

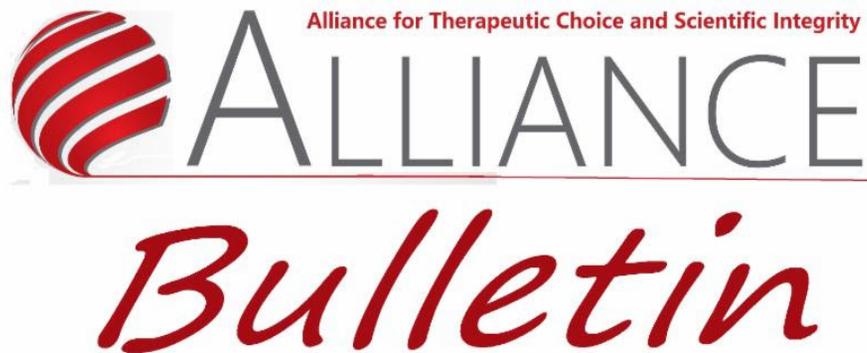
## Supreme Court Impacts Therapy Bans!

1 message

Alliance for Therapeutic Choice <contactus@therapeuticchoice.com>

Fri, Jun 29, 2018 at 4:09 PM

Reply-To: contactus@therapeuticchoice.com



## New Supreme Court Decisions Impact Therapy Ban Legislation

**The long fight to protect client rights for those with unwanted same-sex attractions is beginning to show results!**

In a series of decisions handed down over the past few weeks the Supreme Court of the United States seems to have opened the door for overturning the therapy ban laws that have been passed over the past five years.

For example, buried within the *NIFLA v. Becerra* decision were statements that seem to challenge the speech restrictions enacted by a handful of states on therapists who assist people with unwanted same sex attraction. Beginning in 2013 a California Law, SB 1172 labeled it "unprofessional conduct" to "seek to change sexual orientation" in a minor. A licensed therapist who violated the law faced professional discipline. Over the next few years several other states enacted similar laws. Now California is considering an even more restrictive law, AB 4923 to ban all therapy that aims to change, or even reduce same-sex sexual attraction or behavior.

The Alliance for Therapeutic Choice and Liberty Counsel, a wonderful international nonprofit litigation, education, and policy organization that provides *pro bono* assistance and representation for situations involving religious freedom, have argued in court that these laws restrict the client's and their therapists First Amendment rights to free speech and free expression. The Ninth Circuit Court upheld the California ban law determining that counseling is not speech, but rather constitutes "professional conduct" and the "First Amendment does not prevent a state from regulating treatment".

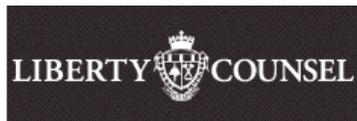
Now writing for the majority in *NIFLA v. Becerra* Justice Clarence Thomas stated, "some Courts of Appeals have recognized 'professional speech' as a separate category of speech that is subject to different rules." However, "speech is not unprotected merely

because it is uttered by 'professionals.'" "Some Courts of Appeals have recognized 'professional speech' as a separate category of speech that is subject to different rules." However, "speech is not unprotected merely because it is uttered by 'professionals.'"

In other words, states do not have the right to limit a licensed therapist's right to free speech simply because they may be speaking in a professional capacity.

With this in mind, our attorney advocates at Liberty Counsel are seeking to reopen the California and New Jersey cases and to challenge the laws passed in every state where "therapy ban" legislation has been enacted.

Please see the statement by Liberty Counsel founder Mat Staver, JD (recipient of the Alliance for Therapeutic Choice President's Award) posted below.



Mat Staver, President of Liberty Counsel and great friend of the Alliance for Therapeutic Choice said in a news release,

"I was very excited to read about two of our cases involving laws that banned change counsel in California and New Jersey. We challenged both laws, but the two Courts of Appeal upheld them and created a new "professional speech" category, thus providing less protection.

The Supreme Court criticized these lower court opinions and rejected a lower level of "professional speech." This means the handwriting is on the wall that laws banning counsel for unwanted same-sex attractions, behavior, or identity will fall under the First Amendment Free Speech Clause.

The Court's findings explicitly adopt the arguments Liberty Counsel has made all along in counseling cases, which is that there is no such thing as "professional speech" that is relegated to less protection under the First Amendment.

Justice Thomas notes in his opinion that disagreements about the efficacy of services cannot be used to suppress professional speech:

"The dangers associated with content-based regulations of speech are also present in the context of professional speech. As with other kinds of speech, regulating the content of professionals' speech pose[s] the inherent risk that the Government seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information...

That is the bottom line. Government suppression of speech about change therapy counseling is precisely the goal of

Orlando, Florida  October 5 and 6, 2018  
**Alliance Training Institute**  
 An Alliance for Therapeutic Choice and Scientific Integrity Conference

## Two Day Clinical Training

**Two luncheon banquets,  
 additional free evening  
 educational option, all  
 conference activities.  
 Registration rate \$250.00  
 before September 30th (after:  
 \$25.00 late registration fee)  
 Students and New  
 Professionals \$75.00**

**Holiday Inn -  
 Orlando International  
 Airport  
 Special conference room rate  
 of \$109.00 per night ends  
 September 12th**

### Confirmed Workshops and Presenters:

CL105 – Clinical Ethics: Guidelines and SAFE-T Best Practices - Dr. Christopher Rosik

CL200 – SAFE-T I This course is the first of two introductory SAFE-Therapy courses - Michael Gasparro , MFT

CL300 – SAFE-T II The second SAFE-T course building on the basic knowledge presented in CL200 (Psychodrama) - Dr. Michael Davidson

CL410 – Advanced Cultural Issues, SAFE-T and Catholic Ethical Traditions - Dr. Philip Sutton and Panel

ME100 – Medical Referral Basics, diseases (higher frequency) in clients with a history of multiple same-sex partners - Dr. Anthony Duk

ME200 - Psychiatric Correlates of Same-sex Attractions - Dr. Keith Vennum

misguided laws framed to squash this category of counseling altogether.

We have several change counsel cases pending, and we plan to re-open the two cases mentioned in the Supreme Court opinion. We will not rest until these laws are history!"

RE100 – SSA Research, a review of the historical and current clinical research literature pertaining to SSA - Dr. Philip Sutton

NT100 – New and Trending Topics - Geoff Heath, JD

**The fight for client rights is entering a new and very expensive phase as we begin these new court and public education battles. Now more than ever we need your help! In this politically correct - deceptive media environment the Alliance for Therapeutic Choice and Scientific Integrity is working hard to preserve freedom of choice for the next generation. Your financial contributions really make a difference. Thank you!**



*Click here to donate*

**Alliance for Therapeutic Choice and Scientific Integrity**



Alliance for Therapeutic Choice | 301 West 5400 South, [www.TherapeuticChoice.com](http://www.TherapeuticChoice.com), Murray, UT 84107



[Update Profile](#) | [About our service provider](#)

Sent by [contactus@therapeuticchoice.com](mailto:contactus@therapeuticchoice.com) in collaboration with



Try it free today