

THE PERSECUTION OF MINORS: GAY TO STRAIGHT CONVERSION THERAPY

*Meaghan Kane*¹

I. INTRODUCTION

Discrimination and persecution of homosexuality have been around since the beginning of time and were epitomized by the gruesome efforts of the Nazi agenda during the Holocaust. Cruel tactics were used to try to reverse the thoughts and feelings of homosexual men and, while the world has come a long way from Nazi Germany, in terms of conversion therapy, American practitioners still use tactics to convert the sexual orientation of minors, sometimes against their will. In the land of the free we should not take the right to choose whether to undergo therapy for sexual orientation away from consenting adults, but forcing children into therapy to reverse their natural traits is a different story. New Jersey has taken a similar stance and signed a bill protecting their minors from the mental and emotional distress caused by sexual orientation change efforts.²

Part II of this note will lay out the background of the United States District Court for the District of New Jersey case of *King v. Christie* that dealt with the State of New Jersey ban on gay to straight conversion therapy used on minors. It will review how the court determined the constitutionality of the bill - A3371. It will also discuss the history of discrimination and persecution of homosexuals leading back to the cruel tactics used during the Holocaust.

Part III will discuss how discrimination has slowly evolved after World War II but how therapy aimed at reversing homosexuality still exists in our world today. Finally, Part IV will look at the future implications of the bill described in the district court decision and conclude with the recommended course of action.

1. Associate Nuremberg Editor, Rutgers Journal of Law and Religion: JD Candidate May 2015, Rutgers School of Law; BBA Temple University, 2012.

2. *King v. Christie*, No. 13-5038, 2013 U.S. Dist. LEXIS 160035 (D.N.J. Nov. 8, 2013).

II. BACKGROUND

A. *King v. Christie*

This past summer, Governor of New Jersey, Christopher Christie, signed a bill, Number A3371 (A3371 or bill), prohibiting state-licensed professional counselors from treating minors with gay to straight conversion therapy or Sexual Orientation Change Efforts (SOCE). This legislation sparked controversy and immediately led to lawsuits challenging the constitutionality of the bill. In the case of *King v. Christie*, plaintiffs, parents, and counselors affected by the bill, argued that the state of New Jersey infringed upon their constitutional rights in the area of the First Amendment, specifically, their rights to freedom of speech and religion.³

The Assembly Bill makes clear exactly who the law entails in both the counselor and patient roles. The counselors that are affected by the bill are as follows: “a psychiatrist, licensed practicing psychologist, certified social worker, licensed clinical social worker, licensed social worker, licensed marriage and family therapist, certified psychoanalyst, or a person who performs counseling as part of the person’s professional training for any of these professions.”⁴ This bill does not prohibit the practice for any practitioner that is licensed outside of New Jersey. As for the patient role, the bill aims to protect New Jersey residents under the age of eighteen from being treated with SOCE.⁵ The statute defines SOCE as any treatment that seeks “to change a person’s sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions, or to reduce or eliminate sexual or romantic attractions or feelings toward a person of the same gender”⁶ This definition specifically does not include:

[C]ounseling for a person seeking to transition from one gender to another, or counseling that: (1) “provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful or unsafe sexual practices”; and (2) any other type of counseling that does not seek to change sexual orientation.⁷

3. *Id.* at *3.

4. *Id.* at *7-8.

5. *Id.* at *1.

6. *Id.* at *8.

7. *King*, 2013 U.S. Dist. LEXIS 160035, at *8-9.

The First Amendment to the United States Constitution states, in part, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech”⁸ Plaintiffs in this action claim that their First Amendment rights have been infringed upon as to the children’s rights to free speech, self-determination, and the parents’ rights to direct the upbringing of their children.⁹ They also claim the right to free speech of the counselors are violated, as well as their rights to freely express and exercise their religious beliefs.¹⁰

The court focuses mainly on the freedom of speech claim in this case and used rational basis review. This standard is the lowest of the three levels of scrutiny and requires only that the law in question be rationally related to a legitimate state interest.¹¹ The interest of the state, as defined in the legislation, is to protect minors from the potential psychological harm of the counseling at issue.¹² The court finds this burden is satisfied.

In regards to the counselors’ free speech claim, the crux of the plaintiffs’ argument is that SOCE therapy, and even the suggestion of such, requires the therapist to speak to their patient in order to carry out treatment. Thus preventing the use of SOCE therapy seems to suggest a restriction on the freedom of speech. However, the state argues, and the court agrees, that the bill does not restrict speech, but only certain counseling techniques.¹³ The court also states that it is a long practice of the state to control such actions.¹⁴ Plaintiffs argue that, even if the statute is aimed at the *conduct* of counseling, counseling inherently involves talk therapy and therefore targets the right of free speech.¹⁵

The court ultimately decided that the state is not inhibiting the speech of the profession and is targeted only at conduct, specifically, “the *practice* of seeking to change a person’s sexual orientation.”¹⁶ The court held that the means through which the conduct of counseling takes place does not affect the fact that it is just that: conduct.¹⁷ The court cites to a Ninth Circuit case, *Pickup v.*

8. U.S. CONST. amend. I.

9. *King*, 2013 U.S. Dist. LEXIS 160035, at *12.

10. *Id.*

11. *Id.* at *74-75.

12. *Id.* at *71.

13. *Id.* at *52.

14. *King*, 2013 U.S. Dist. LEXIS 160035, at *31.

15. *Id.* at *32.

16. *Id.* at *33-34.

17. *Id.* at 23.

*Brown*¹⁸ that states, “[T]he key component of psychoanalysis is the treatment of emotional suffering and depression, *not* speech. That psychoanalysts employ speech to treat their clients does not entitle them, or their profession, to special First Amendment protection.”¹⁹

The plaintiffs in this case also allege that the statute at hand violates the free exercise of religion. This claim arises because they argue the bill inhibits them from providing “spiritual counsel” on same-sex behavior and attraction.²⁰ The plaintiffs claim that this is violating their First Amendment right to freely express their religion and the practices thereof. However, precedent²¹ dictates that “where a law is ‘neutral and of general applicability,’ it ‘need not be justified by a compelling government interest even if the law has the incidental effect of burdening a particular religious practice.’”²²

The court further defines “neutral” as a law that “does not target religiously motivated conduct whether on its face or applied in practice.”²³ The court finds that A3371 is neutral and generally applicable because it does not specifically target a religious practice or religious conduct, but simply prohibits all state licensed mental health counselors from using SOCE on minors.²⁴ Whether the motivations of *certain* persons seeking SOCE are religious in nature does not affect the statute’s generality.²⁵ Furthermore, the court states that the focus on minors as opposed to adults does not limit the bill enough to render it non-general.²⁶

B. Homosexual Persecution

Though this bill has clear constitutional support, I believe there is much more significance behind the decision. Up until

18. *Pickup v. Brown*, No. 12-02497, 2012 U.S. Dist. LEXIS 172034 (E.D. Cal. Dec. 4, 2012).

19. *King*, 2013 U.S. Dist. LEXIS 160035, at *51.

20. *Id.* at *88.

21. *See Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993); *Emp’t Div. v. Smith*, 494 U.S. 872 (1990); *Stormans, Inc. v. Selecky*, 586 F.3d 1109 (9th Cir. 2009).

22. *King*, 2013 U.S. Dist. LEXIS 160035, at *89.

23. *Id.* at *90.

24. *Id.*

25. *Id.*

26. *Id.* at *94.

1973, the Diagnostic and Statistical Manual of Mental Disorders²⁷ (DSM) considered homosexuality a mental disorder.²⁸ Although that folly has been put to rest, our society still seems to treat homosexuality as a mental disorder. While this bill still allows for consenting adults to make the decision to go through conversion therapy, it protects minors in the state of New Jersey from the potential depression and mental anguish that could result from such treatment.²⁹ This seems to be one step forward in the world of homosexual persecution.

New Jersey is not alone in recognizing the crude nature of these so-called treatments; in fact, a bill was put forth in England recently that goes even further than A3371. The English bill proposes not to just protect the safety of children, but aims to ban the practice entirely. The United Kingdom Department of Health has been quoted saying, "Being gay is not an illness and it should never be treated as something which is curable - which is why we strongly oppose so called gay to straight 'conversion' therapy. We are exploring ways of ensuring that this can never be funded by public money."³⁰ Furthermore, Department of Health Minister, Norman Lamb, has been quoted saying that the "practice [is] wholly abhorrent and it has no place in modern society."³¹ Labour MP, Sandra Osbourne noted, "Virtually every major national and international professional organisation [sic] has condemned this practice as ineffective and potentially extremely harmful to patients."³² While New Jersey has taken notice of the mental health risks to their minor citizens, England has sought to ban the entire practice based on the underlying destruction to all homosexuality.

More notably and closer to home, the Ninth Circuit Court of Appeals also upheld a law banning conversion therapy for gay youth.³³ The cases brought were for the same alleged infraction on

27. *Diagnostic and Statistical Manual of Mental Disorders*, AM. PSYCHIATRIC ASS'N, <http://www.psych.org/practice/dsm> (last visited Apr. 23, 2014).

28. Rick Mayes & Allan V. Horwitz, *DSM III and the Revolution in the Classification of Mental Illness*, 41 J. HIST. BEHAV. SCI. 249 (2005).

29. *King*, 2013 U.S. Dist. LEXIS 160035, at *5-6.

30. Declan Harvey, *My 'Horrendous' Gay Conversion in UK*, BBC NEWS, (Dec. 12, 2013 5:43 PM), <http://www.bbc.co.uk/newsbeat/25326525>.

31. Owen Bennett, *Abhorrent 'Cure' for Homosexuality Will Not Be Banned, Says Government Minister*, EXPRESS (Nov. 20, 2013), <http://www.express.co.uk/news/uk/444155/Gay-conversion-therapy-is-abhorrent-but-we-won-t-ban-it-says-Government-minister>.

32. *Id.*

33. Paul Elias, *California Gay Conversion Therapy Ban Upheld by Federal Court*, ASSOCIATED PRESS, (Aug. 29, 2013, 5:58 PM),

religion and speech, but the court unanimously upheld the law as constitutional.³⁴ Those who supported the California court used the same rationale as both England and New Jersey stating, “Efforts to change a young person’s sexual orientation pose critical health risks, including depression, shame, decreased self-esteem, social withdrawal, substance abuse, self-harm and suicide.”³⁵

King v. Christie takes a big step away from not only discrimination, but also the persecution of homosexuality. This persecution goes far back, and although everyone knows of the Holocaust and the Nazi regime, many do not know of the vast persecution of homosexuals that took place during that time³⁶. It only took three months after Hitler’s election as German chancellor to perform his first persecutory act towards homosexuality.³⁷ Hitler had hundreds of students under direction of the SA, or stormtroopers, break into Magnus Hirschfeld’s³⁸ Institute for Sexual Research in Berlin and destroy documents, research equipment, and eventually demolish the building.³⁹ This was just the first step towards eradicating tolerance of same-sex sexual orientation; the Gestapo later closed all bars that were associated with homosexuality and banned newspapers and magazines that supported the movement.⁴⁰

In 1935, in conjunction with the Nuremberg Laws defining Aryan and non-Aryan races, Germany edited Article 175 of the unified legal code.⁴¹ Article 175 originally stated, “A man⁴² who com-

http://www.huffingtonpost.com/2013/08/29/california-gay-conversion-therapy-ban_n_3837922.html.

34. *Id.*

35. *Id.*

36. Robert Biedron, *Homosexuals. A Separate Category of Prisoners*, AUSCHWITZ-BIRKENAU MEMORIAL AND MUSEUM, http://en.auschwitz.org/h/index.php?option=com_content&task=view&id=31&Itemid=3 (last visited Apr. 23, 2014).

37. *Id.*

38. Magnus Hirschfeld was a leader of a gay rights movement in Germany that was organized to bring about the repeal of Article 175. Ben S. Austin, *Homosexuals & the Holocaust: Background & Overview*, JEWISH VIRTUAL LIBR., <http://www.jewishvirtuallibrary.org/jsourc/Holocaust/homo.html> (last visited Apr. 23, 2014).

39. Biedron, *supra* note 36.

40. *Persecution of Homosexuals in the Third Reich*, U.S. HOLOCAUST MEMORIAL MUSEUM, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005261> (last updated June 10, 2013).

41. *Id.*

42. Paragraph 175 bears no mention of lesbian activity. *Id.* In fact, homosexual women were less likely to be arrested and persecuted for their sexual ori-

mits indecency with another man, or allows himself to be misused indecently, will be punished with prison.”⁴³ The additional rule made *any* physical contact between two men illegal.⁴⁴ Even after the fall of the Nazi regime, the laws remained in place until 1969 when homosexual relations were finally decriminalized.⁴⁵ In fact, since homosexuality was still considered a criminal act, those persecuted for their sexual orientation did not qualify for compensation⁴⁶ once released from concentration camps,⁴⁷ and many were sent straight into imprisonment to serve out the rest of their terms.⁴⁸

The persecution did not stop with laws. Nazis forced homosexuals into concentration camps to be “reeducated;”⁴⁹ of the 5,000 to 15,000 homosexual men who entered these camps, half did not survive.⁵⁰ Many Holocaust survivors recall that the homosexual prisoners were among those treated most harshly in the camps.⁵¹ Homosexuals were kept in separate blocks, as a precautionary measure to prevent homosexuality from spreading to the other inmates and guards.⁵² Homosexuals were also assigned to hard labor in cement plants and factories in an effort to change their orientation, which more often than not resulted in their death.⁵³ Strict rules were enforced where guards would routinely check that all homosexual prisoners had both hands outside of the covers

entation, instead many seemed to be arrested under the guise of prostitution or labeled “asocial.” Austin, *supra* note 38.

43. Reichsgesetzblatt, Teil 1, Jahrgang 1935, p. 841: Article 6 “Unzucht [indecency] zwischen Männer,” §175 and 175a (28 June 1935), *available at* <http://www.ushmm.org/exhibition/persecution-of-homosexuals/p175.php>.

44. Biedron, *supra* note 36.

45. *Aftermath*, U.S. HOLOCAUST MEMORIAL MUSEUM, <http://www.ushmm.org/exhibition/persecution-of-homosexuals/chapter12.php> (last visited May 22, 2014).

46. In 1951, the Federal Republic of Germany instituted laws providing restitution and compensation for the crimes committed against the Jews during the Holocaust. It was not until 1981 when non-Jewish victims were able to apply for compensation for the persecution they endured. *See Federal Republic of Germany: Overview of Compensation Programs*, U.S. HOLOCAUST MEMORIAL MUSEUM, <http://www.ushmm.org/information/exhibitions/online-features/special-focus/holocaust-era-assets/germany-compensation-programs#Compensation> (last updated Mar. 6, 1996).

47. Biedron, *supra* note 36.

48. *Aftermath*, *supra* note 45.

49. Biedron, *supra* note 36.

50. *Id.*

51. *Persecution of Homosexuals in the Third Reich*, *supra* note 40.

52. *Id.*

53. Biedron, *supra* note 36.

when they slept, if discovered otherwise, the offender would be taken out into the cold, doused with water and left for hours, usually to die.⁵⁴ Many Jewish and Roma heterosexual women were also forced into prostitution while in the camps, and as a part of the “treatment” for homosexuality, gay prisoners were forced to take part in sexual activity with these women.⁵⁵

Among other forms of “treatment,” some camps experimented with castration and doses of hormones to alter the sexual orientation of the prisoners.⁵⁶ Homosexuals were seen as psychopaths and their acts were considered sexual crimes.⁵⁷ As a way to “cure” this psychological disorder, gay males were castrated in hopes of reversing some kind of hormonal imbalance.⁵⁸ One experiment in Buchenwald, led by Danish SS Doctor Vaernet, implanted synthetic hormones into fifteen test subjects at the effort of reversing their sex drive.⁵⁹ Two of these subjects died immediately, and the others died just weeks later.⁶⁰ Castration was seen as a cure for some time and prisoners could consent to the procedure in exchange for a reduced sentence in prison or a camp, but it was more so used on unwilling test subjects in search for a “cure.”⁶¹

Many argue that the Nazis treated Jews and homosexuals very similarly.⁶² Both Jewish and homosexual victims were seen as impure and it was thought that both would negatively affect the Aryan⁶³ race.⁶⁴ The Nazi regime feared that homosexual men threatened an end to the race since they would not reproduce; for this reason lesbian members of society were not looked down on as

54. *Id.*

55. *Id.*

56. *Id.*

57. Geoffrey J. Giles, *‘The Most Unkindest Cut of All’: Castration, Homosexuality and Nazi Justice*, 27 J. CONTEMP. HIST. 41 (1992).

58. *Id.*

59. Ryan Goodman, *The Incorporation of International Human Rights Standards into Sexual Orientation Asylum Claims: Cases of Involuntary “Medical” Intervention*, 105 YALE L.J. 255, 265 (1995).

60. *Id.*

61. *Persecution of Homosexuals in the Third Reich*, *supra* note 40.

62. Biedron, *supra* note 36.

63. Reichsbürgergesetz, or the Reich Citizenship Law, defined the distinction between Reich and non-Reich citizens. They were defined as “only that subject who is of German or kindred blood and who, through his conduct, shows that he is both willing and able to faithfully serve the German people and Reich.” Reichsbürgergesetz [Reich Citizenship Law], Sept. 15, 1935 RGBL. I at 1145, art. 2, available at http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=1523.

64. Biedron, *supra* note 36.

much because Nazis still saw a potential for child bearing in homosexual women.⁶⁵

III. DISCUSSION

World War II was neither the first nor the last time that homosexuals suffered from discrimination and persecution. Post-war, homosexuality was still considered criminal activity under German law and considered a sexual offense throughout most of the world, including in the United States of America,⁶⁶ which is one of the reasons that the persecution of homosexuals was greatly overlooked.⁶⁷ Homophobia and discrimination has endured and even today homosexuals still do not enjoy complete social and legal equality. Hopefully, the New Jersey decision of *King v. Christie* will help matters move forward.

As previously mentioned, the DSM no longer listed homosexuality as a diagnosable/treatable condition after 1973. Additionally, in 1993, the American Psychiatric Association (APA) called for a cease of all medical interventions "rooted in, or contributing to, the stigma of same-sex sexual orientation," stating:

Whereas homosexuality per se implies no impairment in judgment, stability, reliability, or general social or vocational capabilities, the American Psychiatric Association (APA) calls on all international health organizations, psychiatric organizations, and individual psychiatrists in other countries . . . to do all that is possible to decrease the stigma related to homosexuality wherever and whenever it may occur.⁶⁸

So why does gay to straight conversion therapy still exist? Why is a certain sexual orientation still seen as something that should require therapy to reverse? Why is homosexuality treated as a disease worthy of expulsion?

It is evident from the proposed English statute, along with certain legislation popping up throughout the United States, that people worldwide are realizing the perils of gay to straight conversion therapy. The *King v. Christie* decision even cites the severe emotional damage caused to minors by gay to straight conversion

65. *Id.*

66. *Persecution of Homosexuals in the Third Reich*, *supra* note 40.

67. Austin, *supra* note 38.

68. Goodman, *supra* note 59, at 272-73.

therapy.⁶⁹ England has taken a step beyond the New Jersey court system and has asserted that not only is SOCE harmful to minors, but that there is no benefit to the therapy whatsoever.⁷⁰ The decision of the New Jersey court is important, not only for its basis on strong legal backing, but is also because it takes the much needed step for America and de-stigmatizing homosexuality.

The plaintiffs' argument which includes the fear that this law is imposing on the rights of parents to raise their children to their own liking is a valid and understandable. However, states impose restricting laws in order to protect the well-being of their minor citizens all the time. Each state can use this police power "to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its wealth and prosperity."⁷¹ This is the reason that there are age restrictions for driving, drinking, and smoking cigarettes. This statute does not remove the rights of parents, but provides more protections to children and for the entire homosexual community.

Regardless of potential religious implications, the court found that A3371 is both general and neutral and does not solely target religious organizations⁷². The bill would have to post bounds *on a specific religious practice or a certain religious organization in order to be deemed* unconstitutional. An example of an unconstitutional religious imposition would be a ban on wearing a hijab, yarmulke, or miraculous medal in public. The statute bans state licensed practitioners from practicing on minors; it does not curtail any such religious group, religious expression or practice, therefore no "compelling government interest" needs to be provided in order for the state to intervene. As noted in the case of *King v. Christie*, the legislature took no account of religious motivations when enacting this statute and focused instead on protecting the health and wellbeing of the minors within their jurisdiction.⁷³

Furthermore, the court points out that the ban applies only to state licensed practitioners and does not prohibit unlicensed religious leaders from performing such therapy. Although it is a scary thought to have unlicensed performance of therapy, the state is

69. *King v. Christie*, No. 13-5038, 2013 U.S. Dist. LEXIS 160035 (D.N.J. Nov. 8, 2013).

70. Bennet, *supra* note 31.

71. *See Barbier v. Connolly*, 113 U.S. 27, 31 (1884).

72. *King*, 2013 U.S. Dist. LEXIS 160035, at *92.

73. *Id.* at *94.

taking the appropriate steps to legally rid the state of the harmful use of SOCE on minors. New Jersey is not disallowing a religious leader from speaking about homosexuality to one of their patrons, but is making sure that there is no place to have change efforts thrust upon minors until they are legally allowed to make the choice on their own.

Moreover, the bill does not prohibit professionals from expressing opinions, lecturing, or speaking publicly about SOCE; it disallows the counseling tactic to be used on minors for fear of legitimate mental health consequences. Although the counseling technically requires "speech" as a means to achieve the goal, the bill does not constitute an infringement on the freedom of speech. A3371 does not target the speech, but the conduct of the professional counselors. As stated in *King*:

Section 45:14B-2 of the New Jersey Statute covers psychologists and defines the 'practice of psychology' as 'the rendering of professional psychological services,' which in turn are defined as 'the application of psychological principles and procedures in the assessment, counseling or psychotherapy of individuals for the purposes of promoting the optimal development of their potential or ameliorating their personality disturbances and maladjustments as manifested in personal and interpersonal situations.'⁷⁴

This statute is merely regulating the procedure and not the "talk therapy" used to reach that end. Furthermore, the case points to a study that reinforces the fact that counseling, by whatever means, constitutes conduct.⁷⁵ This statute is not regulating speech, but rather conduct thereby making it constitutional.

IV. FUTURE IMPLICATIONS

It seems rather primitive in this day and age to still have procedures like SOCE forced upon a potentially unwilling subject. Homosexuality is widely accepted and rightfully no longer considered a disease or sexual offense. However, certain disturbing procedures that took place during the Holocaust to reverse someone's sexual orientation still take place today. Are we still so afraid of diversity as a society that we need to send unwilling children into therapy to "reeducate" them on what someone else thinks is right?

74. *Id.* at *42-43.

75. *Regulation of Psychological Counseling and Psychotherapy*, 51 COLUM. L. REV. 474 n.2 (1951) (stating "'Counseling' is a form of psychological aid rendered by a psychologist to an individual for social-psychological adjustment problems.").

Although England proposed a total ban on the therapy, it does not seem likely to pass for this precise reason. However, protecting the rights of minors and protecting them from being persecuted and trained into changing themselves is a big step. If consenting adults make the decision to change something about themselves, then they have every right, but it should not be inflicted unwillingly on minors or test subjects. We should no longer fear homosexuality; nor take therapeutic steps to remove it from our youth. These children are not medical subjects, and they should not be treated as such. A child's sexuality should not be altered because someone else sees it fit.

Going forward it is likely that many more cases like this will arise. Not only should these decisions be upheld under a federalism and constitutional standpoint, but hopefully more states will start to take notice and follow suit. This decision could possibly lead to a bigger step in the gay rights movement, where we as a society will finally rid ourselves of the notion that there is something wrong with homosexuality. This case seems similar to cases from the civil rights movement, as well as *Gideon v. Wainwright*,⁷⁶ where a country was in need of a change and it took one court's decision to thrust it into effect.

V. CONCLUSION

The gay rights movement is in full force, and the recent New Jersey ban on gay to straight conversion therapy for minors seems to be helping the cause even more. This is a big movement for several reasons. The underlying rationale for this law seems to finally suggest that homosexuality is not a condition that needs to be treated with therapy and changed. This case seems like a glimpse into the future where those who deem homosexuality as wrong and seek to remove it from children's lives will be seen in a negative light. This case gives us a glimpse into the future where society no longer feels we need to reeducate homosexual minors.

Although all the pertinent legal issues are present, one cannot help but think that there is a similarity to the civil rights cases that argued not on prejudice, but on legal grounds to make an impact. Just as the country was not ready to hear a decision based on race in the past, this country may not be ready to hear a decision protecting same-sex sexual orientation. The legal implications are

76. 372 U.S. 335 (1963).

there, and the court took a bold and necessary step by upholding the constitutionality of this bill. It seems that history is repeating itself in a manner much needed. Hopefully this decision will get the ball rolling and influence other states to take similar standpoints and protect their youth from the persecution of SOCE.