survey itself lacked credibility due to questionable recruitment methods, thus discrediting the validity of the findings based on their responses. Clearly, the data in USTS 2015 have been used in ways the respondents did not consent to, yet I see no efforts by Springer to apply its policies in a consistent manner to check for the written consent that it accuses the Article of having violated.

If Springer’s policies are applied as stringently as it purports to apply its policies to the Article, then it stands to reason that all the papers based on USTS 2015 should now be retracted since the consent provided was fundamentally invalid. That would require retraction of at least these articles:

<https://link.springer.com/article/10.1007/s10943-022-01723-1>;
<https://link.springer.com/article/10.1007/s00127-022-02359-y>;
<https://link.springer.com/article/10.1007/s00127-022-02246-6>;
<https://link.springer.com/article/10.1007/s10935-020-00613-0>;
<https://link.springer.com/article/10.1007/s11606-020-05724-2>; and
<https://link.springer.com/article/10.1007/s10508-020-01844-2>.

Given the nearly two dozen studies that warrant retraction that I easily identified after just a few minutes of research, I suspect there are hundreds of other such instances. Does Springer now intend to identify and retract all papers based on survey data as long as the respondents did not explicitly consent to having their data used for “scholarly research” and in “peer reviewed publication?” And if so, is Springer prepared to take on that policing responsibility and apply it perfectly consistently across all submitted articles? I suggest that Springer does not intend to over-haul its publication collection and therefore, it is not appropriate or responsible for Springer to single out this Article for retraction on the thin veil of Springer’s interpretation of consent.

I concur with the [assessment by Brian Gladue](#), Executive Vice President for Research and Innovation at the UNT Health Science Center, that Springer’s justification for the retraction is “extremely flimsy” and I also agree that it sets a dangerous precedent. Retracting all the papers based on survey research as described above would be devastating to the research community in general, and the community in the field of gender dysphoria in youth in particular, as the research in this field relies heavily on survey research. The vitally important question of how best to help gender-dysphoric youth, whose numbers have sharply increased, is one of the most urgent questions in medicine today. We must promote such ground-breaking research, not quash it.

To conclude, I am deeply concerned that the threatened retraction of the Article is unfair, unjust, damages my reputation as a researcher with decades of experience, and threatens future research efforts and may result in irreversible damages. I urge Springer to reconsider its decision to retract the Article. I hope Springer evaluates the rationale provided above and makes the fair decision to allow the paper to remain published, honoring the original and correct decision by the Editor, Dr. Zucker. If not, I suggest delaying any decision until a thorough independent investigation of all Springer-published papers that are based on survey data has been conducted by an ethics expert or a team of experts. This review should include an assessment of whether Springer is treating this particular Article fairly or instead, if Springer is singling out this study in response to intense pressure from activists or based on some other agenda.

I look forward to a speedy and fair resolution of this matter. Please advise **by no later than 2:00 p.m. Eastern Time on Friday May 26th, 2023**, that Springer will maintain the publication of the Article and not retract the Article, either as the final decision, or pending an independent and extensive investigation as described above. If I have not heard from Springer by that time, my concerns will be elevated publicly to encourage others to join in this important discussion.

Sincerely,

J. Michael Bailey, PhD