IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and **JACK PHILLIPS,** **Plaintiffs,** **Intervening Plaintiffs** **GRACE HARLEY, Special Forces Of Liberty, SGM JOHN GUNTER JR., Special Forces Of Liberty, 1LT CHRIS SEVIER ESQ., De Facto Attorney Generals, WHITNEY KOHL, Special Forces Of Liberty** **V.** **AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;** **ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;** **MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;** **CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;** **CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;** **RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;** **JESSICA POCOCK, as member of**		**Case No:** **1:18-cv-02074-WYD-STV**

the Colorado Civil Rights Commission, in her official capacity; CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and JOHN HICKENLOOPER, Colorado Governor, in his official capacity, *Defendants*.		

MOTION FOR LEAVE TO FILE AND PERMIT THE COALITION OF DOCTORS DEFENDING REPARATIVE THERAPY APPEAR AMICI CURIAE IN SUPPORT OF THE PLAINTIFFS

NOW COMES, the Coalition of Doctors Defending Reparative Therapy, by and through Counsel, respectfully seeking leave to file *Amicus Curiae*. The attached brief supports the Plaintiffs' causes of action but for reasons that are asserted by the Intervening Plaintiffs. If Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) are unconstitutional and unenforceable against the Plaintiffs, then so are conversation therapy bans. The *amicus* has an interest in the outcome of this case, since the amicus' profession has been damaged by reparative therapy bans being imposed by Secular Humanists in office, like the Defendants. The current cause of action is skirting around the reality that the State and Federal government are required by the United States Constitution's Establishment Clause to totally and completely disentangle itself with LGBTQ ideology.

The Coalition of Doctors Defending Reparative Therapy (CDDRT), *Amicus,* consists of medical professionals and therapists who want to practice reparative therapy with patients who seek that form of treatment on their own. The Coalition of Doctors Defending Reparative Therapy is lead by Dr. Tara King, an EdD, MA, LPC, LCADC, and SAC. *Amicus* has a profound interest in the outcome of this case as underscored and symbolized by Dr. King's sworn

declaration that was filed into the record. Dr. King obtained a Bachelor of Arts degree in Counseling from the University of Sioux Falls; a Master of Arts degree in Counseling from Liberty University; a Doctorate of Education in Administration from Nova Southeastern University; and a Master of Arts degree in Special Education from New Jersey City University. Dr. King has met the requirements to become a Licensed Clinical Alcohol and Drug Counselor (LCADC); a Licensed Professional Counselor (LPC), and a certified Substance Awareness Counselor (SAC). At age 16, Dr. King was seduced into buying in to the LGBTQ ideology and began self-identifying as a lesbian. At age 19, she sought conversion/reparative therapy hoping to get out of the lifestyle. Her therapist informed Dr. King that she born gay and that she could not leave the lifestyle under any condition. At age 24, Dr. King discovered conversion/reparative therapy, which is talk therapy that is insight oriented and psychodynamic. The therapy helped her understand why she was making the choices that she was making. She was able to leave the LGBTQ church, and she put on a new identity, converting to Christianity. She was radically transformed by the Gospel of Jesus Christ. She is free from the LGBTQ indoctrination. After acquiring licenses of her own, Dr. King has engaged in sexual orientation change for clients who have come to her seeking to leave the gay lifestyle. So have many other therapists and licensed medical professionals who are part of the coalition. Dr. King and countless other Doctors want to continue to be allowed to engage in conversion/reparative therapy for clients who intentionally come to them for that purpose. The outcome of this action can materially impact medical practices of the *Amicus* and the health, safety, and welfare of their clients. *Amicus* also has an interest in defending the integrity of their professional field, just as the judiciary has an interest in maintaining its own integrity.

Amicus appears to address whether sexual orientation, like race and gender, is a clearly definable (discrete) category or a fixed and immutable characteristic – factors that are highly relevant to whether this Court should declare sexual orientation a new suspect class or whether the First Amendment Establishment Clause bars the government from legally endorsing sexual orientation as a basis for policy because it is merely a religious mythology being used as a power play to oppress the millions of Americans who believe in absolute truth. *Amicus* concludes based on the current state of scientific knowledge that sexual orientation is a religious doctrine that flows out of the religion of Secular Humanism. (See the Declaration of Dr. Cretella, President of the American College Pediatricians).

From a medical and scientific standpoint, the *Amicus's* brief confirms that that "sexual orientation" has nothing to do with immutability, but rather, is a religious mythology that is inseparably linked to the religion of Secular Humanism, which makes Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) unconstitutional in their making and in their enforcement. While the Plaintiffs should prevail on the causes of action asserted, there are superior Constitutional causes of action that the Plaintiff should assert so that actual justice is accomplished for the whole nation. The intervening Plaintiffs raise those controlling questions of law. While the Plaintiffs' counsel opposed the intervention, the Plaintiffs should amend their complaint and add the Establishment Clause claim. The Colorado Civil Rights Commission is far more evil than the Alliance Defending Freedom gives them credit for. This is war, not footies. Admittedly, it is a long standing jurisprudence that "a plaintiff is the master of his own complaint." Normally, the *amicus* would wait until a party had filed a motion for

summary judgment before filing a brief. However, this brief is timely under the totality of the circumstances because the *amicus*' brief encourages the Plaintiffs to amend their complaint pursuant to FRCP 15 to assert a cause of action against the Defendants that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violates the First Amendment Establishment Clause for failing the prongs of the *Lemon* Test.[1] The *Amicus* should be granted leave to file because the brief explains how Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) fails prong one of *Lemon* in its making.[2] The *Amicus* should be

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[1] What Is The Lemon Test?
https://soundcloud.com/user-450634204/what-is-the-lemon-test
To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion. Id. at 592 (citing *Lemon v. Kurtzman*, 403 U.S. 602 (1971)). It is important to understand that government action "violates the Establishment Clause if it fails to satisfy any of these prongs." *Edwards*, 482 U.S. 578 at 583; *Agostini v. Felton*, 521 U.S. 203, 218 (1997). In view of the testimony of ex-gays, medical professionals, and ministers, gay marriage policy, sexual orientation discrimination statutes, transgender bathroom ordinances, and conversion therapy bans violate all three prongs of the Lemon test by a landslide in their making and in their enforcement. It is not a close call. There are millions of taxpayers who believe that all forms of parody marriage are immoral. They also believe that to enable acts of immorality is itself an act of immorality. It is coercive for the tax dollars of non-observers of Secular Humanism to be used to endorse parody marriages that do not involve one man and one woman because it makes them feel culpable of condoning immorality. When a person is legally married they are entitled to what is called a "constellation of benefits" that flows from the general fund. These taxpayers in this State have standing to enjoin the State from making or enforcing parody marriage policy, sexual orientation discrimination statutes, transgender bathroom ordinances, and conversion therapy bans because the policies themselves are (1) a non-secular shams that (2) have the effect of creating an indefensible legal weapon against non-observers of the religion of Secular Humanism, while (3) serving to excessively entangle the government with the religion of Secular Humanism. Policies that promote parody marriages do not accomplish their intended purposes and are based on a series of unproven faith-based assumptions and naked assertions that are implicitly religious and inseparable from the Secular Humanism.

[2] How Does Gay Marriage Policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) Fail Prong One Of The Lemon Test?
https://soundcloud.com/user-450634204/how-does-gay-marriage-policy-fail-prong-one-of-the-lemon-test

allowed to file a belief because it provides evidence that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) fails prong II of *Lemon* for creating an indefensible legal weapon against all non-observers of the religion of Secular Humanism, not just the

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The State's enforcement of gay marriage policy and the State's enforcement or perspective enforcement of sexual orientation discrimination statutes, transgender bathroom ordinances, or conversion therapy bans violate prong one of *Lemon* because those policies are not "secular" and because they are the ultimate "sham" for purposes of the Establishment Clause, since they have an underlying primary religious objective. At the core of the "Establishment Clause is the requirement that a government justify in secular terms its purpose for engaging in activities which may appear to endorse the beliefs of a particular religion." *ACLU v. Rabun Cnty. Chamber of Commerce, Inc.,* 698 F.2d 1098, 1111 (11th Cir. 1983). This secular purpose must be the "pre-eminent" and "primary" force driving the government's action, and "has to be genuine, not a sham, and not merely secondary to a religious objective." *McCreary Cnty, Ky. v. ACLU of Ky.,* 545 U.S. 844 (2005). There are at least seven reasons why legally recognized gay marriage violates prong one of *Lemon* p rovided in motions for summary judgment and *amicus* briefs posted under the tab called "Law for Attorney Generals." First, in the wake of *Obergefell* there has not been a land rush on gay marriage. The raw numbers tell the tale. Prior to the *Obergefell* decision two years ago, the 7.9 percent of gays who were married would have amounted to 154,000 married gay couples. Two years later, this had grown to 10.2 percent or 198,000 married couples. Second, gay marriage policies are a total sham because while there has not been a land rush on gay marriage, there has been a land rush on Christian persecution. Third, while their has not been a land rush on gay marriage, there has been a land rush by Secular Humanists to infiltrate elementary schools with the purpose of indoctrinating minors to the Secular Humanism ideology on sex, faith, morality, marriage, and truth. Fourth, the fact that majority in *Obergefell* pretended that gay rights were civil rights like race-based civil right are, when race-based civil rights are actually based on immutability, shows that gay marriage policy and all other pro-gay policies are sham. Fifth, the fact that in the wake of *Obergefell* self-identified homosexuals continue to protest ex-gay conventions because the testimony of ex-gays causes the legal basis behind the fake gay civil rights plight to implode shows that the government's endorsement of LGBTQ ideology is a sham. Sixth, the fact that parody marriages have never been a part of American history and tradition and that gay marriage was basically illegal until *Lawrence v. Texas*, 539 U.S. 558 (2003) recently overturned *Bowers v. Hardwick*, 478 U. S. 186 (1986), and yet the Court pretended otherwise by monkeying with the Fourteenth amendment's Substantive Due Process Clause shows that gay marriage policy is a sham. The purpose of the government's decision to entangle itself with the LGBTQ church was to promote tolerance and equality for a pretend people group, and because the "stated purpose [of the government's entanglement with the LGBTQ church has] not [been] actually furthered...then that purpose [must be] disregarded as being insincere or a sham." *Church of Scientology v. City of Clearwater,*. 2 F.3d 1514, 1527 (11th Cir. 1993).

Plaintiffs.[3] It is obvious to everyone that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) offend prong two of Lemon to everyone but Alliance Defending Freedom because they have the same financial incentive that the ACLU has for not acknowledging that fact. The *amicus* does not care about money. The *amicus* only cares about the same thing that this Honorable Court should - justice and strengthening the rule of law. The *amicus* should be granted leave because the brief provides arguments for how the enforcement of gay marriage policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violate prong III of *Lemon* for excessively entangling the government of

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[3] How Does Gay Marriage Policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) Fail Prong Two Of The Lemon Test
https://soundcloud.com/user-450634204/how-does-gay-marriage-policy-fail-prong-two-of-the-lemon-test
Under this second prong of the *Lemon* t est, courts ask, "irrespective of the . . . stated purpose, whether [the state action] . . has the primary effect of conveying a message that the [government] is advancing or inhibiting religion." *Indiana Civil Liberties Union v. O'Bannon,* 259 F.3d 766, 771 (7th Cir. 2001). The "effect prong asks whether, irrespective of government's actual purpose," *Wallace v. Jaffree,* 4 72 U.S. 38, 56 n.42 (1985), the "symbolic union of church and state...is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices." *School Dist. v. Ball*, 473 U.S. 373, 390 (1985); *see also Larkin v. Grendel's Den*, 459 U.S. 116, 126-27 (1982)(even the "mere appearance" of religious endorsement is prohibited).
In the wake of the *Obergefell* and *Windsor* p utsch, there has not been a land rush on gay marriage, but there has been a land rush by Secular Humanists to persecute Christians for refusing to endorse a religious worldview that non-observers of Secular Humanism believe is self-evidently immoral, obscene, and subversive to human flourishing. While "gay marriage" is "fake marriage," the government's endorsement of homosexual orthodoxy has lead to the "very real" persecution of Christians. The unconstitutional codification of the fake gay civil rights movement amount to an indefensible "legal weapon that no [Christian or non-observer of Secular Humanism] can obtain." *City of Boerne v. Flores,* 521 U.S. 507 (1997). A "gay marriage license" issued by the state amounts to a government issued "license to oppress." That is the effect of the government's unconstitutional entanglement with the religion of Secular Humanism. It is an evil that the Establishment Clause does not allow. The CADA statute that Jack Phillips was sued under violated the Establishment Clause in its making (it took state action to create it) and in its enforcement for failing prong two of Lemon. Alliance Defending Freedom refused to make that argument because they are more interested in defending donations and persecution is good for their business model.

Secular Humanism.[4] The Court "can take judicial notice of legislative facts." *Landell v. Sorrell*,

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[4] How Does Gay Marriage Policy, Colo. Rev. Stat. § 24-34-601(2)(a), and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), Fail Prong Three Of Lemon?
https://soundcloud.com/user-450634204/how-does-gay-marriage-policy-fail-prong-three-of-lem o n
The State's enforcement of gay marriage policy or its potential enforcement of transgender bathroom policies, conversion therapy bans, or sexual orientation discrimination statutes excessive entangles the government with the religion of Secular Humanism because it enshrines one narrow and exclusive version postmodern western individualistic moral relativism, i.e. Secular Humanism, as the irrefutable supreme national religion. *In re Young*, 141 F.3d 854 (8th Cir 1998); *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338, 349 (2d Cir. 2007). In the wake of the *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor,* 1 33 S. Ct. 2675, 186 L. Ed. 2d 808 (2013) judicial putsch, there has not been a land rush on gay marriage, but there has been a land rush by Secular Humanists to infiltrate elementary schools with the purpose of indoctrinating minors to a worldview on marriage, morality, and sex that is questionably real, moral, decent, and non-secular. The Supreme Court has emphasized that there are "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools," *Lee v. Weisman*, 505 U.S. 577, 592 (1992). The Federal courts have thus "been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context, see *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987). The legislature has a duty under Article VI to be vigilant as well to keep Secular Humanists from indoctrinating minors to Secular Humanist's religious worldview. The government's endorsement of gay marriage policy has had the effect of entitling Secular Humanists to impose their religious beliefs on minors in public schools in a manner that demonstrates that gay marriage policy and sexual orientation statutes are religious shams that violate the Establishment Clause. Because tax dollars are flowing from the general fund to finance the distribution of a constellation of benefits to self-identified homosexuals who legally marry and because there are hundreds of thousands of taxpayers in every state who do not want to play a role in enabling parody marriages, the enforcement of gay marriage policy fails prong three of the Lemon Test for excessively entangling the government with the religion of Secular Humanism and therefore violates the First Amendment Establishment Clause.
What Is Religion Really?
https://soundcloud.com/user-450634204/what-is-religion-really
All "religion" amounts to is a a set of answers to the greater questions, like "why are we here" and "what should humans be doing." "Religion" is, therefore, a set of unproven truth claims and naked assertions that can only be taken on faith. The Establishment Clause was never designed to single out "institutionalized religions," like Christianity and Judaism, which tends to parallel transcultural self-evident truth that serves as the master narrative of the Constitution itself. The Establishment Clause also was designed - if not more so - to prohibit the government from legally codifying the truth claims floated by "non-institutionalized religions" as well, to include the truth claims asserted by the religion of postmodern western moral relativism and expressive individualism. Currently, "secularism" is having a full blown crisis because "secularism" is a "religion" in most respects that only pretends to be neutral.

382 S3d. 91 (2nd Cir. 2004);; *Lebron v. Secretary of Florida*, 772 F3d 1352 (11th Cir 2014);; Brand v. Motley, 526 F3d 921 (6th Cir. 2008). Leave to file should be granted because the *amicus* is working with the Special Forces of Liberty and De Facto Attorney Generals to compel the Colorado House and Senate introduce an act to be entitled the Marriage And Constitution Restoration Act in a manner that will better enable the red states and the federal Congress to pass the same the bill in a way that will cause Colo. Rev. Stat. § 24-34-601(2)(a), Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), and gay marriage policy to be done away with for good.[5] In the scheme of things, these proceedings are just a formality. But because the Judiciary played a huge role in creating this LGBTQ/transgender nightmare that has damaged the public's health, this Court should get out ahead of the issues and side with the Plaintiffs by providing them with relief that does not just impact them, but the entire nation. The governments entanglement with the LGBTQ church is a ticking time bomb that is going to implode despite how any proponent of Secular Humanism feels.

The fact of the matter is that continued attempts to arbitrarily limit marriage to two people in an effort to sneak around the Establishment Clause will no long fly. Attempts to arbitrarily limit marriage to two people has always been a non-secular sham that is without merit

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[5] *https://soundcloud.com/user-450634204/the-marriage-and-constitution-restoration-act-summary-overview*

Does the Marriage And Constitution Restoration Act single out gay marriage?

https://soundcloud.com/user-450634204/does-the-marriage-and-constitution-restoration-act-single-out-gay-marriage

There are some bills that single out the LGBTQ community or gay marriage. But this is not one of them. This act does not single out self-identified homosexuals or gay marriage. This act bars the State from endorsing, recognizing, respecting, or favoring any form of marriage that does not involve one man and one woman. This act acknowledges that all citizens can have wedding ceremonies of all kinds and live as married people do. It is simply the case that the government is prohibited from being in the parody marriage business.

and is just an excuse for Democrats to entangle the government with the ideology floated by the largest denomination within the church of Secular Humanism.[6] With Justice Kennedy stepping down in the wake of *Masterpiece Cakeshop v. the Colorado Civil Rights Commission*, 584 U. S. ____ (2018), it is game over when it comes to the continuation of what the Honorable Justice Scalia correctly called an "egotistic….putsch" that constitutes a "threat to American Democracy."[7] The Plaintiffs should amend the complaint and include an Establishment Clause

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[6] Why Can't The States Limit Marriage To Two Consenting People?
https://soundcloud.com/user-450634204/why-cant-the-state-limit-marriage-to-two-consenting-people
The Establishment Clause of the First Amendment of the United States Constitution prohibits all of the States from limiting marriage to two consenting adults. It is an arbitrary law state consideration that is undone by the holding in Obergefell and the Fourteenth Amendment if Obergefell was not a sham. Since the Supreme Court pretended that marriage is an "existing right," "individual right," and "fundamental right" based on a "personal choice" for self-identified homosexuals under the Fourteenth Amendment, then it follows that marriage must be an "existing right," "individual right," and "fundamental right" based on a personal choice for self-identified polygamists, zoophiles, and objectophiles as well under the Fourteenth Amendment. Zablocki v. Redhail, 434 U.S. 374, 384 (1978) (fundamental right); Cleveland Bd. of Educ. v. LaFleur, 414 U.S. 632, 63940 (1974) (personal choice); Loving v. Virginia, 388 U.S. 1, 12 (1967) (existing right/individual right); Lawrence v. Texas, 539 U.S. 558 (2003) (intimate choice). Otherwise, gay marriage plight is just a sham that is really barred by the Establishment Clause. The bottom line is that the Secular Humanists on the court are guilty of monkeying with the Fourteenth Amendment in a manner that makes Secular Humanists judges an internalized threat to American Democracy. The attempt by the blue states to limit marriage to two people is merely another arbitrary marriage ban that violates the Fourteenth Amendment, if the Obergefell decision was valid. But it was not. The First Amendment has exclusive jurisdiction in informing the states how to respond to all marriage requests that do not involve one man and one woman and how to respond to self-asserted sex-based identity narratives that are questionably real, moral, and decent.

[7] What Was The Real Implication Of The Masterpiece Cakeshop Decision?
https://soundcloud.com/user-450634204/what-was-the-real-implication-of-the-masterpiece-cakeshop-decision
The 7 to 2 decision in *Masterpiece Cakeshop v. the Colorado Civil Rights Commission*, 584 U. S. ____ (2018) shows that the decisions in *Obergefell* and *Windsor* were a political ploy and an unprincipled misapplication of the Fourteenth and Fifth Amendments. There is no such thing as "partial civil rights movements." If the "gay civil rights movement" was an actual a "civil rights movement," then Jack Phillips should have been required to defy his religious beliefs and bake the cake for the self-identified homosexual couple. Secular Humanists on the Supreme Court

claim because the Supreme Court has already recognized that Secular Humanism is a religion.[8]

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have been behaving like children who have been caught in a lie because they have been exposed for having monkeyed with the Fourteenth Amendment by misapplying it to create law that entangles the government with Secular Humanism. Imaging if after the race-based civil rights movement of the 1960s, blacks could still be barred from military service or they still could be required to ride on the back of the bus. Discrimination on the basis for color is an evil that cuts across aspects of society because unlike sexual orientation it really is based on immutability and genetics. The gay civil rights movement is about Secular Humanists entangling the government with their private code to ratify a moral superiority complex that is dangerous, desensitizing, depersonalizing, dehumanizing, and destructive and most importantly non-secular. The fake gay civil rights movement is an effort by devout moral relativists to use government to explain away the natural feelings of shame and inadequacy that come from engaging in forms of sex that violate the givenness of our nature and the truth about the way things are and the way we are. Instead of trying to make all sides happy, the Federal Court judges should have just done their job by enforcing the Constitution as it was written and not as how devout Secular Humanists wished that it was.

[8] What Is The Religion Of Secular Humanism?
https://soundcloud.com/user-450634204/what-is-the-religion-of-secular-humanism
Ex-gays, medical professionals, and licensed ministers have provided testimony under oath in support of this bill that sexual orientation has nothing to do with immutability or the Fourteenth Amendment, but rather, sexual orientation is a religious orthodoxy that is inseparably linked to the religion of Secular Humanism. The United States Supreme Court (and most of the Federal Courts of appeals) have held that Secular Humanism is religion for purposes of the Establishment Clause. See the Supreme Court decisions in Torcaso v. Watkins, 367 U.S. 488 (1961) and Edwards v. Aguillard, 482 U.S. 578, 583 (1987). ("Among religions in this country, which do not teach what would generally be considered a belief in the existence of God, are Buddhism, Toaism, Ethical Culture, Secular Humanism, and others." See Also Washington Ethical Society v. District of Columbia, 101 U.S. App. D.C. 371, 249 F. 2d 127 (1957); 2 Encyclopaedia of the Social Sciences, 293; J.Archer, Faiths MenLive By 120—138, 254—313 (2d ed. revised by Purinton 1958); Stokes & P feffer,supra, n.3 ,at 560. Welsh v. U.S, 1970398 U.S. 333 (U.S. Cal. June 15);; Wells v. City and Cnty. of Denver, 257 F.3d 1132 (2001)). There is hardly anything "secular" about the religion of "Secular Humanism." The first amendment was never just designed to single out institutionalized religions to keep the government from respecting its doctrine. The Establishment Clause was designed, if not more so, to prevent moral relativists from using government to enshrine their Secular Humanist dogma. In Real Alternatives, the Seventh Circuit Court of Appeals stated: "w e detect a difference in the "philosophical views" espoused by [the litigants], and the "secular moral system[s]...equivalent to religion except for non-belief in God" that Judge Easterbrook describes in Center for Inquiry, 758 F.3d at 873. There, the Seventh Circuit references organized groups of people who subscribe to belief systems such as Atheism, Shintoism, Janism, Buddhism, and secular humanism, all of which "are situated similarly to religions in everything except belief in a deity." Id. at 872. "These systems are organized, full, and provide a comprehensive code by which individuals may guide their daily activities." Instead having across or the ten commandments, the LGBTQ church

The legislatures are recognizing it as well through legislative instruments authored by the Special Forces Of Liberty created directly out of a series of federal actions.

Leave should be granted because this brief seeks to demonstrate that sexual orientation has nothing to do with genetics, science, immutability, the Fourteenth Amendment, Equal Protection, or Substantive Due Process. The Defendants desire to live in a persistent state of denial creates a tab that taxpayers like Jack Phillips should not be required to pay. Leave should be granted because the *amicus* is defending the integrity of the race-based civil rights movement lead by Pastor Martin Luther King Jr, which the political and Constitutional malpractice of the

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has the gay pride flag and their own commandments,such as if you disagree with LGBTQ ideology you are a bigot worth marginalizing. The unproven naked truth claims evangelized by the LGBTQ church such as (1) there is a gay gene, that (2) people can be born in the wrong body, that (3) same-sex sexual activity checks out with the human design, that (4) same-sex buggery is not immoral, and that (5) people come out of the closest are baptized gay consists of a series of unproven faith based assumptions that are implicitly religious and take a huge amount of faith to believe are even plausible. Here is a video on Secular Humanism is a religion. https://www.youtube.com/watch?v=TeSM7cbXSEI;
What Is The Problem With The ACLU And The Freedom From Religion Foundation?
https://soundcloud.com/user-450634204/what-is-the-problem-with-the-aclu-and-the-freedom-from-religion-foundation
The ACLU and Freedom From Religion Foundation are constantly pushing to entangle the government with the religion of Secular Humanism that they ardently subscribe to. Both of these organizations are too intellectually blind and dishonest to see or admit that they have been working for decades to entangle the government with their religion - establishing Secular Humanism as the national supreme religion. The problem for the ACLU and the Freedom From Religion Foundation is that the Supreme Court and just about every Circuit Court has held that Atheism is a religion. *Wells v. City and Cnty. of Denver,* 257 F.3d 1132 (2001). The reason why in *Van Orden v. Perry,* 545 U.S. 677 (2005), Justice Breyer in his concurrence stated that "the Establishment Clause does not compel the government to purge from the public sphere all that in any way partakes of the religious" because "[s]uch absolutism is not only inconsistent with our national traditions, but would also tend to promote the kind of social conflict the Establishment Clause seeks to avoid" was because western postmodern moral relativism is a religion whose faith-based dogmatic unproven truth claims cannot be respected through government recognition.

Defendants threatens.[9] From a medical standpoint, race is based on genetics and immutability. Sexual orientation is not. Leave should be granted because when the Defendants suggest "love is love," it does not mean what the public thinks.[10] This brief ties in with the briefs filed by the National Alliance of Black Pastors, the Center for Garden State Families, and American Family Association of PA, all of which make different points of law and point to different undisputed facts that will help the Court find the law, as Article III rights. It is important that this brief be in the record because it is the position of *Amicus* that for any government official to falsely equate the gay plight to the race based civil rights movement lead by Pastor Martin Luther King is an act of intellectual dishonesty that amounts to racism in kind in a manner that manages to be

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[9] Anyone who compares the "gay civil rights plight" to the "race-based civil rights plight," whereas the race-based civil rights plight was actually based on immutability, only to not really mean it, has engaged in acts of fraud and racial animus in-kind that manages to be emotionally, intellectually, sexually, and racially exploitative. To oppose the government's unconstitutional endorsement of homosexual ideology is to defend the civil rights movement lead by Pastor Martin Luther King Jr. To embrace the fake gay rights movement is deeply offensive to people of color who were required at one point to walk to school, drink from the colored water fountain, and undergo mistreatment for characteristics that are without question based on genetics and immutability, not emotional faith-based beliefs. If a government official supports the government's endorsement of gay rights, they are refusing to think logically and can be accused of bigotry in-kind. Legislators support this act support the rule of law and the supremacy of the United States Constitution. Those who oppose this act that balances the Free Exercise Clause with the Establishment Clause are on the wrong side of history and reality. While there are thousands of ex-gays, there is no such thing as an "ex-black person." Help us safeguard and restore the integrity of the civil rights movement lead by Dr. Martin Luther King Jr. by standing behind the Marriage And Constitution Restoration Act.

[10] What Does Love Is Love Really Mean?
https://soundcloud.com/user-450634204/what-does-love-is-love-really-mean
When people say that "love is love" what they really mean is that they are perfectly ok with government assets being used to crush anyone who believes that homosexuality is immoral or subversive to human flourishing. Such a position is categorically "unloving." It is more accurate to say that "love without truth is shallow sentimentality." One thing that the fake gay civil rights movement has managed to prove is that people who are "intolerant" of "intolerant people" are "intolerant;" people who are "judgmental" against "judgmental people" are "judgmental;" people who are "dogmatic" about not being "dogmatic" are themselves "dogmatic." As Justice Kennedy stated in *Masterpiece Cakeshop*, "tolerance has to cut both ways."

sexually, intellectually, emotionally, and racially exploitative. It is true that black lives matter and that all lives matter, and it matters that the race-based civil rights movement not be exploited by people who are really just advocates for perversion, the erosion of community standards of decency, and the governments entanglement with a religion that has been the catalyst for most of the evil since the inception of humanity. While there is no such thing as an ex-black person, there are thousands of ex-gays and this brief prove that in a way that the Colorado Civil Rights Commission cannot deny no matter how much intellectual squinting it attempts.[11] *Amicus* has a vested interest in defending the integrity of the race-based civil rights movement and in defending ex-gays who have converted to a new identity narrative from being socially marginalized and violently oppressed by intolerant brainwashed Secular Humanists, who do not even believe in objective right and wrong.

Comparing the dilemmas of same-sex couples to the centuries of discrimination faced by Black Americans is a deceptive distortion of our country's culture and history. The disgraces in our nation's history pertaining to the civil rights of Black Americans are unmatched. No other

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[11] Do gay people exist or do only self-identified gay people exist?
https://soundcloud.com/user-450634204/do-gay-people-exist
There is no such thing as "homosexuals." There are only some people who "self-identify" as "homosexual" for at least some period of time. While people have the right under the Free Exercise clause to form self-asserted sex-based identity narratives, the Establishment Clause prohibits the government from respecting and recognizing identify narratives that are questionably real, moral, and decent. Sex-based identity narratives are semi-religious in nature. While there are no such thing as "ex-blacks," there are thousands of ex-gays. The First Amendment in balancing the Free Exercise Clause and the Establishment Clause has exclusive jurisdiction in resolving the question as to which marriages the States can recognize and how the States must respond to self-asserted sex-based identify narratives that are questionably real, moral, and have a tendency to erode community standards of decency. It is intellectually, racially, sexually, and emotionally dishonest for Secular Humanists advocate the unprincipled ploy that the Fourteenth Amendment has anything to do with answering how the States must legally define marriage.

class of individuals, including individuals who are same-sex, objectophilic, or polygamously attracted, have ever been enslaved, or lawfully viewed not as human, but as property.[12] Self-identified homosexuals, polygamists, transgenders, zoophiles and objectofile have never lawfully been forced to attend different schools, walk on separate public sidewalks, sit at the back of the bus, drink out of separate drinking fountains, denied their right to assemble, or denied their voting rights. Id. The legal history of these disparate classifications, i.e., immutable racial discrimination and same-sex attraction, is incongruent. Yet, some devout Moral Relativists in office have mistakenly understated this incongruence to manufacture and mandate the ill-conceived and apparently limitless concept of "marriage equality."

This brief, in-part, focuses on how *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) was a sham because the Supreme Court lacked subject matter jurisdiction to impose gay marriage just as the Defendants cannot impose Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III). This brief makes the case that the Fourteenth and Fifth Amendment Due Process and Equal Protection Clauses have nothing to do with how the states are permitted to define marriage and react to self-asserted sex-based identity narratives that are questionably real, moral, decent, and have the tendency to erode community standards of decency.. It follows that if gay marriage policy is unconstitutional and unenforceable under the Establishment Clause, then so are Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) on the same Constitutional prescription. A State has no responsibility to promote any person's sexual proclivities, whether heterosexual, homosexual, or otherwise—and certainly is not

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[12] *See*, *e.g.*, Stacy Swimp, *LGBT Comparison of Marriage Redefinition to Historical Black Civil Rights Struggles is Dishonest and Manufactured* (March 7, 2014), (http://stacyswimp.net/2014/03/07/lgbt-comparison-of-marriage-redefinition-to-historical-Black-civil-rights-struggles-is-dishonest-and- manufactured).

required to accept that one's sexual conduct preference is the same as an immutable characteristic like race. The Supreme Court in *Obergefell* should have upheld the State's marriage bans because the underlying legal basis for the marriage bans was the First Amendment Establishment Clause. Plus the states have a compelling interest to uphold community standards of decency as the marriage bans and as Jack Phillips has done at immense expense to himself.[13] If the Attorney General actually understood her job, she would know that all forms of parody marriage erode community standards of decency and affront the obscenity codes which she is charged to enforce. So does the enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) because of "sexula orientation" discrmination. The fact that the Defendants do not know that homosexual and transgenderism are obscene, immoral, and non-secular demonstrates that they lack the character fitness to be in office and are a danger to the public's safety, health, and welfare. By rejecting the transgenders and self-identified homosexuals' requests imposed on Masterpiece Cake shop, the *amicus* believes that the

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[13] What Was The Real Purpose Behind The Original Gay Marriage Bans? *https://soundcloud.com/user-450634204/what-was-the-real-purpose-behind-the-original-gay-marriage-bans*
The original legal basis behind State's bans on parody marriages rested on the notion that parody marriages erode community standards of decency.The State's Constitution and the Supreme Court of the United States has made it clear that the States have a compelling interest to uphold community standards of decency. *Paris Adult Theatre I v. Slaton*, 413 US 49 (1973). Courts have held that "any school boy knows that a homosexual act is immoral, indecent, lewd, and obscene.Adult persons are even more conscious that this is true." *Schlegel v. United States,* 416 F. 2d 1372, 1378 (Ct. Cl. 1969). The Supreme Court has long since held that "to simply adjust the definition of obscenity to social realities has always failed to be persuasive beforethe Courts of the United States." *Ginsberg v. New York*, 390 U.S. 629, 639–40, 88 S.Ct. 1274, 20 L.Ed.2d 195 (1968), *Mishkin v. State of New York*, 383 U.S. 502, 509, 86 S. Ct. 958, 16 L. Ed. 2d 56 (1966), and *Bookcase, Inc. v. Broderick*, 18 N.Y.2d 71, 271 N.Y.S.2d 947, 951, 218 N.E.2d 668, 671 (1966). Community standards do not evolve but groups of people can become desensitized to objective immorality. While that is a state law argument, what is without question is that all parody marriage policies and sexual orientation discrimination states fail all three prongs of the Lemon test and violate the Establishment Clause in their making and in their enforcement.

Plaintiffs are fulfilling a narrowly tailored compelling state interest. Anyone with a semblance of common sense can see that. But the hallmark of the Colorado Civil Rights Commission is that it is intellectually blind because it has allowed itself to unwisely become brainwashed through a subscription to the unexamined assumption of the superiority of our cultural moment. By allowing the *amicus* to file it might illuminate the truth and help the blind see so that human flourishing can be advanced in a meaningful way in the formation of a more perfect union. Here is the truth - there is no such thing as "gay people." There are only some people who self-identify as gay for some period of time. Thousands of those people realize that they have been duped, having only conformed to society's messages only to discover a great truth allows them to be set free from the lies floated by the LGBTQ community that the Defendants promote for self-serving reasons.

"Although there is no formal rule governing the filing of *amicus* curiae briefs, district courts possess the inherent authority to grant or refuse leave to *amicus* parties." *Georgia Aquarium, Inc. v. Pritzker,* 135 F.Supp.3d 1280 (N.D.Ga.2015). "A district court exercises wide discretion in deciding whether to grant or deny leave to file an *amicus* brief." *United States v. Board of County Commissioners of the County of Otero,* 184 F.Supp.3d 1097 (D.N.M. 2015). See also: Brief of an *Amicus Curiae* FRAP Rule 29;; Pleadings Allowed; Form of Motions and Other Papers FRCP Rule 7. *Amicus* should be granted leave because this case has the potential to strike down all sexual orientation statutes like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) that exist in other states as the United States First Amendment Establishment Clause requires based on arguments that the *amicus* and the Special Forces Of Liberty have been making before a litany of legislative bodies. While self-identified

homosexuals force homosexual orthodoxy on the whole of America, it will be the testimony of ex-gays who were transformed by the same God that Jack Phillips worships that will completely end the governments entanglement with LGBTQ ideology - which does tend to cultivate mental illness. Furthermore, leave should be granted because the *amicus* is providing the Constitutional basis for *Obergefell* to be overruled. *Obergefell a*nd the enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) against the Plaintiffs were based on emotion - nothing more. Due to their profuse refusal to think logically, the Defendants seem incapable of understanding that emotional appeals do not allow government actors to usurp the Establishment Clause.[14] Perhaps this brief, which seeks to safeguard the integrity of the

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[14] Do Emotional Appeals Or Sincerity Of Belief Allow The Government To Usurp The Establishment Clause?
https://soundcloud.com/user-450634204/do-emotional-appeals-or-sincerity-of-belief-allow-the-government-to-usurp-the-establishment-clause
Emotional appeals do not allow the government to usurp the Establishment Clause. When President Obama came into office, he emphasized that he wanted to appoint Judges to the Court who would demonstrate empathy. The entire basis for the Supreme Court in *Obergefell t*o force the government to respect gay marriage policy was predicated on a series of emotional appeals and naked assertions that were implicitly religious in nature. Justices, like Ginsburg and Sotomayor, were moved by the the stories of self-identified homosexuals who were dropped off in the middle of nowhere by taxi cab drivers, denied medical treatment, and assaulted, simply because they identified as homosexual. While those stories are tragic, they do not justify the Supreme Court's decision to misuse the Fourteenth Amendment in a manner in which it was never designed. There are other forms of relief already in place for victims who were wronged by taxi drivers, hospitals, and assailants. In *Holloman v. Harland,* 3 70 F.3 1252 (11th Cir. 2004), an elementary school teacher required her students to have a moment of silent to start the day. She had really good emotional and pragmatic reasons for doing so. Yet, the Eleventh Circuit found that the moment of silence had a primary religious purpose. The effect of the *Holloman* decision was that emotional appeals do not allow government actors to usurp the Establishment Clause. The *Windsor* and *Obergefell* Courts allowed emotional and pragmatic appeals to override the Establishment Clause by pretending that self-identified gay people were a class of people for purposes of the Fourteenth Amendment. Yet, the truth is that self-identified gay people are a part of a denominational sect within the over all religion of Secular Humanism. While there are no such thing as ex-blacks, ex-whites, ex-asians, and ex-hispanics, there are thousands of ex-gays, whose testimony voids the Federal Courts of Subject Matter and Personal Jurisdiction under claims brought by self-identified homosexuals under the Fourteenth and Fifth

race-based civil rights plight lead by Pastor Martin Luther King might help the Defendants awaken to transcultural reality about the way things are and the way we are.

Leave should be granted because "Stare Decisis" does not keep *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015) from being overruled for the reasons that the *amicus* and the Special Forces Of Liberty have been asserting at legislative hearings on the Marriage And Constitution Restoration Act and in the Courts' records all across the United States. While the Judiciary has been attempting to circle the wagons to defend an unprincipled ploy for reasons that are immature, the legislative branch is not having it. The *Obergefell* and *Windsor* decisions were calculated shams that has caused real suffering - see the declaration of Lisa Bouch from WW Bridal and Pastor Penkoski.[15] The Supreme Court found that "questions which merely lurk in the

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Amendments. The government cannot respect or recognize the LGBTQ dogma through creating or enforcing policies because the ideology is based on a series of unproven faith-based assumptions and naked assertions that are implicitly religious in nature.

[15] Why Can't The States Limit Marriage To Two Consenting People?
https://soundcloud.com/user-450634204/why-cant-the-state-limit-marriage-to-two-consenting-people
The Establishment Clause of the First Amendment of the United States Constitution prohibits all of the States from limiting marriage to two consenting adults. It is an arbitrary law state consideration that is undone by the holding in Obergefell and the Fourteenth Amendment if Obergefell was not a sham. Since the Supreme Court pretended that marriage is an "existing right," "individual right," and "fundamental right" based on a "personal choice" for self-identified homosexuals under the Fourteenth Amendment, then it follows that marriage must be an "existing right," "individual right," and "fundamental right" based on a personal choice for self-identified polygamists, zoophiles, and objectophiles as well under the Fourteenth Amendment. *Zablocki v. Redhail,* 434 U.S. 374, 384 (1978) (fundamental right); *Cleveland Bd. of Educ. v. LaFleur*, 414 U.S. 632, 63940 (1974) (personal choice); *Loving v. Virginia,* 388 U.S. 1, 12 (1967) (existing right/individual right); *Lawrence v. Texas*, 539 U.S. 558 (2003) (intimate choice). Otherwise, gay marriage plight is just a sham that is really barred by the Establishment Clause. The bottom line is that the Secular Humanists on the court are guilty of monkeying with the Fourteenth Amendment in a manner that makes Secular Humanists judges an internalized threat to American Democracy. The attempt by the blue states to limit marriage to two people is merely another arbitrary marriage ban that violates the Fourteenth Amendment, if the Obergefell decision was valid. But it was not. The First Amendment has exclusive jurisdiction in informing the states how to respond to all marriage requests that do not involve one man and one woman

record, neither brought to attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." *Cooper Industries, Inc. v. Aviall Services, Inc*. 543 U.S. 157 (2004). The Establishment Clause claims were "lurking" in the record but undecided in *Obergefell*. "[Stare Decisis]is at its weakest when [the courts] interpret the Constitution because our interpretation can be altered only by constitutional amendment or by overruling our prior decisions." *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 63, 116 S.Ct. 1114, 1127, 134 L.Ed.2d 252 (1996); *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 94, 56 S.Ct. 720, 744, 80 L.Ed. 1033 (1936) (Stone and Cardozo, JJ., concurring in result) ("The doctrine of stare decisis ... has only a limited application in the field of constitutional law"). The *amicus* is asking the Honorable District Court in this case to re-interpret the Constitution correctly and to provide relief that Plaintiffs is asking for and then some.[16] Judges and politicians in the other branches are human. They make mistakes. *Amicus*'s brief may help the Court relegate *Obergefell* to the line of overruled Supreme Court cases that were decided incorrectly.[17] None of us are perfect, but we can change course and do what is right. That is the

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and how to respond to self-asserted sex-based identity narratives that are questionably real, moral, and decent.

[16] By allowing the *Amicus* filer to submit its brief it can allow to this Honorable Court and the Defendants to do its job under the Article 6 of the United States Constitution which reads:This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution.

[17] Swift v. Tyson, 41 U.S. 1 (1842), overruled by Erie Railroad Co. v. Tompkins, 304 U.S. 64, 58 S.Ct. 817 (1938). Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138 (1896) held that "equal but separate" segregated facilities were constitutionally permissible. Overruled by Brown v. Board of Education of Topeka, Shawnee County, Kan., 347 U.S. 483, 495, 74 S.Ct. 686, 692 (1954) ("Separate educational facilities are inherently unequal."). Lochner v. New York, 198 U.S. 45,

25 S.Ct. 539 (1905) held that a state statute could not invalidate employer-employee contracts that required more than 60 hours/week of work. Overruled in part by Day-Brite Lighting Inc. v. State of Mo., 342 U.S. 421, 72 S.Ct. 405 (1952); and Ferguson v. Skrupa, 372 U.S. 726, 83 S.Ct. 1028 (1963). Coppage v. State of Kansas, 236 U.S. 1, 35 S.Ct. 240 (1915) held invalid a state statute that forbade employers to condition employment on a promise not to join a labor union. Overruled in part by Phelps Dodge Corp. v. N.L.R.B., 313 U.S. 177, 61 S.Ct. 845 (1941). Adkins v. Children's Hospital of the District of Columbia, 261 U.S. 525, 43 S.Ct. 394 (1923) invalidated minimum wage statutes. Overruled in part by West Coast Hotel Co. v. Parrish, 300 U.S. 379, 57 S.Ct. 578 (1937). Burnet v. Coronado Oil & Gas Co., 285 U.S. 393, 52 S.Ct. 443 (1932), overruled in part by Helvering v. Bankline Oil Co., 303 U.S. 362, 58 S.Ct. 616 (1938) and Helvering v. Mountain Producers Corporation, 303 U.S. 376, 58 S.Ct. 623 (1938). Minersville School District v. Gobitis, 310 U.S. 586, 60 S.Ct. 1010 (1940) held that a public school could expel pupils who refused to salute the flag because they were Jehovah's Witnesses. Overruled by West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S.Ct. 1178 (1943).cases overruled after 1 Jan 1960: Minturn v. Maynard, 58 U.S. 477 (1854) held that an agent was barred from suing a principal under admiralty law. Overruled by Exxon Corp. v. Central Gulf Lines, Inc., 500 U.S. 603, 111 S.Ct. 2071 (1991). Low v. Austin, 80 U.S. 29 (1871), overruled by Michelin Tire Corp. v. Wages, 423 U.S. 276, 96 S.Ct. 535 (1976). Pennoyer v. Neff, 95 U.S. 714 (1878), overruled in part by Shaffer v. Heitner, 433 U.S. 186, 97 S.Ct. 2569 (1977). Kring v. State of Missouri, 107 U.S. 221 (1883), overruled by Collins v. Youngblood, 497 U.S. 37, 110 S.Ct. 2715 (1990). The Harrisburg, 119 U.S. 199, 7 S.Ct. 140 (1886) held that federal maritime law did not recognize a cause of action for wrongful death. Overruled by Moragne v. States Marine Lines, Inc., 398 U.S. 375, 90 S.Ct. 1772 (1970). See also Yamaha Motor Corp., U.S.A. v. Calhoun, 516 U.S. 199 (1996). Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 15 S.Ct. 673 (1895), overruled by South Carolina v. Baker, 485 U.S. 505, 108 S.Ct. 1355 (1988). Geer v. State of Connecticut, 161 U.S. 519, 16 S.Ct. 600 (1896), overruled by Hughes v. Oklahoma, 441 U.S. 322, 99 S.Ct. 1727 (1979). Thompson v. State of Utah, 170 U.S. 343, 18 S.Ct. 620 (1898), overruled by Collins v. Youngblood, 497 U.S. 37, 110 S.Ct. 2715 (1990). Pope v. Williams, 193 U.S. 621, 24 S.Ct. 573 (1904), overruled by Dunn v. Blumstein, 405 U.S. 330, 337, n. 7, 92 S.Ct. 995, 1000 (1972) ("To the extent that dicta in that opinion are inconsistent with the test we apply or the result we reach today, those dicta are rejected."). Evans v. Gore, 253 U.S. 245, 40 S.Ct. 550 (1920). Overruled by U.S. v. Hatter, 532 U.S. 557, 121 S.Ct. 1782 (2001). Quaker City Cab Co. v. Commonwealth of Pennsylvania, 277 U.S. 389, 48 S.Ct. 553 (1928), abrogated by Lehnhausen v. Lake Shore Auto Parts Co., 410 U.S. 356, 365, 93 S.Ct. 1001, 1006 (1973) ("Quaker City Cab Co. v. Pennsylvania is only a relic of a bygone era. We cannot follow it and stay within the narrow confines of judicial review, which is an important part of our constitutional tradition."). Olmstead v. U.S., 277 U.S. 438, 48 S.Ct. 564 (1928) held that telephone wiretaps are not forbidden by the Fourth Amendment. Overruled by Berger v. State of N.Y., 388 U.S. 41, 64, 87 S.Ct. 1873, 1886 (1967) (Douglas, J., concurring) ("I join the opinion of the Court because at long last it overrules sub silentio Olmstead v. United States, 277 U.S. 438, 48 S.Ct. 564, 72 L.Ed. 944, and its offspring and brings wiretapping and other electronic eavesdropping fully within the purview of the Fourth Amendment.") and by Katz v. U.S., 389 U.S. 347, 362, n. *, 88 S.Ct. 507, 517 (1967) (Harlan, J., concurring) ("... today's decision must be recognized as overruling Olmstead v. United States, 277 U.S. 438, 48 S.Ct. 564, 72 L.Ed.

944, which essentially rested on the ground that conversations were not subject to the protection of the Fourth Amendment."). Louis K. Liggett Co. v. Baldridge, 278 U.S. 105, 49 S.Ct. 57 (1928), overruled by North Dakota State Bd. of Pharmacy v. Snyder's Drug Stores, Inc., 414 U.S. 156, 94 S.Ct. 407 (1973). Sinclair v. U.S., 279 U.S. 263, 49 S.Ct. 268 (1929), overruled by U.S. v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310 (1995). Enelow v. New York Life Ins. Co., 293 U.S. 379, 55 S.Ct. 310 (1935), overruled by Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 108 S.Ct. 1133 (1988). Aero Mayflower Transit Co. v. Georgia Public Service Commission, 295 U.S. 285, 55 S.Ct. 709, (1935), overruled by American Trucking Associations, Inc. v. Scheiner, 483 U.S. 266, 107 S.Ct. 2829 (1987). See also American Trucking Associations, Inc. v. Smith, 496 U.S. 167, 110 S.Ct. 2323 (1990). Triplett v. Lowell, 297 U.S. 638, 56 S.Ct. 645 (1936), overruled in part by Blonder-Tongue Laboratories, Inc. v. University of Illinois Foundation, 402 U.S. 313, 91 S.Ct. 1434 (1971). Puget Sound Stevedoring Co. v. Tax Com'n of State of Washington, 302 U.S. 90, 58 S.Ct. 72 (1937), overruled by Department of Revenue of State of Washington v. Association of Washington Stevedoring Companies, 435 U.S. 734, 98 S.Ct. 1388 (1978). Moore v. Illinois Central Railroad Co., 312 U.S. 630, 61 S.Ct. 754 (1941), overruled in part by Andrews v. Louisville & Nashville Railroad Co., 406 U.S. 320, 92 S.Ct. 1562 (1972). Valentine v. Chrestensen, 316 U.S. 52, 62 S.Ct. 920 (1942) held commercial speech had no First Amendment protection. Overruled by Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748, 96 S.Ct. 1817 (1976). Ettelson v. Metropolitan Life Ins. Co., 317 U.S. 188, 63 S.Ct. 163 (1942), overruled by Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 108 S.Ct. 1133 (1988). Ford Motor Co. v. Department of Treasury of State of Indiana, 323 U.S. 459, 65 S.Ct. 347 (1945), overruled by Lapides v. Board of Regents of University System of Georgia, 535 U.S. 613, 122 S.Ct. 1640 (2002). House v. Mayo, 324 U.S. 42, 65 S.Ct. 517 (1945) held that the U.S. Supreme Court lacks jurisdiction to review denials of certificates of probable cause. Overruled by Hohn v. U.S., 524 U.S. 236, 118 S.Ct. 1969 (1998). Commissioner of Internal Revenue v. Wilcox, 327 U.S. 404, 66 S.Ct. 546 (1946) held that embezzled money was not taxable as income. Overruled in part by James v. U.S., 366 U.S. 213, 81 S.Ct. 1052 (1961). Joseph v. Carter & Weekes Stevedoring Co., 330 U.S. 422, 67 S.Ct. 815 (1947), overruled by Department of Revenue of State of Washington v. Association of Washington Stevedoring Companies, 435 U.S. 734, 98 S.Ct. 1388 (1978). Goesaert v. Cleary, 335 U.S. 464, 69 S.Ct. 198 (1948), disapproved of by Craig v. Boren, 429 U.S. 190, 210, n. 23 (1976) ("Insofar as Goesaert v. Cleary, 335 U.S. 464, 69 S.Ct. 198, 93 L.Ed. 163 (1948), may be inconsistent, that decision is disapproved."). International Union, U. A. W., A. F. of L., Local 232 v. Wisconsin Employment Relations Board, 336 U.S. 245, 69 S.Ct. 516 (1949), overruled by Lodge 76, Intern. Ass'n of Machinists and Aerospace Workers, AFL-CIO v. Wisconsin Employment Relations Commission, 427 U.S. 132, 96 S.Ct. 2548 (1976). Bryan v. U.S., 338 U.S. 552, 70 S.Ct. 317 (1950), overruled by Burks v. U.S., 437 U.S. 1, 98 S.Ct. 2141 (1978). Spector Motor Service v. O'Connor, 340 U.S. 602, 71 S.Ct. 508 (1951), overruled by Complete Auto Transit, Inc. v. Brady, 430 U.S. 274, 97 S.Ct. 1076 (1977). Wilko v. Swan, 346 U.S. 427, 74 S.Ct. 182 (1953) held that the Securities Act prohibited arbitration of disputes. Overruled by Rodriguez de Quijas v. Shearson/American Exp., Inc., 490 U.S. 477, 109 S.Ct. 1917 (1989). U.S. v. Bramblett, 348 U.S. 503, 75 S.Ct. 504 (1955), overruled by Hubbard v. U.S., 514 U.S. 695, 715, 115 S.Ct. 1754, 1765 (1995). Yates v. U. S., 354 U.S. 298, 77 S.Ct. 1064 (1957), overruled by Burks v. U.S., 437 U.S. 1, 98 S.Ct. 2141 (1978). Morey v. Doud, 354

U.S. 457, 77 S.Ct. 1344 (1957), overruled by City of New Orleans v. Dukes, 427 U.S. 297, 96 S.Ct. 2513 (1976). Roth v. U.S., 354 U.S. 476, 484, 77 S.Ct. 1304, 1309 (1957) and A Book Named "John Cleland's Memoirs of a Woman of Pleasure" v. Attorney General of Massachusetts, 383 U.S. 413, 418, 86 S.Ct. 975, 977 (1966) (plurality opinion) held speech was unprotected obscenity if "the material is utterly without redeeming social value." Abrogated by Miller v. California, 413 U.S. 15, 24, 93 S.Ct. 2607, 2615 (1973) (third criteria in Roth changed to: "do not have serious literary, artistic, political, or scientific value."). Forman v. U.S., 361 U.S. 416, 80 S.Ct. 481 (1960), overruled by Burks v. U.S., 437 U.S. 1, 98 S.Ct. 2141 (1978). Jones v. U.S., 362 U.S. 257, 80 S.Ct. 725 (1960), overruled by U. S. v. Salvucci, 448 U.S. 83, 100 S.Ct. 2547 (1980). Monroe v. Pape, 365 U.S. 167, 81 S.Ct. 473 (1961) held local governments were immune from litigation under 42 U.S.C. § 1983. Overruled by Monell v. Department of Social Services of City of New York, 436 U.S. 658, 98 S.Ct. 2018 (1978). Townsend v. Sain, 372 U.S. 293, 83 S.Ct. 745 (1963), overruled by Keeney v. Tamayo-Reyes, 504 U.S. 1, 112 S.Ct. 1715 (1992). Parden v. Terminal Railway of Alabama State Docks Dept., 377 U.S. 184, 84 S.Ct. 1207 (1964) held that state-operated railroad could not plead sovereign immunity. Overruled by Welch v. Texas Dept. of Highways and Public Transportation, 483 U.S. 468, 107 S.Ct. 2941 (1987) and College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, 527 U.S. 666, 119 S.Ct. 2219 (1999). General Motors Corp. v. Washington, 377 U.S. 436, 84 S.Ct. 1564 (1964), overruled by Tyler Pipe Industries, Inc. v. Washington State Dept. of Revenue, 483 U.S. 232, 107 S.Ct. 2810 (1987) Aguilar v. Texas, 378 U.S. 108, 84 S.Ct. 1509 (1964), overruled by Illinois v. Gates, 462 U.S. 213, 103 S.Ct. 2317 (1983). Swain v. Alabama, 380 U.S. 202, 85 S.Ct. 824 (1965), overruled by Batson v. Kentucky, 476 U.S. 79, 106 S.Ct. 1712 (1986). See also Allen v. Hardy, 478 U.S. 255, 106 S.Ct. 2878 (1986) (per curiam). Joseph E. Seagram & Sons, Inc. v. Hostetter, 384 U.S. 35, 86 S.Ct. 1254 (1966), abrogated by Healy v. Beer Institute, Inc., 491 U.S. 324, 109 S.Ct. 2491 (1989). Albrecht v. Herald Co., 390 U.S. 145, 88 S.Ct. 869 (1968) held that vertical price fixing was a per se violation of antitrust statutes. Overruled by State Oil Co. v. Khan, 522 U.S. 3, 118 S.Ct. 275 (1997). Maryland v. Wirtz, 392 U.S. 183, 88 S.Ct. 2017 (1968), overruled by *National League of Cities v. Usery*, 426 U.S. 833, 96 S.Ct. 2465 (1976). (Usery was later overruled.) *U. S. v. Arnold, Schwinn & Co., 388 U.S. 365, 87 S.Ct. 1856 (1967),* overruled by Continental *Television, Inc. v. GTE Sylvania Inc., 433 U.S. 36, 97 S.Ct. 2549 (1977). Desist v. U.S.*, 394 U.S. 244, 89 S.Ct. 1030 (1969), disapproved of by *Griffith v. Kentucky,* 479 U.S. 314, 321-322, 107 S.Ct. 708, 712-713 (1987) (agreeing with Justice Harland's dissent in Desist).*Shapiro v. Thompson*, 394 U.S. 618, 89 S.Ct. 1322 (1969), overruled in part by *Edelman v. Jordan*, 415 U.S. 651, 94 S.Ct. 1347 (1974). *O'Callahan v. Parker*, 395 U.S. 258, 89 S.Ct. 1683 (1969) held that military personnel could not be tried in military courts for crimes unrelated to their military service. Overruled by *Solorio v. U.S.*, 483 U.S. 435, 107 S.Ct. 2924 (1987). *North Carolina v. Pearce,* 395 U.S. 711, 89 S.Ct. 2072 (1969) held that there was a presumption of vindictiveness (and denial of due process) when the sentence at trial was greater than in a pervious trial or plea bargain. Overruled by *Alabama v. Smith*, 490 U.S. 794, 109 S.Ct. 2201 (1989). *Durham v. U.S.,* 401 U.S. 481, 91 S.Ct. 858 (1971), overruled by *Dove v. U. S.*, 423 U.S. 325, 96 S.Ct. 579 (1976). *California v. LaRue*, 409 U.S. 109, 93 S.Ct. 390 (1972), disagreed with by 44 *Liquormart, Inc. v. Rhode Island,* 517 U.S. 484, 516 (1996) ("Without questioning the holding in LaRue, we now disavow its reasoning insofar as it relied on the Twenty-first Amendment."). *Bonelli Cattle Co. v. Arizona,* 414 U.S. 313, 94 S.Ct. 517

point of the brief. The Amicus, like the Defendants, are flawed humans, but they left behind the lies of the LGBTQ church, converting to a new identity narrative that accords with their self-evident design.

(1973), overruled by *Oregon ex rel. State Land Bd. v. Corvallis Sand & Gravel Co.,* 429 U.S. 363, 97 S.Ct. 582 (1977). *Procunier v. Martinez,* 416 U.S. 396, 94 S.Ct. 1800 (1974), overruled in *Thornburgh v. Abbott*, 490 U.S. 401, 109 S.Ct. 1874 (1989). *U. S. v. Jenkins*, 420 U.S. 358, 95 S.Ct. 1006 (1975), overruled by *U.S. v. Scott,* 437 U.S. 82, 98 S.Ct. 2187 (1978). *Meek v. Pittenger,* 421 U.S. 349, 95 S.Ct. 1753 (1975) absolutely prohibited tax money being disbursed to religious elementary and secondary schools for education of pupils. Overruled by *Mitchell v. Helms,* 530 U.S. 793, 120 S.Ct. 2530 (2000). *National League of Cities v. Usery,* 426 U.S. 833, 96 S.Ct. 2465 (1976), overruled by *Garcia v. San Antonio Metropolitan Transit Authority,* 469 U.S. 528, 105 S.Ct. 1005 (1985). *Wolman v. Walter,* 433 U.S. 229, 97 S.Ct. 2593 (1977), overruled by *Mitchell v. Helms*, 530 U.S. 793, 120 S.Ct. 2530 (2000). *Arkansas v. Sanders*, 442 U.S. 753, 99 S.Ct. 2586 (1979), abrogated by *California v. Acevedo*, 500 U.S. 565, 111 S.Ct. 1982 (1991). *Parratt v. Taylor,* 451 U.S. 527, 101 S.Ct. 1908 (1981), overruled by *Daniels v. Williams*, 474 U.S. 327, 106 S.Ct. 662 (1986). *City of Akron v. Akron Center for Reproductive Health, Inc.,* 462 U.S. 416, 103 S.Ct. 2481 (1983), overruled by *Planned Parenthood of Southeastern Pennsylvania v. Casey,* 505 U.S. 833, 112 S.Ct. 2791 (1992). *School District of City of Grand Rapids v. Bal*l, 473 U.S. 373, 105 S.Ct. 3216 (1985) and *Aguilar v. Felton,* 473 U.S. 402, 105 S.Ct. 3232 (1985) held that teachers paid by taxpayers could not teach in schools operated by religions. Overruled by *Agostini v. Felton,* 521 U.S. 203, 117 S.Ct. 1997 (1997). *Thornburgh v. American College of Obstetricians and Gynecologists,* 476 U.S. 747, 106 S.Ct. 2169 (1986), overruled by *Planned Parenthood of Southeastern Pennsylvania v. Casey,* 505 U.S. 833, 112 S.Ct. 2791 (1992). *Bowers v. Hardwick*, 478 U.S. 186, 106 S.Ct. 2841 (1986) held valid a Georgia statute that criminalized sodomy between two consenting adults. Overruled by *Lawrence v. Texas,* 539 U.S. 558, 123 S.Ct. 2472 (2003). *Booth v. Maryland,* 482 U.S. 496, 107 S.Ct. 2529 (1987), overruled by *Payne v. Tennessee*, 501 U.S. 808, 111 S.Ct. 2597 (1991). *South Carolina v. Gathers,* 490 U.S. 805, 109 S.Ct. 2207 (1989), overruled by *Payne v. Tennessee,* 5 01 U.S. 808, 111 S.Ct. 2597 (1991). *Pennsylvania v. Union Gas Co.*, 491 U.S. 1, 109 S.Ct. 2273 (1989), overruled by *Seminole Tribe of Florida v. Florida*, 517 U.S. 44, 116 S.Ct. 1114 (1996). *Grady v. Corbin,* 495 U.S. 508, 110 S.Ct. 2084 (1990), overruled by *U.S. v. Dixon,* 509 U.S. 688, 113 S.Ct. 2849 (1993). *Metro Broadcasting, Inc. v. F.C.C.,* 497 U.S. 547, 110 S.Ct. 2997 (1990) held that governmental favoritism for some racial groups could be justified if they were "substantially related to achievement of legitimate government interest". Overruled by *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 115 S.Ct. 2097 (1995), which applied strict scrutiny standard to all racial classifications. *Walton v. Arizona,* 497 U.S. 639, 110 S.Ct. 3047 (1990) held that a judge alone could impose the death penalty. Overruled by *Ring v. Arizona*, 536 U.S. 584, 122 S.Ct. 2428 (2002), which held that a jury must recommend the death penalty.

The Court should grant leave to file because while in the wake of *Obergefell v. Hodges,* 135 S. Ct. 2584 (2015)*,* there has been no landrush on gay marriage, there has been a landrush on the LGBTQ church to infiltrate elementary schools with the intent of indoctrinating minors to a worldview on sex that is questionably legal, moral, and obscene and clearly non-secular. The Supreme Court has emphasized that there are "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools," *Lee v. Weisman*, 505 U.S. 577, 592 (1992), and the federal courts have thus "been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context, see *Edwards v. Aguillard,* 482 U.S. 578-583 (1987). These "heightened concerns" should compel this Honorable Court to grant leave for *Amicus*to file so that children can be better safeguarded.

By granting leave, the Court will be in a better position to make the correct decision that might restore Constitutional integrity and the Court's inherent authority. The *Amicus* does not want the government telling people who have been seduced into buying into the LGBTQ ideology that they cannot leave it behind. They can. They can transformed and redeemed, and set free - just like Dr. Tara King was. The Democrats have alienated everyone through their brain dead power grab approach predicated on a series of imperialistic power plays. It is time that the Courts tell the truth, and the truth is that the Democrats are going to have to stop pushing identity politics. The government is going to have to get out of the parody marriage business, and the government is not going to be allowed to enforce sexual orientation discrimination statutes that have hurt Jack Phillips and put people like Lisa Bouch from WW Bridal out of business. It is time to put the Colorado Civil Rights Commission's efforts to entangle the government with Secular Humanism through coercive targeting of Christians out of business for good.

/s/Anna C. Little, Esq./
SPECIAL FORCES OF LIBERTY
Attorney at Law
426 Route 36, suite 3
PO Box 382
Highlands, NJ 07732
513-435-1125, 732 391 2134 fax
anna@annaclittleesq.com
www.annaclittleesq.com
Lead Counsel For *Amicus Curiae*
Marriagerestorationact.com
https://www.facebook.com/marriageact/
Specialforcesofliberty.com
https://www.gardenstatefamilies.org/
Gator Six Alpha Tango

/s/Cynthia Burris Esq./
SPECIAL FORCES OF LIBERTY
(843) 822-3505
215 Bulter Court Apt. 215
Chapel Hill, NC 27514
bburris@lynchfoundationforchildren.org
Attorney For *Amicus Curiae*
Marriagerestorationact.com
https://www.facebook.com/marriageact/
Specialforcesofliberty.com
https://www.gardenstatefamilies.org/
Bravo One Zero

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document and attached exhibits were mailed with adequate postage to the Defendants and Plaintiffs in this actions on August 27, 2018 to James A. Campbell ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260; JESSICA POCOCK, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; ANTHONY ARAGON, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; AUBREY ELENIS, Director Colorado; Civil Rights Commission 1560 Broadway Denver, CO 80202; MIGUEL "MICHAEL" RENE ELIAS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CAROL FABRIZIO, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CHARLES GARCIA, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; RITA LEWIS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CYNTHIA H. COFFMAN Colorado Attorney General Office of the Attorney General Ralph L. Carr Judicial Building 1300 N. Broadway, 10th Floor Denver, CO 80203; JOHN HICKENLOOPER Colorado Governor Office of the Governor 136 State Capitol Building Denver, CO 80203

/s/Anna C. Little, Esq./

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and **JACK PHILLIPS,** **Plaintiffs,** **Intervening Plaintiffs** **GRACE HARLEY, Special Forces Of Liberty, SGM JOHN GUNTER JR., Special Forces Of Liberty, 1LT CHRIS SEVIER ESQ., De Facto Attorney Generals, WHITNEY KOHL, Special Forces Of Liberty** **V.** **AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;** **ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;** **MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;** **CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;** **CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;** **RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;** **JESSICA POCOCK, as member of**		**Case No:** **1:18-cv-02074-WYD-STV**

the Colorado Civil Rights Commission, in her official capacity; CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and JOHN HICKENLOOPER, Colorado Governor, in his official capacity, *Defendants*.		

AMICI **BRIEF OF THE COALITION OF DOCTORS DEFENDING REPARATIVE THERAPY IN SUPPORT OF THE PLAINTIFFS**

QUESTIONS PRESENTED

1. Have the Defendants actions violated the Plaintiffs' Free Exercise and Free Speech rights under the First Amendment and Equal Protection and Due Process Rights under the Fourteenth Amendment by enforcing Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III)?
-yes

2. Does the State's enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violate the three prongs of *Lemon* test under the Establishment Clause for (1) lacking a secular purposes, for (2) creating an indefensible legal weapon against non-observers, and for (3) fostering the government's excessive entanglement with the religion of postmodern western moral relativism and expressive individualism - i.e. Secular Humanism and does the Plaintiffs have the standing as injured taxpayers to enjoin the Defendants from enforcing Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) under taxpayer standing doctrines?
-Yes

3. Does immutability or genetics have anything to do with sexual orientation for purposes of the Fourteenth Amendment's Equal Protection or Substantive Due Process Clauses or is sexual orientation a religious mythology that falls within the exclusive jurisdiction of the Establishment Clause and Free Exercise Clause making Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) unenforceable against anyone?

-Sexual orientation has nothing to do with genetics or immutability and, therefore, it has nothing to do with the Equal Protection or Due Process Clause. Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) violate the Establishment Clause in their making and in their enforcement.

4. Is it a medical fact that a gay gene exists or is it an unproven faith-based assumption that is implicitly religious?

-The idea that people are born gay is a faith based assumption that is inseparably linked to the religion of Secular Humanism and is out of step with the medical profession.

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INTEREST OF *AMICI CURIAE*

The Coalition of Doctors Defending Reparative Therapy (CDDRT), *Amici,* is a group of medical professionals and therapists who want to practice reparative therapy with patients who seek that form of treatment on their own. The Coalition of Doctors Defending Reparative Therapy is chaired by Dr. Tara King, an EdD, MA, LPC, LCADC, and SAC. The *Amici* have a profound interest in the outcome of this case as underscored by Dr. King's sworn declaration that was filed into the record and long with Dr. Cretella's. Dr. King obtained a Bachelor of Arts degree in Counseling from the University of Sioux Falls; a Master of Arts degree in Counseling from Liberty University; a Doctorate of Education in Administration from Nova Southeastern University; and a Master of Arts degree in Special Education from New Jersey City University. She has met the requirements to become a Licensed Clinical Alcohol and Drug Counselor (LCADC); a Licensed Professional Counselor (LPC), and a certified Substance Awareness Counselor (SAC). At age 16, Dr. King was seduced into opening the door to the LGBTQ orthodoxy and began self-identifying as a lesbian. At age 19, she sought conversion/reparative therapy hoping to get out of the lifestyle. Her therapist informed Dr. King that she born gay and that she could not leave the lifestyle under any condition. At age 24, Dr. King discovered conversion/reparative therapy, which is talk therapy that is insight oriented and psychodynamic. The therapy helped her understand why she was making the choices that she was making. She was able to leave the LGBTQ church, and she put on a new identity, converting to Christianity. Having been radically transformed by the personalized truth of Jesus Christ. She left the LGBTQ life behind. After acquiring licenses of her own, Dr. King has engaged in sexual orientation change for clients who have come to her seeking to leave the gay lifestyle. So have many other

therapists and licensed medical professionals. Dr. King and countless other Doctors, some of whom are part of this Coalition, want to continue to be allowed to engage in conversion/reparative therapy for clients who intentionally come to them for that purpose. The outcome of this action can materially impact medical practices of the CDDRT and the health, safety, and welfare of their clients. Dr. King and other members of the Coalition for reparative therapy have a fundamental right to engage in reparative therapy under the Free Exercise Clause for clients who seek it. Clients who self-identify as homosexula have the fundamental right under the Free Exercise Clause to seek reparative therapy from Doctors like Dr. King. Conversion therapy bans, just like gay marriage policies and sexual orientation discrimination statutes, are coercive, fail all three prongs of the Lemon Test, and violate the Establishment Clause.

Amici appear to address whether sexual orientation, like race and gender, is a clearly definable (discrete) category or a fixed and immutable characteristic – factors that are highly relevant to whether the three branches of government should declare sexual orientation a new suspect class or whether the First Amendment Establishment Clause bars the government from legally endorsing sexual orientation as a basis for policy - see Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III). *Amici* concludes based on the current state of scientific knowledge that sexual orientation is neither. (See the Declaration of Dr. Cretella, President of the American College Pediatricians). Sexual orientation is a religious mythology is inseparably linked to western postmodern individualistic moral relativism also referred to as Secular Humanism. The Supreme Court in *Torcaso v. Watkins,* 367 U.S. 488 (1961) and *Edwards v. Aguillard,* 482 U.S. 578 (1987) recognized that Secular Humanism is a religion for

purposes of the Establishment Clause.[1] So have most of the Courts of appeals. The Courts, legislatures, and members of the Executive branch are Constitutionally required to enforce the "Bright Line Rule," which balances the Free Exercise Clause with the Establishment Clause and reflects the spirit of the Marriage And Constitution Restoration Act by suggesting the following: (1) while any individual in view of the Free Exercise Clause of the First Amendment can form any self-asserted sex-based narrative, hold wedding ceremonies, and live a life style in step with their identity narrative; however, (2) in view of the Establishment Clause, all aspects of the State and Federal government are prohibited from taking any government action that enforces, recognizes, favors, or respects self-asserted sex-based identity narratives that are questionably real, moral, and decent because such government action is a non-secular sham that has the effect of endorsing the religion of Secular Humanism and serves to excessively entangle the government with the religion of Secular Humanism. All three branches of government must

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[1] See also *Washington Ethical Society v. District of Columbia,* 101 U.S. App. D.C. 371, 249 F.2d 127 (1957); 2 Encyclopaedia of the Social Sciences, 293; J. Archer, Faiths Men Live By 120—138, 254—313 (2d ed. revised by Purinton 1958); Stokes & Pfeffer, supra, n. 3, at 560. *Welsh v. U.S*, 1970398 U.S. 333 (U.S. Cal. June 15); *Edwards*, 482 U.S. 592. (The Supreme Court itself has "taken notice of the fact [over and over again] that recognized religions' exist that 'do not teach what would generally be considered a belief in the existence of God, to include [Atheism], Buddhism, Taoism, Ethical Culture, Secular Humanism and 'others.'"). *Real Alternatives, Inc. v. Burwell*, 150 F. Supp. 3d 419, 440–41 (M.D. Pa. 2015), aff'd sub nom. *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*, No. 16-1275, 2017 WL 3324690 (3d Cir. Aug. 4, 2017). In *Real Alternatives,* the court stated: *"*We detect a difference in the "philosophical views" espoused by [the plaintiffs], and the "secular moral system[s]...equivalent to religion except for non-belief in God" that Judge Easterbrook describes in *Center for Inquiry,* 758 F.3d at 873. There, the Seventh Circuit references organized groups of people who subscribe to belief systems such as Atheism, Shintoism, Janism, Buddhism, and secular humanism, all of which "are situated similarly to religions in everything except belief in a deity." *Id*. at 872. These systems are organized, full, and provide a comprehensive code by which individuals may guide their daily activities. Instead having a cross or the ten commandments, the LGBTQ church has the gay pride flag and their own commandments, such as if you disagree with LGBTQ ideology you are a bigot worth marginalizing.

completely stop enforcing gay marriage policies, sexual orientation discrimination policies, like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), transgender bathroom policies, and conversion therapy bans because that is what the Establishment Clause requires. Alliance Defending Freedom has allowed the ACLU to draw the battlefield for them, but that should not be permitted. This amicus reframes the gay civil rights question from a Fourteenth Amendment narrative, which was never applicable, to a First Amendment Establishment Clause narrative, which is line with the neutral evidence.

SUMMARY OF THE ARGUMENT

Many powerful voices have attempted to persuade the government that sexual orientation is a suspect class, as a matter of scientific facts and genetics. See the Defendants. But it is not. The Defendants are lying. There is no such thing as "gay people." There are only some people who self-identity as homosexual for some period. Self-identified homosexuals are not a people group for purposes of the Fourteenth Amendment. Self-identified homosexuals are a religious cult for purposes of the Establishment and Free Exercise Clause of the First Amendment. *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs*., 2017 WL 3324690 (3d Cir. Aug. 4, 2017). Often, times people who self-identify as homosexual or transgender are simply overly conforming to society's messages. When a government agent allows himself to be brainwashed by culture, it makes it very difficult for them to comply with their duty under Article VI to uphold the United States Constitution because notions of right and wrong can literally become reversed in a manner that is dangerous. While people have the fundamental right to freely express themselves under the First Amendment Freedom Of Expression Clause to include the self-identified transgenders and self-identified homosexuals who asked Plaintiff Phillips to bake

a custom cake, the Government cannot legally recognize any parody marriage or faith-based sex-based identity narratives without violating the Establishment Clause because self-asserted sex-based identity narratives that are questionably moral are based on faith, not neutral facts, like genetics. The evidence shows that sexual orientation is a mythology, dogma and doctrine that is inseparably linked to the religion of Secular Humanism. (see the amicus brief by the Center for Garden State Families). Sexual orientation ideology is based on a series of unproven truth claims, faith-based assumptions, and naked assertions that are implicitly religious, if nothing more than a surreptitious excuse to explain away deviant sexual conduct that has a tendency to erode community standards of decency. There are compelling reasons against treating sexual orientation rights as a civil rights issue, namely doing so violates the First Amendment Establishment Clause for being a non-secular sham and because pretending that sexual orientation is like race, which is actually based on immutability, erodes the integrity of the civil rights movement lead by Pastor Martin Luther King Jr.. (See the amicus brief of Social Cross and the National Coalition of Black Pastors). Even ignoring the substantial and growing political power of the LGBT-rights movement, sexual orientation is neither a "discrete" nor "immutable" characteristic in the legal sense of those terms. Under longstanding American jurisprudence, therefore, sexual orientation should not be granted the "extraordinary protection from the majoritarian political process" entailed by suspect-class status, as promoted by devout Secular Humanists and the LGBTQ church, who are too intellectually blind to even see that they are part of a religious cult that is based entirely on faith and emotion, not objective logic reasoning and neutral facts. *Mass. Bd. of Ret. v. Murgia*, 427 U.S. 307, 313 (1976) (citing *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 28 (1973)). "Sexual orientation" should either be treated as

an ideology that is crafted to normalize false permission giving beliefs about sex or as a religious doctrine that flows out of the religion of Sexual Humanism. The Establishment Clause is the correct and controlling Constitutional Amendment that informs all three branches of Government that it is prohibited from legally respecting, endorsing, and recognizing any form of parody marriage and from making or enforcing statutes like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III). Identity narratives that cannot be deduced from self-evident observation are semi-religious in nature, and no aspect of government can treat those identity narratives as if they were real or entitled to a "constellation of benefits because it is an evil that the Establishment Clause of the First Amendment of the United States Constitution does not allow.

The decision in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) involved a blatant misapplication of the Equal Protection Clause by five unelected Secular Humanist Judges who belong to the same religion as that LGBTQ church is part of. The *Obergefell* Court did not provide a single sentence to explain how the Equal Protection Clause even began to justify gay marriage or how it was "synergistic" with the Substantive Due Process Clause of the Fourteenth Amendment because the article controversy was a religious sham and political power grab. The *Obergefell* decision was based purely on religious emotional appeals offered by self-identified that were faith-based and designed to usurp the Establishment Clause by way of misdirection and red herring. In sum, the majority on the *Obergefell* Court was lying and intentionally monkeying with the Fourteenth Amendment to justify their own personal beliefs in the superiority of the religion of Secular Humanism. The five Secular Humanist Justices made their dishonest decision at the expense of their fiduciary duty to uphold the Constitution under Article III and

Article VI. The five Secular Humanist Justices knew or should have known that emotional appeals, even really good ones, do not allow the government to usurp the Establishment Clause. See *Holloman v. Harland*, 370 F.3 1252 (11th Cir. 2004).[2] The so called original "State's marriage bans" targeted all parody marriages - not just gay marriage - and were always Constitutionally sound because the ultimate legal basis behind the ban is the Establishment Clause of the United States Constitution. Furthermore, the other reason the states exclusively recognized marriage between a man and a woman was because all forms of parody marriage erode community standards of decency, and states have a compelling interest to uphold community standards of decency. The fact that the Defendants are too desensitized to see that does not make their "progressives," it makes them dehumanized and dangerous. The original marriage laws should never have been struck down because numerous decisions express that heightened scrutiny is improper for classifications that are an insufficiently discrete. Discreteness requires, at least, that a group or trait be clearly defined. Sexual orientation fails that

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[2] In *Holloman,* a public school teacher defended a daily moment of silent prayer by arguing that she intended to teach students compassion, pursuant to character education plan mandated by the state. Id. at 1285. The court concluded that this emotional explanation did not constitute a valid secular purpose because the teacher's most basic intent unquestionably was to offer her students an opportunity to pray. "While [the teacher] may also have had a higher-order ultimate goal of promoting compassion, we look not only to the ultimate goal or objective of the behavior, but also to the more immediate, tangible, or lower-order consequences a government actor intends to bring about." Id. The unmistakable message of the Supreme Court's teaching in *Holloman* is that the states cannot "employ a religious means to serve an otherwise legitimate secular interests." Id. at 1286. The *Holloman* court further concluded that "a person attempting to further an ostensibly secular purpose through avowedly religious means is considered to have a Constitutionally impermissible purpose." Id., citing *Jagar v. Douglas County School*, 862 F.2d 824, 830 (11th Cir. 1989). ("An intrinsically religious practice cannot meet the secular purpose prong of the *Lemon* test."). The entire basis for gay marriage is predicated on religious emotionalism, which openly seeks to dignify the religion of Secular Humanism through the misuse of Government. The Majority in *Obergefell* did not even attempt to hide their objective in their opinion, which was built completely on emotion and not sound legal reasoning. This makes the Supreme Court look completely inept and untrustworthy.

test, just as all statutes that reference sexual orientation fail the *Lemon* Test[3] for being an indefensible weapon against non-observers of the religion of Secular Humanism.[4] A review of scientific studies demonstrates that there is no scholarly consensus on how to define sexual orientation, and that the various definitions proposed by experts produce substantially different classes. In contrast with race and sex, which are well-defined and understood, and despite popular beliefs to the contrary, sexual orientation remains a contested and indeterminate classification. "Immutability" is a necessary characteristic for heightened-scrutiny protection, and that the class-defining trait must be determined solely by accident of birth. Unlike the traits of race and sex, and again despite popular beliefs to the contrary flowing out of the religion of Secular Humanism, no replicated scientific study supports the view that sexual orientation is determined at birth. No one is born homosexual any more than they are born as an pedophile, objectophile, zoophile, or polygamist. (See the *Amicus* Of the Center For Garden State Families). Studies conclude, instead, that sexual orientation is influenced by complex and unpredictable factors. Sexual orientation is a man-made faith-based construct, not a fact-based matter of science. Even if, contrary to its past decisions, the Courts were to expand the concept of immutability from a trait determined by accident of birth to a personal trait that cannot change –

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[3] To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion. Id. at 592 (citing *Lemon v. Kurtzman*, 403 U.S. 602 (1971)). *Edwards*, 482 U.S. 583, Agostini v. Felton, 521 U.S. 203, 218 (1997). Government action"violates the Establishment Clause if it fails to satisfy any of these prongs."

[4] The unconstitutional codification of the fake gay civil rights movement amount to an indefensible "legal weapon that no [Christian] or [non-believer in moral relativism] can obtain." *City of Boerne v. Flores*, 521 U.S. 507 (1997). A "gay marriage license" issued by the State amounts to a government issued "license to oppress" non-observers to the latest rendition of Secular Humanism.

and there are surely many of those – scientific research offers substantial evidence that sexual orientation is far more fluid than commonly assumed. This is true regardless as to whether the culture has been able to brainwashed parts of the society into believing the unproven faith-based assumption that "gay genes exist." There is no evidence that a "gay gene" exists any more than there is that a "rape gene" does either.

This brief takes no position on the proper definition or cause of sexual orientation because it is either a "ploy" or faith-based concept that was designed to mask and justify deviant sexual conduct. See *Amici* Brief of the National Alliance of Black Pastors This brief takes the position that (1) sexual orientation is nothing more than a faith-based concept, that (2) gay marriage policy, sexual orientation statutes, like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), and transgender bathroom ordinances are all inherently religious in nature, and that, therefore, gay marriage policy and sexual orientation statutes, like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), must all be struck down because they violate the First Amendment Establishment Clause for failing all three prongs of the *Lemon* Test. This means that the sexual orientation discrimination statutes in PA that put WW Bridal out of business have to go. Scholars do not know enough about what sexual orientation is, what causes it, and why and how it sometimes changes because it is a religious mythology that is sermonized by the LGBTQ church and the devout subscribers to the religion of Secular Humanistic. Therefore, the Court should side with the Plaintiffs, but not necessarily for the reasons that Alliance Defending Freedom has alleged. Even if Court decided that it would be smart to keep the gay civil rights charade alive, the Marriage And Constitution Restoration Act will pass and be upheld now that Justice Kennedy has stepped down. The Marriage And

Constitution Restoration Act, by Rep. Long (South Carolina), Rep. Scott (Idaho), Sen. Pody Tennessee), Rep. Garber (KS), Sen. Otten (South Dakota), Sen. Azinger (WV), Rep. Lone (WY), Sen. Emery (MO), Rep. Russ (OK), Rep. Kipplert (WA), Rep. Strong, (VT), and Rep. Gallegos (NM) and many other sponsors in a nearly every state, that is set for introduction at the 2019 legislative session is just a reflection of what the Establishment Clause and Free Exercise Clause already require of the State and Federal government. The United States is a government that is run by a Constitution, not a government run by Hollywood. None of the branches can continue to recognize sexual orientation as a new suspect class or enforce parody marriage policies, conversion therapy bans, sexual discrimination civil rights statutes, or transgender bathroom policies because they involve government action that fails all three prongs of the *Lemon* test, violates the Establishment Clause, erases fundamental rights that are real, and erodes the supremacy of the United States Constitution itself. The government's decision to entangle itself with the LGBTQ church has been one of the most dangerous acts to the survivability of our nation since our inception. The Amicus challenges Alliance Defending Freedom to stop being on the defense but to go on the offense, now that Justice Kennedy has stepped down. The LGBTQ church is not about tolerance. It is only about domination.

ARGUMENT

I. Sexual Orientation Does Not Define a Discrete and Insular Minority.

A. Threshold Questions Prevent the Court from Defining a Class Based on Sexual Orientation with Sufficient Clarity.

It is not fully clear whether the Supreme Court in *Obergefell* resolved that sexual orientation is a suspect class entitled to heightened scrutiny under the Equal Protection Clause,[5] and no fewer than 10 federal circuits have considered and rejected that claim.[6] Only the Second Circuit, in a decision striking down the federal Defense of Marriage Act, has held that "homosexuals compose a class that is subject to heightened scrutiny." *Windsor v. United States*, 699 F.3d 169, 185 (2d Cir. 2012). Of course, *Windsor* was the building block for *Obergefell*, and together Justice Scalia correctly called the cases an "egotistic….judicial putsch" that causes the Secular Humanists in every office to represent "a threat to American Democracy." *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015)(Scalia Dissenting). Justice Scalia was correct in making this statement before his suspicious and sudden death. The inherent propensity for Secular Humanists to refuse to use logic reasoning and instead only rely on emotion is a catalyst for intellectual darkness that produces leads to a moral superiority complex that has proven to be dangerous. See ANTIFA. The truth allergic approach to thinking and the practice of making policy based on the unexamined assumption of the superiority of our cultural moment is both arrogant and subversive to human flourishing. It is a practice that is barred by the Establishment Clause of the United States Constitution.

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[5] The USSC's leading cases on sexual orientation are *Romer v. Evans*, 517 U.S. 620, 635 (1996), decided on "conventional" rational-basis review, and *Lawrence v. Texas*, 539 U.S. 558, 575 (2003), decided under the Due Process Clause and not as a matter of equal protection.

[6] *See Massachusetts v. Dep't of Health & Human Servs.*, 682 F.3d 1, 9-10 (1st Cir. 2012); *Thomasson v. Perry*, 80 F.3d 915 (4th Cir. 1996); *Johnson v. Johnson*, 385 F.3d 503, 532 (5th Cir. 2004); *Equality Found. of Greater Cincinnati, Inc. v. City of Cincinnati,* 128 F.3d 289 (6th Cir. 1997); *Ben-Shalom v. Marsh,* 881 F.2d 454, 464 (7th Cir. 1989); *Citizens for Equal Prot. v. Bruning*, 455 F.3d 859, 866 (8th Cir. 2006); *Witt v. Dep't of Air Force*, 527 F.3d 806, 821 (9th Cir. 2008); *Milligan-Hitt v. Bd. of Trustees of Sheridan County Sch. Dist. No. 2,* 523 F.3d 1219, 1233 (10th Cir. 2008); *Lofton v. Sec'y of Dep't of Children & Family Servs.*, 358 F.3d 804, 818 & n.16 (11th Cir. 2004); *Steffan v. Perry,* 41 F.3d 677 (D.C. Cir. 1994) (*en banc*); *Woodward v. United States,* 871 F.2d 1068 (Fed. Cir. 1989).

Adding sexual orientation to the catalog of suspect classes is a long and consequential step that the judiciary's established approach to the Equal Protection Clause does not support and that the First Amendment Establishment Clause prohibits. Adding sexual orientation to the catalog of suspect class has had the effect of excessively entangling the government with the religion of Secular Humanism, which has lead to the marginalization and oppression of non-observers - namely Christians who typically vote republican.[7] Generally, courts apply heightened scrutiny to certain classifications, such as race, alienage, national origin, and gender, to protect " 'discrete and insular' group[s], in need of 'extraordinary protection from the majoritarian political process.'" *Murgia,* 427 U.S. at 313 (quoting *Rodriguez,* 411 U.S. at 28). But the Supreme Court has repeatedly declined to apply heightened scrutiny where discreteness or insularity is lacking. Id. at 313-314 ("old age does not define a 'discrete and insular' group" (quoting *United States v. Carolene Products Co.,* 304 U.S. 144, 152-53 n.4)); *Rodriguez*, 411 U.S. at 25-28 (1973) (explaining the law in question did not discriminate against any "definable category of 'poor' people," but rather against a "large, diverse, and amorphous class"); *Lyng v. Castillo,* 477 U.S. 635, 638 (1986) (noting close relatives are not a suspect class because they "do not exhibit obvious, immutable, or distinguishing characteristics that define them as a discrete group"); *City of Cleburne, Tex. v. Cleburne Living Center,* 473 U.S. 432, 445 (1985)

[7] Probably the biggest reason gay marriage policy violates prong three of Lemon is because while there has been no land rush on gay marriage, there has been a landrush for the LGBTQ Church to infiltrate elementary schools with the sole purpose of indoctrinating children to their religious worldview on sex, faith, and morality that is questionably real, moral, and obscene. The Supreme Court has emphasized that there are "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools," *Lee v. Weisman*, 505 U.S. 577, 592 (1992), and the federal courts have thus "been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context, see *Edwards v. Aguillard*, 482 U.S., 578-583 (1987).

(denying protected status to the mentally disabled in part because they are a "large and amorphous" class). These decisions teach that "where individuals in the group affected by a law have distinguishing characteristics relevant to interests the State has the authority to implement, the courts have been very reluctant, as they should be in our federal system and with our respect for the separation of powers, to closely scrutinize legislative choices as to whether, how, and to what extent those interests should be pursued." *City of Cleburne*, 473 U.S. at 441-42.

All three branches of government must be reluctant to create new suspect classes because sexual orientation is a less discrete characteristic than age or poverty, which the United States Supreme Court has already refused to accord suspect-class status. In *Rodriguez,* for instance, the Supreme Court rejected the claim that the Texas statutory regime for allocating funding for public schools violated the Equal Protection Clause by discriminating against the poor. *Rodriguez,* 411 U.S. at 54-55. The Supreme Court sharply criticized lower courts for "virtually assum[ing] their findings of a suspect classification through a simplistic process of analysis: since, under the traditional systems of financing public schools, some poorer people receive less expensive educations than other more affluent people, these systems discriminate on the basis of wealth." Id. at 19. The Supreme Court warned that "[t]his approach largely ignores the hard threshold questions, including whether it makes a difference, for purposes of consideration under the Constitution, that the class of disadvantaged 'poor' cannot be identified or defined in customary equal protection terms." Id. Such "hard threshold questions" determine whether a class ought to be accorded special treatment under the Fourteenth Amendment – questions that begin with whether the equal protection claim is clothed with a "definitive description of the

classifying facts or delineation of the disfavored class." Id.; accord *City of Cleburne*, 473 U.S. at 442 & n.9 (rejecting mental retardation as a suspect class).

In *Windsor* the Second Circuit "ignore[d] the hard threshold questions," by reasoning that a class is sufficiently discrete to qualify for heightened scrutiny if its identifying "characteristic invites discrimination when it is manifest." *Windsor*, 699 F.3d at 184. A test so indeterminate conflicts with *Murgia*, *Rodriguez,* and *City of Cleburne,* because age, poverty, and mental disability can "invite[ ] discrimination when [they are] manifest." Id. Certain types of sexual orientation may invite discrimination in particular circumstances insofar as it's a part of a religious ideology, but it does not follow that sexual orientation is the characteristic of a discrete class. To be sure, sexual orientation characterizes the difference between heterosexuals, gay men, lesbians, polygamists, transgenders, zoophiles, objectophiles and bisexuals. But for reasons *Amici* explain below, sexual orientation also may characterize points along a continuum of sexual attraction, sexual behavior, and sexual identity where individual categories are anything but distinct. For that reason alone, sexual orientation should be rejected as the basis for heightened scrutiny and for civil rights law because it "cannot be identified or defined in customary equal protection terms." *Rodriguez,* 411 U.S. at 19. Most importantly, sexual orientation must be rejected as a basis for law and policy because it is a religious orthodoxy whose ratification by the government violates prongs of *Lemon* from every angle. The truth is that Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) must be struck down for violating the Establishment Clause in their making and in their enforcement, since both involve state action that puts the religion of Secular Humanism over non-religion.

B. Social Science Experts Raise Serious Doubts About the Definability of Sexual Orientation Simply Because Sexual Orientation Is A Religious Dogma Based On Series of

Unproven Faith-Based Assumptions That Are Inseparably Linked To The Religion Of Secular Humanism

Deep conceptual and empirical difficulties prevent sexual orientation from being used to define a discrete class of persons and from being used as a basis for law and policy. Sexual orientation is a complex, amorphous phenomenon, and religious orthodoxy that often defies consistent and uniform definition because it falls in the realm of nothing more than a psychological projection. "There is currently no scientific or popular consensus . . . that definitively 'qualify' an individual as lesbian, gay, [polygamist], [zoophile], [transgender], [zoophile], or bisexual." Lisa M. Diamond, *New Paradigms for Research on Heterosexual and Sexual Minority Dev.*, 32 (4) J. Clinical Child & Adolescent Psychol., 492 (2003). "Much of the confusion about sexual orientation occurs because [people fail to see that sexual orientation is a religious dogma based on a series of unproven faith-based assumptions] and because there is no single agreed upon definition of the term. . . . There is no one universally accepted definition of sexual orientation, nor of who is bi- sexual, lesbian, [polymorous], [zoophilic], objectophilic], or gay.[8]

Scientific literature often mentions three different ways to define homosexuality. "Does it mean someone who engages in same-sex sexual behavior? Someone who fantasizes about such acts? Someone who will identify himself or herself as gay or lesbian?" M.V. Lee Badgett, *Money, Myths, & Change: The Economic Lives of Lesbians & Gay Men* 4 (2001). Most definitions of sexual orientation "include[ ] components of at least one of three" of the

[8] " Gail S. Bernstein, *Defining Sexual Orientation,* Selfhelp Magazine (Sept. 18, 2012), http://www.selfhelpmagazine.com/articles/sexual_ orientation. *See also* Todd A. Salzman & Michael G. Lawler, *The Sexual Person: Toward a Renewed Catho- lic Anthropology* 65 (2008) ("The meaning of the phrase 'sexual orientation' is complex and not universally agreed upon.").

dimensions of behavior, attraction, and identity. Laura Dean et al., *Lesbian, Gay, Bisexual, and Transgender Health: Findings and Concerns*, J. Gay & Lesbian Med. Ass'n, Sept. 2000, Vol. 4, at 135. Some definitions include all three and, additionally, membership in a community defined by sexual orientation. The APA's definition holds that sexual orientation refers to an enduring pattern of emotional, romantic, and/or sexual *attractions* to men, women, animals, objects, multiple people, or both sexes. Sexual orientation ideology also refers to a person's sense of *identity* based on those attractions, related *behaviors*, and *membership in a community* of others who share those attractions." Am. Psychol. Ass'n, *Sexual Orientation and Homosexuality: Answers to Your Questions for a Better Understanding, What Is Sexual Orientation?*, http://www.apa.org/topics/sexuality/orientation.aspx?item=2 (last visited Jan. 11, 2012) (emphasis added). Identity narratives are almost always semi-religious in nature, and identity narratives that are crafted to be a critique on self-evident morality are also implicitly religious in nature. The evidence is overwhelming that self-asserted sex-based identity narratives have little to do with science because they are nothing more naked assertions connected to a spiritual take on reality. That is exactly what Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) reflect. If a man self-identifies as Superman and moments later as Batman, such self-identification has little to do with science, but such a self-assertion does have a lot to do with faith-based beliefs. So it goes with sexual orientation mythology, which has more common with the metaphysical superstition than it does with the science of genetics. It is not necessarily the government's job to determine if a set of beliefs are plausible or not. But it is certainly the government's duty to not put "religion over non-religion" by pretending that sexual

orientation is a matter of immutability, just because lying seems to be politically expedient. [9] Pretending that sexual orientation is a matter of science is just another dishonest power play invented by Democrats to punish Christians like Jack Phillips for not voting for their mindless party.

The Defendants violated the duty owed to the Establishment Clause by respecting gay marriage and by enforcing Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) against the Plaintiffs. The problem with sexual orientation, so defined, from a medical perspective is that many people are not consistent across all three dimensions. "There is a physical orientation, an affectional orientation, and a fantasy orientation, with each of those three further divided into a past (historical) component and a present component. A person's behavior may be totally at variance with all aspects of orientation, and the various parts of orientation may not all agree." A.E. Moses & R.O. Hawkins, Jr., Counseling Lesbian Women and Gay Men: A Life Issues Approach 43 (1982). "The more carefully researchers map these constellations, differentiating, for example, between gender identity and sexual identity, desire and behavior, sexual versus affectionate feelings, early-appearing versus late-appearing attractions and fantasies, or social identifications and sexual profiles, the more complicated the picture becomes because few individuals report uniform intercorrelations among these domains."

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[9] Just as government officials may not favor or endorse one religion over others, so too officials "may not favor or endorse religion generally over non-religion." *Lee v. Weissman,* 505 U.S. 577, 627, 112 S.Ct. 2649, 120 L.Ed.2d 467 (1992)(Souter, Justice, concurring)(citing *County of Allegheny v. ACLU*, 492 U.S. 573, 589-94, 109 S.Ct. 3086, 106 L. Ed. 2d 472 (1989). While *Amici* filer respect the right of all citizens to formulate identity narratives and religious beliefs, *Amici* expect the State and the Court to honor their Article VI duty to uphold the Establishment Clause, regardless if it is not in step with the current modern cultural narrative - which happens to be narrow, exclusive, and intolerant of the millions of people who have the decency, common sense, and humility to believe that truth is absolute, not relative.

Lisa M. Diamond & Ritch C. Savin-Williams, Gender & Sexual Identity, in Hand-book Applied Dev. Sci. 101, 102 (Richard M. Lerner et al. eds., 2003). Many other researchers also acknowledge discordance between components of sexual orientation. See John C. Gonsiorek & James D. Weinrich, The Definition and Scope of Sexual Orientation, in Homosexuality: Research Implications for Public Policy 8 (John C. Gonsiorek & James D. Weinrich eds., 1991) ("It can be safely assumed that there is no necessary relationship between a person's sexual behavior and self-identity unless both are individually assessed."); Letitia Anne Peplau et al., The Development of Sexual Orientation in Women, 10 Ann. Rev. Sex Research, at 70 (1999) ("[T]here is ample documentation that same-sex attractions and behaviors are not inevitably or inherently linked to one's identity."). In short, it takes a lot of religious belief to even believe that sexual orientation is a scientific concept - because it is not. Sexual orientation has far more in common with the supernatural than with the medical profession. The fact of the matter is that pretending that sexual orientation is a matter of science does not make a person tolerant, it makes them intellectually dishonest and misguided.

Practical consequences follow from these definitional uncertainties. Different definitions produce substantially different estimates of the size of the homosexual population. "Sizable numbers of people reporting only same-sex attraction and/or behavior self-identify as heterosexual or bisexual. Similarly, sizable numbers of those who identify as gay or lesbian report some sexual partners of a different sex and/or some level of attraction to different sex partners." Williams Institute: Sexual Minority Assessment Research Team, *Best Practices for Asking Questions about Sexual Orientation on Surveys*, 6-7 (Nov. 2009), http://williamsinstitute.

law.ucla.edu/ wp-content/uploads/SMART-FINAL-Nov-2009.pdf. [10] The "Chicago Sex Survey," considered one of the most reliable scholarly efforts to determine sexual practices in the United States, reported that of the portion of the population exhibiting at least one of the three components of sexual orientation, only 15% of the women and 24% of the men exhibited all three. *See* Edward O. Laumann et al., *The Social Organization of Sexuality: Sexual Practices in the United States* 299 (1994). This and other national studies led one group of researchers to conclude that "[d]epending upon how [the class] is defined and measured, 1-21% of the population could be classified as lesbian or gay to some degree, with the remainder classified as bisexual or heterosexual to some degree." Dean et al., *supra*, at 135.

Even more problematic, the definitional complexity is not limited to the familiar categories of straight, homosexual, bisexual, zoophile, polymorphous, objectophile, and their variations. Some researchers believe that "sexual orientation cannot be reduced to a bipolar or even a tripolar process, but must be recognized within a dynamic and multivariate framework." Fritz Klein et al., Sexual Orientation: A Multi-Variable Dynamic Process, J. Homosexuality, 11 (1), at 35-49 (1985). Others recommend the use of a 17-question, multiple-subpart test to measure sexual orientation. John C. Gonsiorek et al., Definition and Measurement of Sexual Orientation, in Suicide and Life-Threatening Behavior 40 (1995). Still other researchers say that sexual orientation must be analyzed on a continuum because sexual orientation is not a matter of science but of religious faith. See Zhana Vrangalova & Ritch C. Savin-Williams, Mostly Heterosexual and Mostly Gay/Lesbian: Evidence of New Sexual Orientation Identities, Arch. Sexual Behav. 85, 96 (2012) ("Taken together, these data suggest that sexual orientation is a

[10] The Williams Institute is an LGBT-rights think tank at UCLA Law. *See* Williams Institute, http://williamsinstitute.law. ucla.edu/ (last visited Jan. 11, 2012).

continuously distributed characteristic and decisions to categorize it into discrete units, regardless of how many, may be useful for particular research questions but are ultimately external impositions that are not consistent with reports of individuals."); Committee on Lesbian Health Research Priorities, Inst. of Med., Lesbian Health 25-26 (Andrea L. Solarz ed., 1999) ("In general, sexual orientation is most often described as including behavioral, affective (i.e., desire or attraction), and cognitive (i.e., identity) dimensions that occur along continua."). And others, with the caveat that "the concept of sexual orientation is a product of contemporary Western thought," apply a distinct definition for a specific research purpose. Timothy F. Murphy, Gay Science: The Ethics of Sexual Orientation Research 15-24 (1997); Alfred C. Kinsey et al., Sexual Behavior in the Human Male 639 (1948) ("Males do not represent two discrete populations, heterosexual and homosexual.").

Given the complexities of defining sexual orientation, it should not be surprising that some experts openly admit that "the categories of homosexual, gay, [polygamist, objectophile, zoophile,] and lesbian do not signify a common, universal experience." Salzman & Lawler, supra, at 2. Because there is no common experience, one can anticipate arguments for an ever-broadening definition of exactly who belongs in a judicially-protected class founded on sexual orientation. "It will be useful to expand our notions of sexual orientation to include more than just bisexuality, heterosexuality and homosexuality. . . . With respect to various components of sexual orientation, an individual may be heterosexual, homosexual, bisexual, as well as fetishistic, transvestitic, zoophiliac, and so on. It is important to note that these are not mutually exclusive categories." John P. DeCecco, Gay Personality and Sexual Labeling 16 (1985). Even polyamory, "a preference for having multiple romantic relationships simultaneously," has been

defended as "a type of sexual orientation for purposes of anti-discrimination law." Ann E. Tweedy, Polyamory as a Sexual Orientation, 79 U. Cin. L. Rev. 1461, 1462 (2011). And "asexuality" – the absence of any sexual attraction – is being discussed as a possible sexual orientation. Id. at 1463 n.4. Its very capaciousness might lead one reasonably to "conclude there is serious doubt whether sexual orientation is a valid concept at all. Social constructionism suggests that there is nothing 'real' about sexual orientation except a society's construction of it." Gonsiorek et al., supra, at 4.

There is no proof that a "gay gene" exists just as there is no proof that a "rape gene" exists either, but there is proof that sexual orientation is a matter of religious doctrine promoted by the devout subscribers to the religion of Secular Humanism, like Defendants. The Defendants in this case only wish that there was proof that a gay gene exists so that their fascists like enforcement of Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) could be construed as meritorious. *Amici'* position is that the idea that there is a gay gene is merely a religious assertion that cannot be endorsed by the government as a basis for law and policy because the Establishment Clause of the First Amendment of the United States does not allow it. *Amici*'s position is that gay marriage policy and sexual orientation civil rights statutes are invalidated by the First Amendment Establishment Clause because these policies fail all three prongs of the *Lemon* test in view of a dispassionate assessment of the facts. In order to protect the integrity of the three branches of government and the Constitution, all three branches must overrule *Obergefell* by (1) passing and enforcing the Marriage And Constitution Act and (2) by obeying one's duty under Article VI to enforce the Establishment Clause as it was written. This Court has the opportunity to take the lead on that by telling the truth and striking down Colo.

Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) for voilating the Establishment Clause. In order to protect the integrity of the *Amici*'s medical and scientific field, the *Amici* filers who are part of the coalition, in their capacity as a taxpayer, have standing to sue the state and federal government to force it to disentangle itself from endorsing LGBTQ and other Secular Humanism ideology.[11] *Amici* have standing to make this request under the Establishment Clause as taxpayers, but it would be best if the legislature pass the Marriage And Constitution Restoration Act and then groups that are loyal to the Constitution will help the State Attorney General's defend it. The Courts under Obama were lying, and the Judges who are trying to keep the charade alive are acting like children who do not want to admit that they were lying by doubling down, which is only further discrediting the legitimacy of the judicial branch. This Court should not be part of the legacy of dishonor. Nevertheless, the truth must prevail, and here is the truth, all parody marriages, sexual orientation discrimination statutes, like Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III), conversion therapy bans, and transgender bathroom rules fail all three prongs of the *Lemon* Test in their making and in

[11] Under this second prong of the Lemon test, courts ask, "irrespective of the . . . stated purpose, whether [the state action] . . has the primary effect of conveying a message that the [government] is advancing or inhibiting religion." *Indiana Civil Liberties Union v. O'Bannon,* 259 F.3d 766, 771 (7th Cir. 2001). The "effect prong asks whether, irrespective of government's actual purpose," *Wallace v. Jaffree*, 472 U.S. 38, 56 n.42, (1985); the "symbolic union of church and state...is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices." *School Dist. v. Ball,* 473 U.S. 373, 390 (1985); see also *Larkin v. Grendel's Den,* 459 U.S. 116, 126-27 (1982)(even the "mere appearance" of religious endorsement is prohibited). By the states' arbitrarily giving marriage licences to self-identified homosexuals based on their self-asserted beliefs on morality, sex, and marriage and not to objectophiles, zoophiles, and polygamists based on theirs, the states go beyond "mere appearance" and fails the effects test of Lemon entirely.

their enforcement thereby violating the Establishment Clause of the United States Constitution. If the United States is to continue to call itself a Constitutional republic, all three branches of government on the federal government on the federal and state level must completely disentangle itself from evolving LGBTQ ideology. If America wants to be great again, it can by enforcing the Constitution as it was written. This Court can take a huge step in restoring the sanity and legitimacy of the Judiciary by striking down Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) as it applies to all people, not just the Plaintiffs.

II. Sexual Orientation is Not an Immutable Characteristic But It Is A Religious Concept That Is Barred From The Government's Respect, Recognition, and Endorsement Under The Establishment Clause.

A. Immutability Means Solely An Accident of Birth.

Sexual orientation also fails the ordinary standards for heightened scrutiny and fails to justify the government's decision to respect, endorse, and recognize any form of parody marriage because it is not immutable. Every class to which the USSC has applied heightened scrutiny is defined by an immutable characteristic. *Parham v. Hughes*, 441 U.S. 347, 351 (1979) (citing McLaughlin v. Florida, 379 U.S. 184 (1964) (race); *Oyama v. California*, 332 U.S. 633 (1948) (national origin); *Graham v. Richardson*, 403 U.S. 365 (1971) (alienage); *Gomez v. Perez*, 409 U.S. 535 (1973) (illegitimacy); *Reed v. Reed*, 404 U.S. 71 (1971) (gender)). Moreover, the Supreme Court has refused to apply heightened scrutiny to classes that are not marked by an immutable characteristic. E.g., *Plyler v. Doe,* 457 U.S. 202, 220 (1982) (undocumented aliens); *Lyng,* 477 U.S. at 639 (close relatives). The Court's jurisprudence makes clear that immutability is a necessary condition for recognizing a new protected class.

The USSC's precedents teach that immutability denotes a characteristic "determined solely by the accident of birth." *Frontiero v. Richardson,* 411 U.S. 677, 686 (1973). As then-Judge Ginsburg explained, "the 'immutable characteristic' notion . . . does not mean, broadly, something done that cannot be undone. Instead, it is a trait 'determined solely by accident of birth.'" *Quiban v. Veterans Administration*, 928 F.2d 1154, 1160 n.13 (D.C. Cir. 1991) (quoting *Schweiker v. Wilson,* 450 U.S. 221, 229 n.11 (1981)). There is no evidence to suggest that as an accident of birth individuals are homosexuals, polygamists, zoophiles, or objectophiles.[12] There is evidence that all people are homoreligious, which means that all people have some kind of semi-religious moral code that they live their lives by. The evidence shows that people who once were gay activists have completely left the lifestyle behind, converting to a new identity narrative.[13] While there is no such thing as an ex-black person there are thousands of ex-gays. (See *Amicus* of the Center For Garden State Families). The medical profession should not be hijacked to offend people of color who have gone through enough in this country already just because Secular Humanists in office feel entitled to disobey the Establishment Clause by floating false equivalencies.

B. Sexual Orientation Is Not *Solely* an Accident of Birth

Sexual orientation, unlike race or gender, is not determined solely or even primarily at birth – there is no convincing evidence that biology is decisive. On the contrary, some researchers have concluded that biological and genetic factors play little to no role in sexual

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[12] There is evidence that a person can cultivate attraction which can be reinforced through the straightforward science of dopamine, beta-fosb, oxytocin, serotonin and other neurotransmitters that are released upon organism. Whatever a person has sex with, they bond with.

[13] Just because it may not be politically expedient for the Judiciary and the other branches to admit that they have made a mistake, the Constitution demands that humility over pride. As demonstrated by the LGBTQ church, pride produces intellectual blindness that is destructive.

orientation. *E.g.,* Letitia Anne Peplau & Linda D. Garnets, *A New Paradigm for Understanding Women's Sexuality and Sexual Orientation*, 56 J. Soc. Issues 329, 332 (2000) ("Although additional research will fill in gaps in our knowledge, there is no reason to expect that biological factors play anything other than a minor and probably indirect role in women's sexual orientation."). Rather, there is "substantial indirect evidence in support of a socialization model at the individual level." Peter S. Bearman & Hannah Bruckner, Opposite-Sex Twins and Adolescent Same-Sex Attraction, 107 Am. J. Soc. 1179, 1180 (2002) (finding "no support for genetic influences on same-sex preference net of social structural constraints.")

Studies of identical twins have confirmed that same-sex attraction is not solely determined by heredity or other biological factors. *See id.* at 1196- 97 (finding concordance rates of 6.7% for identical twins); Niklas Langstrom et al., *Genetic and Environmental Effects on Same-sex Sexual Behavior: A Population Study of Twins in Sweden*, Arch. Sexual Behav. 77-78 (2010) (finding concordance rates of 18% for male identical twins and 22% for female identical twins); Kenneth S. Kendler et al., *Sexual Orientation in a U.S. National Sample of Twin and Nontwin Sibling Pairs*, 157 Am. J. Psychiatry 1843, 1845 (2000) (finding concordance rates of 31.6% for identical twins). Because there is not 100% concordance among identical twins, genetic factors are not the sole cause of sexual orientation. *See* Michael King & Elizabeth McDonald, *Homosexuals Who Are Twins*, 160 Brit. J. Psychiatry 407, 409 (1992) (concluding that "genetic factors are insufficient explanation of the development of sexual orientation," because "[t]he co-twins of men and women who identify themselves as homosexual appear to have a potential for a range of sexual expression.").

Other studies have found strong correlations between sexual orientation and external factors, such as family setting, environment, and social conditions, which are difficult if not impossible to explain under exclusively biological theories. Professors at Columbia University reported, for instance, that "[a]mong male [opposite-sex] twins, the proportion reporting a same-sex romantic attraction is twice as high among those without older brothers (18.7%) than among those with older brothers (8.8%)." Bearman & Bruckner, supra, at 1196-97. Researchers in Australia discovered "a major cohort effect in same-gender sexual behavior" and noted that this had "implications for purely biological theories of sexual orientation, because there must be historical changes in environmental factors that account for such an effect." A.F. Jorm et al., Cohort Difference in Sexual Orientation: Results from a Large Age-Stratified Population Sample, 49 Gerontology 392, 393 (2003). The Chicago Sex Survey found that men were twice as likely and women nine times as likely to identify as gay or bisexual if they had completed college. Laumann et al., supra, at 305. Researchers in New Zealand noted a correlation between sexual orientation and certain social conditions: "The overall higher rate of same-sex attraction and contact for women in New Zealand in relation to other comparable countries, almost certainly represents a recent increase in prevalence. As such it argues strongly against a purely genetic explanation and suggests the environment can have a significant influence. It might be related to social changes which have happened with particular intensity and rapidity in this country." Nigel Dickson et al., Same Sex Attraction in a Birth Cohort: Prevalence and Persistence in Early Adulthood, 56 Soc. Sci. & Med. 1607, 1613 (2003).

Studies like these have led scientists to conclude that sexual orientation is influenced by a variety of factors beyond genetics or biology alone. *See*, *e.g.*, G.M. Herek, *Homosexuality*, *in 4*

Encyclopedia Psychol. 149, 150 (A.E. Kazdin ed., 2000) (political or aesthetic values); J.H. Gagnon, *The Explicit and Implicit Use of the Scripting Perspective in Sex Research*, 1 Ann. Rev. Sex Research, at 1-43 (1990) (visible gay and lesbian communities); M.V. Lee Badgett, *Sexual Ori- entation Discrimination: An International Perspective* 23 (2007) (socioeconomic outcomes); Linda D. Garnets & Letitia Anne Peplau, *A New Look at Women's Sexuality & Sexual Orientation*, CSW Update, Dec. 2006, at 5 (2006) (sexual orientation is shaped by "cultural beliefs about gender and sexuality, by kinship systems, by economic opportunities, by social status and power, by attitudes about women's roles, by whether or not sexual identities are recognized in a given culture, and by attitudes of acceptance versus rejection toward sexual minorities.")[14]

In brief, available evidence casts serious doubt on the simplistic, popular notion floated by the LGBTQ church and Secular Humanists that sexual orientation is biologically determined.[15] There is simply no firm evidence to support that conclusion, only a series of unproven theories

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[14] It is sometimes suggested that sexual orientation is genetically based, and that its development and expression owe, to some limited extent, to very early life experiences. In this view, sexual orientation is like left-handedness, which surely appears to be both inherited and a product of early childhood developmental. There is, however, little social scientific evidence to support this hypothesis. Indeed, if this hypothesis were sound, one would expect that sexual orientation – like left-handedness – would be randomly and uniformly distributed throughout the population. But it is not so distributed. Laumann and collaborators have shown, for example, that there is a remarkable difference in the rates of male homosexual behavior in America, depending upon whether the subject lived through adolescence in a rural or an urban area. Whereas only 1.2% of males with rural adolescence had a male sexual partner in the year of survey, those with metropolitan adolescence had nearly four times (4.4%) that rate of male sexual partners. Laumann, et al, *supra,* at 303-04. There is basically no way to avoid the truth that sexual orientation is nothing more than a religious doctrine promoted by the religion of Secular Humanism through the LGBTQ church. While our citizens are absolutely free to believe that sexual orientation ideology is real, the government is prohibited from respecting those beliefs through State action in view of the Establishment Clause.

[15] The evidence shows that sexual orientation as a concept is inherently religious and cannot be used as a basis for any law or policy.

that are based on a series of unproven faith-based assumptions that are implicitly religious in nature.[16] As the American Psychiatric Association's latest statement on the issue summarizes: "Currently there is a renewed interest in searching for biological etiologies for homosexuality. However, to date there are no replicated scientific studies supporting any specific biological etiology for homosexuality." See Am. Psychiatric Ass'n, LGBT-Sexual Orientation, http:// www.psychiatry.org/mental-health/people/lgbt-sexual- orientation (last visited Jan. 11, 2012) (emphasis added). See also Peplau et al., Development of Sexual Orientation, supra, at 81 ("To recap, more than 50 years of research has failed to demonstrate that biological factors are a major influence in the development of women's sexual orientation. . . . Contrary to popular belief, scientists have not convincingly demonstrated that biology determines women's sexual orientation."). And some research suggests that biology does not even play an important role in determining sexual orientation. See Bearman & Bruckner, supra, at 1180. As such, "the assertion that homosexuality is genetic is so reductionistic that it must be dismissed out of hand as a general principle of psychology." Richard C. Friedman & Jennifer I. Downey, Sexual Orientation and Psychoanalysis: Sexual Science and Clinical Practice 39 (2002).

On balance, the totality of the evidence shows that sexual orientation of self-identified homosexuals, polygamists, zoophiles, and objectophiles is a faith-based concept that is religious in nature and not proven. Sexual orientation is not immutable. Unlike every other class-defining trait accepted by the Courts, such as race or gender, the best available evidence concludes that sexual orientation is not "a trait 'determined solely by accident of birth.'" Quiban, 928 F.2d at

[16] Self-identified homosexuals have a motive to misuse science to treat sexual orientation as a fact-based matter because they are trying to explain away the feelings of shame conduct that was illegal until recently and remains categorically obscene by the state's obscenity codes.

1160 n.13 (Ginsburg, J.). Because sexual orientation is a theocratic dogma that is inseparably linked to the religion of Secular Humanism and because the Supreme Court has recognized that Secular Humanism is a religion for the purposes of the Establishment Clause, the judicial, legislative, and executive branch must stop enforcing any policy that endorses LGBTQ ideology or that even treats it as if it is real.[17] This mean that Jack Phillips should be allowed to prevail against the Defendants. The Court would be doing the state of Colorado and the interest of justice a major disservice if it did not only award Jack Phillips $100,000 in damages, the Court must award at least nine times that amount in punitive damages. The Defendants have cost the state of Colorado millions of dollars by recklessly enforcing what they should have always known was unconstitutional statutes against the immensely talented cake artist.

C. Sexual Orientation Can and Often Does Change Over Time.

Because Sexual orientation is a matter of self-assertion and expressive individualism sexual orientation, unlike race, can change. Even if the concept of immutability were expanded from a trait determined by accident of birth to a trait that is firmly resistant to change, there is significant evidence that sexual orientation is more plastic than commonly supposed.[18] Changes in sexual orientation are difficult to measure because of the definitional ambiguities described above, but researchers have found that all three of the most frequently mentioned dimensions of sexual

[17] *Torcaso v. Watkins,* 367 U.S. 488 (1961)

[18] Of course, the Court has never suggested such an expansive approach, which could potentially lead to dozens of new suspect classes based on personal traits or conditions that are nearly impossible to change, such as certain mental illnesses or physical disabilities. The point is that even under a more liberal approach sexual orientation would not qualify. It is true that if the Court were to pretend that sexual orientation is a suspect class that grants special civil rights to self-identified homosexuals that self-identified polygamists and objectophiles must be entitled to those same special civil rights. Otherwise, gay marriage policy is a sham that violates the Establishment Clause.

orientation – attraction, behavior, and identity – are subject to change over time. Moreover, the presence of a large bisexual population is evidence that sexual orientation is, for some people and to some extent, fluid.

Very obviously, in their effort to misappropriate the Fourteenth Amendment, the reason why the Secular Humanists on the courts had to classify marriage as an "individual right," a "fundamental right," and an "existing right," based on a "personal choice" and an "autonomous decision" was to get around the impossible problem that bi-sexual represents in justifying the ploy. *Zablocki v. Redhail,* 434 U.S. 374, 384 (1978) (fundamental right);; *Cleveland Bd. of Educ. v. LaFleur,* 414 U.S. 632, 63940 (1974) (personal choice);; *Loving v. Virginia,* 388 U.S. 1, 12 (1967) (existing right/individual right);; *Lawrence v. Texas,* 539 U.S. 558 (2003) (intimate choice). However, in the face of other court's position against the plausibility of person-object marriage, the evidence shows that gay marriage is a sham under prong one of *Lemon*[19] and the Secular Humanists on the bench are guilty of such immense judicial malpractice that no reasonable observer can respect, especially medical professionals, who know first hand that the idea that sexual orientation is predicated on immutability and genetics is a lie.

Research suggests that a person's sexual orientation is not entirely fixed and may be influenced by individual preference or choice. See Lisa M. Diamond & Ritch C. Savin-Williams, Explaining Diversity in the Development of Same-Sex Sexuality Among Young Women, 56 J. Soc. Issues 297, 301 (2000) ("Contrary to the notion that most sexual minorities undergo a

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[19] At the core of the "Establishment Clause is the requirement that a government justify in secular terms its purpose for engaging in activities which may appear to endorse the beliefs of a particular religion." *ACLU v. Rabun Cnty. Chamber of Commerce, Inc.,* 698 F.2d 1098, 1111 (11th Cir. 1983). This secular purpose must be the "pre-eminent" and "primary" force driving the government's action, and "has to be genuine, not a sham, and not merely secondary to a religious objective." *McCreary Cnty, Ky. v. ACLU of Ky.,* 545 U.S. 844, 860 (2005).

one-time discovery of their true identities, 50% of [a study's] respondents had changed their identity label more than once since first relinquishing their heterosexual identity."). Sexual orientation appears to be especially plastic for women. See Peplau et al., Development of Sexual Orientation, supra, at 93 (noting the "astonishing sexual plasticity of the human female"). "Female sexual development is a potentially continuous, lifelong process in which multiple changes in sexual orientation are possible. . . . Women who have had exclusively heterosexual experiences may develop an attraction to other women, and vice versa." Garnets & Peplau, A New Look, supra, at 5. Researchers have found that "both women's identification as lesbian, bisexual, or heterosexual and women's actual behavior can vary over time." Peplau & Garnets, A New Paradigm, supra, at 333; see also Lisa M. Diamond, Sexual Identity, Attractions, and Behavior Among Young Sexual-Minority Women Over a 2-Year Period, 36 Dev. Psychol. 241, 247 (2000) ("Half of the young women . . . relinquished the first sexual-minority identity they adopted."). Indeed, a 10-year study of 79 non-heterosexual women reported that 67% changed their identity at least once and 36% changed their identity more than once. Lisa M. Diamond, Female Bisexuality from Adolescence to Adulthood: Results from a 10-Year Longitudinal Study, 44 Dev. Psychol. 5, 9 (2008).[20]

Research also shows changes over time in the intensity of same-sex attraction. When asked to rate their attraction to members of the same sex on a scale, many individuals vary in

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[20] Professor Diamond's seminal research on the fluidity of female sexuality was summarized in a widely-praised book published by Harvard University Press. *See* Lisa M. Diamond, *Sexual Fluidity: Understanding Women's Love and Desire* 3 (2008) ("[O]ne of the fundamental, defining features of female sexuality is its *fluidity*. We are now on the brink of a revolutionary new understanding of female sexuality that has profound scientific and social implications."). Her work on the fluidity of female sexuality has been repeatedly profiled in the mainstream media. *See, e.g.*, Ian Kerner, "Understanding females' sexual fluidity," CNN Health (Feb. 9, 2012), http://thechart.blogs.cnn.com/2012/02/ (Continued on following page)

their own estimation over time, with some becoming more "gay" and others becoming less "gay." A study of the same-sex attraction of self-identified bisexual men reported that "homosexuality is not some monolithic construct one moves toward or from in a linear way; movement toward homosexuality fails to capture the fluid and contextual nature of sexuality. We also acknowledge that changes in sexual feelings and orientation over time occur in all possible directions." Joseph P. Stokes et al, Predictors of Movement Toward Homosexuality: A Longitudinal Study of Bisexual Men, 43 J. Sex Res. 304, 305 (1997) (finding that 34% of respondents moved toward homosexuality, 17% moved away, and 49% did not change). A study of same-sex attraction in a New Zealand birth cohort revealed "a surprising degree of change over time. Ten percent of men, and nearly a quarter of women, reported same-sex attraction at any time, but this nearly halved for current attraction at age 26. The changes were not just in one direction." Dickson et al., supra, at 1613.

Extensive studies of the real-world experiences of men and women sharply rebut the notion that sexual orientation is unchanging. The Chicago Sex Survey found that of those who had at least one same-sex partner in the last five years, over half of the men and two-thirds of the women also had an opposite-sex partner in the same time period. Laumann et al., supra, at 310-11. Scholarly surveys also show that a significant portion of individuals in same-sex relationships had previously been married to someone of the opposite sex. See, e.g., Gary J. Gates et al., Marriage, Registration and Dissolution by Same-Sex Couples in the U.S., Williams Institute 2 (2008) (reviewing data from three states and finding that "more than one in five individuals in same-sex couples who marry or register have previously been married to a different-sex partner."); Sean Cahill et al., Family Policy: Issues Affecting Gay, Lesbian,

Bisexual and Transgender Families, The National Gay and Lesbian Task Force Policy Institute, at 59 (2002) ("According to the 1990 U.S. Census, 31 percent of lesbians and bisexual women in same-sex relationships and 19 percent of gay or bisexual men in same-sex relationships were once married to a person of the other sex."). One researcher captured the overall direction of the scientific research when she noted that "[a]lthough some may think of sexual orientation as determined early in life and relatively unchanging from then on, growing evidence indicates that the nature of a woman's intimate relationships can change throughout her life and differ across social settings." Letitia Anne Peplau, Rethinking Women's Sexual Orientation: An Interdisciplinary, Relationship-Focused Approach, 8 Personal Relationships 1, 5 (2001). See also Herek et al., Internalized Stigma *Among Sexual Minority Adults*, 56 J. Counseling Psychol. 32, at 37, 39 (2009) (study finding that 13% of gay men, 30% of lesbians, 41% of bisexual men, and 55% of bisexual women report "[s]ome," "fair amount," or "a lot" of choice with respect to their sexual orientation). Professor Herek, one of plaintiffs' experts in the *Hollingsworth* trial, conceded that while current sexual identity is for "betting" purposes a good predictor of future sexual behavior, "you should also realize that for some individuals that would not be the case." Trial Tr. 2211. Indeed, "'if you are trying to predict for any specific individual whether their identity will predict their sexual behavior in the future, especially, that can be problematic.'" *Id*. at 2212 (quoting Prof. Herek's deposition testimony). One of the challenges of research in this evolving area is that, as Professor Herek further admitted, in describing changes in their own sexuality "people don't always have a knowledge of their mental processes." *Id.* at 2213. Furthermore, the fact that many Secular Humanists and self-identified homosexuals do not realize that their worldview is religious in nature, does not mean that it is not. It just means that

"times can blind,"or better stated "culture can brainwash." [21] Nevertheless, the medical field should not be hijacked because Secular Humanists are looking for an excuse to use government to impose their religious worldview on America, as a result of their refusal to think logically.

One might defend the immutability of sexual orientation by insisting that anyone whose sexual orientation changes over time is bisexual and that bisexuality is a discrete category of sexual orientation. But lumping everyone whose behavior does change into a broad residual category conveniently manipulates theory to blot out the primary evidence that sexuality is often mutable and not an essential and fixed characteristic of human behavior. See Diamond, Female Bisexuality, supra, at 5, 6 ("According to an essentialist perspective, individuals are thought to be endowed with fixed, early developing sexual predispositions that manifest themselves in consistent patterns of same-sex or other-sex desire over the life course. . . . Bisexual attractions pose a quandary for this model because such attractions necessarily create the potential for change over time.").

If human sexual preference were generally fluid rather than fixed, one would expect that some individuals would fall at the tails of the bell curve where behavior, attraction, and identity remain exclusively homosexual or heterosexual, but that most would exhibit at least some variation along the sexual orientation continuum with respect to attraction, behavior, and identity. Research confirms this expectation. A recent report by the Williams Institute averaged the results of five recent population-based surveys, and found that of the 3.5% of the population identifying as LGB, over half (1.8%) identifies as bisexual. Gary J. Gates, How Many People Are Lesbian, Gay, Bisexual, and Transgender?, Williams Institute 1 (2011). Above and beyond

[21] "Times can blind." Tr. of Oral Arg. on Question 1, at 9, 10 *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015).

those self-reporting an LGB identity, 4.7% of the population admits to some same-sex sexual experience and 7.5% acknowledges some degree of same-sex attraction – numbers that are much higher than the population of self-identified homosexuals. Id.

Another recent survey confirmed the plasticity of sexual orientation by including two additional categories – "mostly heterosexual" and "mostly homosexual" – when asking participants to identify their sexual orientation. Vrangalova & Savin-Williams, *supra*, at 85. Of the 1631 participants, 14% of men and 27% of women chose one of the three non-exclusive identities (mostly heterosexual, bisexual, mostly homosexual), while only 5% of men and 2% of women chose an exclusively homosexual identity. *Id.* at 89. Less than half of those adopting an exclusive identity also reported exclusive behavior and attraction (48% of men and 39% of women). *Id.* at 94. These results suggest that sexual orientation is a fluid concept, not one that in practice denotes entirely distinct or fixed categories.

The notion that choice powerfully influences some persons' sexual orientation is highly controversial, but some studies conclude that for some women self-identity as a lesbian is experienced as a personal choice rather than an immutable constraint. Diamond & Savin-Williams, Explaining Diversity, supra, at 298 (noting that "variability in the emergence and expression of female same-sex desire during the life course is normative rather than exceptional."). Researchers Charbonneau and Lander interviewed 30 women who had spent half their lives as heterosexuls, married, had children, and then in midlife became self-identified lesbian. Some of these women explained their lesbianism as a process of self-discovery. But a "second group of women . . . regarded their change more as a choice among several options of being lesbian, bisexual, celibate or heterosexual." Karen L. Bridges & James M. Croteau,

Once-Married Lesbians: Facilitating Changing Life Patterns, 73 J. Counseling & Dev. 134, 135 (1994) (describing C. Charbonneau & P.S. Lander, *Redefining Sexuality: Women Becoming Lesbian in Mid-Life*, *in Lesbians at Mid-Life*, at 35 (B. Sang et al. eds., 1991)).

In short, scientific research on sexual identity, attraction, and behavior strongly suggests "that sexual orientation is not static and may vary throughout the course of a lifetime," especially in women. Michael R. Kauth & Seth C. Kalichman, Sexual Orientation and Development: An Interactive Approach, in The Psychology of Sexual Orientation, Behavior, and Identity: A Handbook 82 (Louis Diamant & Richard D. McAnulty eds., 1995). These studies show that even if the concept of immutability were extended to mean a substantial resistance to change, available evidence tends to show that sexual orientation is more plastic than commonly supposed.

CONCLUSION

Human beings have a remarkable ability to lie to themselves and to distort the truth in order to explain away conduct that naturally produces feelings of shame and inadequacy. There is no evidence that a gay gene exists, just as there is no evidence that a rape gene exists either. There is no such thing as "gay people." There are only people. President Lincoln was right: all people are created equal. But not all people buy into a set of truth claims that are equal, and not everyone takes the same path in life. Some doors are best left unopened. While the Freedom of Expression Clause allows for some people to make unwise decisions, the government must not make the objectively unhealthy choice the easy choice. That is not love. That is exploitative. Sexual orientation cannot be recognized as a new suspect class. Sexual orientation should not be used as a basis for law whatsoever because it is an evil that the Establishment Clause of the

United States Constitution does not allow. Colo. Rev. Stat. § 24-34-601(2)(a) and Colo. Rev. Stat. § 24-34-303(1)(b)(I)-(III) manage to fail all three prongs of the Lemon test in their making and in their enforcement. While there is no real proof that sexual orientation has anything to do with immutability, there is only proof that self-identified homosexuals wish that there was proof in order to justify their sincere belief in the plausibility of a sexual lifestyle that was illegal until recently. The fact is that the First Amendment Establishment Clause has exclusive jurisdiction over parody marriages and sexual orientation. Gay marriage policy is a religious sham that fails all three prongs of the *Lemon Test*. The Government's decision to legally recognize gay marriage puts "religion over non-religion" because it establishes the religion of Secular Humanism promoted by the LGBTQ church as the National religion.[22] This wrongful entanglement has eroded the fundamental rights of millions of non-observers who sincerely believe that homosexual ideology is immoral and that to promote immorality is itself an incredible act of immorality. Gay marriage has nothing to do with immutability or the Equal Protection Clause, and for any government official to pretend otherwise is intellectually dishonest and an act of racial animus. It was improper for the *Obergefell* majority to allow the Fourteenth Amendment to be used to force the States to respect, endorse, and recognize the most popular form of parody marriage that comes straight out of the the religion of Secular Humanism, just as it has continued to be wrong for the Secular Humanists to misuse the medical field by pretending that sexual orientation is a matter of genetics and immutability. This is especially true, since the Supreme Court has already recognized that Secular Humanism is a religion for the purposes of the

[22] *Lee v. Weissman*, 505 U.S. 577, 627, 112 S.Ct. 2649, 120 L.Ed.2d 467 (1992)(Souter, Justice, concurring)(citing *County of Allegheny v. ACLU*, 492 U.S. 573, 589-94, 109 S.Ct. 3086, 106 L.Ed.2d 472 (1989).

Establishment Clause. See *Torcaso v. Watkins*, 367 U.S. 488, n 11 (1961); *Edwards v. Aguillard*, 482 U.S. 578, n. 6 (1987)(we did indeed refer to "Secular Humanism" as a "religio[n]."). It takes a huge amount of faith to believe that truth is relative and that there is no created design. Such a belief is unwise but is protected under the Free Exercise Clause. In contrast with other suspect classes, sexual orientation is neither discrete (clearly definable) nor immutable. (See the *Amicus* Brief of the Center For Garden State Families). There is no scientific consensus on how to define sexual orientation because it is not a matter of science. It is a matter of religion, and the various definitions proposed by experts produce substantially different classes. Nor is there any convincing evidence that sexual orientation is biologically determined; rather, research shows that at least for some persons sexual orientation is mutable (or at least malleable) over time. These are not the characteristics of a proper suspect class nor do they stop the three branches of government from complying with their duty to get out of the parody marriage business. For the foregoing reasons, neither the Judicial, legislative, or executive branches should conclude that classifications based on sexual orientation are not subject to heightened scrutiny. John Adams once said that “facts are stubborn things.” The fact of the matter is that gay marriage policy is greatest non-secular sham ever invented by Secular Humanists working in all three branches of government, since the inception of American Jurisprudence. The Defendants are not only liable to the talented Cake maker, they are an embarrassment to the rule of law and common sense. In order to make America great again, all three branches of government must (1) enforce and uphold the Marriage And Constitution Restoration Act, (2) obey Article VI by enforcing the Establishment Clause, and (3) no longer enforcing parody marriage policies, sexual orientation discrimination statutes, transgender

bathroom ordinances, or conversion therapy bans. Winston Churchill was right, "where there is a lot of free speech, there is a lot of stupid speech." While the Defendants have the right to privately believe that there are more than two genders and that gay genes are real, they cannot misuse government to impose their religious beliefs on anyone, especially when all of the evidence demonstrates that their religious beliefs are completely irrational. At some point it needs to register with the "progressive" Defendants that to progress towards savagery and Christian persecution is not "progress," but it could be a catalyst for civil war.

/s/Anna C. Little, Esq./
SPECIAL FORCES OF LIBERTY
Attorney at Law
426 Route 36, suite 3
PO Box 382
Highlands, NJ 07732
513-435-1125, 732 391 2134 fax
anna@annaclittleesq.com
www.annaclittleesq.com
Lead Counsel For *Amicus Curiae*
Marriagerestorationact.com
https://www.facebook.com/marriageact/
Specialforcesofliberty.com
https://www.gardenstatefamilies.org/
Gator Six Alpha Tango

/s/Cynthia Burris Esq./
SPECIAL FORCES OF LIBERTY
(843) 822-3505
215 Bulter Court Apt. 215
Chapel Hill, NC 27514
bburris@lynchfoundationforchildren.org
Attorney For *Amicus Curiae*
Marriagerestorationact.com
https://www.facebook.com/marriageact/
Specialforcesofliberty.com
https://www.gardenstatefamilies.org/
Bravo One Zero

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document and attached exhibits were mailed with adequate postage to the Defendants and Plaintiffs in this actions on August 27, 2018 to James A. Campbell ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260; JESSICA POCOCK, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; ANTHONY ARAGON, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; AUBREY ELENIS, Director Colorado; Civil Rights Commission 1560 Broadway Denver, CO 80202; MIGUEL "MICHAEL" RENE ELIAS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CAROL FABRIZIO, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CHARLES GARCIA, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; RITA LEWIS, Member Colorado Civil Rights Commission 1560 Broadway Denver, CO 80202; CYNTHIA H. COFFMAN Colorado Attorney General Office of the Attorney General Ralph L. Carr Judicial Building 1300 N. Broadway, 10th Floor Denver, CO 80203; JOHN HICKENLOOPER Colorado Governor Office of the Governor 136 State Capitol Building Denver, CO 80203

/s/Anna C. Little, Esq./

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

MASTERPIECE CAKESHOP et. al.

v. **1:18-cv-02074-WYD-STV**

ELENIS et. al.

DECLARATION OF LPC, EdM, MA, LCADC, DR. TARA M. KING DIRECTOR OF KING OF HEARTS LIFE ENHANCEMENT SERVICES, LLC

I, Tara M. King, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

2. My website is here: http://www.kingofhearts.biz/.

3. I can be seen speaking here: https://www.youtube.com/watch?v=m08a0kG-q9Y. "Dr. Tara King, Ex-Lesbian and Executive Director King of Hearts (Trenton, NJ - 5/6/2013)."

4. I am the Director of King Of Hearts (KOH), which I founded in 2000. I am an EdD, MA, LPC, LCADC. In 1987, I obtained a Bachelor of Arts degree in Counseling from the University of Sioux Falls, located in Sioux Falls, South Dakota. In 1993, I gained a Master of Arts degree in Counseling from Liberty University in Lynchburg, Virginia. In 2002, I received a Doctor of Education degree in Administration from Nova Southeastern University in Miami, Florida. In addition, I met the requirements to become a Licensed Clinical Alcohol and Drug Counselor (LCADC) in 1998. In 1999, I became a Licensed Professional Counselor (LPC) and a certified Substance Awareness Coordinator (SAC). I secured a Master of Arts degree in Special Education from New Jersey City University in 2003. I have been a professional in the mental health and

substance abuse fields for over 25 years. I also have experience as a Special Education Teacher and Administrator of Schools.

5. King of Hearts Counseling Center's mission is Holistic Health, addressing the emotional, physical, mental, social and spiritual elements of living. With this focus, we counsel (mentor, coach, teach) in various areas including Post Traumatic Stress Disorder, Depression, Anxiety, Marital Difficulties, Sex/Love/Relationship Addiction, Substance Abuse, Grief, Anger Management, Eating Disorders and Co-dependency, to name a few. We offer individual, couple, family and group counseling either face to face, skype or via phone. Our team of experienced, compassionate, licensed counselors are trained to help you with all of life's challenges. Each counselor has a minimum of a Master's degree in Counseling with years of experience. The director who oversees all therapists, has over 23 years experience in the mental health and addiction fields. Our conveniently located center offers daytime and evening appointments Monday through Saturday. Our fees are affordable and we accept most insurances. For the uninsured, we offer discounted rates so that no consumer will be denied access to our team of experts. So remember: Hope deferred makes the heart sick, but a longing fulfilled is a tree of life.

6. King of Hearts' (KOH) mission is 'Holy'stic Health, addressing the emotional, physical, mental, social and SPIRITUAL elements of living. With this focus, we counsel (disciple, mentor, coach, teach) in the following areas:

• co-dependency • child/adolescent behavioral problems • communication skills • assertiveness training • problem solving • depression and related matter • substance abuse • depression/bi-polar • tobacco addiction • drug and alcohol problems • eating disorders • obsessive thoughts • sex/love/relationship addiction • same sex attraction • wives of sex addicts • sexual purity for men • marital concerns • extra-marital affairs • pornography • parenting skills • parent of addict • stress• anxiety• fears• grief • hopelessness • anger / anger managment • lack of forgiveness • difficulty making friends • loneliness • aggressive behavior • divorce recovery • gambling • overspending • budgeting issues.

7. I at one time self-identified as a lesbian, but left that behind, and now self-identify as a Christian.

8. Myself and other therapists engage in sexual orientation change efforts for people who want to leave the gay lifestyle. The LGBTQ community calls the therapy "reparative therapy." I have three other clinician who work with me. We all engage in this type of therapy. Most importantly, the kind of therapy we do is client centered. Whatever the client presents is the problem is the type of therapy we engage in. If a client comes in with alcohol problems, we don't browbeat them and tell them to get sober. If a client comes to us with a bad marriage, we don't browbeat into believing that must have a good marriage. The client dictates the treatment in the therapy. That is what ethical therapists do. Unless a client comes to me saying that they want to change their same-sex attraction, I do not address the matter. I had a woman I was working with for about eight months because I had been testifying against the Jerry Sandusky Victimization Act, discovered that I am involved in conversion therapy. And my client's question to me was, why didn't I tell her about it. My response was that because she did not present with distressed for her sexuality and because she presented with distress for other traumatic related issues, I, thereby, addressed what was presented to me as the problem.

9. It is laughable pathetic for anyone to suggest that we would ever think about engaging in shock therapy or the sharing of pornography images to desenstize a client. Such practices are unethical and whoever would do such a thing should be held accountable. To practice that kind of thing as a licensed professional counselor, you lose your license. We take the rules of ethics immensely seriously and hold our fiduciary duty owed to clients in the highest regard.

10. I am a former lesbian. At the tender age of 16, I was in a same-sex relationship. I had one same-sex relationship. But even them I did not publically or privately self-identify as homosexual. There are many people at that age who do not define themselves as gay. And these people would benefit from counseling to get to the bottom of what was going on. I knew then that I was not truly homosexual. I knew then that how my relationships progressed would determine if I was truly homosexual or not.

11. At 19 I went to therapy, my therapist told me that I was born gay and that I was gay and that I had to embrace it. My therapist never gave me a choice of an option. She presented as if homosexuality was based on immutability. She did not disclose that homosexuality was more on par with a religious ideology. From 19 to 24, I continued in same-sex relationships in many respects because society and my therapist were more or less indoctrinating me with an ideology that is not only based on unproven faith based assumptions but is sexually exploitative and false.

12. It was when I was 24 that one of my former girl friends, informed me that she was going to get sexual orientation therapy to try and leave the gay lifestyle. That was the first time that I had heard that people were not born gay and that change was possible. I too pursued that kind of therapy. Reparative therapy is talk therapy; it is insight oriented. We try to get our clients to understand why they are making decisions that they are making. It is psychodynamic in that we go into the childhood and find out what kinds of trauma were evident.

13. There is no scientific evidence that supports the idea that a person is born gay. There is evidence that homosexuality is merely an ideology and that people have an incredible ability to lie to themselves. I have three homosexual brothers out of a family of seven that at one time had four of us who self-identified as homosexual, one would think that I could make the case of a

gay gene, it would be me. But the science says that people are not born gay, and I as a licensed professional say that people are not born gay. In fact for anyone to suggest that homosexuality is based on immutability is an act of incredible unethical intellectual dishonesty.

14. If a judge was to say that people are born gay, as a medical professional, I would find that to be an act of judicial malpractice. If a politician were to say that people were born gay, I as licensed professional and former lesbian would say that it was an act of political malpractice.

15. All of my brothers, including myself, were sexually abused, and were the victims of trauma. We came from a very dysfunctional family, and I believe that our homosexuality came out of that dysfunction as a way of coping. I have at least five friends who engaged in the homosexual lifestyle who went through sexual orientation therapy, and they too are now living a heterosexual lifestyle.

16. I do not believe that homosexuals should be discriminated against. But I do not think that any branch of government should codify or even acknowledge the homosexual ideology because it is predicated on unproven faith based assumptions that are implicitly religious. The codification of gay rights ideology based on the fiction of immutability interferes with my ability to do my job as health care provider. The legal codification of the homosexual identity narratives does more than just close minds and end debate, it subjects licensed professionals like myself from speaking the truth and upholding our fiduciary to provide the greatest forms of medical and reparative treatment for our clients. More than that it hurts the integrity of our profession that plays a vital role in maintaining the public's health.

18. I have counseled individuals who self-identified as homosexual out of the lifestyle.

19. I want to others to know that they can they do not have to be in cultural captivity. I want them to know that they can leave the lifestyle and identity narrative if they want to. Like a Muslim can convert to Christianity, after they realize that works based righteousness religions are by definition dehumanizing, I want to others to know that they can go from gay to straight. I did. I have closed the door on same-sex attraction by coming under a different stream of influence that is rife with a living hope, personalized truth, and immense freedom. Not only do I not make apologizes for that. I want others to know this living hope that accords with the truth about who we are and the way things are.

20. As a citizen of the United States, I expect the legislatures and lawmakers to follow the Constitution. Since homosexuality is more of a religion than it is an matter based on immutability, I expect that the homosexual ideology that once held be captive not be established as plausible through the use of government. I demand and expect that I and other mental health professionals have the right to exercise our first amendment rights to speak in step with our training, knowledge, and professional experience.

I attest under the penalty of perjury that the above mentioned statements are true and accurate.

Tara M. King EdD, MA, LPC, LCADC

Dr. Tara M. King
Director of KOH

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

MASTERPIECE CAKESHOP et. al.

v. **1:18-cv-02074-WYD-STV**

ELENIS et. al.

DECLARATION OF DR. MICHELLE CRETELLA, MD, FCP THE PRESIDENT OF THE COLLEGE OF PEDIATRICIANS

I, Michelle Cretella, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am the President of the American College of Pediatricians. I am a retired board certified general pediatrician with a special interest in adolescent mental and sexual health. I am a retired medical doctor who practiced pediatric medicine in the states of Connecticut, Virginia and Rhode Island between 1994 and 2013. I have been certified by the American Board of Pediatrics since October 1997.[1]

[1] I graduated from the University of Connecticut School of Medicine in 1994; completed my internship and residency in general Pediatrics with honors at Connecticut Children's Medical Center in 1997, and completed a College Health Fellowship at the University of Virginia Health Center in 1999. I have served on the Board of the American College of Pediatricians since 2005 during which time I also Chaired the Adolescent Sexuality Committee, the Pediatric Psychosocial Development Committee and the Scientific Policy Committee. From 2010-2015 I served on the Board of Directors for the Alliance for Therapeutic Choice and Scientific Integrity (formerly the National Association for Research and Therapy of Homosexuality or NARTH). I continue to serve on the Medical Committee of the Alliance for Therapeutic Choice. My full time position as President of the American College of Pediatricians began in April of 2015. Avocations include personal training, youth ministry and serving as a certified abstinence

2. In addition to being the President of the American College of Pediatricians, I served on the Board of Directors of the Alliance for Therapeutic Choice and Scientific Integrity (formerly the National Association for Research and Therapy of Homosexuality or NARTH) from 2010-2015, and continue to serve on the Medical Committee of the Alliance for Therapeutic Choice.

3. I have conducted a review of the scientific literature regarding whether sexual orientation is changeable or immutable, and what follows are my findings and conclusions:

The Scientific and Medical Literature Demonstrates that Sexual Attractions Are Fluid

4. Ronald Bayer in his well researched book, Homosexuality and American Psychiatry: The Politics of Diagnoses, notes that in reviewing the history of debate in both the American Psychiatric Association and the American Psychological Association, it is clear that the decision to remove homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM II) was never based on any new science concerning homosexuality or any re-evaluation of the current research at that time. Instead, the impetus for removal was political pressure from homosexual activists and the desire to decrease discrimination and harassment sustained by gay-identified individuals. Bayer essentially states that the declassification of homosexuality from the list of mental disorders should not be viewed as a "proximation of scientific truth" but rather as "an action demanded by the ideological temper of the times."[2]

5. Accordingly, Dr. Judd Marmor, a past president of the American Psychiatric Association who was instrumental in removing homosexuality from the DSM II, acknowledged that homosexuality had multiple roots and was in fact malleable. Even after homosexuality was removed from the DSM II as a diagnosis he stated, "The fact that most homosexual preferences

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educator for my local Catholic school. I live in Rhode Island with my husband of twenty-two years and our four children.

[2] Bayer, Ronald. Homosexuality and American Psychiatry: The Politics of Diagnoses, Princeton U. Press (1987), p.4

are probably learned and not inborn means that, in the presence of strong motivation to change, they are open to modification, and clinical experience confirms this."[3]

6. Decades of research and clinical experience confirms that homosexuality is not a biologically determined trait like race. Environment - who we interact with and how, and the culture at large - play a major role in forming one's sexual orientation. Sexual orientation is not fixed at birth but rather is environmentally shaped and unfolds slowly across childhood, adolescence and even into adulthood for some individuals.[4] Francis Collins, MD, former director of the Human Genome Project and current director of the NIH, has concluded that "there is an inescapable component of heritability to many human behavioral traits. For virtually none of them is heredity ever close to predictive." Regarding homosexuality, he states "sexual orientation is genetically influenced but not hardwired by DNA ... whatever genes are involved represent predispositions, not

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[3] Marmor, J. Homosexual Behavior: A Modern Reappraisal. New York: Basic Books, 1980, p. 276-277.

[4] Whitehead, Neil. My Genes Made Me Do It! accessed 5/6/13 from http://www.mygenes.co.nz/download.htm; Langstrom, N, Rahman Q, Carlstrom, E, Lichtenstein, P. (2008). Genetic and environmental effects on same- sexual behavior: A population study of twins in Sweden. *Archives of Sexual Behavior*, DOI 10.1007/s10508-008- 9386-1; Santilla P, Sandnabba NK, Harlaar N, Varjonen M, Alanko K, von der Pahlen B. (2008). Potential for homosexual response is prevalent and genetic. *Biological Psychology*, 77, 102-105; Bailey, J.M., Dunne, M.P., & Martin, N.G. (2000). Genetic and environmental influences on sexual orientation and its correlates in an Australian twin sample. *Journal of Personality and Social Psychology*, 78 (3), 524-536; Bearman, P.S., & Bruckner, H. (2002). Opposite-sex twins and adolescent same-sex attraction. *American Journal of Sociology*, 107 (5), 1179-1205; Frisch, M. & Hviid, A. (2006). Childhood family correlates of heterosexual and homosexual marriages: A national cohort study to two million Danes. *Archives of Sexual Behavior*, 35, 533-547. Satinover, Jeffery. "How Might Homosexuality Develop? Putting the Pieces Together." http://www.narth.com/docs/pieces.html; Whitehead, Neil "2002 Study Shows The Importance of Social Factors, Cannot Detect Genetic Factors in SSA." http://www.narth.com/docs/detect.html

predeterminations."[5] Environment and free will decisions interact with these predispositions and play an important role in the development of same-sex attraction (SSA). In 2008 the American Psychological Association noted that a majority of researchers agree that sexual orientation develops from a combination of environmental and biological influences.[6] The debate concerns whether or not change of sexual orientation is enduring or even possible.

7. Homosexuality affirming researchers believe that inborn biological factors trump any environmental contribution. Therefore, they consider sexual orientation to be immutable. These researchers and therapists view SSA as a normal variant of human sexual development. Any effort to alter or eliminate SSA is equated with trying to change a person's ethnicity. Homosexuality affirming therapists therefore oppose re-orientation therapy in all cases, arguing that those who are ambivalent about their same-sex attractions actually suffer from "internalized homophobia" and require counseling that will allow them to accept their innate homosexuality. However, as noted above, the scientific literature does not support this innate/essentialist view of homosexuality.

8. Consequently, other researchers maintain that science tells a very different story – one of minimal biological influence, and a high degree of sexual fluidity. They argue that an objective review of the data strongly suggests that unwanted SSA is changeable for many who desire that outcome. These therapists consider all SSA to be a developmental psychosexual adaptation.

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[5] Collins F. *The Language of God: A Scientist Presents Evidence for Belief*. New York. Free Press. 2007 (p.260)

[6] American Psychological Association 2008 Task Force Report on the origins of homosexuality accessed May 14, 2013 from: http://www.apa.org/topics/sexuality/orientation.aspx, p. 4.

They are also united in the defense of a client's right to informed consent and self determination.[7,8]

9. This divergence of opinion regarding homosexuality and sexual orientation change efforts is recognized in some current medical textbooks, including the 2009 edition of Essential Psychopathology and Its Treatment. On page 468 of this text the current science regarding the nature of homosexuality and its fluidity is summarized as follows:

> "While many mental health care providers and professional associations have expressed considerable skepticism that sexual orientation could be changed through psychotherapy and also assumed that therapeutic attempts at reorientation would produce harm, recent empirical evidence demonstrates that homosexual orientation can indeed be therapeutically changed in motivated clients and that reorientation therapy does not produce emotional harm."[9]

Adventitious Change

10. Before reviewing some of the literature regarding therapeutic attempts to change sexual orientation, it is appropriate to note the evidence for spontaneous change of sexual orientation. The American Psychiatric Association acknowledges the existence of sexual fluidity: "Some people believe that sexual orientation is innate and fixed; however, sexual orientation develops across a person's lifetime. Individuals may become aware at different points in their lives that they are heterosexual, gay, lesbian, transgender, or bisexual."[10] That enduring change of sexual

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[7] Satinover, Jeffery. Homosexuality and the Politics of Truth. Baker Book House Company, Grand Rapids, MI,1996.

[8] Nicolosi, J. and Nicolosi, L. A Parent's Guide to Preventing Homosexuality. Intervarsity Press, Downers Grove, IL, 2002.

[9] Maxmen, J. S., et al. (2009). Essential Psychopathology and its Treatment, 3rd edition, New York: Norton and Co.

[10] American Psychiatric Association 2008 On-line Fact Sheet Regarding FAQs about sexual orientation available at: http://www.psychiatry.org/mental-health/people/lgbt-sexual-orientation (accessed May 17, 2013).

attractions and behaviors may occur adventitiously has been recognized and documented for decades.[11] In his book *My Genes Made Me Do It! A scientific look at Sexual Orientation*, Dr. Neil Whitehead writes extensively about this point, noting that: "Neutral academic surveys show there is substantial change. About half of the homosexual/bisexual population (in a non-therapeutic environment) moves towards heterosexuality over a lifetime. About 3% of the present heterosexual population once firmly believed themselves to be homosexual or bisexual. Sexual orientation is not set in concrete."[12] This has been well documented among women in recent years by Drs. Lisa Diamond, Elisabeth Thompson and Elizabeth Morgan.[13]

11. Additionally, the period of adolescence is well recognized for its sexual fluidity and instability of same-sex attractions. The most detailed studies to date regarding spontaneous change in sexual orientation in adolescents were conducted in 2007 and 2010. The first, by Savin-Williams and Ream, is a very large longitudinal study that documented changes in attraction so great even between the ages of 16 and 17 that the authors questioned whether the concept of sexual orientation had any meaning for adolescents with same-sex attractions. Seventy-five percent of adolescents who had some initial same-sex attraction between the ages of 17-21 changed to experience opposite sex attraction only.[14] The second highly detailed study demonstrating significant change away from same-sex attractions in adolescents involved an

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[11] Whitehead, Neil. *My Genes Made Me Do It – Homosexuality and the Scientific Evidence*. Retrieved on 2/26/13: http://www.mygenes.co.nz/.

[12] Ibid. Retrieved on 2/26/13: http://www.mygenes.co.nz/.

[13] Diamond, Lisa. Sexual Fluidity: Understanding Women's Love and Desire, 2009, Harvard University Press; Elisabeth Morgan Thompson and Elizabeth M. Morgan, "Mostly Straight Young Women: Variations in Sexual Behavior and Identity Development." Developmental Psychology, 2008, 44 (1), 15-21

[14] Savin-Williams, R. C., & Ream, G. L. (2007), *Prevalence and Stability of Sexual Orientation Components During Adolescence and Young Adulthood*, Archives of Sexual Behavior, 36, 385-394.

enormous sample of 13,840 youth and was published by Ott et. al. in 2010. Of those initially "unsure" of their sexual orientation, 66% ended exclusively heterosexual.[15]

Assisted Change

12. It stands to reason that if spontaneous change of sexual orientation occurs, then at least some of those who are motivated to seek therapeutically assisted change should succeed. Most therapy utilized to alleviate same-sex attractions involves conventional therapeutic approaches. Thus, several different psychological approaches to help someone overcome SSA are in use in today's psychiatric community. Although opponents of the therapy attempt to lump all processes used simply as "reparative/conversion therapy", in fact, there is no one therapeutic model used and the modalities practiced involve conventional therapeutic approaches. For example, some may utilize a purely psychoanalytic approach, others use psychodynamic methods, cognitive behavioral therapy (CBT), Emotionally Focused therapy (EFT), Eye Movement Desensitization and Reprocessing (EMDR), non--aversive classical conditioning, assertiveness training and social skill building, and others. There are also at least two sets of ethical guidelines for mental health professionals regarding how to proceed with sexual orientation change efforts.[16]

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[15] Ott, M. Q., Corliss, H. L., Wypij, D., Rosario, M., & Austin, S. B. (2010), *Stability and Change in Self-Reported Sexual Orientation Identity in Young People: Application of Mobility Metrics*, Archives of Sexual Behavior

[16] Throckmorton, W. and Jones, S. "Sexual Identity Therapy: Guidelines for Managing Sexual Identity Conflicts" accessed May 14, 2013 from http://www.drthrockmorton.com/sexualidentitytherapyframework0506.pdf, and NARTH Practice Guidelines for the Treatment of Unwanted Same-Sex Attractions and Behavior," accessed May 14, 2013 from http://www.scribd.com/doc/115508811/NARTH-Practice-Guidelines

13. That a diversity of therapeutic approaches are successfully employed reflects the fact that all therapy is concerned with behavioral and attitudinal change of some kind. Consequently, it is not surprising that the success rates for change of orientation are in the same range of success rates for treating other similar behavioral challenges. For example, the overall success rate for Alcoholics Anonymous is a mere 25 percent,[17] and the composite success rate for rehabilitating criminal behavior, for example, is at best 40 percent.[18] Regarding change of sexual orientation, Dr. Judd Marmor said "There is little doubt that a genuine shift in preferential sex object can and does take place in somewhere between 20 and 50 percent of patients with homosexual behavior who seek psychotherapy with this end in mind."[19] Similarly, Dr. Jeffrey Satinover, a noted psychiatrist, researcher, and author of Homosexuality and the Politics of Truth, reviewed the scientific literature regarding sexual orientation change efforts and found a composite success rate of 50%.[20] Factors that predict success have also been identified. These include seeking treatment prior to initiating homosexual activity, age under 35, the presence of past or coexisting heterosexual attractions, a high motivation to change, and working with a therapist who believes that change is possible, are all associated with a greater likelihood of success.[21]

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[17] Whitehead, Neil My Genes Made Me Do It! p. 247 accessed May 14, 2013 from http://www.mygenes.co.nz/download.htm

[18] Cummings, Nicholas and Wright, Rogers [eds.] Destructive Trends in Mental Health: The Well-Intentioned Path To Harm. Routledge, NY (2005) p. Xxvii.

[19] Marmor, J. (1975) "Homosexuality and Sexual Orientation Disturbance" in A. Freedman, H. Kaplan and B. Sadock (eds.) Comprehensive Textbook of Psychiatry II (2d ed.) Baltimore, Lippincott Williams and Wilkins, p. 151.

[20] Satinover, Jeffery. Homosexuality and the Politics of Truth. Baker Book House Company, Grand Rapids, MI,1996 (Table 7, p. 186).

[21] Kaplan, H. and Sadock, B., Synopsis of Psychiatry Behavioral Sciences Clinical Psychiatry, sixth edition, Williams & Wilkins, 1991 (p. 752).

14. In 1998, Dr. Warren Throckmorton conducted an extensive review of reorientation reports published in the Journal of Mental Health. He documented that multiple forms of standard, ethical therapeutic interventions had successfully effected change of sexual orientation, and confirmed that the possibility for successful change exists at all ages.[22] Throckmorton reaffirmed these findings seven years later in 2002 concluding, "My literature review contradicts the policies of major mental health organizations because it suggests that sexual orientation, once thought to be an unchanging sexual trait, is actually quite flexible for many people, changing as a result of therapy for some, ministry for others, and spontaneously for still others."[23]

15. Possibly the most impressive study of change, due to the large number of subjects studied and to the many facets of sexual orientation investigated, is that published by Dr. Robert Spitzer in 2003. In 1973, Dr. Spitzer was instrumental in declassifying homosexuality as a mental disorder and today remains a "gay rights" supporter. For decades he firmly believed that change of orientation was impossible. In 2003, after studying a group of 200 "ex-gay" men and women, he reversed his stance. All participants gave evidence of achieving degrees of long-term change in their sexual orientation up to and including complete heterosexuality without suffering any negative consequences from therapy.[24]

16. Shortly after publication, Dr. Hershberger, a researcher highly skeptical of change therapies, questioned the legitimacy of the subjects' responses in the Spitzer study and decided to subject

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[22] Throckmorton, Warren "Attempts to Modify Sexual Orientation: A Review of Outcome Literature and Ethical Issues." *Journal of Mental Health*. Vol. 20, October 1998 (pp. 283-304). http://www.narth.com/docs/attemptstomodify.html

[23] Throckmorton, Initial Empirical and Clinical Findings Concerning the Change Process for Ex-Gays, Professional Psychology: Research and Practice, Vol. 33 (June, 2002), p. 242-8. See also Gay to Straight Research Published in APA Journal, http:www.narth.com/docs/throckarticle.html.

[24] Spitzer, Robert L., "Can Some Gay Men and Lesbians Change Their Sexual Orientation?," Archives of Sexual Behavior, Vol. 32, No. 5, Oct. 2003: 403-417.

the data to a Guttman scalability analysis to answer this question. The Guttman test is a scalagram that is used to determine where or not reported changes occur in a cumulative, orderly fashion.

17. Following this analysis, Hershberger concluded, "The orderly, law-like pattern of changes in homosexual sexual behavior, homosexual self-identification, and homosexual attraction and fantasy observed in Spitzer's study is strong evidence that reparative therapy can assist individuals in changing their homosexual orientation to a heterosexual orientation. Now it is up to those skeptical of reparative therapy to provide strong evidence to support their position. In my opinion, they have yet to do so."[25]

18. Despite Dr. Spitzer's "apology" to the homosexual community for publishing this study,[26] there has been no new data to contradict his original results. Dr. Spitzer's research remains scientifically sound, and his original conclusion - that some highly motivated individuals with unwanted homosexual attractions can change - still stands.[27] This is why Dr. Kenneth Zucker, editor of the Archives of Sexual Behavior, never published an official retraction of Spitzer's study.

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[25] *Ex-gay Research: Analyzing the Spitzer Study and Its Relationship to Science, Religion, Politics, and Culture* was edited by Jack Drescher and Kenneth Zucker (2006, Harrington Park Press, an Imprint of Haworth Press, Inc.) as cited at: http://narth.com/2010/11/yet-another-attempt-to-discredit-the-spitzer-study-fails/ (accessed 5/9/13)

[26] Benedict Carey, "Psychiatry Giant Sorry for Backing Gay 'Cure,'" Health Section, New York Times (May 18, 2012), accessed July 1, 2012, at www.nytimes.com/2012/05/19/health/dr-robert-l-spitzer-noted-psychiatrist-apologizes-for-study-on-gay-cure.html?pagewanted=all.

[27] Rosik, Christopher. "Spitzer's 'Retraction': What Does It Really Mean?" (June 1, 2012). Accessed July 1, 2012, at http://narth.com/2012/06/2532.

19. In 2007, Drs. Jones and Yarhouse published a long-term study of a cohort of "ex-gays" who participated in religiously mediated therapy to change their sexual orientation. Jones and Yarhouse established through a scientific, longitudinal study that change of sexual orientation is possible for some individuals through involvement in religious ministries, and that the attempt to change on average does not appear harmful.[28]

20. In 2010, Elan Karten examined the sexual reorientation experiences of a convenience sample of 117 men using a survey-based correlational design. His study, like Spitzer's, finds that change occurs on a continuum: ranging from the elimination of homosexual attractions to the diminishing/management of homosexual attractions. Significantly, on average, the men in this study reported positive changes w/ respect to psychological well-being as a result of their change efforts. In particular, 100% of the men reported increases in self-esteem and 99.1% in social functioning, while 92.3% reported decreases in depression, 72.6% in self--harmful behavior, 58.9% in suicidal ideation & attempts, and 35.9% in alcohol and substance abuse.[29] These findings of satisfaction with and benefitting in a variety of ways from sexual orientation change efforts replicates those of an earlier study by Drs. Nicolosi, Byrd and Potts.[30]

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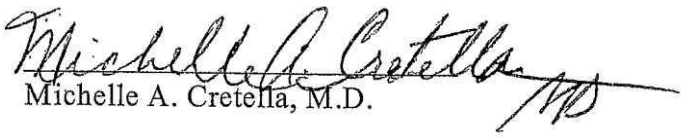
[28] Jones, Stanton and Mark Yarhouse, Ex-Gays? A Longitudinal Study Of Religiously Mediated Change in Sexual Orientation. Intervarsity Press, Downers Grove, IL, 2007. See also their more recent article: Stanton L. Jones & Mark A. Yarhouse (2011), "A longitudinal study of attempted religiously -mediated sexual orientation change" Journal of Sex and Marital Therapy, Vol. 37, 404-42

[29] Karten, E. Y, & Wade, J. C. (2010). Sexual orientation change efforts in men: A client perspective. Journal of Men's Studies. 18, 84-102.

[30] Nicolosi, J., Byrd, A. D., & Potts, R. W. (2000). Retrospective self-reports of changes in homosexual orientation: A consumer survey of conversion therapy clients. *Psychological Reports,* 86, 1071-1088.

21. In summary, while sexual attractions may not be consciously chosen, one can choose what to do with these attractions once recognized. No one is "born gay." Biological and environmental influences may be fostered or foiled. Therefore, SSA is indeed changeable to varying degrees for many - but not all - who desire this outcome. Sexual orientation change efforts including gender affirming processes are no different from any other psychological therapy. Every form of therapy is an attempt to affect attitudinal and behavioral change of some sort. No therapy - whether pharmacologic, surgical or psychological - is without risk of harm. No therapy has a 100% guarantee of success. Parents, psychosocially mature adolescents and adults have the right to make informed healthcare decisions based on accurate and unbiased information.

22. I attest under the penalty of perjury that the above mentioned statements are true and accurate.



Michelle A. Cretella, M.D.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

MASTERPIECE CAKESHOP INCORPORATED et. al. **V.** **AUBREY ELENIS et. al.**		**Case No: 1:18-cv-02074-WYD-STV**

ORDER

Before the Court is a motion for leave for the Coalition of Doctors Defending Reparative Therapy to file an *amicus brief*. The motion is GRANTED. The docketing clerk will entire the *amicus brief* as a separate docket entry.

Entered this _____ day of September, 2018

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The Honorable Judge Daniel