

CONVERSION THERAPY, ITS DETRIMENTAL
CONSEQUENCES, AND ITS PLACE IN THE
NATIONAL SPOTLIGHT

*Christina Ludwig**

I. INTRODUCTION

The National Center for Lesbian Rights (“NCLR”) started the ‘#BornPerfect’ movement in order to advance public policy and empower people affected by conversion therapy to be leaders in a movement of change.¹ Their aim is to raise awareness about the detrimental effects of conversion therapy by encouraging survivors to share their experiences.² The NCLR reported that as many as one in three individuals in the LGBT community have been through conversion therapy by either a licensed clinician, a religious leader, or another trusted adult.³ One survivor, Mathew Shurka, spoke out about his story as a child subject to conversion therapy.⁴

Mathew, raised in a close-knit traditional Jewish household outside New York City, said he always knew he was gay.⁵ When he started to develop feeling for a close male friend at the age of 16, he decided to confide in his father.⁶ Mathew’s father then took him to a therapist who guaranteed Mathew that he could ‘make him straight’ in six weeks.⁷ For an hour each week, the therapist trained Mathew to act like a straight teenage boy: he taught Mathew how to walk more manly, talk more manly, and become more popular with classmates.⁸ One important aspect of this conversion therapy was to avoid any meaningful interaction with women.⁹ As such,

* Associate New Developments Editor, Rutgers Journal of Law and Religion: J.D. Candidate May 2017, Rutgers University Law School.

¹ *#BornPerfect: Survivor Stories & Survivor Network*, NATIONAL CENTER FOR LESBIAN RIGHTS, <http://www.nclrights.org/bornperfect-survivor-stories-and-survivor-network/> (last visited Mar. 12, 2017) [hereinafter NCLR, *Survivor Stories*].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Mathew Shurka, *#BornPerfect—Mathew Shurka*, NATIONAL CENTER FOR LESBIAN RIGHTS, <http://www.nclrights.org/bornperfect-mathew-shurka/> (last visited Mar. 12, 2017).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Mathew stated that his therapist focused on working through gay stereotypes. Avoiding contact with women was just one way to focus on changing his sexual

Mathew was not allowed to talk to his mother or sisters, causing their close family to weaken.¹⁰ Mathew became increasingly reliant on his therapist, having been tricked into thinking that he needed the therapist to guide him through each day in order to prevent setbacks in the therapy.¹¹ At the age of 19, Mathew moved to Los Angeles and stopped seeing the therapist. Though he moved across the country, Mathew said the training was so deeply rooted in him that it was difficult for him to make any decision out of fear “that [it] could set [him] on a disastrous course toward shame.”¹² He stated that he had grown up believing he needed to change who he was in order to be accepted.¹³ Mathew had trouble leaving the house at times, and considered taking his own life.¹⁴

Conversion therapy¹⁵ is the practice that seeks to change an individual’s sexual orientation or gender identity.¹⁶ The practice is based on the premise that being lesbian, gay, transgender, bisexual, or queer (LGBTQ) is a mental illness that can be cured.¹⁷ Conversion therapy practices include highly risky and invasive procedures like institutionalization, castration, and electroconvulsive shock therapy “to try to stop people from being lesbian, gay, bisexual, or transgender.”¹⁸ Such practices aim to change or reduce same-sex attraction or alter a person’s gender identity through behavioral, cognitive, and psychoanalytic practices.¹⁹ The National Center for Lesbian Rights noted that

[w]hile these contemporary versions of conversion are less shocking and extreme than some of those more frequently used in the past, they are equally devoid of

orientation. Other practices included “walking more manly, talking more manly, and becoming more popular with [his] classmates.” *Id.*

¹⁰ *Id.*

¹¹ Shurkra, *supra* note 5.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Also referred to as “sexual orientation change efforts” or “reparative therapy.” *Therapeutic Fraud Prevention Act*, HUMAN RIGHTS CAMPAIGN, (January 4, 2017), <http://www.hrc.org/resources/therapeutic-fraud-prevention-act> [hereinafter, HRC, *Therapeutic Fraud Prevention Act*].

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *#BornPerfect: The Facts About Conversion Therapy*, NATIONAL CENTER FOR LESBIAN RIGHTS, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/> (last visited Mar. 13, 2017)[hereinafter, NCLR, *Facts About Conversion Therapy*].

¹⁹ *Id.*

scientific validity and pose serious dangers to patients- especially to minors, who are often forced to undergo them by their parents or legal guardians, and who are at especially high risk of being harmed.²⁰

Not only is there no clear evidence that such conversion therapy works, according to the Human Rights Campaign, there is research that concludes such therapy “can lead to depression, decreased self-esteem, substance abuse, homelessness, and even suicidal behavior, which is why [it is] universally criticized by the American Medical Association, and every other mainstream medical and mental health organization.”²¹

New Jersey, California, Vermont, Illinois, and Oregon have all made progressive strides to enact laws that protect young people from conversion therapy by prohibiting licensed mental health practitioners from providing this therapy to minors. In addition, 20 other states have introduced similar actions.²² In February of 2015, a New Jersey Superior Court judge ruled that misrepresenting homosexuality as a health problem violated New Jersey’s consumer protection laws.²³ The jury in that case found a health practitioner liable for consumer fraud²⁴ for providing conversion therapy; it

²⁰ *Id.*

²¹ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

²² *Id.*

²³ *Id.* Specifically, the judge held that it

is a misrepresentation—in violation of New Jersey’s Consumer Fraud Act—in advertising or selling conversion therapy services, to describe homosexuality, not as being a normal variation of human sexuality, but as being a mental illness, disease, disorder, or equivalent thereof.

Southern Poverty Law Center, *New Jersey Judge Rules Conversion Therapy Group Can’t Claim Homosexuality as a Disorder*, SPLCENTER.ORG, Feb. 10, 2015 <https://www.splcenter.org/news/2015/02/10/new-jersey-judge-rules-conversion-therapy-group-can%E2%80%99t-claim-homosexuality-disorder> [hereinafter SPLC, *Conversion Therapy*]; *Ferguson v. JONAH*, 445 N.J. Super. 129, 136 A.3d 447 (Super. Ct. 2014).

²⁴ The New Jersey Consumer Fraud Act, N.J. STAT. ANN. §§ 56:8-1 to 56:8-20, provides

[T]he act use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled,

ordered the practitioners to refund the plaintiffs and to pay damages.²⁵ The National Center for Lesbian Rights also reported that several other states' municipalities, like Seattle, Cincinnati, and Miami Beach have passed similar laws banning conversion therapy.²⁶

Clearly, conversion therapy does not help people *change* one's sexual orientation or identity, and it can even cause harmful or life-threatening results.²⁷ More states need to get in line to pass laws to prevent these practices for minors. New York's Erie County may be next with its proposed bill, the Prevention of Emotional Neglect and Childhood Endangerment, otherwise known as 'PENCE.'²⁸ Obviously named after our newly elected Vice President, Mike Pence, the bill is at the very least successful in attracting attention to the issue of conversion therapy.

II. THE PROBLEM WITH CONVERSION THERAPY

In 2009, the American Psychological Association released a report that concluded some techniques used by therapists to change sexual orientation or gender identity

include inducing nausea, vomiting, or paralysis while showing the patient homoerotic images; providing electric shocks; having the individual snap an elastic band around the wrist when aroused by the same-sex erotic images or thoughts; using shame to create aversion to same-sex attractions; orgasmic reconditioning; and satisfaction therapy.²⁹

Other techniques, like the training that Mathew Shurka endured, center around making the patient's behavior appear "more stereotypically feminine or masculine, teaching heterosexual dating

deceived or damaged thereby, is declared to be an unlawful practice. N.J.S.A. § 56:8-2.

²⁵ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

²⁶ Liam Stack, *Mike Pence and Conversion Therapy: A History*, N.Y. TIMES, (Nov. 30, 2016), https://www.nytimes.com/2016/11/30/us/politics/mike-pence-and-conversion-therapy-a-history.html?_r=0.

²⁷ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

²⁸ Mary Emily O'Hara, *NY Lawmaker Proposes 'PENCE' Bill Banning Conversion Therapy*, NBC NEWS (Nov. 23, 2016), <http://www.nbcnews.com/feature/nbc-out/new-york-legislator-trolls-vice-president-elect-pence-ban-lgbtq-n687661>.

²⁹ NCLR, *Facts About Conversion Therapy*, *supra* note 18.

skills, and using hypnosis to try to redirect desires and arousal.”³⁰ Again, the motive behind this type of therapy is premised on the idea that being homosexual is a disease or a disorder that can be cured.³¹

The National Association for Research & Therapy of Homosexuality (“NARTH”), an organization of therapists who endorse and practice conversion therapy, is one of many groups that have guidelines to encourage members to consider using techniques like the ones mentioned above.³² These techniques range from hypnosis to sex therapies and behavior and cognitive therapy to psychotropic medications.³³

III. POTENTIAL FEDERAL PROTECTION: THE THERAPEUTIC FRAUD PREVENTION ACT

On May 19, 2015, Representative Ted Lieu, D-California³⁴ proposed the Therapeutic Fraud Prevention Act³⁵ (“TFPA”): legislation that would make conversion therapy a fraudulent practice and thus make it an illegal practice under the Federal Trade Commission Act.³⁶ The bill was introduced first in the U.S. House of Representatives, and then later introduced in the U.S. Senate by Senator Patty Murray, D-Washington, and Senator Cory Booker, D-New Jersey, on April 28, 2016. The TFPA was not voted on in the 114th Congress, and has yet to be introduced to the 115th Congress.³⁷

Under the TFPA, the Federal Trade Commission would have the express authority to enforce the Act’s provisions and protections against conversion therapy and treat violations as unfair or

³⁰ *Id.* New Jersey’s 2015 Consumer Fraud Act decision was the first time a United States court found that homosexuality is not a disease. SPLC, *Conversion Therapy*, *supra* note 24.

³¹ NCLR, *Facts About Conversion Therapy*, *supra* note 18.

³² NCLR, *Facts About Conversion Therapy*, *supra* note 18.

³³ *Id.*

³⁴ Ted Lieu is a Democratic member of the House of Representatives from California.

³⁵ “The Therapeutic Fraud Prevention Act amends the Federal Trade Commission Act to clarify that providing conversion therapy to any person in exchange for monetary compensation or advertising such services is an unfair or deceptive act or practice.” HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

³⁶ Therapeutic Fraud Prevention Act, H.R. 2450, 114th Cong. (2015). Passing this bill federally and making conversion therapy an illegal practice under the Federal Trade Commission Act would protect people from the harmful effects conversion therapy induces.

³⁷ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

deceptive acts or practices.³⁸ Essentially, sexual orientation or gender identity conversion therapy services would be prohibited from being exchanged for monetary compensation.³⁹ The TFPA would also ban advertising that claims to successfully change an individual's sexual orientation or gender identity through such conversion therapy.⁴⁰ Specifically, the ban covers advertisements that claim to: "(1) change an individual's sexual orientation or gender identity, (2) eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender, or (3) be harmless or without risk."⁴¹

The bill does not ban practices that provide assistance with individuals undergoing a gender transition, or that provide "acceptance, support, and understanding of clients or facilitation of client's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices."⁴²

In February 2016, the Human Rights Campaign, NCLR, and Southern Poverty Law Center all filed a complaint for consumer fraud against a major provider for conversion therapy, People Can Change,⁴³ with the Federal Trade Commission.⁴⁴ The complaint alleged that People Can Change's advertisements and business practices—which centered around the claim that it was able to change individuals' sexual orientation or gender identity—constituted false and misleading practices.⁴⁵ Moreover, the moving parties claimed that such practices may actually cause serious harm to consumers; thus they argued the practices violated Section 5⁴⁶ of

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Lila Shapiro, *This Bill Could End 'Gay Conversion Therapy' in the U.S.*, HUFFINGTON POST (May 19, 2015), http://www.huffingtonpost.com/2015/05/19/conversion-therapy-ban_n_7322828.html.

⁴¹ Therapeutic Fraud Prevention Act, H.R. 2450, at Section 3, 114th Cong. (2015).

⁴² *Id.* at Section 4.

⁴³ People Can Change is an organization that is a major provider for conversion therapy.

⁴⁴ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

⁴⁵ *Id.*

⁴⁶ Section 5 of the Federal Trade Commission Act states, in relevant part, "the term 'unfair or deceptive acts or practices' includes such acts or practice involving foreign commerce that—(i) cause or are likely to cause reasonably foreseeable injury within the United States; or (ii) involve material conduct occurring within the United States." Federal Trade Commission Act, 38 Stat. 717. Available at: https://www.ftc.gov/sites/default/files/documents/statutes/federal-trade-commission-act/ftc_act_incorporatingus_safe_web_act.pdf

the Federal Trade Commission Act.⁴⁷ The moving parties thus petitioned that the Federal Trade Commission must take enforcement action to stop the practices and must investigate all practitioners who made similar claims to use conversion therapy successfully.⁴⁸ Again, while this bill has notable intentions, it was not yet been voted on in the 115th Congressional session.⁴⁹

IV. PREVENTING THE HARM

A. Success in New Jersey

Notably, as the federal bill was introduced in the U.S. Senate by Senator Cory Booker⁵⁰, New Jersey became the second state to issue law banning conversion therapy for minors.⁵¹ The state legislation, like the federal bill, uses consumer protection laws to protect its minors from conversion therapy as a fraudulent practices.⁵²

After Governor Chris Christie signed the bill, A3371, into law in 2013, it faced some challenges. Two licensed therapists, along with the National Association for Research and Therapy of Homosexuality and the American Association of Christian Counselors challenged its validity.⁵³ These organizations, including other licensed professionals who practice or seek to practice conversion therapy, collectively filed lawsuits challenging the constitutionality of the law in Federal Court in the District of New Jersey.⁵⁴ Specifically, the plaintiffs claimed that the law prohibiting the practice of conversion therapy infringed upon their First Amendment rights, their freedom of speech, and free exercise of religious expression.⁵⁵

⁴⁷ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Corey Booker is a United States Senator from New Jersey.

⁵¹ *Case Summary & History: King v. Christie*, NATIONAL CENTER FOR LESBIAN RIGHTS, <http://www.nclrights.org/cases-and-policy/cases-and-advocacy/case-king-v-christie/>.

⁵² HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15. Assembly Bill 3371 bans conversion therapy for minors in New Jersey. Available at: <https://legiscan.com/NJ/text/A3371/2012>

⁵³ *King v. Christie*, 981 F. Supp. 2d 296, 302 (D.N.J. 2013), *aff'd*, *King v. Governor of N.J.*, 767 F.3d 216 (3d Cir. 2014), *cert. denied*, *King v. Christie*, 135 S. Ct. 2048 (2015).

⁵⁴ *Id.*

⁵⁵ *Id.* at 303.

In rejecting the plaintiff's argument, the *King v. Christie* Court held not only that the law neither restricts speech nor religious expression, but also that plaintiff's argument "runs counter to the longstanding principle that a state generally may enact laws rationally regulating professionals, including those providing medicine and mental health services."⁵⁶ Moreover, the court noted, "it has never been deemed an abridgment of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part, initiated, evidenced, or carried out by means of language, either spoken written, or printed."⁵⁷

In further analyzing the detrimental effects of conversion therapy practices, the court also noted that "the State does not lose its power to regulate commercial activity deemed harmful to the public whenever speech is a component of that activity."⁵⁸ As such, the court concluded that a state does not have to provide a justification or rationale for its legislation.⁵⁹ However, the court pinpointed some justifications, including but not limited to: "being lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming," changing one's sexual orientation can actually pose critical health risks and "[c]linicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful."⁶⁰ The court dismissed the plaintiff's complaint and again highlighted the New Jersey Legislature's interest in protecting minors from the type of harm that stems from conversion therapy.⁶¹ Plaintiffs promptly appealed the court's decision.⁶²

The Court of Appeals for the Third Circuit rejected the plaintiff's arguments in *King v. Governor of N.J.* and upheld the district court's decision.⁶³ The appellate court wrote, "[i]t is not too far a leap in logic to conclude that a minor client might suffer psychological harm if repeatedly told by an authority figure that her sexual orientation—a fundamental aspect of her identity—is an undesirable condition."⁶⁴ The Third Circuit also cited the New

⁵⁶ *Id.* at 319.

⁵⁷ *Id.* at 322. (citing *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 502 (1949)).

⁵⁸ *Christie*, 981 F. Supp. 2d at 322. (citing *Ohralik v. Ohio State Bar Ass'n*, 436 U.S. 447, 456 (1978)).

⁵⁹ *Id.* at 325.

⁶⁰ *Id.* at 325–6. (citing N.J.S.A. 45:1-54).

⁶¹ *Id.* at 332.

⁶² *King v. Governor of N.J.*, 767 F.3d 216 (3d Cir. 2014), *cert. denied*, *King v. Christie*, 135 S. Ct. 2048 (2015).

⁶³ *Id.*

⁶⁴ *Id.* at 239.

Jersey Legislature's 2009 report issued by the American Psychological Association which stated:

Sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources.⁶⁵

With the strength of this evidence, the appellate court reasoned that New Jersey's interests in protecting its minors, a class of people particularly vulnerable to such practices, from harmful professional conduct is "unquestionably substantial."⁶⁶

The court found that the legislation directly advanced the state's interest in protecting this class of people because the legislative record indicated that several "reputable professional and scientific organizations have publicly condemned the practice" and have expressed concerns of its harm.⁶⁷ Finally, because the case dealt with a vulnerable class of people, the court also made mention of the fact that these individuals may feel pressure to receive this harmful therapy by their families or communities despite any fear of its detrimental consequences.⁶⁸ As such, the appellate court rejected the plaintiff's arguments in support of conversion therapy, thus leaving New Jersey's law intact.⁶⁹

⁶⁵ *Id.* at 222.

⁶⁶ *Id.* at 237. (See also *Goldfarb v. Va. State Bar*, 421 U.S. 773, 792 (1975); *Watson v. Maryland*, 218 U.S. 173, 176 (1910) (holding that the State has a responsibility in maintaining standards for members of licenses professions)).

⁶⁷ *Governor of N.J.*, 767 F.3d at 238.

⁶⁸ *Id.*

⁶⁹ *Id.*

B. New York's Administrative Action

New York state agencies⁷⁰ took administrative action to protect LGBTQ youth when it banned insurance providers from covering the conversion therapy for patients under the age of 18.⁷¹ The State also prohibited Medicaid coverage, and made it illegal for state-licensed mental health providers to provide this therapy to minors.⁷² More recently, in November of 2016, New York made another improvement toward protecting LGBTQ minors with a proposed bill in Erie County, called Prevention of Emotional Neglect and Childhood Endangerment, or PENCE.⁷³ Patrick Burke—a legislator in Erie County, New York—proposed this bill in order to ban conversion therapy for minors.⁷⁴ Burke introduced the bill in an effort to protect minors from the harmful effects of conversion therapy.⁷⁵ Unfortunately, this bill would only affect this specific county in New York, but it has gained more wide-spread attention due to the name, PENCE, clearly reflecting the then-Vice-President elect.⁷⁶ The newly elected Vice-President gained attention toward his views on LGBTQ rights, and such conversion therapy in the recent election.

While Vice-President Pence has not spoken outright on the issue of conversion therapy, when he ran for the 107th Congress, an archived version of his campaign website reveals that Pence took issue with the Ryan White Care Act⁷⁷, which provides federal funding for HIV/AIDS patients and was reauthorized in the 107th Congress in 2000.⁷⁸ In fact, his website for his campaign specifically stated,

Congress should support the reauthorization of the Ryan White Care Act only after completion of an audit to ensure that federal dollars were no longer being given to

⁷⁰ Agencies including the Department of Financial Services, the Department of Health, and the New York State Office of Mental Health. *Governor Cuomo Announces Executive Actions Banning Coverage of Conversion Therapy*, NEW YORK STATE, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-banning-coverage-conversion-therapy>.

⁷¹ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

⁷² *Id.*

⁷³ O'Hara, *supra* note 28.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Ryan White Comprehensive AIDS Resources Emergency Act (Ryan White Care Act), Pub.L. 101-381, 104 Stat. 576, enacted August 18, 1990.

⁷⁸ Stack, *supra* note 26.

organizations that celebrate and encourage types of behaviors that facilitate the spreading the HIV virus. Resources should be directed toward those institutions which provide assistance to those seeking to change their sexual behavior.⁷⁹

Until recently, Pence had not addressed his stance on the issue of conversion therapy. During the most recent presidential election however, his spokesman, Marc Lotter, told the New York Times that “it was ‘patently false’ that Mr. Pence ‘supported or advocated’ the practice.”⁸⁰ Interestingly, the executive director of the National LGBTQ Task Force, Rea Carey, who has spoken out against conversion therapy,⁸¹ told the Times that Mr. Pence’s statement is a typical strategy that has been used to “thinly cloak deeply homophobic beliefs.”⁸²

V. ANALYSIS

Based on the fact that psychologists and mainstream medical organizations have dispelled the functionality and effectiveness of conversion therapy, it is imperative that we protect minors from this harmful practice. With states like New Jersey on the forefront of banning these unethical practices, the effort in our great nation would also be assisted by more legislation like Erie County’s ‘PENCE.’ Unfortunately, though, it is unlikely that there will be success in Congress anytime soon, given the fact that the Therapeutic Fraud Protection Act has yet to be reintroduced into Congress this term.⁸³ Moreover, the bill may face pushback in Congress from conservatives who support the idea of conversion therapy, like the plaintiffs in *King v. Christie*. Specifically noting Vice-President Pence’s views on the issue, there is small hope that the federal bill will be successful within this administration. In response to the movement of states banning the practice of conversion therapy on minors, the following statement in the most

⁷⁹ *The Pence Agenda for the 107th Congress*, MIKE PENCE: CONGRESS, http://web.archive.org/web/20010519165033fw_/http://cybertext.net/pence/issues.html (last visited Mar. 13, 2017).

⁸⁰ Stack, *supra* note 26.

⁸¹ Rea Carey stated that conversion therapy practice is “brutal, inhuman psychological and at times physical abuse.” Stack, *supra* note 26.

⁸² *Id.*

⁸³ HRC, *Therapeutic Fraud Prevention Act*, *supra* note 15.

recent election, “[w]e support the right of parents to determine the proper medical treatment and therapy for their minor children.”⁸⁴

For now, the country must focus its attention on the state level to ban the practice of conversion therapy for minors. New Jersey, for example, had success with the support from the judiciary. The opinions of the district court and the Third Circuit helped enforce the notion that the practice of conversion therapy is harmful, and children should not be subjected to such practices. With both the medical field and the judiciary backing up the claims of the majority in solidarity against this issue, there may still be hope in banning this practice even with a conservative-controlled legislative and executive branch.

VI. CONCLUSION

Mathew Shurka can personally attest to the detrimental effects of conversion therapy, along with so many others in the National Center of Lesbian Right’s #BornPerfect movement.⁸⁵ In 2012, Mathew stated he finally felt some solace when California Governor Jerry Brown signed a bill protecting minors from conversion therapy.⁸⁶ By banning conversion therapy for future practice on minors, Mathew felt a sense of closure.⁸⁷ With his home state of New York making efforts to ban this practice, we have the potential to protect more children from the type of harm Mathew suffered through conversion therapy. He stated, “[f]inally, others have recognized the long-term damage caused by these types of practices, putting an end to it in California, and I’m hopeful that other states will soon follow.”⁸⁸

Mathew further stated, “[s]lowly, with the help of another therapist and my mother, I found my willpower, reassembling the pieces of my life that I had [left] over the years I spent talking to the therapist who made me believe I wasn’t good enough.”⁸⁹ Mathew decided to move back to New York, and after six long years of

⁸⁴ Dr. Warren J. Blumenfeld, *Mike Pence, Republicans, Conservative Christianity, and Conversion Therapy*, LGBTQ NATION, (Dec. 5, 2016) <http://www.lgbtqnation.com/2016/12/mike-pence-republicans-conservative-christianity-conversion-therapy/>.

⁸⁵ NCLR, *Survivor Stories*, *supra* note 2.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

attempting to fix what had ruined him, he found the courage to say, "I'm a gay man."⁹⁰

There is serious need for legal action in order to protect other human beings from the type of suffering that Mathew endured. We cannot let mental health professionals decide that being homosexual is a disease that can be treated with such drastic and harmful techniques, especially on children. To move forward as a progressive nation, we must completely ban conversion therapy.

⁹⁰ NCLR, *Survivor Stories*, *supra* note 1.