SAME-SEX ATTRACTION AND THERAPY: IT'S TIME TO LET PEOPLE CHOOSE





Recent years have seen countless—and specious—legislative, judicial, and administrative attempts to block those with unwanted same-sex attraction from seeking healing and transformation through professional therapy. In this article, Arthur Goldberg reviews the latest attempts by radical gay-lib to silence all forms of professional counseling other than gay label-affirmative, even if the latter is against the goals and wishes of the client.

By Arthur Goldberg

These days, American culture is saturated by a virtually all-permissive, "anything goes" social system, ostensibly founded on the values of "tolerance" and "diversity," but which in reality requires an ideological conformity with what is considered politically correct, for tolerance and diversity, it turns out, only extend so far.

Activists are waging a culture war, targeting the religious and personal freedom of those who provide SAFE-T—that's short for sexual attraction fluidity exploration in therapy, the general term for any therapy that provides resources for individuals struggling with unwanted sexual attractions.

The attacks take the form of specious legislation, lawsuits, and complaints lodged in courts, licensing boards and professional associations. These dangerous and irresponsible attempts prevent those unhappy with their same-sex attractions from living in accordance with their ideals, reaching their goals, and finding peace within themselves.

In the legislative arena, efforts to prohibit professional mental health counselors from assisting individuals in overcoming issues of anxiety, addiction, depression, trauma, and self-esteem, when those issues relate to minimizing or overcoming same-sex attraction, have multiplied.

Several states and municipalities have successfully limited counseling for consenting minors. In those jurisdictions, minors cannot be treated by licensed therapists if they want to address their same-sex attractions in ways that align with their faith, values, morals, and life goals. These minors are inappropriately excluded from professional assistance if they desire to minimize their erotic or romantic responses to others of the same sex. Or, even worse, in some jurisdictions, the therapist may be required to counsel the client to overcome his alleged "inter-

nalized homophobia" or "heterosexist biases" and thus be counseled within the context of a gay identity.

Gay activists and their liberal allies have also created court actions before liberal judges, as illustrated by the New Jersey case *Ferguson* v. *Jonah.* There the trial court, favoring four adult plaintiffs, held for the first time that the New Jersey Consumer Fraud Act applied to a not--for-profit religious organization, allowed recovery for non-economic damages, ignored documents executed by the plaintiffs in which they acknowledged that no guarantees were offered in the treatments undertaken, and barred the not-for-profit's expert witnesses from testifying. (*See for more details the 12-part series about this trial on this website, ed.*)

The judge egregiously and wrongfully barred testimony by experts with firsthand experience in assisting those with unwanted same-sex attractions, ludicrously comparing them to those who believed the earth was flat.

The latest absurdity in this ever-widening and multi-pronged battle entails the bringing of complaints before professional licensing boards. In 2012, this strategy was tried and failed in Illinois. It remained in the dustbin of tactics until the summer of 2016 when Caleb Laieski, a resident of Virginia and self-described activist for LGBTQ causes, filed ethical complaints in Texas against four counselors, only one of which proceeded to a formal hearing. (All four are friends of mine.) Because Mr. Laieski filed his complaint without ever knowing, speaking to, or entering into a client relationship with any of the counselors, his ideological witch hunt was dismissed as "non-jurisdictional."

Parenthetically, it should be noted that Mr. Laieski also filed a court action in Tennessee to declare unconstitutional a statute that uniquely protects mental health counselors. The law permits therapists to refuse services to clients whose behaviors are in conflict with their own sincerely held principles.

One may legitimately ask how someone who has never had a client relationship with the counselor—who has never even met or spoken with him—could possibly bring a complaint under a statute that permitted complaints to be received from "consumers" and "service recipients." Instead of using the professional complaint procedures for their intended purpose of hearing complaints from dissatisfied clients, the complainant clearly abused the lawful process for hearing client complaints, filing a complaint without any basis either in law or in fact.

In its initial response to the complaint, the executive director of the professional counselors' licensing group requested that the counselor provide his highly sensitive and confidential files for clients he may have treated for distress over their sexual desires. This fishing expedition was rejected out of hand by the counselor and his attorney (the Pacific Justice Institute) as a blatant disregard of the counselor's clients' constitutional rights of privacy. There is no statu-

tory authorization for an administrative entity to demand records of anyone other than a complainant. Since the complainant had zero relationship with the counselor, that was, of course, impossible.

Apparently, in order to file his complaint against the four counselors, albeit with different supervising agencies in Texas, Mr. Laieski combed through the names of counselors or life coaches listed by People Can Change (now Brothers on a Road Less Traveled). It is important to emphasize that he was never a client and did not live in Texas; he simply took as his target a list of referral sources in Texas. It is outrageous to misuse the machinery of state government this way.

How any professional licensing board could have taken seriously such a complainant is astounding. Without any knowledge of the counseling modalities used by any of the four counselors, the complainant suggested in his filing that the professionals were "practicing 'pray away the gay' and 'conversion therapy' in the state."

As to the first allegation, on which no factual evidence was submitted, the healing power of prayer and the nature of spiritual transformation cannot (and should not) be adjudicated in a court of law, much less by way of an administrative investigation. As to the second allegation, the Texas legislature had never passed restrictions on sexual orientation change efforts. No administrative body has the power or jurisdiction to unilaterally declare such efforts illegal.

Without understanding that the webpage to which he referred was simply a listing of professionals sensitive to a person's desire to reframe and manage day-to-day life issues (including sexuality), setting and achieving goals, and managing relationships, the complainant nevertheless chose to waste the time of several professional licensing boards and harass the therapists.

The web listing did not imply any endorsement or guarantee of the services an individual on the list might have provided or of the outcomes one might expect. Perhaps in an effort to implicate the organization providing the listing, the complainant falsely claimed that the "following counselors are *certified* by this organization (and there are many more hiding out there.)"

Fortunately, the Pacific Justice Institute filed a response before the Texas State Board of Examiners of Professional Counselors for the one case that actually proceeded to a formal hearing. The other two therapists who had their licenses threatened had the complaints dismissed out of hand by other licensing boards.

In much the same way, an ethics complaint filed with the American Psychological Association was recently dismissed as being nonactionable after a resident of Texas alleged unethical conduct by a marriage and family therapist. This therapist may have been targeted because

he publicly supports reparative therapy for unwanted same-sex attractions and often cites his own healing from same-sex-attraction as an example of success.

In this case, the complainant and the therapist had exchanged emails concerning what the process of reparative therapy actually involved, but, as in the state allegations, the complainant here never entered into a client relationship. One of the criteria for an ethics complaint, according to APA regulations, is that the behavior alleged was likely to cause substantial harm. The function of the APA's Ethics Committee is to "protect the public by deterring unethical conduct by psychologists." After reviewing the matter, the Office of Ethics determined the complaint did not even meet the APA's threshold criteria to open a case. Consequently, the allegations were dismissed and the matter closed.

Unfortunately, the net result of all these efforts in the legislatures, the courts, and regulatory bodies is either to discourage or to deny men and women struggling against same-sex attractions their right to receive life-giving information about the existence and effectiveness of various SAFE-T therapies, and to harass the practitioners thereof.

The clients are likewise being denied a basic right to freely choose to manage their same-sex attractions and to lead lives in accordance with their ideals either by changing their sexual feelings, behavior, or identity, or by choosing to act chastely even in the face of unwanted and unchosen sexual desires.

The tragic irony of these efforts has been to place many in situations of unbearable ambivalence, conflict, and suffering—by concealing the possibility of choice, of healing, and of transformation. These tactics of interference with fundamental rights offend the dignity and humanity of these men and women. The efforts in all of these cases are contemptible, immoral, and irresponsible. They ought to stop.

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