

Court Brief Calls Calif. Change Therapy Ban Unconstitutional

Liberty Counsel filed its reply brief—the final brief to be filed—on Tuesday at the Ninth Circuit Court of Appeals against the California ban on change therapy (SB 1172), which would ban any counseling to minors seeking to diminish or eliminate unwanted same-sex sexual attractions, behavior or identity.

On Dec. 21, the Ninth Circuit Court of Appeals in *Pickup v. Brown* granted Liberty Counsel's emergency motion to temporarily block the law from going into effect on Jan. 1, as scheduled.

The reply brief points out that SB 1172 is unconstitutional because it bans one viewpoint on same-sex sexual attractions, behavior or identity. Affirming homosexuality is permitted, but counsel to change is banned.

The reply brief also points out that a number of California counseling associations objected to a virtually identical version of the law, stating it was an “unprecedented regulation of psychotherapy,” and noting that the definition of “sexual orientation change efforts” was vague, which is part of Liberty Counsel's argument against SB 1172.

The reply brief also points to the 2009 American Psychological Association's Task Force Report that admits sexual orientation, behavior, and identity are “fluid,” and thus capable of change. Yet, SB 1172 bans change therapy under any circumstance.

“The minors we represent have not and do not want to act on same-sex attractions, nor do they want to engage in such behavior. They are greatly benefiting from counseling,” said

Mathew D. Staver, founder and chairman of Liberty Counsel. "These minors have struggled with same-sex attraction and have been able to reduce or eliminate the stress and conflict in their lives by receiving counseling that best aligns with their religious and moral values," said Staver.

"This law is politically motivated to interfere with counselors and clients. The law is an unprecedented attempt to regulate what a counselor may say and what a client may hear. It crosses the line and violates the Constitution," Staver said.

Liberty Counsel filed the lawsuit challenging the new law on Oct. 4, on behalf of several parents and their children who are receiving and benefiting from such counseling; several licensed counselors who provide such counsel; the National Association for Research and Therapy of Homosexuality (NARTH); and the American Association of Christian Counselors (AACC), an organization with about 50,000 professional counseling members. When the federal district judge in California failed to block the law, Liberty Counsel filed an appeal with the Ninth Circuit Court of Appeals. Mat Staver will present oral argument in April.