

# CHANGED

## MOVEMENT

**CHANGED Movement opposes Oregon HB2458, which prohibits LGBTQ-identifying adults from receiving the care of licensed professional counselors when exploring one’s own sexual fluidity *only when the client’s expressed goals are embracing one’s biological sex, exploring opposite sex behaviors, or decreasing certain same-sex sexual behaviors.***

So-called “conversion therapy” is a broad and ill-defined term referring to therapeutic practices that include forms of physical violence, force, manipulation, shame, or humiliation to coerce an individual to renounce LGBTQ identity or change sexual orientation or gender identity. We reject these unethical practices as ineffective and harmful. We advocate for accessible, patient-directed talk therapy among self-motivated individuals that affirms and empowers personal choice, desired sexual ethic, and individual life goals. Government should not restrict what topics can or cannot be talked about with one’s trusted counselor or therapist of choice.

**We appeal to the state of Oregon to protect patient self-determination in talk-based counseling and advocate for freedom to question one’s sexuality authentically without government intrusion.**

CHANGED Movement is an advocacy and human rights organization for people who have questioned (or are questioning) their sexuality and gender but have not embraced LGBTQ in their own sexual identity. Questioning one’s own sexual identity or gender is confusing, frightening, and lonely, and we believe there should be more, not fewer, opportunities to question and explore sexual identity in the safety of a licensed counseling practice.

***Based upon existing court cases, this legislation is a denial of free speech; and indirectly discriminates against LGBTQ-identifying adults (religious or non-religious) seeking professionally licensed help in following heterosexual ambitions or historical expressions of Judeo-Christian faith in their sexual behavior.***

**Bans have been regarded as violations of free speech and deemed unconstitutional in the courts:**

1. *Otto v. City of Boca Raton*: In October 2019, the Eleventh Circuit ruled that “**bans preventing counselors from helping their clients** in Palm Beach County and the City of Boca Raton **were unconstitutional viewpoint restrictions on speech** under the First Amendment.”<sup>1</sup>
2. *Vazzo v. Tampa*: The failed appeal of *Otto v. Boca Raton*: “attempts to muzzle counselors from helping their clients in Palm Beach County and the City of Boca Raton were unconstitutional restrictions on the freedom of speech because they targeted specific viewpoints.”<sup>2</sup> The Court considered four cases: *Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2014), *King v. Governor of New*

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<sup>1</sup> <https://lc.org/newsroom/details/020223-appeals-court-strikes-down-tampa-counseling-ban>

<sup>2</sup> <https://www1.cbn.com/cbnnews/us/2023/february/federal-court-strikes-down-tampas-ban-on-counseling-for-minors-seeking-freedom>

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*Jersey*, 767 F.3d 216 (3d Cir. 2014), *Wollschlaeger v. Governor, Florida*, 848 F.3d 1293 (11th Cir. 2017) and *National Institute of Family and Life Advocates (NIFLA) v. Becerra*, 138 S. Ct. 2361 (2018). **The cases established that SOCE (Sexual Orientation Change Efforts) counseling is professional speech rather than conduct. Taking these cases together, the Court observed that the “strict-scrutiny analysis applies to laws banning SOCE counseling”.**<sup>3</sup>

3. California AB2943 “Unlawful Business Practices” was withdrawn by sponsor Rep. Evan Low weeks after the SCOTUS decision *NIFLA v Becerra*.
4. In September 2019, New York City withdrew its city ordinance<sup>4</sup> against so-called conversion therapy because it was deemed a violation of free speech and risked a court case that likely would have gone to the Supreme Court.

### **The American Psychological Association confirms that sexuality is fluid and affirms client autonomy.**

1. The APA concedes that sexual orientation is fluid in the *APA Handbook on Sexuality and Psychology*<sup>5</sup> (American Psychological Association, 2014) and recommends that people be given the choice in the role of same-sex sexuality in their lives. **Kleinplatz and Diamond urge in the handbook that “it is critically important for clinicians not to assume that any experience of same sex desire or behavior is a sign of latent homosexuality and instead to allow individuals to determine for themselves the role of same-sex sexuality in their lives and identity” (p. 257)**
2. Statistically few lesbian and gay identifying people are exclusively same-sex sexually attracted. Alfred Kinsey noted that only 4% of white males were exclusively homosexual throughout their adult lives, and that only 10% of white males were “more or less” exclusively homosexual during at least a 3-year period between ages 16 and 55.<sup>6</sup>
3. According to Gallup, “More than half of LGBT Americans, 57%, indicate they are bisexual.”<sup>7</sup> Sexuality among that groups, according to the APA is the most fluid, and tends toward opposite-sex relationships.
  - a. The APA Handbook on Sexuality citing Diamond and Rosky: “The bisexual category was the most unstable,” with three quarters changing that status in 6 years (abstract). “[O]ver time, more bisexual and mostly heterosexual identified young adults of both sexes moved toward heterosexuality than toward homosexuality” (p 106). Similar change is found in other population-based longitudinal studies, and rates of change do not appear to decline as participants get older (Diamond & Rosky, 2016, p. 7, Table 1).<sup>8</sup>

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<sup>3</sup> <https://globalfreedomofexpression.columbia.edu/cases/vazzo-v-city-of-tampa/>

<sup>4</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3080991&GUID=959D1885-B55F-46CE-B422-7FC094A1E3EF&Options=ID%7cText%7c&Search=conversion+therapy>

<sup>5</sup> Tolman Deborah L and Lisa M Diamond. 2014. *APA Handbook of Sexuality and Psychology*. Washington DC: American Psychological Association.

<sup>6</sup> Alfred C. Kinsey, et al, *Sexual Behavior in the Human Male* (Philadelphia: Saunders, 1948), p. 289.

<sup>7</sup> <https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx>

<sup>8</sup> Diamond, L.M and Rosky, C.J, “Scrutinizing Immutability: Research on Sexual Orientation and U.S. Legal Advocacy for Sexual Minorities,” *Journal of Sex Research*, 00(00), 2016.

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### Studies indicate the religious affiliation is beneficial to LGBT-identifying people

1. “The contention that a desire to modify same-sex attractions and behaviors can only be an expression of self-stigma reflects a **serious disregard for and misunderstanding of conservative religious and moral values.**”<sup>9</sup>
2. Studies continue to indicate that religious practices are beneficial to individuals with LGBTQ experience—even those that uphold historical views of biblical sexual ethics. The results of a 2017 study of research conducted by the Pew Research Center show that religious affiliation is a significant predictor of LGBT individuals’ happiness. LGBT individuals who identify as Catholic, agnostic or atheist, or with no particular religious affiliation report lower levels of happiness compared to mainline Protestants.<sup>10</sup> The authors observed the happiness overall of LGBT respondents (85 percent were happy) was similar to the happiness of the general population in another nationally representative study, the General Social Survey, which found that 86 percent of the general population was happy.<sup>11</sup>

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<sup>9</sup> S. Jones, “Same-Sex Science: The social sciences cannot settle the moral status of homosexuality,” *First Things*, Feb. 2012

<sup>10</sup> <https://onlinelibrary.wiley.com/doi/abs/10.1111/soin.12154>

<sup>11</sup> Haynes, Laura. “Are Religious Californians Really Harming the Mental Health of People Who Identify as LGBTQ?” *Public Discourse* (blog), September 16, 2019. <https://www.thepublicdiscourse.com/2019/09/56790/>.