PSYCHOTHERAPIST CHALLENGES NYC'S CENSORSHIP OF PRIVATE CONVERSATIONS WITH ADULT PATIENTS

In January 2019, psychotherapist Dr. Dovid Schwartz from Boston filed a federal lawsuit against the city of New York for violating his freedom of speech, and infringing on his faith and that of his patients. He is challenging the city's new ordinance that prohibits certain patient-counselor conversations that the New York City Council recently chose to disfavor. The court needs to protect him from being legally forced to choose between risking severe financial penalties on the one hand or on the other, self-censoring his conversation with patients in a manner that denies them the assistance they desire. In this article, we demonstrate the case and what Dr. Schwartz courageously says about it. In doing so, he speaks for millions of other people across the world. He is not alone.

1. New York City Law

Hillary Clinton sucks in the applause at the New York City Gay Parade

In 2018, the City Council adopted a law making it illegal for any person to provide services for a fee that

> *"seek to change a person's sexual orientation or seek to change a person's gender identity to conform to the sex of such individual that was recorded at birth."*

Notably, the law only prohibits counsel in one direction – assisting a patient who desires to reduce same-sex attraction or achieve comfort in a gender identity that matches her or his physical body. The law threatens increasing fines of $1,000, $5,000, or $10,000 for first, se-

cond, and subsequent violations. By contrast, counseling that steers a patient towards a gender identity different than his or her physical body is permitted, promoted and even glorified as the new normal.

Unlike other existing counseling censorship laws, it is unprecedented in its reach where it extends to the counseling of willing adult patients. The city's new paternalism is at odds with basic freedoms as outlined in the age-old standard reference book of John Stuart Mills *'On Liberty'* (1859), the core philosophical foundation of Western freedom.

"Make America Gay Again"

During the 2018 New York City Gay Parade, the slogan was: *"Make America Gay Again"*, showing the agenda with which radical activists are rallying questioning youths. It is done with smiles, parades, and mob pressure. It is as if they chant: *"Make each and every susceptible citizen embrace an identity as gay possible".*

"America" has never been gay, so how it could it be gay "*again*"? The slogans demonstrate the Democratic Party's cynical agenda to make every citizen as gay (and as transgender!) as possible.

2. Defending freedom

The Alliance Defending Freedom notes,

> "*All Americans, secular and religious, deserve the right to private conversations, free from government censorship. It is difficult to imagine a more direct violation of freedom of speech protected by the First Amendment than New York City's attempt to regulate the private sessions between an adult and his counselor. The city council's regulation is unprecedented and threatens to stand between Dr. Schwartz's patients and the lives they choose to pursue."*

As the U.S. Supreme Court noted in its 2018 *NIFLA* decision,

'The people lose when the government is the one dictating which ideas should prevail.'"

3. Talk therapy

In the course of his wide general practice, Schwartz regularly encounters and serves patients who want his help overcoming same-sex attraction. Because of their religious beliefs and personal life goals, clients who seek his counsel often desire to experience opposite-sex attraction so they can marry, form a natural family, and live consistently with their Orthodox Jewish faith. A number of patients have pursued and achieved those goals with the aid of his psychotherapeutic services.

Schwartz uses no techniques in working with his patients other than listening and talking – yet the law claims to forbid even that.

ADF Legal Counsel Jeana Hallock notes,

> *"Nearly all of Dr. Schwartz's patients share his faith, and they value his counsel about issues of sexuality and family in part because his perspective is grounded in their shared Jewish faith and respect for Torah teachings*. T*he government has no right to dictate the personal goals an adult pursues with his or her therapist.*
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> *If, for example, a woman's life goal includes marrying a husband and starting a family, and she seeks input from a counselor who shares her beliefs, the government simply has no business monitoring these conversations or interfering with these goals, regardless of the city council's views about them.*
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> *The counselor-patient relationship is a sensitive one, privileged under state and federal law, and the city council seriously oversteps its role when it tries to control those conversations, or imposes government views on patients or therapists."*

4. The prevalence of fear

In a moving article on May 29th, 2019, Dr. Schwartz explains his personal vision as follows:

"Everyone's afraid. I've been a licensed psychotherapist now for more than half a century — in hospitals, clinics, and private practice. I know how much so many of us are driven, not just by our dreams and hopes and abilities, but by the things we are afraid of.

My patients come to see me because they are struggling with fears, of one kind or another. Feeling enslaved to something stronger than themselves, they want to be free.

Some struggle with their sexuality, or with same-sex attraction. They want to move past those feelings; they ask for my help. So I listen. I make some suggestions, which they are free to embrace or ignore.

In recent decades, things have changed with the rise to power of LGBT activists whose agenda requires not only acceptance of such behavior, but society's full-on endorsement of it.

5. Scaring licensed therapists

"In 2018, the New York City Council adopted an ordinance making it illegal for therapists like me to provide our services to people uncomfortable with their same-sex attractions, or confused about their gender identity.

Understand: The law says therapists are perfectly welcome — even encouraged — to help a patient who wants to explore, develop, or come to peace with homosexual or transgender feelings. But if we offer professional assistance, *at their request*, to people who want to reduce same-sex attraction or embrace their biological sex, and if city officials find out about it, we can be fined thousands of dollars.

In other words, it's legal in New York City to help someone who wants to identify as homosexual or transgender. But it's illegal to help someone who *doesn't* want to embrace those desires.

6. Scaring clients

"The ordinance is actually calculated to increase fears. Not only among therapists who can't afford the financial penalties (or bad publicity), but also among our patients.

People come to therapists to confide deeply personal things they would never tell anyone else — sometimes, things they've never even admitted out loud to themselves.

But my patients trust our conversations to be private, and depend on me to keep these discussions in strictest confidence. That trust is absolutely essential to their healing and ability to move through and beyond the issues they're struggling with.

All of that changes, once they begin to fear that their government might demand to pry into our conversations. That fear could keep them from seeking help at all, even though they're suffering from real psychological and emotional problems. But New York officials apparently prefer that people live with their fears and confusions, if that's what it takes for activists to know our city is politically correct.

7. The intimidation of therapists

"I trust my patients. People warn me that someone might feign a problem, just to get me in trouble. That's a risk I'm willing to take, to help my patients. But, sadly, not all of my colleagues feel that way. Some are telling patients who express these homosexual and transgender concerns, "There's nothing I can do — you'll just have to live with this."

What a terrible thing to tell anyone: *There is no hope. No one can help you.*

After 53 years of offering the best help I can to people struggling with everything from crippling addiction to family problems, I cannot bring myself to turn away people who ask for my assistance — even if city officials want me to do so.

That's why I am working with Alliance Defending Freedom. They're helping me file a federal lawsuit against the city of New York for violating my freedom of speech, and infringing not only on my own religious faith but on that of my patients as well.

8. Forced to violate own religion

"Raised as a secular Jew, I embraced the Orthodox faith as a young man. My faith frames my life. I live in the heart of an Orthodox Jewish community; most of my patients share my religious beliefs and convictions. In discouraging them from seeking help, I'm effectively directing them to live in disobedience to the Torah and its teaching. I will not do that.

All of us are part of a community. For those communities to be healthy and function well, we must be able to trust each other. We can't simply tell those who are struggling to get over it… that a changing culture doesn't allow them to ask questions, or seek answers, or reach out for help.

That's cruel. It's intolerant. But more than that, for me — it's a violation of my profession, my constitutional rights, and my deepest personal beliefs. And of the lifelong responsibility I've had to assist those who seek my help.

They come to me with their fears. I will not send them away with more."

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