

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID SCHWARTZ,

Plaintiff,

-v-

THE CITY OF NEW YORK, and
LORELEI SALAS, in her official
capacity as Commissioner of the New
York City Department of Consumer
Affairs,

Defendants.

Case No. 1:19 Civ. 00463 (RJD) (ST)

**DECLARATION OF ALAN SCHOENFELD IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

I, Alan Schoenfeld, hereby declare:

1. All facts set forth herein are based on my personal knowledge, and if called upon to testify as to the contents of this declaration, I could and would do so.

2. I am an attorney with the law firm Wilmer Cutler Pickering Hale and Dorr LLP, co-counsel for Defendants in the above-captioned matter.

3. I provide this declaration in support of Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction.

4. Attached hereto as **Exhibit A** is a true and correct copy of the transcript of the November 29, 2017 hearing before the New York City Council Committee on Civil Rights.

5. Attached hereto as **Exhibit B** is a true and correct copy of the transcript of the June 19, 2017 hearing before the New York City Council Committee on Civil Rights.

6. Attached hereto as **Exhibit C** is a true and correct copy of the Brief *Amici Curiae* of Survivors of Sexual Orientation Change Efforts, in Support of Defendants-Appellees Urging

Affirmance, filed on March 5, 2014, in *King v. New Jersey*, 767 F.3d 216 (3d Cir. 2014) (No. 13-4429).

7. Attached hereto as **Exhibit D** is a true and correct copy of the New York City Council, Committee on Civil Rights, Committee Report of the Governmental Affairs Division dated November 30, 2017.

8. Attached hereto as **Exhibit E** is a true and correct copy of the letter to the editor of *The Jewish Press* written by Plaintiff, dated January 10, 2018.

9. Attached hereto as **Exhibit F** is a true and correct copy of the Order Granting Permanent Injunctive Relief and Awarding Attorneys' Fees in *Ferguson v. JONAH*, Docket No. L-5473-12, dated December 18, 2015.

I declare under pain of perjury that the foregoing is true and correct.

Dated: March 28, 2019
New York, New York

/s/ Alan E. Schoenfeld
Alan E. Schoenfeld

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL RIGHTS

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November 29, 2017
Start: 2:57 p.m.
Recess: 3:02 p.m.

HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
DARLENE MEALY
Chairperson

COUNCIL MEMBERS:
Mathieu Eugene
Daniel Dromm
Andy King
Rafael Salamanca, Jr.

A P P E A R A N C E S (CONTINUED)

1 COMMITTEE ON CIVIL RIGHTS 3

2 [sound check]

3 [pause]

4 [gavel]

5 ACTING CHAIR DROMM: Good afternoon. I
6 am Danny Dromm; I'm a member of the New York City
7 Council's Committee on Civil Rights. I am chairing
8 this hearing on behalf of Civil Rights Committee
9 Chair Darlene Mealy, who will not be able to join us
10 today.

11 I'd like to start by introducing the
12 other members of the Council who have joined us;
13 that's Council Member Andy King and Council Member
14 Mathieu Eugene.

15 Today the Committee on Civil Rights will
16 vote on Introductory Bill 1650-A, an important piece
17 of legislation that would prohibit charging consumers
18 in New York City for services that seek to change a
19 person's sexual orientation or gender identity.

20 As ridiculous as it seems, this practice
21 known as conversion or reparative therapy still
22 persists even in New York. At this Committee's June
23 19th hearing we heard harrowing testimony about one
24 young survivor's conversion therapy ordeal, during
25

1 COMMITTEE ON CIVIL RIGHTS 4

2 which he endured years of being bombarded with
3 negative messages about himself and his family.

4 In recent years, other survivors have
5 sought to expose this quackery for what it is. For
6 instance, reports have surfaced of a teenage boy
7 being told to undress in front of a mirror while ex-
8 gay life coach stood so close he could feel the man's
9 breath on the back of his neck. He was then cuddled
10 by an older ex-gay man in order to allegedly
11 reestablish the bond with his father. On another
12 occasion, this boy was made to endure a group session
13 which entailed striking a tennis racket on a pillow,
14 meant to represent the overbearing mother who had
15 caused the survivor to become gay.

16 Conversion therapy is a form of
17 psychological torture, pure and simple and so it is
18 fitting that New York City is banning this odious
19 practice. Vulnerable individuals, including minors,
20 are susceptible to the hucksters and scammers who are
21 eager to earn a quick buck in this insidious way. As
22 a city we need to protect consumers and I am very
23 proud to work with Speaker Mark-Viverito to be doing
24 so with this legislation.

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1 COMMITTEE ON CIVIL RIGHTS 5

2 The Committee will also be voting on two
3 resolutions today:

4 Resolution No. 614 calls on the State
5 Legislature to pass legislation that would prohibit
6 discrimination on the basis of gender expression or
7 identity and expand the State's hate crime statute to
8 include offenses committed against someone on the
9 basis of their gender expression or identity.

10 The second resolution we will be voting
11 on, Resolution No. 1287 calls on the United States
12 Congress to pass and the President to sign the
13 Equality Act which would amend the Civil Rights Act
14 of 1964 and 1968 to include sexual orientation and
15 gender identity as prohibited categories of
16 discrimination or segregation with respect to
17 employment, public accommodations and housing.

18 I hope that my fellow committee members
19 will support this legislation today so we can vote on
20 it at Thursday's Stated Meeting. Thank you again for
21 making the time to vote on such an important
22 legislation.

23 And with that, I am going to ask the
24 clerk to call the roll.

25

1 COMMITTEE ON CIVIL RIGHTS 6

2 COMMITTEE CLERK: William Martin,
3 Committee Clerk, roll call vote Committee on Civil
4 Rights; all items are coupled. Council Member Dromm.

5 ACTING CHAIR DROMM: I vote aye.

6 COMMITTEE CLERK: Eugene.

7 COUNCIL MEMBER EUGENE: I vote aye.

8 COMMITTEE CLERK: King.

9 COUNCIL MEMBER KING: I abstain.

10 COMMITTEE CLERK: Salamanca.

11 COUNCIL MEMBER SALAMANCA: I vote aye.

12 COMMITTEE CLERK: By a vote of 3 in the
13 affirmative, 0 in the negative and 1 abstention, all
14 items have been adopted by the Committee.

15 [pause]

16 ACTING CHAIR DROMM: Alright, and with
17 that... [background comment] oh... [background comment]
18 [pause] Okay, and with that I am going to adjourn
19 this meeting at 3:02 p.m. Thank you.

20 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 18, 2017

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL RIGHTS

----- X

June 19, 2017

Start: 1:18 p.m.

Recess: 3:20 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DARLENE MEALY
Chairperson

COUNCIL MEMBERS:

MATHIEU EUGENE

DANIEL DROMM

ANDY L. KING

RAFAEL SALAMANCA, JR.

A P P E A R A N C E S (CONTINUED)

Myla Harrison
Assistant Commissioner from the New York City
Department of Health and Mental Hygiene

Carmelyn P. Malalis
Commissioner and Chair of the New York City
Commission on Human Rights

Amit Bagga
Deputy Commissioner for External Affairs at the
New York City Department of Consumer Affairs or
DCA

Everett Arthur
Government Relations Associate at the Lesbian,
Gay, Bisexual, and Transgender Community Center

Mathew Shurka
Survivor of Conversion Therapy in New York City

Jane Shurka
Mother of Survivor of Conversion Therapy in New
York City

Cecilia Gentili
Survivor of Conversion Therapy

Lyndel Urbano
Director of Public Policy and Government
Relations at Amida Care

Brooke Cerda Guzman
Transwomen's Civil Rights Activist

Kristen Burzynski
Legal Fellow at the New York Civil Liberties
Union, NYCLU

Lauren Betters
Staff Attorney at the Gender Equality Law Centers

A P P E A R A N C E S (CONTINUED)

Matt McMorrow
Senior Advisor, New York City Mayor's Office,
Community Affairs Unit

COMMITTEE ON CIVIL RIGHTS

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[gavel]

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COUNCIL MEMBER DROMM: Good. Okay, thank

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you very much, I, I am not Council Member Darlene

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Mealy, Chair Darlene Mealy, I am Council Member

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Daniel Dromm but she's on her way up and we wanted to

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get started and let me just begin by reading this

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statement. Today the Committee on Civil Rights will

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vote on Introductory Bill Number 1259A, an important

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piece of legislation that will help protect our

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veterans from discrimination by giving them protected

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status in New York City Human Rights Law. I hope that

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my fellow committee members will support this bill

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today so we can vote on it at Wednesday stated

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meeting. Thank you again for making the time to vote

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on such an important legislation. I will now turn it

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over to Council Member Williams who sponsored Intro

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1259A for some brief remarks. Council Member

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Williams?

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COUNCIL MEMBER WILLIAMS: Thank you

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Council Member. 1259 was introduced by myself and

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Public Advocate Tish James was a co-prime sponsor

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with support from the administration. The bill gives

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veterans and active military members direct

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protections under city law against discrimination

COMMITTEE ON CIVIL RIGHTS

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2 housing, employment, and public accommodations.
3 Veterans in uniform service members provide valuable
4 contributions while they're patriotism solicits
5 respect from us it also at times makes them some of
6 the most vulnerable members of our society. It is our
7 duty as Americans and legislators to protect them,
8 provide them with support, and make sure that the
9 promises that were given to them are being made and I
10 say that in respective of, of support for the wars
11 that most them I don't concur with, don't agree with
12 however we gave promises to these men and women who
13 go and risk their lives they should be honored when
14 they come back home. New York City is home to nearly
15 900,000 veterans, 225,000 of whom call New York City
16 home. They have had issues with finding stable
17 employment and housing because of their being active
18 duty in particular reserves or people are sometimes
19 afraid of PTSD. According to the US Department of
20 Labor nearly 14,000 veterans are unemployed across
21 New York State. According to the Borough of... Bureau
22 of Labor statistics, employers refuse to hire them as
23 I mentioned afraid of... they will be deployed during
24 employment or falsely assume veterans may suffer from
25 mental health illnesses. Approximately 2,500 homeless

COMMITTEE ON CIVIL RIGHTS

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2 veterans across New York State. We continually hold
3 up our veteran's uniform service as valuable
4 protectors yet we routinely leave them vulnerable and
5 undefended even as they fulfil their end of their
6 agreement. I believe it is our duty to pass this
7 legislation of course on behalf of all veterans in
8 particular many of my family members who are active
9 or veterans themselves including my brother Matthew
10 Williams who this summer will be going off to the
11 United States Navy. And I want to thank everybody who
12 was supportive in, including Chair Mealy, also Chair
13 Ulrich of the Veterans Committee, Brigadier General
14 Sutton, and Commissioner Malalis for their support
15 and of course Kristen Rouse from the New York City
16 Veterans Alliance. Thank you.

17 COUNCIL MEMBER DROMM: Thank you very
18 much and now Council Member Eric Ulrich.

19 COUNCIL MEMBER ULRICH: Thank you Mr.
20 Chairman, I'll be very brief. I'm a guest at today's
21 committee so I just wanted to stop by and commend my
22 colleague Jumaane Williams and also the public
23 advocate for introducing the bill which the committee
24 will be hopefully approving today. We had a joint
25 oversight hearing on... about a month... I'm, I'm sorry,

COMMITTEE ON CIVIL RIGHTS

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2 two months, April 26th we had a joint oversight
3 hearing on this very topic, its very important that
4 we recognize that discrimination in our society comes
5 in many forms and unfortunately there are many former
6 service members who now are no longer active in the
7 military but they're still serving our city in other
8 various capacities and they face discrimination when
9 it comes to housing and employment and, and a range
10 of other ways. So, while there are a number of civil
11 protections at the federal and state level there
12 really was a need to beef up the city's human rights
13 law to reflect the contributions that veterans have
14 made and also make sure that they are in fact the
15 protected class. So, I'm hoping that it is approved
16 and I want to thank all my colleagues for all of
17 their support always on all veteran's issues, it's a
18 bipartisan issue, democrats and republicans, I think
19 universally agree that we have to do more to support
20 the men and women who've served our country and
21 that's what this is all about. So, thank you very
22 much Mr. Chair.

23 COUNCIL MEMBER DROMM: Thank you very
24 much and thank you to both of you for your commitment
25 to human and civil rights and thank you also for

COMMITTEE ON CIVIL RIGHTS

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2 marching in either in the Brooklyn and or the Queens
3 Pride Parades, I'm very personally grateful to both
4 of you for doing that and it's a... means a... a big deal
5 to our community, thank you. alright, so I want to
6 thank Chair Mealy for hearing this package of bills,
7 let me just say also we're going to hold the vote for
8 a couple of minutes because we need a quorum as soon
9 as we get the quorum I will let the members of the
10 committee vote and then we'll go back to the
11 testimonies, that's right but in the meantime what
12 I'll do is we'll start and hear testimony from our,
13 our panelists. So, let me start off by saying I want
14 to thank Chair Mealy for hearing the package of bills
15 concerning lesbian, gay, bisexual, transgender, and
16 queer issues. Even as progress for LGBTQ civil rights
17 advances members of the community continue to endure
18 adversity simply for being who they are. Resolution
19 614 will prohibit discrimination on the basis of
20 gender expression or identity in New York State and
21 expand the state's hate crime statute to include such
22 forms of discrimination. Doing so will protect
23 transgender individuals from bias related harassment
24 and discrimination in employment, housing, and public
25 accommodation among other areas. In 12... Reso 1287...

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2 [clears throat] excuse me... calls on the United States
3 Congress to pass and the president to sign the long
4 overdue Equality Act, which would amend the Civil
5 Rights Act of 1964 and '68 to include sexual
6 orientation and gender identity as protected classes.
7 Intro 1186 amends the definitions of sexual
8 orientation and gender in the New York City Human
9 Rights Law. It is time to update these terms
10 especially given how much society's understanding has
11 evolved since protections for the LGBT community were
12 first included. So, finally we're going to hear
13 legislate... hear... we're going to hear testimony on
14 legislation which prohibits conversion therapy, the
15 odious practice by which mental health and spiritual
16 counselors seek to change a person's sexual
17 orientation or gender identity. Conversion therapists
18 are hucksters and scammers who target vulnerable and
19 desperate individuals struggling to understand their
20 sexual orientation or gender identity. So-called
21 counselors swoop in and claim to offer a way to rid
22 their suffering through pseudo-therapy that is
23 harmful and often damaging and I have to call it
24 nothing more than quackery. Sadly, the practice still
25 persists. Even in New York conversion therapy

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2 sessions are often bizarre and always damaging. One
3 teenager was told to undress in front of a mirror
4 while his ex-gay life coach stood so close the boy
5 could feel the man's breath on the back of his neck,
6 he was then cuddled by older ex-gay men for 30
7 minutes at a time to... at a time to allegedly
8 reestablish the bond with his father. A group of... a
9 group session entailed the striking of a tennis
10 racket on a pillow which was meant to represent his
11 mother who's overbearing nature have reportedly made
12 him gay. There is no scientific evidence that
13 conversion therapy works. In fact many stone cold ex-
14 gays have been either caught in, how shall I say,
15 compromising positions or have renounced the practice
16 for the quackery it is. With this introduction which
17 is a very strong measure against conversion therapy
18 New York City can take the lead nationally on this
19 issue. I very much look forward to hearing from the
20 administration and the advocates on this issue as
21 well. So, thank you all for being here and let me
22 just introduce those who are on the panel. Doctor
23 Myla Harrison I believe, Assistant Commissioner from
24 the New York City Department of Health and Mental
25 Hygiene; Amit Bagga, Deputy Commissioner for

COMMITTEE ON CIVIL RIGHTS

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Department of Consumer Affairs; and Commissioner

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Carmelyn Malalis, New York City Commission on Human

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Rights and I just need to swear you all in. So, if I

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could ask you... and we have Matt McMorroW also, are

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you testifying Matt?

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MATT MCMORROW: Just for Q and A.

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COUNCIL MEMBER DROMM: Okay, because then

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you would need to fill out a form if, if you do give

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testimony.

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MATT MCMORROW: Okay.

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COUNCIL MEMBER DROMM: Okay, so can I ask

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you all to raise your right hand please? Do you

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solemnly swear to tell the truth, the whole truth and

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nothing but the truth and to answer council member

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questions honestly?

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[panel affirms]

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COUNCIL MEMBER DROMM: Okay, thank you

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very much and who would like to start, Commissioner?

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CARMELYN P. MALALIS: Sure, thanks so

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much. Good afternoon Council Member Dromm and Council

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Members from the... who are members of the Civil Rights

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Committee. I want to thank you for convening today's

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hearing on Intro Number 1186 in a proposed bill to

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ban conversion therapy. I am Carmelyn P. Malalis, I'm

COMMITTEE ON CIVIL RIGHTS

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2 the Commissioner and Chair of the New York City
3 Commission on Human Rights and I'm delighted to be
4 here today to talk about updating the definitions of
5 sexual orientation and gender under the New York City
6 Human Rights Law to ensure that the laws coverage for
7 these two protected categories are broad and
8 inclusive. And I have to say I'm especially pleased
9 and proud of course to be here during pride month and
10 to be accompanied by my colleagues from the
11 administration, Myla Harrison from the Department of
12 Health and Mental Hygiene, Amit Bagga from the
13 Department of Consumer Affairs and Matt McMorrow from
14 the Community Affairs Unit. We are here to discuss
15 how we can fulfil the promise of city human rights
16 law in as protective a way as possible so that my
17 agency, the Commission on Human Rights can carry out
18 its mission to make sure that all New Yorkers can
19 live, work, and be free from discrimination and
20 harassment. This issue is personally and
21 professionally very important to me. As a lesbian I'm
22 a loud and proud member of the New York City's
23 diverse and beautiful LGBT community. And as an
24 attorney I spent over a decade as a worker's rights
25 advocate representing employees in discrimination

COMMITTEE ON CIVIL RIGHTS

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2 cases based on sexual orientation, gender identity,
3 disability, and many other areas of protection.
4 Protections against discrimination on the basis of
5 sexual orientation were added to the law in 1986,
6 Local Law 2 defines sexual orientation as
7 heterosexuality, homosexuality, or bisexuality.
8 Protections against gender identity and expression
9 have existed in the New York City Human Rights Law
10 since 2002 when the definition of gender was amended
11 to include actual or perceived sex and shall also
12 include a person's gender identity, self image,
13 appearance, behavior, or expression whether or not
14 that gender identity, self image, appearance,
15 behavior, or expression is different from that
16 traditionally associated with the legal sex assigned
17 to that person at birth. In the nearly two and a half
18 years that I've been at the helm of the Commission on
19 Human Rights we have worked diligently to be
20 transparent about policy, increase outreach and
21 strengthen enforcement in these key areas of
22 protection. In December 2015, the Commission
23 published its legal enforcement guidance on
24 discrimination on the basis of gender identity or
25 expression to provide clear guidance to business

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2 owners, employers, housing providers, and members of
3 the public on what exactly is considered
4 discrimination on the basis of gender identity and
5 expression under the city Human Rights Law and how
6 such discrimination works to marginalize transgender
7 and gender non-conforming people. The legal
8 enforcement guidance specifically articulates
9 violations of the city Human Rights Law which
10 include; denying someone access to the single sex
11 facilities such as a bathroom or locker room or
12 program that aligns with their gender identity,
13 refusing to use someone's preferred name or pronoun,
14 requiring dress codes or uniforms, or applying
15 groomer or appearance standards that impose different
16 requirements for individuals based on sex or gender,
17 or forcing a transgender or gender non-conforming
18 individual to use a single occupant facility. It is
19 our goal in creating the guidance to provide needed
20 transparency and clarity to all New Yorkers on their
21 rights and obligations under the city Human Rights
22 Law. And last year we also launched our citywide
23 award-winning campaign look past pink and blue
24 featuring real New Yorkers to educate New Yorkers on
25 their rights regarding access to single sex

COMMITTEE ON CIVIL RIGHTS

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2 facilities. The commission now has a long-standing
3 partnership with the LGBT Community Center who I see
4 is also represented here today, to provide training
5 to employers, city, state, and federal agencies,
6 housing providers, and others on transgender cultural
7 competency. And last year the commission worked with
8 local community partners to organize the city's first
9 ever transgender week of remembrance and resilience
10 expanding it from one day into an entire week of
11 activities and events. Our law enforcement bureau has
12 also stepped up enforcement to protect transgender
13 and gender non-conforming New Yorkers. Claims of
14 discrimination based on gender identity or expression
15 continue to rise in 2016 following a two-year trend.
16 In 2014 only one such case was filed at the
17 Commission's Law Enforcement Bureau. In 2015, 18
18 cases were filed and in 2016, 29 cases were filed
19 including three commission initiated complaints in
20 the employment context across all jurisdictional
21 areas. In addition the Law Enforcement Bureau
22 conducted 47 commission initiated investigations into
23 gender identity and expression by providers of
24 housing and public accommodation using testing and
25 document demands for information on policies and

COMMITTEE ON CIVIL RIGHTS

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2 practices. Similarly, in 2016 the commission filed 49
3 complaints of discrimination based on sexual
4 orientation building on a two-year trend of increased
5 complaints which was up from 30 in 2014. We are up
6 more than 60 percent in complaints from 2014 to 2016
7 in sexual orientation and 60 percent in gender
8 identity or expression from 2015 to 2016. And let me
9 be clear, these are numbers of complaints filed not
10 inquiries, matters resolved through pre-complaint
11 intervention or pre-complaint investigations. We
12 strongly support the goals of this legislation as it
13 furthers our shared mission to ensure that the city
14 Human Rights Law's protections are comprehensive and
15 inclusive. The commission along with our partners in
16 the administration are reviewing the language
17 proposed in Intro 1186 and are exploring additional
18 options based on language used in other jurisdictions
19 feedback from community partners and own internal
20 analysis. We have already initiated conversation with
21 Council Member Dromm's office to consult on some of
22 these changes and we will continue to do so. We look
23 forward to working closely with the council to ensure
24 that the updated definitions reflect our intent to
25 protect people on the basis of their sexuality and

COMMITTEE ON CIVIL RIGHTS

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2 their gender identity. I also wish to comment briefly
3 on the proposed legislation to crack down on
4 conversion therapy. The commission supports efforts
5 to ban this offensive and inhumane practice and we
6 are eager to explore ways in which we can work with
7 our administration and council partners to tackle
8 this problem. Again we thank Council Member Dromm for
9 introducing Intro Number 1186 and we look forward to
10 working with you, the council, and our partners in
11 the administration to ensure that protections based
12 on sexual orientation and, and gender are inclusive
13 the full scope of sexualities and gender identities
14 to further our shared goal of dignity and respect for
15 all and I'd also like to just welcome and say hi to
16 Chair Mealy. Thank you.

17 COUNCIL MEMBER DROMM: The Health
18 Department.

19 MYLA HARRISON: Good afternoon Chair
20 Mealy and Council Member Dromm and members of the
21 committee. I'm Doctor Myla Harrison, Assistant
22 Commissioner for the Bureau of Mental Health at the
23 Department of Health and Mental Hygiene. On behalf of
24 Commissioner Bassett I would like to thank you for
25 the opportunity to testify today. I want to reiterate

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2 today the Department's strong opposition to
3 conversion therapy practices and any attempts to
4 change an individual's sexual orientation. Conversion
5 therapy has no basis in scientific or medical
6 practice nor is sexual orientation a disease.
7 Conversion therapy is not therapy and responsible
8 health professionals should not practice it. Indeed,
9 the practice of conversion therapy is already curbed
10 by a number of state mechanisms. In 2016 three New
11 York State agencies enacted regulations to curb the
12 use of conversion therapy in New York State. Per
13 these regulations Mental Health Facilities licensed,
14 funded, or operated by the state office of Mental
15 Health are prohibited from practicing conversion
16 therapy on minors and can lose their license or
17 funding for doing so. In addition Medicaid does not
18 cover conversion therapy for any Medicaid enrollee
19 regardless of age and insurers cannot cover
20 conversion therapy for minors on any insurance policy
21 offered in New York State. We are glad that the
22 council has brought attention to the practice of
23 conversion therapy in New York City. Thank you again
24 for the opportunity to testify.

25 COUNCIL MEMBER DROMM: Mr. Bagga?

COMMITTEE ON CIVIL RIGHTS

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AMIT BAGGA: Thank you Council Member Dromm. Good afternoon Chair Mealy and Council Member Dromm. I am Amit Bagga, Deputy Commissioner for External Affairs at the New York City Department of Consumer Affairs of DCA. It is a great honor and privilege to appear before this body once again on behalf of the agency Commissioner Salas and of course Mayor De Blasio and it's an honor to be here with my colleagues. The topic of today's hearing is of great concern to me personally and indeed the administration as a whole which as my colleagues from the Human Rights Commission have noted has worked hard to ensure that LGBT New Yorkers have access to stronger and more enhanced protections than ever before. We strongly agree with the speaker and with the committee and of course with you Council Member Dromm that conversion therapy which is engaged in in an attempt to repress or change the sexual orientations or gender identities of LGBT New Yorkers like me is an objectionable practice that we believe has no place in our great city. We commend the council and especially you Council Member Dromm for your attention to this serious issue as well as for your tremendous leadership on so many LGBTQ issues.

COMMITTEE ON CIVIL RIGHTS

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2 Your work to increase access to protections, support,
3 and resources has benefited so many LGBTQ New Yorkers
4 especially our youth. Given how challenging it can
5 still be despite our many collective advances to go
6 through the coming out process, your leadership on
7 these issues has ensured that young New Yorkers
8 coming to terms with who they are, are able to grow
9 and thrive. Turning directly to the topic of todays
10 hearing, I'd like to take a moment to offer the
11 council some context for my testimony. I sit here
12 before you today as an out gay Indian American who
13 has had the tremendous benefit of great support from
14 friends, colleagues, and most importantly my family.
15 While the coming out process is not easy for anyone I
16 am deeply grateful especially to my parents who come
17 from a cultural background not necessarily known for
18 its embrace of LGBTQ individuals for accepting my
19 identity and never cajoling, convincing, or coercing
20 me to alter it. Unfortunately, this type of
21 acceptance still remains illusive for many LGBTQ
22 individuals. In communities where discomfort or fear
23 of what it means to LG... what it means to be LGBTQ are
24 pervasive, individuals not only suffer but can also
25 face large amounts of pressure to conceal or change

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2 their profess sexual orientations or gender
3 identities. Such pressure can come from families,
4 from friends, colleagues, teachers, and sometimes
5 even from within this can lead to individuals
6 experiencing trauma or crisis to be forced into or
7 even seek conversion therapy which as my colleagues
8 from the Health Department have testified is not
9 considered by our administration to be a bona fide
10 medical or mental health service. We know that
11 conversion therapy has the capacity to ruin lives,
12 tear families apart, and further entrench values of
13 fear and exclusion that we do not believe represent
14 the spirit of New York City and its people. As such
15 we are proud to stand with you in firm opposition to
16 this practice and we proclaim to you our deep
17 commitment to working closely with you on a potential
18 legislative approach that helps address the practice
19 of such therapy in New York City. With respect to the
20 bill before us today the overall goal of which we
21 strongly support it behooves us to, to state that the
22 law department has identified and is continuing to
23 explore a variety of legal questions pertaining to
24 the bill and DCA has identified certain concerns with
25 respect to its implementation as well. As you know

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2 the law department reviews legislation to ensure that
3 it passes legal muster. It is our understanding that
4 this review includes the consideration of a number of
5 different legal questions. Once the law department
6 has completed its review of the bill we would be
7 eager to return to the council with their analysis
8 and to work collectively to identify a path forward n
9 addressing the practice of conversion therapy in New
10 York City. With respect to DCA's implementation
11 concerns the current language of the bill would
12 require DCA to make a determination about whether or
13 not the practice has actually occurred as opposed to
14 whether or not it has been advertised or offered for
15 sale. Given that we are an agency not involved in
16 medical or mental health services unfortunately this
17 is not a determination we are in the position to
18 make. As we too share the council's deep opposition
19 to conversion therapy we are committed to working
20 closely with you to explore alternative enforcement
21 approaches. Thank you for the opportunity to testify
22 today, my colleagues and I will be happy to answer
23 any questions you might have.

24 CHAIRPERSON MEALY: I want to thank you,
25 I want to thank my colleague Dromm for holding down

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the fort until... I appreciate that. I want to thank the Commissioner also. We're going to open up, did you have your questions as of yet? And then... okay. So, we're going to do a vote right now. Salamanca?

COUNCIL MEMBER SALAMANCA: Aye on all, thank you.

CHAIRPERSON MEALY: Are you going to do it?

COMMITTEE CLERK DISTEFANO: Committee Clerk Matthew Distefano, Committee on Civil Rights. Roll call on Intro Number 1259A, Chair Mealy?

CHAIRPERSON MEALY: I vote aye.

COMMITTEE CLERK DISTEFANO: Dromm?

COUNCIL MEMBER DROMM: I vote aye.

COMMITTEE CLERK DISTEFANO: Salamanca?

COUNCIL MEMBER SALAMANCA: I vote aye.

COMMITTEE CLERK DISTEFANO: By a vote of three in the affirmative, zero in the negative, and no abstentions the item has been adopted.

CHAIRPERSON MEALY: Okay, we will hold that vote open for my other colleagues to come who is on this committee. Thank you. now we're going to finish this hearing, do you have any questions?

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COUNCIL MEMBER DROMM: Thank you very

much Chair and I loved opening for you and love

seeing you here as well. So, I always appreciate the

hearings that you hold them... these issues of civil

and human rights are ones that are really important

to me. So... and I'm also glad to hear that the

administration and general supports the idea of

ridding the practice of conversion therapy. We may

disagree somewhat on... in terms of the implementation

of the enforcement of the law but I do want to get to

some questions. So, I mean currently what is the

medical opinion on conversion therapy?

MYLA HARRISON: So, I don't... I can't

speak for the medical opinion as a whole, I can... I

can say that the health Department strongly opposes

conversion therapy practices. I can also say National

Medical Associations many of them, the AMA, the APA,

American Psychological Association, American

Psychiatric Association, the American Academy of

Child and Adolescent Psychiatry all say it is not an

acceptable practice.

COUNCIL MEMBER DROMM: They say its not

acceptable however they don't say that the continued

use of it should be considered to be fraud and I want

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2 to compare it and maybe I'm wrong in doing this
3 because I'm not a doctor but if you had somebody who
4 did a medical procedure on a person that wasn't
5 either necessary or... there was no basis for it in
6 medical terminology would the medical profession then
7 say that that's something either that... I think they
8 do actually if it's illegal and I think you could
9 probably face jail time for doing that and I've
10 always been curious and, and wondering why do we
11 allow this to continue when it's just outright fraud?
12 I, I... and I think that the Health Department should
13 look at that.

14 MYLA HARRISON: So, why don't I take that
15 back and have a further conversation with Council...
16 [cross-talk]

17 COUNCIL MEMBER DROMM: Well I, I, I
18 think... and I address that issue because I don't think
19 that the American Psychiatric Association, the
20 American Psychological Association, the American
21 Medical Association have ever really fully addressed
22 this issue. Now we were taken off the list and I'm
23 also openly gay Council Member, we took the
24 homosexuality off the list of mental disorders in
25 1973 but if we had medical malpractice in the

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2 physical medical community I think people would be
3 put in prison and I don't see any difference between
4 the practice of conversion therapy and that which
5 medical doctors do, physical medical doctors do so I
6 really would like to bring that issue up and, and,
7 and get an opinion from the Health Department on that
8 because I think that it really needs to be even
9 stronger than what we've stated so far. Can you
10 describe for us what some of the impacts are of
11 conversion therapy on individuals?

12 MYLA HARRISON: I haven't researched that
13 and... or prepared for that for this presentation.

14 COUNCIL MEMBER DROMM: But you knew that
15 we were going... [cross-talk]

16 CHAIRPERSON MEALY: That's what this
17 hearing... [cross-talk]

18 COUNCIL MEMBER DROMM: ...to have this
19 hearing... [cross-talk]

20 CHAIRPERSON MEALY: ...was about.

21 MYLA HARRISON: Yes but that particular
22 question I don't have... I don't have the research in
23 front of me for it, we can get back to you if you
24 want more specifics on that.

25 COUNCIL MEMBER DROMM: Wow.

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CHAIRPERSON MEALY: I really don't

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understand that. This is such an important...

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information we need right now, that's why we had this

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hearing so I don't know if it's meant to have another

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hearing that we can understand or do you have any

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background on this information?

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MYLA HARRISON: I'm happy to get back to

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you on that further, I mean I repeatedly said that

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the Health Department does... strongly opposes this and

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it knows that it's a practice that's not acceptable

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and more information than that I don't have at my

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fingertips for today.

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COUNCIL MEMBER DROMM: Okay, so to your

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knowledge are there groups or individuals that

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practice conversion therapy in New York City?

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MYLA HARRISON: Not that I'm aware of, I

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don't... I don't have an answer to that.

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COUNCIL MEMBER DROMM: Licensed or

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unlicensed?

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MYLA HARRISON: I don't have that

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information, I do not know that.

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COUNCIL MEMBER DROMM: What hearing did

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you think you were coming to?

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MYLA HARRISON: I mean we don't keep as

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the Health Department information on practices that

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have that information. There are... there are... the

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state of New York licenses, practitioners for

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medicine and licenses clinics around New York City so

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it's a, a, a New York State issue in terms of

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licenses.

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CHAIRPERSON MEALY: Do you know one

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clinic that still uses practice?

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MYLA HARRISON: I do not. No and, and the

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state of New York has just recently in 2016 said that

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practices cannot... licensed mental health practices

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cannot practice this when it comes to children, they

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will lose their license, they will lose their

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funding. Medicaid is not funding it as well and so

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it's not a practice that's accepted in New York

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State.

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COUNCIL MEMBER DROMM: How do you monitor

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that in New York City?

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MYLA HARRISON: So, it's not the city to

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monitor that, it's a... it's a state issue.

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COUNCIL MEMBER DROMM: It's not a state

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issue, it's a city issue as well, are you saying all

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medical issues are state issues and that we don't have the right to monitor them?

MYLA HARRISON: I can't speak for that, I think that's probably a law department question and a question for the state of New... [cross-talk]

COUNCIL MEMBER DROMM: Are you the... [cross-talk]

MYLA HARRISON: ...York... [cross-talk]

COUNCIL MEMBER DROMM: ...Assistant Commissioner?

MYLA HARRISON: I'm the Assistant Commissioner of the Mental Health Bureau...

COUNCIL MEMBER DROMM: For mental health?

MYLA HARRISON: Yep.

COUNCIL MEMBER DROMM: And you don't know the answer to these questions?

MYLA HARRISON: We don't license in, in New York City so... [cross-talk]

COUNCIL MEMBER DROMM: So, you've never thought about dealing with conversion therapy issues before because you have no answers.

MYLA HARRISON: We, we do not think it's an acceptable practice so... [cross-talk]

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COUNCIL MEMBER DROMM: Yeah, so if it's not an acceptable practice and there are going to be witnesses after this that are going to describe some of the negative consequences that happened to them to come to a hearing on conversion therapy without any answers is unacceptable.

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MYLA HARRISON: So, it's not true that I don't have any answers so I, I, I don't mean to be obstructionist, that's not... [cross-talk]

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COUNCIL MEMBER DROMM: No, but your... [cross-talk]

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MYLA HARRISON: ...that's the tone... [cross-talk]

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COUNCIL MEMBER DROMM: ...statement is this... [cross-talk]

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MYLA HARRISON: ...that's not the tone so... [cross-talk]

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COUNCIL MEMBER DROMM: ...and its insulting to us for a statement like, it's not even a sheet, I mean come on, I mean I'm not... I don't think I'm being unreasonable here. I'm glad that you condemn it but what are you doing about it?

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MYLA HARRISON: So, in New York City as you all know there's a lot of resources that are

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going to mental health, more than ever with

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ThriveNYC, we have NYC Well, which is a phone, text,

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and chat service so people who are in crisis for

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whatever reason around their mental health... [cross-

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talk]

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COUNCIL MEMBER DROMM: Commissioner...

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[cross-talk]

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MYLA HARRISON: ...issues or... [cross-talk]

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COUNCIL MEMBER DROMM: ...you know as well

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with ThriveNYC there's... [cross-talk]

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MYLA HARRISON: ...so... [cross-talk]

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COUNCIL MEMBER DROMM: ...concern in the

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LGBT community also... [cross-talk]

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MYLA HARRISON: Yes... [cross-talk]

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COUNCIL MEMBER DROMM: ...that you're not

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meeting the needs of the LGBT community with Thrive.

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MYLA HARRISON: So, there are a number of

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comprehensive efforts that are going on now both

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within the Health Department and with our advisory

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boards so within the Health Department there are

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coordinating groups within Department of Health and

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Mental Hygiene that are comprised of additional...

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individuals across the department who are spending

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efforts on policy and programming right now so that

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our efforts are coordinated and interconnected. We have a subcommittee of our community services board that is focused on LGBTQ issues and they are weighing in on our required social... local services plan so that we can address these issues. So, we are... [cross-talk]

COUNCIL MEMBER DROMM: Will conversion therapy be part of that discussion?

MYLA HARRISON: We can consider that, we can bring it to... [cross-talk]

COUNCIL MEMBER DROMM: Has, has that group... [cross-talk]

MYLA HARRISON: ...that committee... [cross-talk]

COUNCIL MEMBER DROMM: ...met already?

MYLA HARRISON: That group has met a number of times.

COUNCIL MEMBER DROMM: Has it had conversion therapy as part of the discussion already?

MYLA HARRISON: I haven't been at all the meetings, I don't think so but we can... I can certainly take that back... [cross-talk]

COUNCIL MEMBER DROMM: And are there... there are obviously LGBT people on that... [cross-talk]

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MYLA HARRISON: Yes.

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COUNCIL MEMBER DROMM: On that committee?

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MYLA HARRISON: Yes.

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COUNCIL MEMBER DROMM: Alright, let me

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move on a little bit, do you believe that any

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potential penalties as described in the proposed

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legislation are sufficient to deter those from

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practicing conversion therapy?

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AMIT BAGGA: Thank you Council Member

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Dromm. Its... you know as an enforcement agency we do

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of course testify before the council very frequently

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and, and we have many conversations with the council,

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with the law department, with others. Asking in any

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context what would be a sufficient penalty to deter

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any type of... particular type of behavior, whatever it

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is, it's a difficult question to answer, it's not

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entirely clear that any penalty at any given time

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would necessarily be sufficient or insufficient, it's

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the type of thing that I think historically DCA has

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found we, we learn about the, the degree to which a

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penalty is sufficient once the law goes into effect.

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So, it would be slightly difficult... [cross-talk]

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AMIT BAGGA: The penalty is written as

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1,000 dollars per occurrence.

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COUNCIL MEMBER DROMM: Do you think that's a deterrent?

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AMIT BAGGA: Truthfully Council Member Dromm being that we're not an agency, you were not...

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we're not a medical and mental health services

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agency, it's difficult for us to say that we have,

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you know real knowledge of what the incentive would

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be for those who engage in conversion therapy to

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continue to engage in it. It's, it's not clear, you

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know there are... there are different pressures as you

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have mentioned in your opening statement. It could be

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that the pressures of society or belief are such that

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even the penalty laid out in the bill could perhaps

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prove sufficient or it might be very sufficient, I, I

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wouldn't be able to opine on that.

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COUNCIL MEMBER DROMM: So, you wouldn't

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be able to opine on it but we do have other

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legislation on other topics that lays out sets of

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finances for offenses or for grievances against other

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consumer affairs issues, how do you determine that

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within your own department?

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AMIT BAGGA: So, in nearly every instance

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I can't think of one right now off the top of my head

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where this is not the case but in nearly every

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2 instance a penalty is almost always determined by the
3 legislative body. We very, very rarely have the legal
4 authority or ability to actually determine the
5 penalty on our own.

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COUNCIL MEMBER DROMM: So, that's our
decision?

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AMIT BAGGA: Yes, sir.

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COUNCIL MEMBER DROMM: Okay, I'm filing
on that. Alright, so do you believe that the
legislation will require a budget for implementation?

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AMIT BAGGA: Respectfully I think it's a
bit premature for me to answer that question as the
law department is still examining a variety of legal
questions with respect to this bill and I think until
they've completed their review we would not be in a
position to be able to opine on the budget.

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COUNCIL MEMBER DROMM: Okay, do, do, do
you get any other issues for example I know that we
passed legislation in the council regarding pregnancy
crisis centers and sometimes determinations have to
be made there as to what type of advice is offered in
pregnancy crisis centers yet we passed legislation
limiting that and providing for transparency do you

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see differences between that type of legislation and the legislation regarding conversion therapy?

AMIT BAGGA: Yes, so while I can get back to you on all of the differences and I'd be happy to do so and in short order, the primary difference that is obvious to me between this bill and that particular law is that what DCA would be looking at in that instance is whether or not certain types of signage and disclosures are being made and signage is posted at a given pregnancy service center and so it's the type of thing that a DCA inspector could determine whether or not something is disclosed or not disclosed because it's simply there and again that is sort of in the realm of what is being offered and what is being advertised as opposed to what is actually taking place. Even in the pregnancy service, service center context our agency is not actually making the determination about the type of service being provided.

COUNCIL MEMBER DROMM: How about when you work with domestic workers and we have laws that gives DCA, DCA the authority to enforce our protections with domestic workers for example, don't

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you make a determination about who qualifies as a domestic worker?

AMIT BAGGA: So, if you're referring to the paid care statute the law actually does not give us a particular enforcement authority, it requires us to have a division within our agency that focuses on researching the needs of paid care workers and domestic workers if there is... if we are... if a domestic worker were to make a complaint about a very specific type of law that they are alleging has been broken that we have the legal authority to enforce for example the paid sick leave law in that instance our office of labor policy and standards would conduct a full on investigation the way we would in other cases but we are typically not making a determination... [cross-talk]

COUNCIL MEMBER DROMM: What about like in, in, in immigration fraud cases, are you making... [cross-talk]

AMIT BAGGA: ...we do not... [cross-talk]

COUNCIL MEMBER DROMM: ...a determination there what type of service was provided?

AMIT BAGGA: Typically, no.

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COUNCIL MEMBER DROMM: So, somebody can just offer any type of immigration service and they can get away with it?

AMIT BAGGA: So, that's, that's the key difference, it's a difference between what is being offered and what is actually being provided. So, if I may a particular type of service can be advertised and when a DCA inspector is reviewing an advertisement or a DCA attorney let's say is reviewing an advertisement what we are looking at is what does the advertisement say and does the language of that advertisement run afoul of the law. It is difficult for us often to determine and, and you raised the immigration fraud context, we are not in a position to determine and we never have whether or not immigration fraud itself has ever taken place. For example, we don't collect any identifying documents, if an, an inspection is conducted of a... of a, a business that proports to provide immigration services, we check to see whether or not the business has engaged in certain contracts with their clients as they are required to but you know what the for example USCIS documents are that an individual might have filled out to engage in the provision of

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immigration service that is not information we collect, we are not in a position to be able to opine on whether or not the fraud actually occurred.

COUNCIL MEMBER DROMM: So, if this law were to pass and somebody were to come to you with a complaint say that we... you know I went to, to a psychiatrist and they tried to change my sexual orientation that doesn't suffice for you to then take action under the proposed legislation?

AMIT BAGGA: I think that is a question... that very specific question the law department would have to opine on that... [cross-talk]

COUNCIL MEMBER DROMM: Is that what you're going to come back to?

AMIT BAGGA: That's, that's one of the... one of the many questions that I know the law department is looking at. In general, it is difficult for DCA to determine in a context like this whether or not a particular service has been provided in a very particular way, I, I'd like to remind the council that DCA at the end of the day is not actually an adjudicatory body, we bring cases, for example before oath which is the actual adjudication body that makes a final determination about whether

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2 or not a particular type of law has been broken. We
3 write violations based on what we believe to be the
4 case however the final determination is not generally
5 and there are some exceptions but not generally made
6 by us.

7 COUNCIL MEMBER DROMM: So, just to go
8 back to conversion therapy itself you know many
9 common techniques of conversion therapy fall under
10 different forms of child maltreatment. For example,
11 physical abuse is inflicted or allowing someone to
12 inflict physical injury on a child, this includes
13 beating, burning, exorcism, emotional and verbal
14 abuse is the... is the non-physical maltreatment of a
15 child that can seriously interfere with positive
16 emotional development, emotional neglect is the
17 failure to supply a child with support needed for
18 healthy, emotional development this includes failure
19 to provide warm phrase and encouragement therefore
20 shouldn't conversion therapy on minors be explicitly
21 considered child abuse?

22 AMIT BAGGA: I would have to defer to my
23 colleagues to, to answer that question.

24 MYLA HARRISON: Yeah and I, I think not
25 to defer but I do think the child abuse issue is a

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child welfare issue for the most part when it comes to those... exactly what you labeled there and I think they would have to weigh in on that. It sounds like it but I think you'd need them to, to address that specifically.

COUNCIL MEMBER DROMM: So, has anybody thought about the best way to reach out to survivors, I'm sorry... oh no, okay. I'm going on a bit here. What do you think would be the best method to find people who have been victimized in conversion therapy practices, I know I was a little hard on you before but would that be an obligation for the Health Department?

AMIT BAGGA: I'm sorry, did you see fine with an e or... [cross-talk]

COUNCIL MEMBER DROMM: Right... [cross-talk]

AMIT BAGGA: ...find with a d?

COUNCIL MEMBER DROMM: find, f-i-n-d, f-i-n-d to locate because sometimes look... you know I was asked by one of the local papers like what about these adults who want to go into conversion therapy, well I mean will... are we going... are we going to continue to allow adults to go into conversion

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2 therapy which is basically quackery which is based on
3 false psychological understanding of homosexuality in
4 1973 and effects so many men and women of my age
5 because they feel like something was wrong with them
6 when they were brought up but now they still want to
7 go into conversion therapy that... I mean what I'm
8 trying to get to here is that ultimately, we're
9 dealing with fraudulent medical service provision and
10 we need to put an end to it and I think New York City
11 should be on the forefront of it for both children
12 and for adults?

13 MYLA HARRISON: Okay.

14 AMIT BAGGA: So, I think... I think the
15 administration very much agrees with you that this is
16 an abhorrent practice and that it should not be
17 taking place in New York City and that it really not
18 only has the capacity to really ruin lives but in
19 fact does ruin lives. I think there are outstanding
20 questions that the law department is looking at in
21 terms of what would be the best way and what would be
22 the best approach for New York City from a legal
23 perspective to be able to take something like this
24 on. I think it is worth noting that in the state of
25 New York and every state is different in terms of its

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2 legal landscape but in the state of New York medical
3 practices and the provision of mental health services
4 including what is permissible and impermissible in
5 general terms are regulated by the state and so I
6 think there is a question about the extent to which
7 New York City has the ability to do that locally and
8 I know that the law department is looking at that
9 question in particular and I know that Commissioner
10 Malalis wanted to add to that.

11 CARMELYN P. MALALIS: Sure, I was just
12 going to add kind of what, what... something that I
13 think tangentially kind of covers your question
14 Council Member Dromm is you know I want to say maybe
15 two or three weeks ago I was actually with
16 Commissioner Bassett at the LGBT center announcing
17 two very important initiatives that the Department of
18 Health and Mental Hygiene has undertaken. One, is the
19 creation of an LGBTQ Health Care Bill of Rights, the
20 other one is a campaign called Bare it All and I
21 think the emphasis of both of those Department of
22 Health campaigns is really to underscore that in... you
23 know in the medical field or as New Yorkers are, are
24 engaging medical services that they should be able to
25 be exactly who they are, they should be able to be

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2 who they are in terms of their sexual orientation, in
3 terms of their gender identity, in terms of their
4 gender expression, etcetera and that if they were
5 before some sort of medical provider that was not
6 allowing them to be who they were in all of those
7 different contexts plus more than one, the Department
8 of Health and Mental Hygiene would indeed be helping
9 them actually you know assisting them to find
10 medical, medical care or a medical provider who would
11 allow them to be truly who they are in expressing
12 their sexual orientation, their gender identity, and
13 gender expression and also paired it with as I said
14 this LGBTQ Health Care Bill of Rights so that if
15 people were experiencing some form of discrimination
16 or harassment in trying to access health care that
17 they knew that that was against the law they could
18 avail resources within the city as... you know such as
19 the Commission on Human Rights but I, I mentioned
20 both of those initiatives because I think they both
21 strike to... I think the heart of your question which
22 is that, you know people who are lesbian, gay,
23 bisexual, transgender questioning kind of the gambit
24 there's nothing wrong with, with you because you are
25 any or all of those things and, and these two

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2 initiatives I think really speak to the fact that in
3 health care specifically people should be comfortable
4 accessing health care throughout the city and, and
5 being able to be who they are as a whole person.

6

COUNCIL MEMBER DROMM: I, I, I want to go
7 back through to the issue of consumer fraud because
8 that seems to me to be the area where I think we
9 could nip this in the butt actually and I'm, I'm
10 anxiously awaiting what the law department comes up
11 with but to, to practice conversion therapy
12 ultimately is fraudulent, you cannot change someone's
13 sexuality and when they charge a fee for it and
14 they're allegedly providing services for it I don't
15 see how the Department of Consumer Affairs can
16 continue to allow a fraudulent practice to continue.

17

AMIT BAGGA: Well the Department of
18 Consumer Affairs is opposed to fraud in all of its
19 forms. We, we work hard, very hard every day to
20 ensure that New Yorkers are protected and... [cross-
21 talk]

22

COUNCIL MEMBER DROMM: But you agree that
23 conversion therapy is fraudulent practice?

24

AMIT BAGGA: I am not in a position to...
25 while I agree it is abhorrent to... whether or not it

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2 can be considered from a legal perspective by local
3 law to be fraudulent is one of the questions that the
4 law department is looking at that is why I can
5 personally state that I think all of us here and
6 everyone I know in the administration is deeply
7 opposed to it and very much agrees that it is a very
8 problematic practice. The extent to which it can be
9 considered fraudulent as a legal definition I think
10 is still being looked at.

11 COUNCIL MEMBER DROMM: And why is that?

12 AMIT BAGGA: That would be a question for
13 the law department to answer.

14 COUNCIL MEMBER DROMM: Well is it
15 primarily based on medical decisions?

16 AMIT BAGGA: Again I, I, I do apologize
17 Council Member its, it's not a question that I'm
18 qualified to answer, I think the law department is
19 looking at some of the ways in which the city would
20 have the ability to think about this practice and
21 treat it as something that we are opposed to and, and
22 therefore would like to be able to regulate.

23 COUNCIL MEMBER DROMM: And, and I hear
24 you Deputy Commissioner and I... and I, I think that
25 you're sincere but I have to really believe that what

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2 has happened here is that we have allowed the
3 American Medical Association and the American
4 Psychiatric Association and the American
5 Psychological Association to go on too long saying
6 should or... should not be practiced or whatever we
7 need them immediately to declare conversion therapy
8 as complete and outright fraud and those are... these
9 are residue issues from the 1973 ruling and for them
10 to continue gives them really very little credibility
11 in my mind that they have not yet done that and I
12 think that's where you're finding some difficulty in
13 defending the position between your personal and
14 between your professional so... but I do still believe
15 that we need to forward on this legislation because I
16 do believe that it is fraudulent. Right and that is
17 true, New Jersey has already ruled that it violates
18 consumer fraud violations and I said earlier on why
19 can't New York be in the front of this.

20 AMIT BAGGA: So, as I mentioned earlier
21 in one of my answers to your questions every state
22 has a very different legal landscape and every state
23 has a different set up when it comes to what it is
24 within the legal realm that the state has the
25 authority to regulate and what the state further

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2 delegates to its municipalities to regulate. In the
3 state of New York, we have a particular legal
4 landscape that is set up in a specific way. In New
5 York State, medical services and mental health
6 services are regulated at the state level. That does
7 not necessarily mean that there isn't a step that the
8 city could take to begin to regulate this practice
9 but that is exactly the question that the law... one of
10 the questions that the law department is looking at.

11 CHAIRPERSON MEALY: What would you think
12 would be a first step that we can take?

13 AMIT BAGGA: Again the law department is
14 examining the extent to which the city of New York
15 would have the ability to regulate this practice. As
16 I mentioned in the state of New York it is the state
17 that has a legal authority to license and regulate
18 the provision of medical and mental health services.
19 So, one it is a... it is a threshold legal question as
20 to what, what, what is the city's ability and
21 authority in this case.

22 COUNCIL MEMBER DROMM: Thank you Chair
23 Mealy and I would really urge the Health Department
24 to put more emphasis on this issue and... especially
25 with the LGBT group that you're convening. This is

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2 something that has the direct negative impact on the
3 community and, and... particularly because other states
4 and municipalities are, are looking at this issue as
5 well. So, thank you very much for coming in.

6 AMIT BAGGA: Thank you.

7 CHAIRPERSON MEALY: And thank you, how
8 long do you think the legal department will take on
9 these questions because it makes no sense now all
10 these answers we need is in the legal department. So,
11 how long do you think that's going to take?

12 AMIT BAGGA: Yes, respectfully I think
13 the bill was introduced rather recently and the law
14 department has been doing an examination of this bill
15 as well as many others all at the same time. I can't
16 speak for them, I, I don't work for the law
17 department but I, I know that they are aware that
18 this is... this is a set of questions that they need to
19 be getting back to us and the... and the council on
20 shortly.

21 CHAIRPERSON MEALY: Thank you. I'm
22 looking forward to really getting some better
23 information in regard to this, this... the practice
24 needs to be stopped really. We won't hold you, no
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2 other questions we can ask you, thank you

3 Commissioner, thank you, thank you... [cross-talk]

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AMIT BAGGA: Thank you.

5

6 here today. Thank you so much for coming panel and

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we'll take a little quick recess and we'll have my

8

colleague Matthew Eugene vote.

9

COMMITTEE CLERK DISTEFANO: Committee on

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Civil Rights continuation of roll call on Intro

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1259A, Council Member Eugene?

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COUNCIL MEMBER EUGENE: Let me say thank

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you Madame Chair, thank you very much and I vote aye.

14

COMMITTEE CLERK DISTEFANO: Okay, the

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vote now stands at four in the affirmative, zero in

16

the negative and no abstentions.

17

COUNCIL MEMBER EUGENE: Thank you.

18

CHAIRPERSON MEALY: Thank you, can we

19

have the next panel come up; Mathew Shurka, Shurka,

20

may you come up please; Jane... Matthew and Jane;

21

Everett Arthur. You could get to... no, right here. Oh

22

okay. Could we get somebody else?

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COUNCIL MEMBER DROMM: Chair Mealy?

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CHAIRPERSON MEALY: Yes.

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COUNCIL MEMBER DROMM: May, may I ask is somebody staying from the Health Department?

4

CHAIRPERSON MEALY: It seems like everyone has left, they out in the hallway, could you ask...

7

COUNCIL MEMBER DROMM: Is that... [cross-talk]

8

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CHAIRPERSON MEALY: Thank you... [cross-talk]

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COUNCIL MEMBER DROMM: Is anybody staying from, from all three, thank you.

12

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CHAIRPERSON MEALY: Thank you. You may start Mr. Everett.

14

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EVERETT ARTHUR: Thank you for the opportunity to testify before you today. My name is Everett Arthur and I serve as the Government Relations Associate as... at the Lesbian, Gay, Bisexual, and Transgender Community Center, the Center in New York City. I will testify on four pieces of legislation; Intro 1186, Resolution 614, and 1287, and pre-considered Intro introduced by Speaker Mark-Viverito. Thank you to Council Member Darlene Mealy for convening a hearing on such important topics for the LGBT community today. Since

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2 1983 the center has empowered our community members
3 to lead authentic lives while advocating for justice,
4 equity and opportunity for LGBT people. While this
5 translates into many life altering and affirming
6 experiences for the people who walk through our doors
7 some communities like transgender and gender non-
8 conforming people are impacted far greater because
9 external resources and protections for them are far
10 and few between. As co-founder and current
11 administrator of the New York State LGBT Health and
12 Human Services Network of the Network, the center is
13 particularly connected to the evolving statewide
14 needs of the LGBT community. Additionally, the center
15 began providing services for the transgender and
16 gender non-conforming community in 1991 with the
17 establishment of our gender identity project, GIP,
18 the first transgender peer counseling and empowerment
19 program in New York State. Our 25-year history of
20 serving transgender individuals has afforded us
21 unique insight into the particular hardships faced by
22 transgender and gender non-conforming people. Our
23 firsthand knowledge tells us this, transgender and
24 gender non-conforming people face unique challenges
25 related to their gender expression and gender

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2 identity inside New York State and the United States
3 as a whole and internationally. And while we may not
4 be able to directly impact how transgender and gender
5 non-conforming people and other members of the LGBT
6 community are treated outside of the United States it
7 is imperative that we declare New York and in the
8 United States that LGBT people are safe from
9 discrimination in employment, housing, public
10 accommodations, and biased motivated crimes. We know
11 that the discrimination faced by LGBT people... LGB...
12 LGBT people is only compounded by race and ask that
13 these issues be examined under an intersectional lens
14 as well. Intro 1186 is the first step needed to
15 protect LGBT people right here in New York City.
16 Passing local legislation may incentivize other
17 cities to follow New York's lead but we should not
18 stop there. The center hopes that all LGBT New
19 Yorkers will be protected from facing discrimination
20 for their sexual identity, gender identity, or gender
21 expression. This is why New Yorkers need GENDA.
22 Resolution 614 protects New Yorkers at the state
23 level and we applaud the assembly for passing GENDA
24 for eight consecutive years however in each of those
25 eight years the senate failed to move on legislation.

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2 The New York City Council represent 8.5 million New
3 Yorkers, a resolution from this body on behalf of
4 these residents will send a strong message to both
5 houses of the state legislature that we take
6 protections of all our residents seriously and that
7 this legislation is a step in that direction. In
8 light of the current administration silence an
9 erasure regarding the treatment of LGBT people our
10 state must clearly support LGBT people now more than
11 ever. All New Yorkers should be able to rely upon
12 this state to fight for their best interest and that
13 includes but is not limited to passing agenda. Next
14 Resolution 1287 protects New Yorkers and Americans on
15 a federal level and we applaud Council Member's
16 Dromm, Crowley, and Manchaca, Chin, and
17 Constantinides for supporting the equality act. While
18 all LGBT people would benefit from the passing of the
19 act, transgender and gender non-conforming people
20 will be particular beneficiaries of this legislation.
21 Amending the Civil Rights Act of 1964 and the Fair
22 Housing Act to include sexual orientation and gender
23 identity among the prohibited categories of
24 discrimination or segregation in employment, places
25 of public accommodation and housing will save lives

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2 by ensuring that LGBT people and perceived LGBT
3 people can access jobs, housing, and public safety
4 without enduring discrimination or segregation that
5 may result in their homelessness, starvation, or
6 death. While the enactment of these protections will
7 greatly further the safety of LGBT New Yorkers and
8 Americans this is not enough. Part of protecting the
9 lives of LGBT New Yorkers is normalizing our stories,
10 normalizing our families, and normalizing our
11 identities however this cannot be done until
12 conversion therapy is unlawful in New York State.
13 According to San Francisco State University's
14 research on the issue of family acceptance of LGBT
15 youth, LGBT youth that were rejected by their parents
16 because of their LGBT identity or eight times more
17 likely to have attempted suicide, nearly six times as
18 likely to report high levels of depression, more than
19 three times as likely to use illegal drugs, and more
20 than three times as likely to be at high risk for HIV
21 and STD's. making conversion therapy unlawful will
22 affect the lives of LGBT people in tangible ways by
23 telling them that New York sees you and accepts you
24 just as you are. For this reason, we strongly urge
25 that council act on this legislation. Finally, as

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2 Commissioner Malalis noted I would like to note that
3 the center's training institute offers cultural
4 competency trainings and our trans training
5 collective specifically works with city agencies to
6 train agency employees on issues of gender identity,
7 equity and how to create an infirming environment for
8 the community particularly transgender and gender
9 non-conforming individuals. The center would be
10 honored to continue to provide guidance and expertise
11 on these issues once this legislation is enacted. We
12 must continue fighting to protect the lives of all
13 New Yorkers from discrimination and these pieces of
14 legislation are necessary to create a much-needed
15 safer environment.

16 MATHEW SHURKA: Hi, I'm going to have my
17 mother speak first because she's cute and I wanted to
18 let her do that but who I am, my name is Mathew
19 Shurka, I am a survivor of conversion therapy here in
20 New York City. I'm a national advocate and national
21 spokesperson with numerous organizations for ending
22 conversion therapy and I've been doing that work for
23 the last five years. Being from New York... from the
24 New York area and have been treated in New York City

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I will speak to that experience in... let my mom speak about her experience first.

JANE SHURKA: First I want to thank you for letting me be heard and I'm here as a parent who, who put her son through conversion therapy because of her ignorance and I'm speaking here for other parents, speaking out to them because they don't know and I didn't understand anything about being gay. So, I put my son through conversion therapy. I will read what I wrote because I can't... this way I'll remember everything I want to say. This journey that my family went through was most difficult especially for my son. As a mother seeing her son and not accepting his true self at the hands of a conversion therapy is disheartening to say the least. My husband and I were both ignorant and we were concerned for our son's future, what would his life be like as a gay man. My husband was truly worried about our son's life, he decided to seek out a conversion therapist in 2004. Matt was 16 years old, this is where our nightmare began. Matt was a good student, a typical developing teenager into his schoolwork and having fun. The therapist told my husband and Matt there is no such thing as being gay that all we needed to hear that

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2 there was some kind of trauma in Matt's life that
3 made him this way. Matt was searching for his trauma,
4 for five years he was searching to blame anyone who,
5 who he thought might have caused his trauma but he
6 came up empty. The mood swings started, anxiety
7 developed, he woke up every day not knowing who he
8 was, I am sure deep down he knew he was gay in his
9 soul but he was scared to let it come out. He wanted
10 to please his therapist and father and was afraid of
11 how the world will perceive him. Shortly after Matt
12 began this therapy I knew Matt is gay and we needed
13 to address this. So, I went on my own personal
14 bandwagon to help my son to accept his orientation
15 and be proud of who he is. All I would think about is
16 please god help him accept himself, I went through
17 hell with Matt agonizing over the therapy and being
18 gay every day. Matt was put in the position by his
19 therapist to question who he was and who he should
20 be, try to imagine that. So, I was on a mission to
21 have my son accept himself and for me to understand
22 what it is to be gay, I read novels by gay authors,
23 gay self-help books, I spoke to my son and really
24 listened observing his interactions with people and
25 of course meeting lots of gay people myself. What I

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2 observed was that there is no difference between gay
3 and straight in regard to their hopes and dreams, we
4 all want the same things; love and acceptance. I
5 don't blame my husband or myself as much as I blamed
6 the licensed therapist we hired, he guided and
7 convinced us that Matt's orientation can change when
8 we didn't know any better. I am sure there are a lot
9 of people like my husband and I who fed into this
10 therapy. A good therapist would say to... say to
11 parents we cannot change your son or daughter's
12 orientation but we can help you understand it and
13 make peace with it. If conversion therapy is not
14 available to minors, parents will then question
15 themselves and realize there's a good reason not to
16 do it. We must pass this bill and make conversion
17 therapy illegal in New York. if it were illegal when
18 my son was coming out he may not have lost five
19 precious years of his life to an... to this dangerous
20 practice and I could have been a proud mom of a gay
21 son a lot sooner. Thank you.

22 MATHEW SHURKA: Thank you. I don't need...
23 actually don't need this... so, yeah... my name's Mathew
24 Shurka, I grew up in Great Neck, New York which is
25 just outside... 30 minutes from Manhattan and I came

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2 into my father when I was 16 years old and my father
3 was awesome and really loving about my... about my
4 coming out but had his own fears of what that meant
5 for my life and my father had never heard of
6 conversion therapy or reparative therapy and did his
7 own research and came across a conversion therapist
8 here in Manhattan who explained to him that there is
9 no such thing as being anything of the LGBTQ spectrum
10 and that all childhood traumas lead to this... they
11 call it a psychological void or reaction to trauma
12 is... that get acted out in sexuality and that if I can
13 heal the trauma through therapy then my, what they
14 call as I say... as I say same, same sex attraction
15 that's what the disorder I suffered from then if I
16 went to the, the therapy and heal the trauma then I
17 would experience opposite attraction over time and
18 naturally because that... they... what they believe I am
19 innately. So, what that actually looked like I fit
20 the, the actual... you know I guess description on the...
21 I have two older sisters, a mom, there was a lot of
22 feminism according to this therapist in my home and
23 so I had to take away as... the... as much feminists in
24 my home as possible and to increasing masculinity so
25 I can identify with my male peers. What that actually

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2 looked like in reality was I didn't... was not allowed
3 to speak to my mother for about three years including
4 my two sisters. Now my mother and father didn't agree
5 about this and I didn't physically separate from her
6 so what that looked like was me waking up in the
7 morning for school, mom made me breakfast and I'd
8 walk out the door not saying a word eventually just,
9 you know coming from a conservative Jewish home this
10 started to break my family apart and my mother and
11 father disagreements about what my therapy was doing
12 to me and siblings. I believe that... I believe the
13 therapy was working, I became more popular at school,
14 when I was ready to engage and have sexual
15 interaction with women I succeeded but my grades
16 would fail, I had anxiety, I had gone to the hospital
17 numerous times for anxiety attacks and when I was no
18 longer being able to perform the therapist was
19 prescribing me Viagra pills to continue to affirm my
20 heterosexuality. So, over a course of five years I
21 was treated in four different states specifically I
22 started here in Manhattan, my conversion therapist
23 who treated me in Manhattan still works to this day
24 actually because of the last questions you asked
25 previously I just... I looked him up and he's still

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2 advertised on psychology today. One of the problems
3 with these psychotherapists is that in... because of
4 the moving and what's happening in the country
5 they're not advertising... some do actually in the
6 country but here in New York they're saying that we
7 are... we deal with sexuality issues or sexuality
8 problems and don't want to point specifically to
9 reparative therapy or conversion therapy So, my
10 former conversion therapist who still works... he's on
11 17th Street near Union Square and treating minors and
12 adults to alter their sexuality from homosexuality to
13 heterosexuality, it doesn't go the other way around
14 because they believe anything of the LGBT spectrum is
15 the disorder. Since, since now I'm 29 years old, I
16 advocate across the country. This bill is
17 particularly very important, I can answer any of the
18 questions from the previous panel as a part of my job
19 as what I've done in the last five years is to do
20 this research and every single medical organization
21 and psychiatric organization in the country has... is
22 against the use of conversion or reparative therapy.
23 If it was up to the American Psychological
24 Association they would end it completely. They
25 already currently will take away a license if a

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2 therapist is caught doing it, the reason that we went
3 to the state level is because it is the state that
4 licenses the therapist and so the APA is limited up
5 to a certain point. Now I know the city and the state
6 have different rules and regulations but knowing what
7 is... what the APA has done on, on what's happening
8 around the country I will work with everyone from the
9 Health Commissioners Office to giving them the
10 information that they need. The case in New Jersey is
11 very important its... it was a lawsuit so the lawsuit
12 which we now use as case law was... the verdict was
13 that conversion therapy is consumer fraud, if you
14 cannot promise or prove that I can turn a homosexual
15 into a heterosexual then taking money for that
16 service is fraudulent. So, we have the case law there
17 available which specifically to that case in New
18 Jersey the... their offices were based in Jersey City
19 and their target market as a business is the New York
20 City tristate area so even though that specific case
21 was there I think it fully applies here in New York.
22 From a financial point of view my family over five
23 years spent 30,000 dollars on my conversion therapy,
24 it is a business, there's a lot of money involved so
25 we can... we can talk about that and, and the last

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2 thing I'll say before we move onto questions is just
3 that I'm a, a proud gay man and a proud New Yorker
4 and New York City is a place that people from all
5 over the country run to, to come out of the closet, I
6 mean in, in most liberal cities, you don't even have
7 to call them liberal but big cities, you can look at
8 San Francisco, we can look at others but especially
9 New York and... you know so we are a safe haven for
10 these individuals and because this bill includes
11 adults we know that conversion therapy doesn't... it
12 doesn't work for anyone, the APA does not say oh it
13 doesn't work for minors but it totally works for an
14 adult, we know that it doesn't work period even
15 though this is the first bill of its kind to include...
16 or amendment, sorry, to include all ages. So, I think
17 like... I think as a city, as a New Yorker of the city
18 which we are a great safe haven for all these
19 individuals it's important that we do lead the way
20 and if I think about all the individuals that moved
21 to New York City to find a safe place they do give up
22 a lot, they give up, you know their community, many
23 give up talking to their parents, they give up their
24 religious background and they... and they do lose a lot
25 of stability in their life and have to find new

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2 stability and new communities here in New York and I
3 think a lot of these conversion therapists use that,
4 you know and, and certain individuals fall into drug
5 addiction or feeling lonely, these conversion
6 therapists are using that as an advantage to say well
7 come back to this ability and try to see a
8 heterosexual life as a way to feel stable in your
9 life and that's... when the individuals I meet who
10 actually try conversion therapy as adults, I meet
11 people from the age 70, 50, 40 that still try it
12 because they're lost, they lost their homes and
13 they've either fell into drugs or got sick with the
14 HIV virus or other ST... STD's so it's more about
15 creating New York to be a safe place for those
16 individuals and create community here for people who
17 are looking for a safe place. Thank you so much.

18 CHAIRPERSON MEALY: Thank you. Do you
19 have any questions? I just have one, the last
20 administration was saying that there's none in New
21 York are you telling me they can't look that up and
22 see what businesses are, are still doing this process
23 right now, so I feel they were not forthcoming with
24 us really so I know we have to address that?

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MATHEW SHURKA: I think there's a... you know as New Yorkers we have an assumption that everything is cool... are cool here and that, that... it doesn't happen here and most people who meet me and I say I was treated by a therapist on... in Union Square they're shocked that it... that it happens here so, you know I do research, I just come... came back from San Diego where there was a conversion therapy conference occurring and, and I attended to speak with people there, there was 400 people who are seeking to... whether it therapists, pastors, people themselves all looking to convert and there was a gentleman there who represented Higher Ground Dot NYC, it is a conversion therapy center four blocks from Stonewall. So, to think that it doesn't exist, it exists and they're hiding so if you look... go to their... if you go to Higher Ground dot NYC, they don't have an address, they're p.o. box is located at the Madison Center near Penn Station, the... and they're avoiding what the movement is which is we are seeing a huge wave of ending of conversion therapy eight... [cross-talk]

CHAIRPERSON MEALY: That's... [cross-talk]

MATHEW SHURKA: Yeah, go ahead.

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CHAIRPERSON MEALY: Do you think you had shock therapy in it also?

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MATHEW SHURKA: There are many... there are many reports and friends of mine who've experienced electric shock therapy, yes now does that specific place... [cross-talk]

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CHAIRPERSON MEALY: This is... [cross-talk]

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MATHEW SHURKA: ...do it, yes... [cross-talk]

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CHAIRPERSON MEALY: ...still a kid, I mean...

11

[cross-talk]

12

MATHEW SHURKA: So, electric shock

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therapy is legal unfortunately, I mean... or for, for...

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I mean well it depends what its used for, its usually

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used for... in the medical practice for depression but

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the fact that a psychotherapist or any medical

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professional can say I can use electric shock therapy

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to cure your homosexuality is absurd and that's

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what's damaging because it's never been proven or

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worked in such regard.

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CHAIRPERSON MEALY: That's it, thank you.

22

Mr. Dromm?

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COUNCIL MEMBER DROMM: Thank you very

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much and thank you for that really moving testimony,

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it's just incredible to hear that you were treated

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2 quote, unquote on 17th Street in Union Square where
3 everybody thinks oh you know Greenwich Village or
4 East of Greenwich Village in that area anyway and
5 everything should be so cool but yeah, I mean I think
6 also some churches are still preaching this as well,
7 you know and the Catholic Church, you know they have
8 a group called Courage which encourages abstinence
9 minimally and hopefully conversion therapy and that
10 still goes on and so whether they're licensed or not
11 they still encourage it but it's still quackery
12 because you can't convert somebody's... or change
13 somebody's sexuality. So, what was that term you used
14 SSA disorder?

15 MATHEW SHURKA: Yes.

16 COUNCIL MEMBER DROMM: Can, can you
17 describe that a little bit for me?

18 MATHEW SHURKA: So, because they don't
19 believe in anything of the LGBT spectrum everyone is
20 innately heterosexual according to them. so, when
21 you're in the therapy you don't... you're not gay, you
22 describe your condition as SSA, Same Sex Attraction.
23 So, when I was in my therapy I had to, you know how...
24 when did I discover my SSA, is it stronger today, is
25 it less today, is my SSA disappearing, am I finding

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myself more attracted to females now, so you just...
the, the acronym is a way to describe it as a
condition that you'll eventually rid of.

COUNCIL MEMBER DROMM: So, when you went
to this... was it a psychiatrist or a psychologist?

MATHEW SHURKA: Psychotherapist.

COUNCIL MEMBER DROMM: Psychotherapist,
how did they get into the... did you go to... there
specifically to change your sexuality, your sexual
orientation?

MATHEW SHURKA: Yes, I was 16, I was... and
then, you know my father was the one who found the
therapist and... [cross-talk]

COUNCIL MEMBER DROMM: How did he find
one that he thought would be willing to do... [cross-
talk]

MATHEW SHURKA: So, he... my father had
never heard of conversion therapy, he didn't know
what it was but as a... for my father it wasn't
religious, it, it was the fact that I was still young
and if he could offer me what he believed was a
better life as a straight man; worried about
persecution, my job life, my family life, he... you
know he would say I would... I would definitely give

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2 you that opportunity especially if there's a
3 psychotherapist who's a trained professional can
4 offer this for my father it was an opportunity. When
5 he described it to me I was 16 and terrified, I was
6 worried about losing my father's love and approval, I
7 was worried about my community and I'm being told
8 that what life would be like as an out gay man and
9 what horrors I would have to go through. So, my 16-
10 year-old self went into it thinking like I got to
11 give this my best shot and so it... and not at a single
12 point did I not try, I for five years continued to do
13 everything I could to become a heterosexual.

14 COUNCIL MEMBER DROMM: I don't even know
15 where to start really sometimes I'm... but what I was
16 trying to get at really is like did they openly
17 advertise that they could change your sexual
18 orientation or did it come up in therapy where the
19 doctor says oh would you like to change your
20 sexuality or how did that... how did that happen
21 because I don't know that there... are there many
22 psychiatrist or psychotherapists today that would
23 outwardly say, you know or advertise that I can
24 change your... [cross-talk]

25 MATHEW SHURKA: Yeah, so... [cross-talk]

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COUNCIL MEMBER DROMM: ...sexual orientation... [cross-talk]

MATHEW SHURKA: ...if you go to Higher Ground's website they specifically say... [cross-talk]

COUNCIL MEMBER DROMM: Higher Ground... [cross-talk]

MATHEW SHURKA: ...that they will... they will deal with your SSA specifically.

COUNCIL MEMBER DROMM: And where's Higher Ground located?

MATHEW SHURKA: I don't have the exact address and I'm trying to find it, I just discovered them over the weekend but they... the... I met the Executive Director and he specifically said he's four blocks from Stonewall and he's proud to be there so he can... [cross-talk]

COUNCIL MEMBER DROMM: Oh four blocks... [cross-talk]

MATHEW SHURKA: ...that's where he meets... [cross-talk]

COUNCIL MEMBER DROMM: ...from Stonewall... [cross-talk]

MATHEW SHURKA: ...new, new clients, those are his, his words.

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COUNCIL MEMBER DROMM: So, I'm also interested because my mother had the same reaction but I'm a lot older than you, I, I came out in 1973 to my mother and, and my mother said, you know it wasn't being gay that was so much... she feared it was discrimination that she feared, you know in my life fortunately for me she did not recommend, you know therapy but I'm just wondering if you could describe a little bit more your personal reaction to thinking that there might be a cure so to speak.

JANE SHURKA: I... myself I was extremely ignorant and when he said he's confused... I mean I believed always that you're born gay, that's the... that's the extent of... I... my thought process about being gay, I didn't know anything else but that... I had felt that you, you were born gay but when he... my son says he's confused and he... and he needs help and my, my husband said, you know we have to help him and he was concerned so I said okay. I... you know I, I was just totally ignorant. He said, the first six he's going to be straight, he said okay, he said... [cross-talk]

COUNCIL MEMBER DROMM: That's what the...
[cross-talk]

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JANE SHURKA: ...okay, we're going to fix

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this... [cross-talk]

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COUNCIL MEMBER DROMM: ...psychiatrist

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said?

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JANE SHURKA: We're going to fix this,

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it'll be okay, he'll fit like everybody else and I

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say well that's not happening, I realized that this

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is not... I, now looked at my 16-year-old son before

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that I didn't see anything that would make me think

11

he was gay so I'm looking at him now, now I see that

12

he's gay, this is not... you know a mother knows her

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child and, and that's it you real... you know you, you...

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I can see it and I understood it and I said this is

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wrong and we... I tried to, you know have him stop but

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he... you know when you have this... when somebody's

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telling you that we can be straight, straight and

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he's a child and he says you know what I have to try,

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I... you know because if I said anything that you're

20

gay he would be very upset with me so he, he already

21

got this in his head already, this professional, I'm

22

just a mom.

23

COUNCIL MEMBER DROMM: It's just amazing

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to me that we're still not at the point where we can

25

think that, you know it's just okay to be gay, you

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know and people still think that, you know there's some way that you should fix the person or whatever, it's just amazing to me but hopefully one day we'll get there.

CHAIRPERSON MEALY: Guess what... [cross-talk]

COUNCIL MEMBER DROMM: ...hopefully one day. Thank you Chair.

CHAIRPERSON MEALY: Councilman Dromm Higher Ground is at 470 West 24th Street New York, New York.

MATHEW SHURKA: Okay, great, I mean it's not... but that was his description...

CHAIRPERSON MEALY: Yes...

MATHEW SHURKA: At... I was at the Restore Hope conference if you want to look that up, it's an organization specifically Christian based but the pastors are licensed individuals and that's... and because the conference took place in California they had to deal with the fact that its already illegal for minors there but that was his description and... yeah from the Executive Director but thank you for finding that out.

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COUNCIL MEMBER DROMM: Yeah, I, I...

[cross-talk]

MATHEW SHURKA: That might be... I don't know if that's the exact address of their p.o. box address because their website is a p.o. box address just... [cross-talk]

CHAIRPERSON MEALY: Well it is West 24th Street New York 10011 so they have... [cross-talk]

MATHEW SHURKA: Okay... [cross-talk]

CHAIRPERSON MEALY: ...a zip code so it should be... [cross-talk]

MATHEW SHURKA: Okay... [cross-talk]

CHAIRPERSON MEALY: ...a regular mailbox.

MATHEW SHURKA: Okay... [cross-talk]

COUNCIL MEMBER DROMM: Even at their, their headquarters or whatever picking up mail, I mean it is someone local but... [cross-talk]

CHAIRPERSON MEALY: Least its local we can start from there.

MATHEW SHURKA: Yep.

COUNCIL MEMBER DROMM: I mean so, so it's, it's here it's happening and it continues to happen and until New York City does something and the administration steps up the plate on this we're going

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2 to have it... see it continue to go on right here in
3 New York City. Thank you.

4 CHAIRPERSON MEALY: I just want to
5 commend you, thank you for all that you do and keep
6 being an advocate.

7 MATHEW SHURKA: Thank you.

8 CHAIRPERSON MEALY: We're going to have
9 our next panel, thank you.

10 MATHEW SHURKA: Thank you.

11 CHAIRPERSON MEALY: Brooke Cerda Guzman.

12 BROOKE CERDA GUZMAN: Yes, I'm here.

13 CHAIRPERSON MEALY: Cecilia Gentili and
14 Lyndel Urbano, Urbano. Thank you, anyone can start.

15 BROOKE CERDA GUZMAN: I'd rather have
16 Celilia start first because... [cross-talk]

17 LYNDEL URBANO: Yeah... [cross-talk]

18 BROOKE CERDA GUZMAN: ...she actually went
19 through firsthand... she lived the hell that a lot of
20 our, our black and brown trans sisters still go
21 through every day and without any hope. So, I would
22 really... I want to encourage you to be very explicit
23 as you can so you can really move them.

24 CECILIA GENTILI: Hi, thank you all for
25 having this hearing. Before we start I wanted to say

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2 like I'm also a survivor of conversion therapy and it
3 happened to me when I was about five years old and in
4 my case, it was Argentine, it was the 70's, you know
5 it was a dictatorship, you know all that was kind of
6 encouraged. So, I'm happy that today we're talking
7 about this right here because, you know the, the fact
8 that it's still happening is appalling to me and I
9 really cannot believe it. In my case it took homo-
10 replacement therapy and the other way I was given
11 testosterone at, at the five years so... which is
12 unthinkable because of all that suffering like, you
13 know I developed a, a, a series of like mental,
14 mental health issues that took me into like using
15 drugs for so many years and because of that I end up
16 in jail and it was a very dark place in, in, in my
17 life and when I seek recovery I went to recovery and
18 I was placed with men in New York City and we're
19 talking about seven years ago, right so I did 17
20 months of long term treatment living, showering,
21 sleeping, and having my days with men and I look
22 exactly like now and I felt exactly how I feel now
23 which is a woman. At the time, it was very important
24 for me to get my recovery and I decided to go through
25 with it but its... somehow miraculously it, it worked

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2 in my favor but it could have been actually much more
3 worse than what I was looking for, right. During that
4 time, I was encouraged to become a productive member
5 of society, I believe that transgender people cannot
6 be there, cannot get to dream to do what they want to
7 do and become what we call productive members of
8 society which we have to define that, right or so..
9 because it's not enough protections for us. As a
10 transgender person I was denied a home, I went with
11 my partner... we called on the phone, we gave our
12 social security numbers, they ran our scores,
13 everything was great, I am privileged enough to have
14 a job so I had like pay stubs to show and everything
15 they said the apartment is going to be yours, you
16 know for sure, 98 point... 99.9 percent that the
17 apartment is yours, everything is okay until I show
18 up to see it and I was told in my face that the
19 apartment wasn't going to be given to us and that
20 they couldn't explain why that we had to go and
21 that's it, you have no apartment and it, it..
22 specifically when I show up the, the broker was
23 talking in the corner with my partner talking about
24 how the apartment looked like and when I show up that
25 changed, right, I also go to a... you know I'm, I'm

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2 lucky enough to have like a great medical provider
3 that is also transgender how... it doesn't get better
4 than that, right but I get sick on the weekends and I
5 have to go to the hospital, right and I will
6 encounter several horrible feelings of, you know of
7 being discriminated and not being protected, I do
8 know that the city has like a solution on human
9 rights where we can like, you know make our
10 complaints and things like that but you know all of
11 this is very new talking about periods of life and I
12 just wanted to say that, you know although like the
13 city and this state had been working into achieving
14 equality sometimes equality is not enough, we have to
15 create equity, right for those... you know communities
16 that didn't have anything for so long we need that
17 extra step that would take us there to be at the same
18 level than the rest. I was also in jail in, in Rikers
19 Island living with men which... [cross-talk]

20 CHAIRPERSON MEALY: We're going to ask
21 you some questions afterwards... [cross-talk]

22 CECILIA GENTILI: Yes... [cross-talk]

23 CHAIRPERSON MEALY: ...too, thank you.

24 LYNDEL URBANO: Hello, my name is Lyndel
25 Urbano, I'm the Director of Public Policy and

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2 Government Relations at Amida Care. Amida Care is a
3 not for profit Medicaid Health plan. We focus on
4 providing comprehensive health services to people who
5 are living with chronic conditions, people who are
6 living with HIV, people who are homeless and
7 generally people who are at high risk of being at
8 risk at a... being... of acquiring HIV. So, the... we're
9 here to support this legislation because we believe
10 that LGBT people in New York City deserve to be
11 treated with, with, with equal rights and dignity,
12 it's all... it's primarily about dignity, right, and so
13 the... we know what it means... would mean for our
14 members in the communities we serve and in 2017 it's
15 unconscionable that people that who are still... are
16 still being denied their employment and subject to
17 discrimination and degrading and demeaning conversion
18 therapy and even violence simply be... based on their...
19 the actual perceived sexual orientation, gender
20 expression, or identity, right, the, the proposed
21 measures here that are proposed today like the
22 Resolutions and the legislation really demonstrate
23 New York City's commitment to the LGBTQ community and
24 sets an example for other jurisdictions that all
25 people should be treated with respect and dignity.

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2 And we urge passage of this legislation. I would say...
3 also like to add that in the time when basic access
4 to health care and safety net programs for hard
5 working New Yorkers are threatened by federal
6 proposals to tear apart Medicaid and the US social
7 safety net its more important than ever that New York
8 City really stand strong and secure to bring a more
9 inclusive... of inclusiveness, right? As we heard
10 earlier today there are holes here, you know we need
11 to do more and we need to do all that we can as a
12 city to protect the rights of LGBTQ people. For us as
13 a health plan it's really important that we address
14 the needs of the people who are most underserved. One
15 population that's tremendously underserved is the
16 transgender community. Surveys that have been done
17 show that, that transgender people face really high
18 barriers accessing health care, accessing employment,
19 accessing just the basic services that keep them
20 healthy and well and unfortunately people who are
21 living... people who are transgender have a much higher
22 chance of get... of acquiring HIV than other
23 populations and that... there's no good reason for that
24 other than the fact that they are discriminated
25 against and singled out for these really... this really

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2 unconscionable treatment. At Amida Care we, we work
3 hard to really make sure our people who are
4 transgender receive quality and competent care,
5 access to care. We have over 400 people who are
6 transgender in our plan and we, we welcome them and
7 we, we're seeking to serve even more. We want to
8 serve people whether they're HIV positive... H, H...
9 transgender people whether they're HIV positive or
10 not and we've been advocating for that for years and
11 finally the state is giving in, in October of this
12 year will give us the ability to do that and we will
13 continue to provide those services to people and I'll
14 just like to add by saying thank you for having this
15 hearing, this is incredibly important and we urge
16 passage of the legislation and the Resolutions.

17 BROOKE CERDA GUZMAN: Good afternoon, my
18 name is Brooke Cerda Guzman, I was born in 1965 in
19 Ghadawhala, Mexico. I'm very nervous, you know I've
20 been here since 1989 and the reason I'm nervous is
21 because, you know hundreds of thousands of black and
22 brown transwomen's lives depend on, on, on your
23 mercy, on your sense of decency. I've been dedicating
24 the last seven years of my life as a... to be a
25 community organizer and a herstorian and I have seen,

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2 you know horrors at all levels on, on the ground
3 field, I, I see so many black transwomen that their
4 only option is to sell their body, engage in survival
5 sex. While we continue... you know as like me and
6 Cecilia we are the exception, you know we are... we are
7 like, you know very rare that you see a... especially a
8 black transwoman, you know achieve what we had
9 achieved. So, I'm, I'm just here because I'm very
10 liberally angry, I, I really feel... think this is foul
11 play the fact that we are going to be asked questions
12 by these people who have nothing to, to do with, with
13 are community and they want nothing to do with our
14 community. I have sent emails, calls to various city
15 councils; Latisha James, we lost the main support
16 group that we had here in New York City two years ago
17 at Housing Works on 13th Street twice a week we were
18 able to have dinner and a metro card at the trans
19 empowerment project, it was downsized to a, PHP and
20 now you know barely you get ten transwomen of color...
21 ten transwomen period in a tiny little room while,
22 you know Charles King just like, you know say well,
23 you know have to go to East New York and, you know I
24 mean it was... it was a huge loss and I felt totally
25 blocked, I feel like, you know we have so many out

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2 gay men and, and women in, in office, in public
3 offices and they're all gate keepers, they don't let
4 transwomen in office, if we are not in office, you
5 know... if we don't have anybody to tell us where the
6 next blow is going to be coming from, I mean we are..
7 we are lost, we are lost, you know I just saw the
8 privileged to have, you know gay people from here,
9 this side from gay people from that side, you know
10 it's a lot of homocentric that's homocentric, I don't
11 know if this thing is on, is this on? Okay, so, so
12 that's homocentric, give us a break, give us a break.
13 My sisters are dying, last year we lost at least 25
14 black transwomen in this country, it was a
15 slaughterhouse, you would think this year they would
16 come out with a vengeance to pass the gender
17 expression nondiscrimination act. No, they're saying..
18 they're saying that's a definition of insanity, doing
19 the same thing over and over again expecting
20 different results. So, so a lot of lives are on the
21 line and by playing respectability politics, by... like
22 you know... I mean a lot of transwomen like myself I
23 didn't know I was a woman until I was 40 years old
24 that's, that's how impossible it is and every time
25 you try to assert yourself they tell you that you're

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2 crazy, we don't even need conversion therapy, I don't
3 know what happened to me but I can... I, I'm almost
4 certain that I was abused as a baby, you know there
5 was a case five years ago in Long Island this, this
6 father shoots his baby so much because he was acting
7 so feminine that he killed him, you know for, for
8 expressing, you know feminism. We are women, we are
9 women of trans experience and there's no doubt in,
10 in, in my... in, in any of my bones that the feminine
11 essence lives in me and the feminine essence demands
12 me, you know to, to, to be myself, to live in, in my
13 truth. I know a lot of gays, I've taken that out...
14 that out from, you know Lourdes Ashley Hunter that
15 she's start, started saying, you know living in our
16 truth and now everybody's living in their truth.
17 Every time we do something that appropriate our
18 culture not ours, I mean from black transwomen, you
19 know everything, it was a black trans women who
20 started the, the stonewall uprising and, and still we
21 hear now conversion therapy only... I mean like five
22 out of the, the ten people speaking there was talking
23 about sexual orientation and, and it can be... it can
24 be either, either way, it can be either way because,
25 you know they tell you you're, you're a gay man,

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2 you're a gay man and that's our... your prison, that's
3 your prison, that's, that's all you can be just a gay
4 man and just tell them no and you'll think that your
5 crazy so, so you know a lot of us we go crazy into
6 drugs, addition and, and, and whatnot, you know they...
7 we have to make safe spaces for, for my black trans
8 sisters to be here in this room, they don't feel safe
9 and, and they feel burned out, we have been promised
10 so many times, so many things, you know I currently I
11 am the Vice Chair of the Client Advisory Board at
12 GMAC and every time I approach one of my sisters they
13 roll their eyes, say girl I have... I was there before
14 you and they did me wrong and, and so on and so on,
15 we have now lost our project they fired the only
16 transwoman they have working at their trans justice
17 project, you know... you know it's a... how can you have
18 a project called trans justice with, with no...
19 especially no black transwomen which is like social
20 justice organization and preaching that you have to
21 be intentional and intersectional but they are the
22 least intersectional and... orientationally so I, I am
23 very, very, very upset, I, I want you all to, to
24 think like so many lives are, are, are on the line,
25 so many lives you, you know... you mean... I mean, you

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2 know as a light skinned pale Mexican woman, you know
3 I, I have to hold... I have to be aware of my
4 privilege, I have a lot of privilege, I have had a
5 YouTube channel for almost two years, I have not been
6 shut down, I have seen a... you know Facebook pages,
7 twitter accounts from black people being shut down
8 and not being listened to, you know so imagine now,
9 you know being a black woman and then on top of that
10 being trans, that's another visible identity that
11 weights on you and like Cecilia said every time you'd
12 show up they might like you over the phone or on an
13 email but the moment you showed up unexpectedly
14 everything unravels and nothing comes through for us,
15 we have no protections, no nothing, we are the only
16 community that's homeless, we don't have a, a
17 national community center for transwomen, I have been
18 for the last seven years I've been knocking on doors
19 because I'm undocumented, I say please I need
20 somebody with a green card to put in the 501C3 so we
21 can get, you, you know or bylaws and or innovation
22 and the Board of Directors and have a house just like
23 the one the gay men have on, on 13th Street and if
24 you don't believe me that's a gay center just shoot
25 him up an email, it will be such and such as at the

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gay center dot org so that's very, very, you know its
normative institution that I don't know a transwomen
feels welcome at... [cross-talk]

CHAIRPERSON MEALY: Thank you... [cross-
talk]

BROOKE CERDA GUZMAN: ...you know.

CHAIRPERSON MEALY: Thank you, I would
love... do you have any questions... I just have one
question, how often have you used a human, human
rights commission?

CECILIA GENTILI: I used it once, I
didn't... at the time that that happened I didn't know
about it so I didn't... it didn't occur... [cross-talk]

CHAIRPERSON MEALY: How did you... [cross-
talk]

CECILIA GENTILI: ...to me... [cross-talk]

CHAIRPERSON MEALY: ...find out about it?

CECILIA GENTILI: I did find out because
I work at... I'm the Director of Policy at GMAC so we
work closely with them so now I do know and I follow
like, you know every step that I need to get there...

CHAIRPERSON MEALY: That's good because
it's very important, it's against...

CECILIA GENTILI: Yes... [cross-talk]

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CHAIRPERSON MEALY: ...that's

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discrimination of housing I passed at legislation in

4

regard to gender so I would love to know how... we can

5

let everyone know...

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CECILIA GENTILI: Yeah, yeah, yeah. I

7

think like organizations... [cross-talk]

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CHAIRPERSON MEALY: Once you talk over

9

the phone... [cross-talk]

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CECILIA GENTILI: ...that are doing the

11

great work and like spreading, you know the word, I,

12

I wanted to say since I... you know you, you allow me

13

to it is places that Council Member Dromm said that

14

are religious that are... and, and I can show you in,

15

in social media how they promote that they will cure

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you, they, they will, you know take away... and, and

17

you know they have pictures of like, you know

18

transwomen and how they became men and they're free

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and they're, they're free... [cross-talk]

20

CHAIRPERSON MEALY: Free?

21

CECILIA GENTILI: Yeah, you don't... you,

22

you know you just have to attend that, that church so

23

that's... [cross-talk]

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CHAIRPERSON MEALY: The church is doing

25

it... [cross-talk]

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CECILIA GENTILI: ...happening... yeah, yeah...

[cross-talk]

CHAIRPERSON MEALY: ...for free?

CECILIA GENTILI: ...yeah... [cross-talk]

CHAIRPERSON MEALY: Okay... [cross-talk]

CECILIA GENTILI: ...they do it... you know
but it's happening and so... sometimes it's not just
about money, it's about I guess like the message that
that sends and... yeah... [cross-talk]

CHAIRPERSON MEALY: Okay, can I ask you
another question while you were incarcerated were you
on, on any hormone pills or anything?

CECILIA GENTILI: No, I wasn't given
anything and I was... [cross-talk]

CHAIRPERSON MEALY: Were you on...

CECILIA GENTILI: Yes.

CHAIRPERSON MEALY: Did they supply...

CECILIA GENTILI: No.

CHAIRPERSON MEALY: That's a problem.

CECILIA GENTILI: Yeah... [cross-talk]

CHAIRPERSON MEALY: I've been speaking
with the correction, the policy, everyone that's a
problem, you're supposed to still get your medical
so... [cross-talk]

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CECILIA GENTILI: I wasn't getting anything... [cross-talk]

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CHAIRPERSON MEALY: ...that's another... [cross-talk]

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CECILIA GENTILI: I was also detoxing from heroine and I wasn't given the medicine... [cross-talk]

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CHAIRPERSON MEALY: Sorry, to hear.

CECILIA GENTILI: Yeah and so it was...

[cross-talk]

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CHAIRPERSON MEALY: But thank you for being here, you look fabulous.

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CECILIA GENTILI: Thank you for having me... [cross-talk]

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BROOKE CERDA GUZMAN: Well to answer your question I've sent about ten transwomen and two transmen to the Commission on Human Rights and none of them got results so I stopped, I stopped, you know I'm, I'm not going to refer them to the same thing with anti-balance project, it's a very, very low project and so it... you know it's just like they started the cases very strong, sure we're here for you and in middle... in midair they drop it and then it's like, you know communication, I... you know I

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2 don't have anything nice to say... to say about, about
3 this organization.

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CHAIRPERSON MEALY: So, you should always
5 follow up whatever area it is, speak to the Council
6 Member of that area, let them follow up just as well
7 because no matter what if you're making that call
8 something is wrong so we have to keep documenting it,
9 that's the only way we can get things really done and
10 bring it to the forefront. So, please don't give up,
11 always give out that number, make sure... if we don't
12 have the data to know what is going on we really
13 can't address it.

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BROOKE CERDA GUZMAN: Well yeah but its,
15 it's just like myself I'm by myself, I don't have no
16 salary, I'm living on HASA and I have never been
17 supported by Amida Care, as a matter of fact three
18 weeks ago they shut down my benefit card which I had
19 already updated, updated my information because I, I,
20 I'm still in the process of aligning my document... all
21 my documentation... [cross-talk]

22

CHAIRPERSON MEALY: Okay... [cross-talk]

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BROOKE CERDA GUZMAN: ...and my gender
24 identity's not a transition, it's an alignment but
25 these people they call it a transition, it's not a

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2 transition, you transition to another life, you know
3 when you die so, so it's an alignment so I had
4 already aligned my benefit card and they shut it down
5 and I called my HASA worker and she say I don't know
6 what happened, the next day she say oh they send me
7 an email saying that you need to bring proof of...
8 that, that you had a vaginal-plasty in order for us
9 to, to, to give you an update, which the Medicaid...
10 the benefit cards are not even gender anymore and
11 what about my name so, so they, they... I went to 16th
12 Street I believe it's 16th Street by Unions Square,
13 I... they blasted that name over the microphone, I say
14 I did not update it, they gave me the heads up... the
15 heads up saying that it was not going to be the name
16 on my... on my... you know my New York State ID, it was
17 not going to be the name, they gave me the heads up
18 but they did not give me the heads up that they were
19 going to blast that name... [cross-talk]

20 CHAIRPERSON MEALY: So, maybe you need to
21 sit down with one of the elected... I have free
22 immigration lawyers... [cross-talk]

23 BROOKE CERDA GUZMAN: I am free all day,
24 I'm just sitting by my house by my house, nobody
25 calls me... [cross-talk]

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CHAIRPERSON MEALY: Every Wednesday at my office... [cross-talk]

BROOKE CERDA GUZMAN: ...they're blocking me... [cross-talk]

CHAIRPERSON MEALY: ...every Thursday... [cross-talk]

BROOKE CERDA GUZMAN: ...they're actually blocking me from everything I want to do... [cross-talk]

CHAIRPERSON MEALY: ...is immigration... we... [cross-talk]

BROOKE CERDA GUZMAN: ...because these people they think they know better than us.

CHAIRPERSON MEALY: Well we need to documentation. Well I want to thank this panel, I really appreciate it and Emilio Care is right there, you could speak to him in the hallway.

BROOKE CERDA GUZMAN: Well I have spoken to so many... [cross-talk]

CHAIRPERSON MEALY: We have the information right here... [cross-talk]

BROOKE CERDA GUZMAN: ...and, and they saw that... they saw that they, they reversed my gender marker end of May... [cross-talk]

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CHAIRPERSON MEALY: He's right here let's try to make something happen, timing is everything. Thank you so much, thank you for this... oh I'm sorry you wanted... okay... [cross-talk]

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BROOKE CERDA GUZMAN: Yeah, I just want to say that there's, there's still a lot more topics to, to, to talk about, I mean... [cross-talk]

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CHAIRPERSON MEALY: And I think... [cross-talk]

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BROOKE CERDA GUZMAN: ...we, we, we have no... [cross-talk]

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CHAIRPERSON MEALY: ...Council Member Dromm for bringing this... [cross-talk]

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BROOKE CERDA GUZMAN: ...yeah, but, but we have... [cross-talk]

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CHAIRPERSON MEALY: ...in the forefront... [cross-talk]

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BROOKE CERDA GUZMAN: ...yeah, we depend on, on crumbs, these, these are crumbs basically, we don't have any, anyone of us, anybody who looks like us really in the... in any position, anything not even a secretary, not even the, the person who brings the coffee so... [cross-talk]

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CHAIRPERSON MEALY: No, I can't say... uh-
huh...

BROOKE CERDA GUZMAN: Well, okay so they
bring the coffee, I... you know that's, that's no
progress, its 2017, 2017 Barney Frank they kick us
out of, of, of the bill saying that we're going to
focus on marriage equality and they were going to
come back for, for transwomen and they never did,
they... he, he quit so... [cross-talk]

CHAIRPERSON MEALY: So, you're... [cross-
talk]

BROOKE CERDA GUZMAN: ...we're still
waiting, when is our turn, when is our turn...

CHAIRPERSON MEALY: Ma'am?

BROOKE CERDA GUZMAN: This year we have
nine black transwomen murdered so far, this year to
no avail nobody... where's the outrage, where's the...
you know I mean it's like for, for real, I have... I
have... I have the most concern... [cross-talk]

CHAIRPERSON MEALY: You just gave us...
[cross-talk]

BROOKE CERDA GUZMAN: ...for my sisters...
[cross-talk]

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CHAIRPERSON MEALY: ...the outrage here, this is on public television, people will see and maybe will start something, you got to start somewhere.

BROOKE CERDA GUZMAN: Well I, I sure hope so because... [cross-talk]

CHAIRPERSON MEALY: And I hope you get your 501C3... [cross-talk]

BROOKE CERDA GUZMAN: ...you know I'm not going anywhere even if I get deported, trust me wherever I am I'm going to continue and, and you know this is an outrage, this is... this is... [cross-talk]

CHAIRPERSON MEALY: Keep screaming... [cross-talk]

BROOKE CERDA GUZMAN: ...this is being, being blocked, this is being blocked, these are professional gatekeepers.

CHAIRPERSON MEALY: Thank you, we'll have our next panel, thank you so much.

LYNDEL URBANO: You're welcome.

CHAIRPERSON MEALY: Lauren Better, Kristen Burzynski, Burzynski...

KRISTEN BURZYNSKI: Its close... Burzynski, it took me two years... [cross-talk]

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CHAIRPERSON MEALY: Burzynski... [cross-

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talk]

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KRISTEN BURZYNSKI: ...to learn how to

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spell it too.

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CHAIRPERSON MEALY: Thank you so... thank

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you. Thank you for coming, anyone can start.

8

LAUREN BETTERS: Good afternoon Chair

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Mealy and members of the Civil Rights Committee.

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Thank you for allowing me to testify today and thank

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you to those who testify... testified previously on the

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conversion therapy. My name is Lauren Betters and I

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am a Staff Attorney at the Gender Equality Law

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Center, a nonprofit law and advocacy organization. We

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believe that all individuals should have equal and

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equal opportunities to succeed regardless of gender,

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gender identity, gender expression, or sexual

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orientation. I would like to thank Senator or

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Councilman... Council Member Dromm for drafting Intro

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1186 calling upon council to amend this New York City

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Human Rights Law, definitions of sexual orientation

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and gender. Currently the law is more progressive

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than most state's localities and federal protection

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but this bill gives more visibility to the LGBTQ

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community and acknowledges a broader scope of sexual

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2 and romantic preferences that have been recognized.
3 Sexuality invisibility impacts the ability of queer
4 individuals to access health care, earn an equal
5 wage, receive fair treatment in the workplace, and
6 obtain public resources to address their specific
7 needs. Local legislation is becoming increasingly
8 important given our current political climate. Last
9 week the Department of Commerce moved gender identity
10 and sexual orientation from its equal opportunity
11 employment statement. The federal government's latest
12 attempt to disregard protections specifically drawn
13 out for the LGBTQ community. In the movement for full
14 equality and dignity for people of all sexual
15 orientations and gender identities, New York City
16 must lead the charge by expanding definitions that
17 currently constrain these identities to a limited
18 paradigm. A person's gender is a complex
19 interrelationship between an individual's body,
20 gender identity and expression. Each of these
21 dimensions can vary greatly across a range of
22 possibilities. Viewing gender as a binary concept
23 fails to capture even the biological aspect of gender
24 let alone gender identity and gender expression. Even
25 those who vary only slightly from preconceived norms

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2 are targets of disapproval, discrimination,
3 harassment, and violence. We see this regularly in
4 our work from a gay college student being
5 discriminated against on campus a gender non-
6 conforming kindergartner whose teachers don't know
7 which box to put him in. we are establishing a
8 growing language for gender and we no longer feel
9 bound to identify or express within the strict gender
10 binary a reflection of a far more nuance
11 understanding of the experience of gender itself. As
12 fundamental aspects of identity gender and sexuality
13 deeply influence each part of our lives. When these
14 crucial aspects of self are defined... are narrowly
15 defined or rigidly enforce individuals who exist
16 outside of a heteronormative and cisgender framework
17 face innumerable challenges. This does not have to be
18 the case, through recognizing gender diversity in our
19 law and validating each person's experiences we can
20 develop greater acceptance and protections for all.
21 So, we thank the council for its time and
22 respectfully request the passage of Intro 1186.

23 CHAIRPERSON MEALY: Thank you.

24 KRISTEN BURZYNSKI: Good afternoon, my
25 name is Kristen Burzynski and I am a Legal Fellow at

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2 the New York Civil Liberties Union, the NYCLU. First
3 of all, I would like to thank the Committee on Civil
4 Rights specifically Council Member Dromm for all of
5 the work that you do to support the LGBTQ community
6 and for allowing the NYCLU to provide testimony today
7 in opposition to Intro 1186 in its current form, a
8 bill amending the definitions of sexual orientation
9 and gender in the New York City Human Rights Law. For
10 nearly 100 years the NYCLU and myself for a much
11 shorter time has worked in the courts, legislatures
12 and communities to defend and preserve the individual
13 rights and liberties guaranteed by the United States
14 constitution and the state of New York including the
15 right to be free from discrimination on the basis of
16 one's sexual orientation and gender identity.
17 Likewise, the New York City council was on the
18 vanguard of adopting explicit protections for the
19 lesbian, gay, bisexual, and transgender community in
20 the city's Human Rights Law, one of the most powerful
21 anti-discrimination laws in the country. This law
22 sends a clear signal to employees, landlords and
23 purveyors of public goods and services that
24 discrimination because of a person's sexual
25 orientation sex or gender is unacceptable. For these

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2 reasons, the human rights law's definition of sexual
3 orientation and gender are of great importance but it
4 is a challenge to create definitions that provide
5 clarity while also ensuring that the law protects
6 those it is intended to benefit. We agree with the
7 sponsors of Intro 1186 that maximizing the number and
8 diversity of LGBTQ individuals that are protected
9 from discrimination and public accommodations,
10 employment, and housing is imperative but because the
11 definition's provided in Intro 1186 are unnecessarily
12 complex and confusing they have the potential to
13 unduly limit who is protected by the human rights
14 law. Looking first to the definition of sexual
15 orientation in the proposed amendment we agree that
16 the existing definition, pardon me, which only
17 includes heterosexuality, homosexuality, or
18 bisexuality does not adequately capture the diversity
19 of sexualities in New York or anywhere but the
20 proposed definition goes too far in the other
21 direction by including actual or perceived emotional
22 attraction or attachment to another person. The term
23 conceivably captures any meaningful relationship with
24 another person including platonic friends and family
25 members. This unduly inflates the law to protect

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2 against discrimination in nearly all relationships
3 thereby unintentionally harming its ability to
4 specifically protect the queer community. Regarding
5 the proposed amendment to the definition of gender,
6 the NYCLU strongly opposes the addition of the phrase
7 operative status. The transgender and gender non-
8 conforming community has long struggled to gain basic
9 rights without proof of gender affirming surgeries.
10 Conflating gender with operative status reinforces
11 the harmful notion that one's gender is defined by
12 their reproductive anatomy. We also oppose the
13 inclusion of the phrase purported sex in the
14 definition of gender. The term purported meaning to
15 appear or claim to be or do something especially
16 falsely has a negative connotation and suggests that
17 there is something false or insincere about a trans
18 person's identity. In fact, it is the belief that
19 transgender people are not quote, "real" women or
20 quote, "real men" that drives much of the harassment
21 and discrimination that they face. Using the term
22 purported gives credence to this discrimination and
23 it has no place in the city's human rights law. In
24 closing we urge the committee not to adopt Intro 1186
25 in its current form but to further consider the most

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inclusive and effective ways to define sexual orientation and gender before making this amendment to the human rights law. We hope the committee will consult with additional advocacy groups particularly in the transgender and gender non-conforming communities in that process. The NYCLU would also welcome the opportunity to work with the communities on this important piece of legislation to achieve our shared goal of providing comprehensive civil rights protections for all New Yorkers. Thank you so much.

CHAIRPERSON MEALY: Thank you, I guess you got us looking now. I'm going to turn this over to Mr. Dromm, my colleague.

COUNCIL MEMBER DROMM: Thank you very much and thank you for coming in and for giving testimony.

KRISTEN BURZYNSKI: Thank you.

COUNCIL MEMBER DROMM: I'm not exactly sure but why do you think it goes too far, don't you think anybody should be protected from discrimination for... and, and not be able to fire from their job except for job performance, I'm, I'm not exactly... when you say too far what do you mean by the law goes too far?

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KRISTEN BURZYNSKI: So, as written in the amendment the law now extends protections to potentially any relationship one has. So, it could be to one's best friend or their grandmother and in doing so in expanding the definition to include literally everyone we're no longer protecting the marginalized community that the bill intends to protect. Also, if I... if I may to be... [cross-talk]

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COUNCIL MEMBER DROMM: Sure...

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KRISTEN BURZYNSKI: ...to be clear Council Member Dromm we do endorse expanding the definition but through broader more inclusive terminology that we, we are willing to discuss.

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COUNCIL MEMBER DROMM: Sure. So, I mean I'm just trying to get at... because I think the, the term... this is what I was looking for, the term sexual orientation means actual perceived sexual, physical, emotional, or romantic attraction or attachment or the lack thereof so what's... what is... I don't understand the objection to those words?

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KRISTEN BURZYNSKI: So, our objection... we, we haven't crafted an alternate legislation that we are prepared to present, we have discussed it within our office. We don't take issue with, with the

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term physical, romantic, or potentially what, what was the third you cited... [cross-talk]

COUNCIL MEMBER DROMM: Sexual, physical, emotional, or romantic attraction.

KRISTEN BURZYNSKI: So, sexual, physical, and romantic makes sense...

COUNCIL MEMBER DROMM: Emotional?

KRISTEN BURZYNSKI: Emotional is what expands the law to include potentially... [cross-talk]

COUNCIL MEMBER DROMM: So, if you... [cross-talk]

KRISTEN BURZYNSKI: ...anyone... [cross-talk]

COUNCIL MEMBER DROMM: ...emotional out... [cross-talk]

KRISTEN BURZYNSKI: ...so... [cross-talk]

COUNCIL MEMBER DROMM: ...you, you'd... [cross-talk]

KRISTEN BURZYNSKI: ...right so if you're talking... [cross-talk]

COUNCIL MEMBER DROMM: ...be happy... [cross-talk]

KRISTEN BURZYNSKI: ...about... like your mom you have an emotional attachment to potentially your mother and so in broadening the definition its taking

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away that bills power, this law's power to protect the LGBTQ community specifically.

COUNCIL MEMBER DROMM: So, what about protections... what about protections for those who are asexual?

KRISTEN BURZYNSKI: That would absolutely be included in the law and, and I might... [cross-talk]

COUNCIL MEMBER DROMM: But isn't that... [cross-talk]

KRISTEN BURZYNSKI: And, and I might... [cross-talk]

COUNCIL MEMBER DROMM: ...also based on the emotional?

KRISTEN BURZYNSKI: Well asexual community has a range of attachments and emotions absolutely emotional connections are, are something that is talked about in the asexual community in so far as this... community specific terminology however while that is true and may have a specific meaning within the asexual community translating it to legislation without further clarification does open it to a very broad interpretation. As you know the, the law still very rarely... [cross-talk]

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COUNCIL MEMBER DROMM: So, it's just...
it's just... [cross-talk]

KRISTEN BURZYNSKI: ...makes us... [cross-talk]

COUNCIL MEMBER DROMM: ...it's just hard
for me to understand why you would oppose the
legislation based on basically one word.

KRISTEN BURZYNSKI: That's not all we're
opposing the legislation on respectfully... [cross-talk]

COUNCIL MEMBER DROMM: So... [cross-talk]

KRISTEN BURZYNSKI: Council, Council
Member Dromm.

COUNCIL MEMBER DROMM: What, so what,
what... [cross-talk]

LAUREN BETTERS: A couple words... [cross-talk]

COUNCIL MEMBER DROMM: So what... so, so...
[cross-talk]

KRISTEN BURZYNSKI: A few... a few clauses,
yes.

LAUREN BETTERS: Operative status...

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COUNCIL MEMBER DROMM: Operative... so operative status, let's go to operative status, right?

KRISTEN BURZYNSKI: Sure.

COUNCIL MEMBER DROMM: As for your opposition to the inclusion of operative status do you not see instances where transgender individuals would be discriminated against because they may or may not have undergone surgery?

KRISTEN BURZYNSKI: Right, so I think that the... our... I think that the, the intent in operative status is a good intent, I think that after talking to advocates and different folks who work in these issues it is... the intent is correct however the way its specifically written in the bill makes it look like operative status is a proxy or at least part of defining gender so it says operative status and I don't have the, the text in front of me, I apologize does, does somebody have the proposed... [cross-talk]

COUNCIL MEMBER DROMM: Yeah, I could read it to you, the term gender shall include actual perceived or purported sex and shall also include... and we... by the way we, we, we were working on the

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word purported as well, also include a person's gender identity, self-image, appearance, physical characteristic, operated.. operative status, behavior, or expression.

KRISTEN BURZYNSKI: Right so, operative..

[cross-talk]

COUNCIL MEMBER DROMM: But it should not be based on operative status?

KRISTEN BURZYNSKI: Well but the.. the term.. right, so.. [cross-talk]

COUNCIL MEMBER DROMM: Or, or even no decision at all.

KRISTEN BURZYNSKI: So, the definition says gender may include and then it goes on to include operative status in that definition. If we are to believe that all of those things are important to determining one's gender it opens up the opportunity to exclude people based on their operative status, by including it as part of the definition it thereby becomes a tool for discrimination. I think that it is.. it does make sense and it is very important to put operative status in an exclusionary clause so saying and I believe the next clause says regardless of operative

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2 status and I think that's important to include or
3 just a broad terminology that does not touch
4 operative status because it doesn't need to because
5 it has a broad applicability. I just think that
6 operative status and the NYCLU believes that
7 operative status should not be part of the definition
8 of gender. Often when we're evaluating legislation in
9 our litigation we will look to the, the way that a
10 law defines something and balances those different
11 ways to determine how we can get at what we want to
12 get at so if we looked to that law to say how can we
13 assert someone's gender in this circumstance we might
14 have a problem with operative status if our client
15 had not chosen to have gender confirmation surgery
16 for instance and that's a tool that could then
17 thereby be wielded against us by a less well-meaning
18 litigator.

19 COUNCIL MEMBER DROMM: Uh-huh. So, it's
20 more the placement of the work then it is with the
21 inclusion of the word?

22 KRISTEN BURZYNSKI: Yes, so especially in
23 the first clause.

24 COUNCIL MEMBER DROMM: Okay, so we, we
25 can work on that.

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KRISTEN BURZYNSKI: We... yes, I mean...

[cross-talk]

COUNCIL MEMBER DROMM: Yeah... [cross-talk]

KRISTEN BURZYNSKI: ...we have a... yep, you know... [cross-talk]

COUNCIL MEMBER DROMM: Right, okay...

[cross-talk]

KRISTEN BURZYNSKI: ...I don't have the time but...

COUNCIL MEMBER DROMM: Yeah, okay.

Alright, so, so... no, just I thought at the end...

[cross-talk]

KRISTEN BURZYNSKI: But we'd like to work with you... [cross-talk]

COUNCIL MEMBER DROMM: ...that you were in opposition to the legislation but I guess you're saying in opposition to the way that it... those words are included or where they're included.

KRISTEN BURZYNSKI: Yes, so I know it's not technically a term but we would probably couch it as qualified opposition, we are definitely in favor of the spirit of the legislation what we would like to do is work to really hone the text so that it is

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addressing exactly what we want it to address and you want it to address as well.

COUNCIL MEMBER DROMM: Very good, thank you.

KRISTEN BURZYNSKI: Thank you.

CHAIRPERSON MEALY: Indeed there's a misconception of transgender people are not real to purport sex so you feel that should come out that's saying that even if they are... if someone got a half done they are not truthful that's what this is really saying that you should take it out?

KRISTEN BURZYNSKI: You're referring to the work purported?

CHAIRPERSON MEALY: Yes.

KRISTEN BURZYNSKI: What do you mean by half?

CHAIRPERSON MEALY: I'm saying it's like falsely saying that the identity that the person didn't get the full transition?

KRISTEN BURZYNSKI: So, the... this isn't specifically speaking to transition as far as you... I believe you're referring to like gender confirmation surgery... [cross-talk]

CHAIRPERSON MEALY: Yes... [cross-talk]

COMMITTEE ON CIVIL RIGHTS

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KRISTEN BURZYNSKI: ...specifically so
that... [cross-talk]

CHAIRPERSON MEALY: ...and the real man or
real woman.

KRISTEN BURZYNSKI: Right, so regardless
of operative status as we were talking about
transgender individuals face accusations that they
are not real men or real women so when we talk about
transgender individuals using public restrooms people
are saying well we don't want a, a man in the women's
restroom, well there's not a man in the women's
restroom, there's a women in the women's restroom and
so when we're afford... when we hear the word purported
sex that has the connotation of claiming or appearing
to claim that it is a false representation of one's
identity when really it is a genuine expression of
one's identity.

CHAIRPERSON MEALY: Okay, thank you...
[cross-talk]

COUNCIL MEMBER DROMM: I think we're good
with taking the word purported out too so...

KRISTEN BURZYNSKI: Great.

COUNCIL MEMBER DROMM: Strike one... strike
a victory there, yeah.

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KRISTEN BURZYNSKI: Thank you..

CHAIRPERSON MEALY: That's a victory,
okay then. Alright, any other questions. We want to
thank you for your testimony..

KRISTEN BURZYNSKI: Thank you very much.

CHAIRPERSON MEALY: Thank you so much.
Alright, without further ado.. you want to.. you have
any closing statements, I'll give it to you.. [cross-
talk]

COUNCIL MEMBER DROMM: My only closing
statement is, thank you Chair Mealy for this
wonderful hearing and always making a commitment to
human and civil rights, thank you very, very much.

CHAIRPERSON MEALY: Thank you and this
hearing is now closed, thank you.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 14, 2017

2014 WL 991474 (C.A.3) (Appellate Brief)
United States Court of Appeals, Third Circuit.

Tara KING, ED.D., individually and on behalf of her patients, Ronald Newman, PH.D., individually and on behalf of his patients, National Association for Research and Therapy of Homosexuality (NARTH), and American Association of Christian Counselors (AACC), Plaintiffs-Appellants,

v.

Christopher J. CHRISTIE, Governor of the State of New Jersey, in his official capacity, Eric T. Kanefsky, Director of the New Jersey Department of Law and Public Safety: Division of Consumer Affairs, in his official capacity, MILAGROS COLLAZO, Executive Director of the New Jersey Board of Marriage and Family Therapy Examiners, in her official capacity, J. Michael Walker, Executive Director of the New Jersey Board of Psychological Examiners, in his official capacity; and Paul Jordan, President of the New Jersey State Board of Medical Examiners, in his official capacity, Defendants-Appellees, and
Garden State Equality, Intervenor-Defendant-Appellee.

No. 13-4429.
March 5, 2014.

Appeal from the United States District Court, District of New Jersey,
Civil Action No. 13-5038 The Honorable Freda L. Wolfson, District Judge


**Brief Amici Curiae of Survivors of Sexual Orientation Change
Efforts, In Support of Defendants-Appellees Urging Affirmance**

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***1 INTEREST OF AMICI CURIAE**

Amici Curiae are four survivors of “sexual orientation change efforts” (“SOCE”) and the sister of a man who was subjected to SOCE as a child and ultimately committed suicide. *Amici* submit this brief to recount the serious harms that they, their families, and others suffered because they were subjected to these dangerous practices, illustrating the serious risk that thousands of minors will be severely and irreparably harmed if A3371 is not upheld.

This brief reflects the harmful effects of SOCE on five individuals. The experiences of three *amici*, James Guay, Ryan Kendall, and Peter Drake, led them to testify before committees of the California legislature in support of California Senate Bill 1172, which similarly prohibited SOCE in California and was recently upheld by the Ninth Circuit. Similarly, this brief recounts the harms suffered by John Metzidis-Drennan who, like James and Peter, voluntarily sought out SOCE therapy but found that it had lasting, damaging effects. Finally, Maris Ehlers recounts the story of her brother, Kirk Andrew Murphy, who took his own life after being subjected to SOCE as a child.¹

SUMMARY OF ARGUMENT

A3371 is necessary to protect minors from the serious harms caused by the junk science techniques, collectively referred to as SOCE, that continue to be used *2 by some practitioners nearly 40 years after the mental health profession roundly rejected the idea that homosexuality is a disorder or condition that can or should be changed. *Amici's* personal stories as survivors of SOCE, and the stories of those that they love, show the severity of the risks of exposure to SOCE, even to those who voluntarily seek out this “treatment.” The proven dangerousness of these discredited practices demonstrates that the Legislature was well within its power to regulate professional mental health providers to protect the health and safety of their patients, regardless of what level of scrutiny is applied, and notwithstanding Plaintiffs-Appellants' dubious First Amendment claims.


For these reasons, this Court should affirm the District Court's order granting Defendants-Appellees motion for summary judgment upholding A3371.

ARGUMENT

I. THE STATE HAS A COMPELLING INTEREST IN PROTECTING MINORS FROM THE SERIOUS HARMS CAUSED BY SEXUAL ORIENTATION CHANGE EFFORTS

A3371 was enacted to protect minors from the serious harms caused by SOCE. Based on extensive evidence of the harmfulness and ineffectiveness of SOCE, and the broad consensus in the mental health profession condemning its practice, the Legislature found that “[m]inors who experience family rejection based on their rejection based on their sexual orientation face especially serious health risks,” and that efforts at changing sexual orientation “are against *3 fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes.” *N.J.S.A. 45:1-54*.

Plaintiffs-Appellants ignore the evidence of the harmfulness of SOCE and instead assert that it is a “false premise” that SOCE has proven to be harmful. Plaintiffs-Appellants’ Op. Br. at 16. This audacious claim ignores the serious harms that *Amici* and their families have suffered because they were subjected to SOCE, as well as the pain and suffering of the countless other lesbian, gay, bisexual, and transgender (“LGBT”) adolescents and young adults who have been exposed to these damaging “therapies.” As Dr. Caitlin Ryan’s research has revealed, “a little more than half (53%) of LGBT young adults, ages 21-25, report having been pressured by their families to change their sexual orientation when they were teenagers, while a little more than one-third (34%) report having been sent outside the home to a therapist or religious leader to ‘cure, treat, or change your sexual orientation’ during their teenage years.” See Declaration of Dr. Caitlin Ryan, *Welch v. Brown*, Case No. 2:12-CV-02484-WBS-KJN (E.D. Cal.), Docket No. 41, at 4-5. *Amici’s* stories, recounted below, are just the tip of the iceberg.

For nearly 40 years, the leading professional associations of mental health researchers and practitioners have recognized that homosexuality is not a mental illness or disorder. Homosexuality was removed from the Diagnostic and *4 Statistical Manual of Mental Disorders (“DSM”) in 1973. It remains absent from the DSM-5, the latest edition. See Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (2013). There are no documented benefits of this junk science; in fact, there is so “‘great an analytical gap between the data and the opinion proffered’ ” by the advocates of SOCE that they would not qualify to testify as expert witnesses. See  *General Electric Co. v. Joiner*, 522 U.S. 136, 146 (1997). The one prominent academic study that purported to show that SOCE could result in changes in sexual orientation has been renounced by its author, Dr. Robert Spitzer, who explained that his methodology was deeply flawed and apologized to the gay community for “making unproven claims of the efficacy of reparative therapy.” Robert L. Spitzer, Letter to the Editor, *Spitzer Reassesses his 2003 Study of Reparative Therapy of Homosexuality*, 41 Archives Sexual Behav. 757 (2012).

The overwhelming evidence in the legislative record establishing the danger of practicing SOCE on children demonstrates that A3371 must be upheld as a valid exercise of the State’s power to regulate licensed mental health providers to protect the health and safety of minors, regardless of what level of scrutiny is applied by the Court. *Amici’s* stories of the harms that they and their loved ones suffered provide further demonstrate the sound basis for the legislature’s action.

*5 A. James Guay

As the son of a preacher raised in a fundamentalist Christian household in Southern California, James Guay was plagued with guilt and shame when he realized at the age of 12 that he was gay. Like countless other children brought up in religiously conservative households, James was taught that homosexuals were inherently flawed and sinful, and was desperate to change his sexual orientation. He spent the next eight years of his life making every effort to eliminate his same-sex attractions before finally recognizing that he could never truly change this fundamental part of himself.

After four years of attempting to change on his own--through church involvement, Bible reading, and prayer--James had succeeded only in internalizing the Biblical message that he was an “abomination,” increasing his feelings of self-hatred. At the age of 16, James disclosed his internal struggle to his parents, who helped him to find a self-described “ex-gay” licensed psychologist, Dr. James Wilder, who practiced a form of SOCE referred to as “conversion therapy.” James was initially filled with a sense of relief and a newfound hope that he could change his sexual orientation through SOCE. Like many other LGBT minors, James voluntarily agreed to undergo SOCE and was fully dedicated to the weekly sessions for a year. As an impressionable teenager determined to rid himself of his “disease,” James believed for a time that *6 undergoing SOCE would help him to become heterosexual. Yet the promises of change never materialized, and his exposure to SOCE instead caused lasting psychological trauma.

As part of James' "conversion therapy," Dr. Wilder counseled that homosexuality can result from inadequate parenting, which wreaked havoc on James' relationship with his parents by transforming his self-hatred into anger at them. Dr. Wilder also required James to examine his past to search for an actual set of events that caused his same-sex desires, which put extraordinary pressure on him to create false memories and obliterated his sense of self. When he realized that, despite his discipline and devotion, he could never truly change who he was, James' worst fears were realized and he saw himself as intrinsically broken. His exposure to SOCE deepened his depression, shame, and feelings of isolation, rejection, and failure. For years, he suffered from fear of intimacy, anxiety, panic attacks, and from addictive behaviors.

Eventually, James was able to recover from the damage done to him by SOCE, and he has worked as a licensed therapist for more than a decade helping LGBT clients overcome the harmful effects of SOCE. His clients who underwent SOCE are often distrustful, scared, and in a great deal of pain, exhibiting symptoms similar to those of people who suffered early childhood traumas. Through his work, James has learned that his experience was a common one: *7 many of his clients voluntarily underwent SOCE because they, like he, desperately needed to conform their identities to the expectations of their families and communities.

James testified before the California State Assembly's Committee on Business, Professions and Consumer Protection in support of California Senate Bill 1172 because he felt an obligation, as a licensed therapist and a survivor of SOCE, to do his part to protect minors from the harms that he suffered. *See Hearing on SB 1172 Before Cal. State Assembly Comm. on Bus., Prof. & Consumer Prot.*, 2011-2012 Reg. Sess. (June 26, 2012) (statement of James Guay), available at <http://sd28.senate.ca.gov/sites/sd28.senate.ca.gov/files/06-26-12S#B11720#0James0#0GuayS#tatementBio.pdf>.

B. Ryan Kendall

Ryan was raised in a religiously conservative household in Colorado Springs by parents who believed that homosexuals were essentially evil. When he was a young teenager, Ryan's parents discovered that he was gay by reading his journal and were outraged. Ryan remembers his mother looking at him and telling him that he was going to burn in hell.

Ryan's parents desperately sought to "fix" him by sending him to a series of SOCE practitioners. After several sessions with a self-described "Christian therapist," Ryan's parents were referred to the National Association for Research *8 and Therapy of Homosexuality ("NARTH"), an organization that purported to practice a more secular form of SOCE. For the better part of a year, Dr. Joseph Nicolosi, who Plaintiffs-Appellants rely on to refute the notion that SOCE harms minors, *see* Plaintiffs-Appellants' Op. Brief at 6-7, practiced SOCE on Ryan through weekly telephone sessions and in person at NARTH's California treatment center.

During each session, Dr. Nicolosi emphasized that Ryan's "treatment" would help him suppress his sinful and defective same-sex desires. Ryan knew that his sexual orientation was inherent and unchangeable, so he never went through a period of believing that SOCE was beneficial. This did not protect him from severe psychological harm due to the "therapy." Ryan's exposure to SOCE validated his parents' beliefs about homosexuality, encouraging them to reject him and causing him great pain. After he began SOCE, Ryan's parents became verbally and emotionally abusive, telling him that he was abhorrent, disgusting, and evil. Ryan's sense of identity and place in the world were virtually destroyed, driving him to the brink of suicide.

Ryan's experience was not unique: in enacting A3371, the Legislature relied in part on peer-reviewed research finding that LGBT youth who experienced higher levels of family rejection, as Ryan did, were 8.4 times more likely to report having attempted suicide. *N.J.S.A. 45:1-54(m)*. In fact, Gabriel Arana, another *9 minor undergoing SOCE who Dr. Nicolosi paired with Ryan as part of their "treatment," came perilously close to taking his own life after years of exposure to SOCE because he saw himself as "a leper with no hope of a cure." *See Gabriel Arana, My So-Called Ex-Gay Life, The American Prospect*, Apr. 11, 2012, <http://prospect.org/article/my-so-called-ex-gay-life>.

When he was 16, Ryan stopped undergoing SOCE, ran away from home, and legally separated from his parents. For the next decade, Ryan suffered severe depression, including frequent thoughts of suicide. He was filled with self-hatred that derived from SOCE, which had reinforced the message that he was defective and immoral at a time when most adolescents are first discovering their sexual identity. Like many others experiencing total family rejection, Ryan succumbed to periods of drug abuse and homelessness, and his education was derailed for more than a decade. Ryan's exposure to SOCE tore apart his family, leading to a fifteen-year period of estrangement from his parents.

Although Ryan has been able to rebuild his life, returning to school and reconciling with his parents, he continues to struggle with the lasting psychological damage caused by SOCE. Nor will he be able to regain his lost decade--at the critical period in the [transition](#) from adolescence to adulthood--or the fifteen years taken from him and his family, including his father, whose health is precarious.

***10** Ryan testified at hearings on A3371 before the New Jersey Senate's Health, Human Services, and Senior Citizens Committee on March 18, 2013, and before the New Jersey Assembly's Women & Children Committee on June 13, 2013. *See* Supplemental Appendix of Appellee Garden State Equality, Doc. No. 30-8, filed 2/28/14, at SA 232-233.² Ryan also testified before California Assembly's Committee on Business, Professions and Consumer Protection in support of California Senate Bill 1172. *See Hearing on SB 1172 Before Cal. State Assembly Comm. on Bus., Prof. & Consumer Prot.*, 2011-2012 (June 26, 2012) (statement of Ryan Kendall), available at <http://sd28.senate.ca.gov/sites/sd28.senate.ca.gov/files/06-26-12R#ryanKendallTestimony.pdf>. Ryan testified before these committees because, as a survivor of SOCE, he wanted to ensure that minors raised in similar circumstances to his would be protected in the future.

C. Peter Drake

Peter Drake realized that he was attracted to men when he was 13, but because of the stigma associated with homosexuality, he could not accept that he was gay for much of his life. Peter lived in a straight marriage for 28 years, fathering two children. While Peter avoided same-sex relationships for decades, he ***11** was never able to change who he was, and eventually realized that he was fighting a losing battle. When he was 46, Peter sought out a licensed SOCE therapist in an attempt to change his sexual orientation.

For nearly three years, Peter subjected himself to weekly SOCE “therapy” sessions that were extremely harmful to his mental health. His therapist's change efforts ranged from having Peter imagine himself lusting for parts of the female body, to attempting to “father” Peter to correct the supposedly inadequate parenting that the therapist believed to be a cause of his homosexuality. Like countless others who undergo SOCE, Peter perceived his inability to change his sexual orientation as a personal failure, and became increasingly discouraged, ashamed, and humiliated. Peter's hopes that he could be “cured” were dashed, and his therapist offered no comfort, leaving him broken. Peter's exposure to SOCE severely worsened his depression, and he came very close to attempting suicide.

Through work with a different therapist, Peter was eventually able to accept himself as a gay man, coming out to his family and friends when he was 53. With support from his wife, Peter's marriage ended amicably. Peter's daughter has also come out as a lesbian. Given what he suffered from his exposure to SOCE as a middle-aged man, Peter is grateful that his daughter was never subjected to SOCE, particularly as a minor. Peter testified before the California State Senate's Judiciary Committee in support of California Senate Bill 1172 to ensure that ***12** minors, who are particularly susceptible to the dangers of SOCE, are protected from the harms that he suffered.

D. John Metzidis-Drennan

Around the age of 14, when John Metzidis-Drennan realized he was attracted to men, he felt immense shame, as he had been struggling with the fear that he was gay since early childhood. Raised in a politically conservative household in

Orange County, California, John saw that his community viewed being gay as disgusting and shameful. As a child, he was often teased by other children and called derogatory names like “gay boy” and “faggot,” and thus learned to be careful about the way he spoke, the way he carried himself, and the interests and hobbies he pursued, lest anything be perceived by the other children as too effeminate or “gay.”

Due to the stigma associated with homosexuality, John was not prepared to accept his sexual orientation, which he saw as a “problem” or “defect” that needed to be “cured.” After graduating high school, John began reading about the “ex-gay” movement, and was drawn to the forms of SOCE practiced by Plaintiff-Appellant NARTH and Dr. Nicolosi, which taught that it was possible to change one's sexual orientation. At the age of 20, John sought out a SOCE practitioner and began undergoing weekly sessions of “reparative therapy” with Scott Sutherland, a therapist at Dr. Nicolosi's clinic.

***13** Like many others who voluntarily seek out SOCE, John was initially hopeful at the prospect of changing his sexual orientation, and for a period believed that he was making progress. However, it was not long before SOCE began to have negative consequences on his life. As part of his “reparative therapy,” John was counseled that homosexuality was caused by a dysfunctional family life and upbringing and was encouraged to tell his parents about his struggles, which necessarily involved confronting them with what he had come to believe were their failures in raising him. This completely upended John's relationship with his parents and their relationship with each other, as he blamed them and they blamed each other for his homosexual “problem.”

After about nine months of subjecting himself to SOCE, John was frustrated with his inability to change his sexual orientation, and became fixated on the notion that he was broken or defective. He became withdrawn and exceedingly self-conscious, and his grades showed a sharp decline. John began suffering from deepening depression and anxiety, and thought about killing himself. When, after 18 months of SOCE, John finally accepted that he could not change his sexual orientation, his therapist was unable to offer any support, and instead blamed John for not working hard enough to change. John quit his “reparative therapy” the summer after graduating from college, and had to delay starting law school for a year so that he could put his life back together.

***14** John, who graduated from the University of Pennsylvania law school in 2008, considers himself one of the luckier survivors of SOCE, but one of the most damaging aspects for him was the deep violation of trust and the abuse of the therapeutic relationship. John opened up to his therapist more than he had to any other person to that point in his life, sharing intimate details and exploring difficult emotions. Yet that relationship was based upon a fraud: that his sexual orientation was a disorder that could be changed if he tried hard enough. During an extremely difficult time in his young adulthood, John needed help, and instead suffered further harm because of his exposure to SOCE.

E. Maris Ehlers

Maris Ehlers's older brother, Kirk Andrew Murphy, was the original poster child for the dangerous practices now known as SOCE. On December 21, 2003, at the age of 38, Kirk committed suicide. At the time, Maris did not understand why. After learning more about the SOCE “therapy” that Kirk was subjected to by the State of California, Maris wonders how Kirk was able to live as long as he did.

In 1970, when Kirk was almost five years old, his parents enrolled him in a federally-funded experimental study at the University of California, Los Angeles (“UCLA”), which used aversion therapy to discourage feminine behaviors in young boys, based on the now-discredited theory that this would prevent them from growing up to be gay. Under the pseudonym “Kraig,” Kirk became a case ***15** study, and later a repeatedly-cited “success story” of then-UCLA doctoral student George A. Rekers, who has since become one of the leading proponents of subjecting children to SOCE. See George A. Rekers & O. Ivar Lovaas, *Behavioral Treatment of Deviant Sex-Role Behaviors in a Male Child*, 7 J. Applied Behav. Analysis 173-190 (1974).

At the UCLA Gender Identity Clinic, Kirk was placed in a playroom filled with stereotypical “boys' toys” and “girls' toys.” *Id.* at 176. Kirk's mother was instructed to smile and compliment him when he played with the “boys' toys,” and to shun him when he played with “girls' toys.” *Id.* at 179. Kirk became so distraught by his mother's refusal to acknowledge him after he picked up a “girls' toy” that he would break down crying, and the researchers had to reassure her “empathetically that she was doing the right thing and was doing it well....” *Id.* Maris does not fault her mother for following the directions of UCLA “therapists,” whom she trusted not to ask her to do anything that would harm her son. However, Maris does not doubt that requiring her mother to repeatedly reject Kirk was cruel and damaging.

The UCLA researchers exported Kirk's SOCE “treatment” to the Murphy home, training Kirk's mother to award blue poker chips for masculine behavior and red poker chips for feminine behavior. *Id.* at 180-81. Blue chips were to be exchanged for rewards, like candy, and red chips for punishments, including *16 “physical punishment by spanking.” *Id.* at 180. At the end of each week, when the chips were tallied, Kirk's father would administer the spankings by whipping Kirk's bare bottom with a belt. While Maris was too young to remember the poker chip system imposed on the family as part of Kirk's SOCE “treatment,” she does remember sneaking into Kirk's room to comfort him after the whippings.

After ten months, the UCLA researchers ended their experimental SOCE treatment on Kirk and declared victory, concluding that they had succeeded in their attempt “to extinguish feminine behavior and to develop masculine behavior.” *Id.* at 179, 186. Contrary to the researchers' self-congratulation, their “therapy” had caused extraordinary damage to Kirk. After undergoing SOCE, Kirk became withdrawn, isolated, and incredibly self-conscious. He obsessed over what others thought of him, revealing through questions to Maris that he was constantly over-analyzing the words and actions of others. Maris could never understand the visible pain that Kirk carried with him, and his belief that no one could ever love him as he was. She believes that SOCE left Kirk stricken with the feeling that he was broken.

At the age of 17, Kirk attempted suicide for the first time. The following year, Kirk explained to Dr. Richard Green, one of the leading advocates for removing homosexuality from the DSM in 1973, that he had a sexual encounter with a man weeks before his suicide attempt. Jim Burroway, *What Are Little Boys *17 Made Of?: An Investigation of an Experimental Program to Train Boys to be Boys*, Box Turtle Bulletin, June 7, 2011, <http://www.boxturtlebulletin.com/what-are-little-boys-made-of5> (quoting Richard Green, *The “Sissy Boy Syndrome” and the Development of Homosexuality* 313-15 (Yale University Press, 1987)).³ Kirk told Dr. Green that he felt guilty that the SOCE “treatment” he underwent at UCLA had failed to “fix” him, and admitted that he had tried to kill himself because he did not want to be gay. *Id.*

Unlike the other *Amici*, Kirk was not able to recover from the severe harm that he suffered as the result of being exposed to SOCE at a young age, and ultimately took his own life at the age of 38. Through the painful process of losing her brother and then learning what was done to him under the auspices of government-sanctioned SOCE “treatment,” Maris became committed to protecting other minors from being exposed to the dangerous junk science that cost Kirk his life.

CONCLUSION

The serious harms that *Amici* and their families suffered because they were subjected to SOCE, recounted above, demonstrate the dangerousness of these discredited practices. The overwhelming evidence in the legislative record is more than sufficient to uphold A3371 on the merits, despite Plaintiffs-Appellants' *18 questionable constitutional challenges, and regardless of what level of scrutiny is applied by the Court. The personal stories of *Amici*, as survivors of SOCE, demonstrate the seriousness of the risk that thousands of minors will be severely and irreparably harmed if A3371 is struck down.

For these reasons, and for the reasons stated in the Briefs of the State of New Jersey Defendants-Appellees and Intervenor-Defendant-Appellee Garden State Equality, *Amici Curiae* urge the Court to affirm the District Court's grant of summary judgment to Defendants-Appellees upholding A3371.

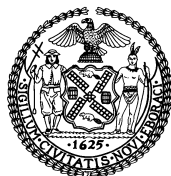
***20 DECLARATION OF SIGNING ATTORNEY**

Pursuant to Fed. R. App. P. 32(a)(7)(C), I certify that this brief is proportionately spaced, has a typeface of 14 points or more and contains 4,024 words as counted by the Microsoft Word 2010 word processing program used to generate the brief. Pursuant to Local Rule 31.1(c), I certify that the text of the paper copies of this brief and the text of the PDF version of this brief filed electronically with the Court today are identical. I further certify that prior to electronically filing this brief with the Court today it was scanned by ESET Endpoint Antivirus 5.0.2126.0, a virus detection program, and found to be free from computer viruses.

Footnotes

- 1 No party or party's counsel authored any portion of this brief. No one other than the *Amici Curiae* or their counsel contributed any money to fund this brief.
- 2 The New Jersey Assembly committees transcribe hearings only at the request of a committee member, but an audio recording of the Assembly Committee testimony is also available at http://www.njleg.state.nj.us/medialarchive_audio2.asp?KEY=AWC&SESSION=2012. Mr. Kendall's testimony appears at the 55:10 mark of the audio recording.
- 3 Dr. Richard Green used Kirk as a prominent case study in his book, under the pseudonym "Kyle." He confirmed that "Kyle" is Kirk to Maris in 2010.

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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE
GOVERNMENTAL AFFAIRS DIVISION

Jeffrey Baker, Legislative Director
Rachel Cordero, Deputy Director, Governmental Affairs Division

COMMITTEE ON CIVIL RIGHTS

Hon. Darlene Mealy, Chair

November 30, 2017

INT. NO. 1650-A:

By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Levin, Salamanca, Constantinides, Rosenthal, Rodriguez, Kallos and Menchaca

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting conversion therapy

ADMINISTRATIVE CODE:

Adds a new Subchapter 19 to Chapter 5 of Title 20.

RES. NO. 614-2015:

By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin, Constantinides,

Gentile, Gibson, Lander, Levine, Palma, Richards, Rose, Rosenthal, Koslowitz, Rodriguez, Vacca, Cumbo, Lancman, Ferreras-Copeland, Levin, Reynoso, Salamanca, Espinal, Barron, Grodenchik, Perkins, Crowley, Maisel, Garodnick, Kallos, Treyger and Miller

TITLE:

Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit discrimination on the basis of gender expression or identity and expand the State’s hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity

RES. NO. 1287-2016:

By Council Members Dromm, Crowley, Menchaca, Chin, Constantinides, Rosenthal and Kallos

TITLE:

Resolution calling on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Act of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing

I. Introduction

On November 29, 2017, the Committee on Civil Rights, chaired by Council Member Darlene Mealy, held a vote on Proposed Introduction No. 1650-A (“Int. 1650-A”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting conversion therapy, Resolution No. 614-2015 (“Res. 614,”) calling on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit discrimination on the basis of gender expression or identity and expand the State’s hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity, and

Resolution No. 1287-2016 (“Res. 1287,”) calling on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Act of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing. Int. 1650-A, Res. 614, and Res. 1287 were originally heard at a hearing of this committee on June 19, 2017, at which the Committee received testimony from representatives of the New York City Commission of Human Rights, and various advocates, stakeholders, and members of the public. On November 29, 2017, the Committee passed Int. 1650-A, Res. 614, and Res. 1287 by a vote of three in the affirmative, zero in the negative, and one abstention.

II. Int. No. 1650-A

Background

In December 2014, a 17 year-old transgender girl named Leelah Alcorn committed suicide after her parents forced her to undergo conversion therapy.¹ In her suicide post, Leelah wrote that the therapists she saw reinforced the notion that being transgender was “wrong,” and that this, compounded by her parent’s negative reactions to her gender identity, made her feel isolated, hopeless, and alone, resigned to living her life “like a man in drag.”² Leelah’s is not the only reported case of conversion therapy having profoundly negative consequences on an individual—multiple accounts of LGBTQ persons who have been forced to undergo conversion therapy have emphasized similar, destructive outcomes including: suicidal ideation and

¹ *Obama Calls for End to ‘Conversion’ Therapies for Gay and Transgender Youth*, N.Y. Times, Apr. 8, 2015, https://www.nytimes.com/2015/04/09/us/politics/obama-to-call-for-end-to-conversion-therapies-for-gay-and-transgender-youth.html?_r=1.

² *Leelah Alcorn’s Suicide: Conversion Therapy is Child Abuse*, TIME, Jan. 8, 2015, <http://time.com/3655718/leelah-alcorn-suicide-transgender-therapy/>.

tendencies,³ fear of intimacy and physical affection,⁴ anger, self-loathing,⁵ isolation, anxiety, and depression. One survivor of conversion therapy even stated, “we were no longer people at the end of the program.”⁶

Conversion therapy, also known as “reparative therapy,” “Ex-Gay therapy,” or “Sexual Orientation Change Efforts,” is a set of practices intending to change a person’s sexuality or gender identity to fit heterosexual or cisgender standards and expectations.⁷ In the past, these practices have included measures such as institutionalization, castration, and electroconvulsive shock therapy, though today “the techniques most commonly used include a variety of behavioral, cognitive, psychoanalytic and other practices that try to change or reduce same-sex attraction or alter a person’s gender identity.”⁸ In 2009, the American Psychological Association (“APA”) conducted a comprehensive study on these practices and concluded that they were not scientifically supported and that, in fact, “valid research indicate[s] that it is unlikely that individuals will be able to reduce same-sex attractions or increase other-sex attractions through [conversion therapy].”⁹ The evidence not only shows that conversion therapy does not achieve its stated goals, but also causes significant medical, psychological and other harms to LGBTQ people.¹⁰ In that same report, the APA concluded that the reported risks of the practice include:

³ *Leelah Alcorn’s Suicide: Conversion Therapy is Child Abuse*, TIME, Jan. 8, 2015, <http://time.com/3655718/leelah-alcorn-suicide-transgender-therapy/>.

⁴ *Conversion therapy is “torture”*: *LGBT survivors are fighting to ban “pray the gay away” camps*, Salon, Mar. 21, 2017, <http://www.salon.com/2017/03/21/conversion-therapy-is-torture-lgbt-survivors-are-fighting-to-ban-pray-the-gay-away-camps/>.

⁵ *Straight Talk: How Mathew Shurka and His Conversion Therapist Renounced the ‘Gay Cure’*, Huffington Post, Feb. 2, 2016, http://www.huffingtonpost.com/2013/06/25/mathew-shurka-conversion-therapy_n_3466943.html.

⁶ *A Survivor of Gay Conversion Therapy Shares His Chilling Story*, Huffington Post, Nov. 17, 2016, http://www.huffingtonpost.com/entry/realities-of-conversion-therapy_us_582b6cf2e4b01d8a014aea66.

⁷ *Id.*

⁸ *#BornPerfect: The Facts About Conversion Therapy*, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

⁹ *Id.*

¹⁰ *The Lies and Dangers of Efforts to change Sexual Orientation or Gender Identity*, Human Rights Campaign, <http://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy>.

“depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources.”¹¹

While conversion therapy has been largely discredited as ineffective and dangerous by all of the nation’s leading professional medical and mental health associations, including the American Medical Association, the American Psychological Association, the American Counseling Association and the American Psychiatric Association,¹² certain groups¹³ continue to endorse the practice and even encourage their members to consider additional conversion therapy techniques, including hypnosis, sex therapies and psychotropic medication.¹⁴ These groups, often religious in nature, offer conversion therapy in one-on-one and group therapy settings, including “boot camps” and “retreats,” to adults and minors alike.¹⁵

After Leelah’s tragic suicide, in April 2015, then-President Obama condemned the practice and called for an end to conversion and similar therapies aimed at “repairing” gay,

¹¹ *#BornPerfect: The Facts About Conversion Therapy*, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

¹² *Governor Cuomo Announces Executive Actions banning Coverage of Conversion Therapy*, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-banning-coverage-conversion-therapy>.

¹³ See e.g. the National Association for Research & Therapy of Homosexuality (NARTH).

¹⁴ *#BornPerfect: The Facts About Conversion Therapy*, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

¹⁵ See e.g. HuffPost, Newsweek, ABC ‘20/20’ Reports Expose Abuse, Torture of Gay Youths And Troubled Teens, March 12, 2017, http://www.huffingtonpost.com/entry/cover-up-in-alabama-newsweek-abc-2020-reports-expose_us_58c35449e4b0c3276fb78505.

lesbian, and transgender youth.¹⁶ In April 2017, Senator Patty Murray introduced S.928, the Therapeutic Fraud Prevention Act of 2017, a bill that would “prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy.”¹⁷ Further, many states and municipalities have passed legislation banning the practice.¹⁸ These states and municipalities have used multiple approaches to target and restrict conversion therapy practices: they have banned state-licensed mental health professionals from engaging in these practices, banned insurance providers from covering such therapy, and a New Jersey Superior Court has ruled that conversion therapy constitutes consumer fraud, in violation of state consumer fraud protections.¹⁹

In February 2016, Governor Cuomo announced a series of regulations prohibiting public and private health insurers from covering conversion therapy practices in New York State and prohibiting facilities under the jurisdiction of the New York State Office of Mental Health from providing conversion therapy to minors.²⁰ While these regulations significantly restrict the

¹⁶ *Obama Calls for End to ‘Conversion’ Therapies for Gay and Transgender Youth*, N.Y. Times, Apr. 8, 2015, https://www.nytimes.com/2015/04/09/us/politics/obama-to-call-for-end-to-conversion-therapies-for-gay-and-transgender-youth.html?_r=1.

¹⁷ S.928, Therapeutic Fraud Prevention Act of 2017, 115th Congress, Apr. 25, 2017, <https://www.congress.gov/bill/115th-congress/senate-bill/928/text>.

¹⁸ See Movement Advancement Project, Conversion Therapy Laws, http://www.lgbtmap.org/equality-maps/conversion_therapy. See also Washington Blade, Pittsburgh votes to ban ‘conversion’ therapy, December 16, 2016, <http://www.washingtonblade.com/2016/12/16/pittsburgh-votes-ban-conversion-therapy/>. The States jurisdictions that have prohibited conversion therapy include the District of Columbia and the following states: California, Oregon, Nevada, New Jersey, Connecticut, New Mexico, Illinois, and Vermont. The following municipalities have passed similar legislation: Cincinnati, Seattle, and five South Florida cities/towns (Miami Beach, West Palm Beach, Bay Harbor Islands, Wilton Manors, North Bay Village, and Miami).

¹⁹ *N.J. gay conversion therapy group to close following fraud conviction*, NJ.com, Dec. 18, 2015, http://www.nj.com/politics/index.ssf/2015/12/nj_gay-to-straight_conversion_therapy_practice_agr.html. The legislation prohibiting conversion therapy passed in Illinois did so both by prohibiting state-licensed mental health professionals from engaging in this practice, and by making advertising or offering conversion therapy services unlawful under its Consumer Fraud and Deceptive Business Practices Act. See Illinois General Assembly, Public Act 099-0411, <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0411>.

²⁰ *Governor Cuomo Announces Executive Actions banning Coverage of Conversion Therapy*, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-banning-coverage-conversion-therapy>.

practice of conversion therapy, they do not prohibit mental health professionals from practicing conversion therapy on minors in every instance, and do not cover adults.²¹

By prohibiting any person in New York City from offering or performing conversion therapy for a fee, New York City would not only protect consumers from fraudulent practices, but also protect its LGBTQ community and all New Yorkers, not just minors, from the potentially dangerous consequences of conversion therapy.

Analysis of Legislation

Section 1 of Int. 1650-A amends chapter 5 of Title 20 of the administrative code, which consists of laws regulating unfair trade practices, including the City's Consumer Protection Law, adding a new subchapter 19 to prohibit charging consumers for conversion therapy services. Services that provide assistance to a person undergoing gender transition, or counseling that provides acceptance, support and understanding of a person's sexual orientation, or facilitates a person's coping, identity exploration and development are not prohibited, as long as such services do not seek to change a person's sexual orientation or gender identity. Each instance a person is found to have provided conversion therapy services for a fee would result in a penalty of up to \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 for each subsequent violation. Multiple violations with regards to the same consumer would be considered a single violation. The earlier version of this bill that was heard in Committee,

²¹ Rhode Island's House of Representatives unanimously approved a bill which would do the same, and Massachusetts legislators have heard similar bills. See *R.I. House OKs ban of 'conversion therapy' for LGBTQ youth*, Providence Journal, May 30, 2017, <http://www.providencejournal.com/news/20170530/ri-house-oks-ban-of-conversion-therapy-for-lgbtq-youth>; see also *Mass. Legislators hear testimony on proposed 'conversion therapy' ban*, Telegram.com, June 7, 2017, <http://www.telegram.com/news/20170607/mass-legislators-hear-testimony-on-proposed-conversion-therapy-ban>.

Preconsidered Int. No. _____, would have created a penalty of \$1,000 for each violation, and did not expressly limit multiple violations with regards to the same consumer to a single violation.

Int. 1650-A would take effect 120 days after it becomes law.

III. Res. No. 614 and Res. No. 1287

Background

The 1964 Civil Rights Act (“Civil Rights Act”) and the Fair Housing Act (“FHA”) do not explicitly protect homosexual or transgender individuals from discrimination in employment, housing, or public accommodations. While some federal courts have held that homosexual workers are protected from job discrimination by the Civil Rights Act, others have reached the opposite conclusion.²² In April 2017, a federal judge ruled, for the first time, that the FHA protects LGBT individuals.²³ Although the Supreme Court found laws prohibiting same-sex marriage to be unconstitutional, “many other protections, including those related to employment and housing, have not been extended at all levels to gay people,” and gay rights advocates have expressed concern about the potential rollback of protections under President Trump’s administration.²⁴

While several municipalities in New York have passed ordinances or laws prohibiting harassment or discrimination on the basis of a person’s gender identity or expression, many municipalities do not guarantee these protections, and there is no statewide ban on discrimination

²² *Civil Rights Act Protects Gay Workers, Court Rules*, New York Times, Apr. 4, 2017, <https://www.nytimes.com/2017/04/04/us/civil-rights-act-gay-workers-appeals-court.html>.

²³ *Federal fair housing law protects LGBT couples, court rules for first time*, The Washington Post, Apr. 6, 2017, https://www.washingtonpost.com/news/morning-mix/wp/2017/04/06/federal-fair-housing-law-protects-lgbt-couples-court-rules-for-first-time/?utm_term=.aaeae5804236.

²⁴ *Civil Rights Act Protects Gay Workers, Court Rules*, New York Times, Apr. 4, 2017, <https://www.nytimes.com/2017/04/04/us/civil-rights-act-gay-workers-appeals-court.html>.

or harassment for individuals not employed by the state.²⁵ In October 2015, Governor Cuomo introduced regulations, through the New York State Human Rights Law, affirming that all transgender individuals are protected from discrimination under the law. The state human rights law's text, however, still does not explicitly protect transgender individuals;²⁶ these protections are therefore vulnerable should a subsequent governor wish to rescind them.

Meanwhile, the number of reported hate crimes against lesbian, gay, bisexual and transgender individuals has been steadily increasing.²⁷ Of 5,462 "single-bias incidents" (hate-crime incidents with one motivation) in the FBI's 2014 hate crime statistics database, 1,115, about one fifth, were motivated by bias against a sexual orientation or gender identity.²⁸ In New York City, by April 2017, the NYPD had already investigated 17 anti-gay hate crimes, up from 15 in 2016.²⁹ Despite this, New York State's hate crime statute currently does not include gender identity or expression in its list of protected categories.

A.4558B/S.61B would explicitly prohibit discrimination on the basis of gender expression or identity, and expand New York's hate crimes statute to include offenses committed against someone on the basis of their gender expression or identity.

Analysis of Legislation

Res. 614

²⁵ *Governor Cuomo Introduces Regulations to Protect Transgender New Yorkers from Unlawful Discrimination*, New York State Governor's Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-introduces-regulations-protect-transgender-new-yorkers-unlawful-discrimination>.

²⁶ See N.Y. Exec. Law § 296 (McKinney).

²⁷ *New York Attorney General Discusses Increase in Hate Crimes Against LGBTQ Community*, Human Rights Campaign, Nov. 18, 2016, <http://www.hrc.org/blog/new-york-attorney-general-discusses-increase-in-hate-crimes-against-lgbtq-c>.

²⁸ *Hate Crimes Against LGBT People Are Sadly Common*, FiveThirtyEight, June 14, 2016, <https://fivethirtyeight.com/features/hate-crimes-against-lgbt-people-are-sadly-common/>.

²⁹ *Man Punched on C Train in Apparent Anti-Gay Attack*, CBS New York, Apr. 2, 2017, <http://newyork.cbslocal.com/2017/04/02/c-train-assault/>.

Res. 614 notes that, according to the New York State Department of Health, approximately 300,000 individuals living in the State of New York self-identify as transgender.

The Resolution also states that, according to a 2011 report by the National Gay and Lesbian Taskforce, and the National Center for Transgender Equality, 90% of those surveyed had experienced discrimination at work for reasons related to their gender identity or expression, and 24% had lost their jobs, 19% had been refused an apartment, and 11% had been evicted for the same reason.

Res. 614 declares that A.4558B/S.61B, if passed, would amend the Executive Law, Civil Rights Law, and Education Law to prohibit discrimination on the basis of gender identity or expression in housing, employment, public accommodation, and other areas.

Res. 614 also notes that 14% of victims or survivors of hate violence in the United States in 2009 were transgender men and women, and that if passed, A.4558B/S.61B would amend the Penal Law to include gender identity or expression in the list of categories that are currently protected under the state's hate crimes statute.

Finally, Res. 614 calls on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B.

Res. No. 1287

Res. 1287 notes that the lesbian, gay, bisexual, and transgender community are not included as protected classes in the Civil Rights Act or FHA, and that according to the ACLU, 29 states permit workplace discrimination on the basis of sexual orientation, 38 states permit workplace discrimination on the basis of gender identity, 29 states permit housing discrimination on the basis of sexual orientation, 38 states permit housing discrimination on the basis gender identity, 29 states permit discrimination in places of public accommodation on the basis of

sexual orientation, and 32 states permit discrimination in places of public accommodation on the basis of gender identity.

Res. 1287 states that, despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States still suffer employment and housing discrimination, and are denied the equal use of public accommodations.

Res. 1287 also notes that H.R.2282/S.1006, also known as The Equality Act, would amend the Civil Rights Act and the Fair Housing Act to include sexual orientation and gender identity among the prohibited categories of discrimination or segregation in employment, places of public accommodation and housing.

Res. 1287 recommends that, to cover the full spectrum of sexual orientations, The Equality Act should define sexual orientation as an immutable, enduring, emotional, romantic, or sexual attraction to other people. Finally, Res. 1287 calls on the United States Congress to pass and the President to sign H.R.2282/S.1006.

1 § 20-826 Enforcement. Any person who violates section 20-825 of this subchapter or any
2 of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$1,000 for
3 the first violation, \$5,000 for the second violation, and \$10,000 for each subsequent violation. A
4 proceeding to recover any such civil penalty shall be commenced by the service of a notice of
5 violation returnable to any tribunal established within the office of administrative trials and
6 hearings or within any agency of the city designated to conduct such proceedings. For the
7 purposes of this section, each instance a person is found to have violated section 20-825 shall be
8 considered a separate violation, except that multiple violations of section 20-825 with regards to
9 the same consumer shall be considered a single violation.

10 § 20-827 Rules and regulations. The department may promulgate such rules and
11 regulations as it deems necessary to implement and enforce the provisions of this subchapter.

12 §2. This local law takes effect 120 days after it becomes law, except that the
13 commissioner of consumer affairs may take any actions necessary prior to such effective date for
14 the implementation of this local law, including, but not limited to, the adoption of any necessary
15 rules.

ZH
LS 9612/2017
11/21/2017

Res. No. 614

Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit discrimination on the basis of gender expression or identity and expand the State's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity.

By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin, Constantinides, Gentile, Gibson, Lander, Levine, Palma, Richards, Rose, Rosenthal, Koslowitz, Rodriguez, Vacca, Cumbo, Lancman, Ferreras-Copeland, Levin, Reynoso, Salamanca, Espinal, Barron, Grodenchik, Perkins, Crowley, Maisel, Garodnick, Kallos, Treyger and Miller

1 Whereas, According to the New York State Department of Health, approximately
2 300,000 individuals living in the state of New York self-identify as transgender; and

3 Whereas, Despite the progressive reputations of our city and state, transgender
4 individuals continue to endure discrimination and threats to their physical well-being; and

5 Whereas, According to a 2010 report by the National Coalition of Anti-Violence
6 Programs, 14 percent of victims or survivors of hate violence in the United States in 2009 were
7 transgender men and women; and

8 Whereas, In New York City, approximately 13 percent of the reports of hate violence
9 received by the New York City Anti-Violence Project in 2009 came from transgender men and
10 women; and

11 Whereas, According to a 2011 report by the National Gay and Lesbian Taskforce and the
12 National Center for Transgender Equality ("the report"), 90 percent of those surveyed had
13 experienced discrimination at work for reasons related to their gender identity or expression, and
14 24 percent had lost their jobs for the same reason; and

15 Whereas, The report also disclosed that 19 percent of respondents had been refused a
16 home or apartment, and 11 percent had been evicted, because of their gender identity or
17 expression; and

1 Whereas, Transgender individuals are also not safe from anti-trans bias in places of
2 public accommodation, where, according to the report, 53 percent of respondents had
3 experienced harassment and discrimination; and

4 Whereas, In 2002, the New York City Council passed Local Law 3, which amended the
5 Human Rights Law to define gender as "actual or perceived sex and a person's gender identity,
6 self-image, appearance, behavior or expression, whether or not traditionally associated with the
7 legal sex assigned to that person at birth," thereby including transgender individuals in the class
8 of people to be protected from bias-related harassment and discrimination in housing,
9 employment and public accommodations; and

10 Whereas, Although New York City extends many protections to transgender individuals,
11 those living in the rest of the State are not guaranteed the same treatment; and

12 Whereas, If passed, A.4558B/S.61B would address this disparity at the state level by
13 amending the Executive Law, Civil Rights Law and Education Law to prohibit discrimination on
14 the basis of gender identity or expression in housing, employment, public accommodation and
15 other areas; and

16 Whereas, The legislation would also amend the Penal Law to include gender identity or
17 expression in the list of categories that are currently protected under the State's hate crimes
18 statute; and

19 Whereas, Eighteen states and the District of Columbia have already enacted laws
20 protecting transgender individuals from discrimination, as well as several cities and counties in
21 New York State, and the United States Department of Education has provided guidance that the
22 federal Title IX law prohibiting discrimination also applies to transgender students; and

1 Whereas, Without protection from bias-related harassment and discrimination,
2 transgender individuals are placed at a severe disadvantage in every facet of their lives; and

3 Whereas, It is imperative that the state of New York protect all of its marginalized
4 communities, including the transgender community; now, therefore, be it

5 Resolved, That the Council of the City of New York calls on the New York State
6 Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit
7 discrimination on the basis of gender expression or identity and expand the state's hate crimes
8 statute to include offenses committed against someone on the basis of his or her gender
9 expression or identity.

IM/ZH
Res
LS 888/2014
11/29/2017

Res. No. 1287

Resolution calling on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

By Council Members Dromm, Crowley, Menchaca, Chin, Constantinides, Rosenthal and Kallos

Whereas, Title VII of the Civil Rights Act of 1964 and other federal statutes prohibit employers of 15 or more employees from engaging in workplace discrimination on the basis of “race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information;” and

Whereas, Title II of the Civil Rights Act of 1964 prohibits certain places of public accommodation from discriminating on the basis of “race, color, religion, or national origin;” and

Whereas, The Civil Rights Act of 1968, also known as the Fair Housing Act, prohibits individuals from engaging in housing discrimination on the basis of “race, color, national origin, religion, sex, disability, and the presence of children;” and

Whereas, Absent from this list of protected classes in the Civil Rights Act is the lesbian, gay, bisexual, and transgender (LGBT) community; and

Whereas, According to the American Civil Liberties Union (ACLU), 29 states permit workplace discrimination on the basis of sexual orientation, and 38 permit workplace discrimination on the basis of gender identity; and

Whereas, The ACLU further reports that twenty-nine states permit discrimination in places of public accommodation on the basis of sexual orientation, and thirty-two states permit discrimination in places of public accommodation on the basis of gender identity ; and

Whereas, Finally, the ACLU notes that twenty-nine states permit housing discrimination on the basis of sexual orientation, and 38 permit housing discrimination on the basis of gender identity ; and

Whereas, According to a 2013 Pew Research Center study, 21% of LGBT respondents stated they were discriminated against in hiring, pay, or promotion, and in a 2011 Pew Research Center survey, 78% of transgender respondents stated they were harassed or mistreated at their workplace due to their gender identity ; and

Whereas, According to a 2011 National Center for Transgender Equality report, 53% of transgender and gender-nonconforming respondents stated they were verbally harassed in a place of public accommodation; and

Whereas, According to a 2011 National Gay and Lesbian Task Force and National Center for Transgender Equality joint study, 19% of transgender individuals were denied housing and 11% were evicted from their homes because they were transgender ; and

Whereas, Despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States still suffer employment discrimination, are denied the equal utilization and access of public accommodation, and are denied access to housing because of their sexual orientation or gender identity; and

Whereas, H.R.2282/S.1006, also known as The Equality Act, would amend the Civil Rights Act of 1964 and the Fair Housing Act to include sexual orientation and gender identity among the prohibited categories of discrimination or segregation in employment, places of public accommodation and housing; and

Whereas, The Equality Act would also expand the categories of public accommodation that may not deny equal utilization or deny admission on the basis of “sex, sexual orientation, or

gender identity” to include a greater range of places, goods and services, such as transportation;
and

Whereas, The current language of the Act defines sexual orientation as “homosexuality, heterosexuality, and bisexuality” but to cover other orientations, should instead define sexual orientation as an immutable, enduring, emotional, romantic or sexual attraction to other people;
and

Whereas, In a nation whose independence was premised on the notion that all citizens are created equal, it is unconscionable that a specific population does not enjoy the same workplace protections, equal utilization of public accommodation and access to housing as its peers simply because of the sexual orientation or gender identity of its members; now, therefore, be it

Resolved, That the Council of City of New York calls on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

LS 8896
Date 11/29/2017
IM/ZH

Letters To The Editor

By **Our Readers** - 24 Tevet 5778 - January 10, 2018

Photo Credit: Jewish Press



The Return Of Cantors World

Sincere thanks to Jewish Press publisher Naomi Klass Mauer for her personal, insightful, and laudatory coverage of the Cantors World Shabbat Chazzanut on the last weekend in December.

Naomi joined me and my partner, Cantor Benny Rogoznitsky, along with almost 300 guests and distinguished cantors and choirs in an extraordinary weekend of soul-inspiring prayers.

The wonderful *Shabbat davening* by cantors Yitzchak Meir Helfgot and Yaakov Motzen – accompanied by two outstanding choirs, the Hampton Synagogue Choir led by maestro Itzhak Haimov and the Meزامrim Choir led by Chilul Posen – was the highlight of the event.

I had the pleasure of presenting a talk on the life of Yossele Rosenblatt and another on the history of *chazzanut*. Yehuda Green was in top form. The Saturday night concert, followed by karaoke night, was enjoyed by all. Cantor

Get Push Notifications

Danny Gildar masterfully accompanied the artists. Rabbi Paysach Krohn gave several inspiring talks. The enthusiastic and laudatory response of the attendees was marked by requests to sign up for the next Shabbat Chazzanut.

It is our hope that this event marks the beginning of a successful return of Cantors World – an organization dedicated to promoting traditional *chazzanut*. As I said in my greeting to the crowd at the concert, “the future is in your hands.”

Charlie Bernhaut
Cantors World
(charliebernhaut.com)

The Real Occupiers

Once again Stephen Flatow writes a factually correct, sensible, important article agreeing with Ambassador David Friedman’s request that the State Department stop referring to Israel as an “occupier” in Judea and Samaria.

It is sad that our pro-Arab State Department continues to deny history, international law, the Bible, and just plain facts on the ground. As Flatow points out, “98 percent of the Palestinians reside” in the 40 percent of the area in Judea and Samaria where the PA has had total control over the past 22 years. The huge Arab cities of Jenin, Nablus (Shechem), and Ramallah are totally self-governing.

The Jewish communities built in biblical Judea and Samaria are centers of study, growth, healthy living, and positive productivity, where Jews proudly reclaim their heritage. They are not “occupiers.”

Flatow speaks about the true “occupiers” – Mahmoud Abbas, who refused to hold elections in 2009 when his term expired and Hamas, now “beginning its second decade of illegally occupying Gaza,” as Flatow reminds us, but one never hears the term “occupation” referring to that terrorist entity.

Thanks to Ambassador Friedman for giving the world a reality check, and thanks to The Jewish Press for always publishing critically important articles such as this one. Ambassador Friedman is right: there is no Israeli “occupation.”

*Helen Freedman
Co-Executive Director
Americans for a Safe Israel/AFSI*

Feeling The Pain Of Others

Avraham *Avinu*, our father Abraham, though in his 90s and in great pain, didn’t anything stop him from running out to help complete strangers who were in need.

A few thousand years later, there were a lot of people in need in America who didn’t have health insurance. A bill was passed to make health care more readily available to them, and although there were some problems involved in the implementation of the plan, many people were being helped.

Until recently, that is. The Republican Congress did its best to kill the 2010 Affordable Care Act, and while the Republicans weren’t able to do away with it, they severely weakened it with measures that, according to every poll, are far more unpopular than the Affordable Care Act ever was. So much for the will of the people.

I find it particularly disappointing that a number of *frum* Jews I know vilified the Affordable Care Act in the strongest terms and applauded the GOP's attempts to destroy it. It seems that many of us no longer want to feel the pain of strangers. Whatever happened to the legacy of Avraham?

Howard Allen
(Via E-Mail)

A Disgrace And An Affront

The signing of a statement of dismay over President Trump's declaration that Jerusalem is the capital of Israel by Jess Olson, associate director for the Center for Israel Studies at Yeshiva University, is a disgrace and an affront to all Jews.

Olson makes the fallacious argument that "the decision by the Trump administration has likely inflicted a mortal injury to the possibility" of peace between Israel and the Palestinians.

"Mortal injury" to what? With the Palestinians showing time and time again that peace is not even on their agenda, Olson's statement is like saying that hitting a dead horse lessens the chances of that horse winning the Kentucky Derby.

Olson says Trump's decision "has likely put the dream of the world community's support of Israel with Jerusalem as its capital even farther out of reach."

This is more of a pipe dream. The UN, in its corrupt history, has managed to get enough support from the world community to single out Israel for condemnation more than any other nation – all before Trump's decision.

The world community is obviously nowhere near supporting Israel for anything. How would not declaring Jerusalem the capital of Israel change this? We have to

stop deluding ourselves into thinking that giving up what belongs to us will get us world support.

Ironically, Olson says Trump's "decision [was] made in haste, with inadequate consideration of the broader implications." What's interesting is that this is exactly what Olson has done. His signing that statement of dismay, despite his claim that he believes Jerusalem is Israel's capital, sent a message to the students of an Orthodox Jewish university that it's okay to lend support to the anti-Semites who use anti-Israel rhetoric to camouflage their anti-Semitic sentiments, and that it's also okay to disagree with the Torah.

*Josh Greenberger
Brooklyn, NY*

Therapy And SSA

Re Dr. Michael Salamon's column "Reparative Therapy Redux" (Family Issues section, Dec. 29):

To be politically correct today, one must agree with the American Psychological Association, the American Psychiatric Association, and National Association of Social Workers that there is no legitimate treatment for same sex attraction (SSA). The problem is that these associations are clearly wrong but will never even come close to admitting they are wrong.

Here are some facts:

* The Lubavitcher Rebbe in 1985 wrote a letter to an individual who stated he had SSA since birth. The Rebbe wrote: "While all blessings come from Hashem, a Jew is expected to do what is necessary in the natural order. In the matter of the said

problem, you surely know that there are doctors and psychiatrists who treat it and [have] been successful in many cases. I know of a number of cases of people who had this problem but eventually overcame it, married and raised a family.”

The Rebbe went on to say that the problem “may largely be congenital” and this does not “alter the situation.”

“Every day children are born with particular natures and innate tendencies or drives, some of them good and some of them bad. That is why human beings have to be trained and educated, so as to develop and strengthen the positive characteristics and eliminate the bad ones.” (Chayenu: Vayechi, 5752, January 1 – 7, 2012 p. 138). The Rebbe in this letter elaborated extensively on the topic.

* Nicholas A. Cummings, Ph.D., former president of the American Psychological Association, was also chief psychologist of Kaiser Permanente from 1959 to 1979 in San Francisco. He states his clinic treated roughly 18,000 gay and lesbian patients, with he himself treating about 2,000 patients with SSA. Of the SSA patients he oversaw who wanted to change their sexual orientation, hundreds were successful. He said these patients who changed were highly motivated.

* There are several therapists in the New York area who are fully licensed and trained and – quietly, without any fanfare – have successfully treated some patients with SSA struggling to overcome this problem. (I am one of those therapists). Plain hardworking therapy (no fancy tricks) over a period of time leads to positive results in many situations.

Telling people that change is impossible is harmful as it snatches away hope and dooms people to think they cannot overcome SSA. Destroying someone’s hope that change is impossible when it is possible very clearly violates the maxim “First do no harm.”






Dovid Schwartz, PsyD, LCSW

Editor's Note: The writer maintains a full-time private practice in Brooklyn.

Our Readers

Popular In the Community



<p>DIFFERENT DIVIDING OF JERUSALEM</p> <p>David Fox 1d</p> <p>By refusing to allow Jewish housing...</p>	<p>TRUE LEADERSHIP</p> <p>Meir Itcha 7h</p> <p>There is Judgment and there is a Judge - The...</p>	<p>REP. OMAR: SORRY THAT I HURT JEWS, BUT AIPAC...</p> <p> Judith 6h</p> <p>the agenda of the democratic party...</p>	<p>OXFORD UNIVERSITY IN ENGLAND DEBATING B...</p> <p> Jim_S 1d</p> <p>Europeans don't want Jews practicing as Je...</p>	<p>NEW Y : LAW IS :</p> <p>But kill</p>
<p>EGYPT ALTERS CONSTITUTION TO LET ...</p> <p>Ray Mailhot 6h</p> <p>El Sisi isn't so bad, we saw what the...</p>	<p>ORI ANSBACHER: LIGHT, FREEDOM AND JEWISH...</p> <p> Larry195657 6h</p> <p>I have a question, where is Ori now?</p>	<p>UPDATE: POLISH PRESIDENT PINS...</p> <p> Jim_S 7h</p> <p>Europe is the same cesspool of ant-...</p>	<p>SURPRISING REPUBLICANS,...</p> <p> Jim_S 1d</p> <p>Somewhat disappointed with th...</p>	<p>UN NE : JUSTIC :</p> <p>I think pec</p>

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v.

JONAH (Jews Offering New Alternatives for
Healing f/k/a Jews Offering New Alternatives
to Homosexuality), Arthur Goldberg, Alan
Downing, Alan Downing Life Coaching LLC,

Defendants.

SUPERIOR COURT OF NEW JERSEY
HUDSON COUNTY, LAW DIVISION

Docket No. L-5473-12

CIVIL ACTION

ORDER GRANTING PERMANENT
INJUNCTIVE RELIEF AND AWARDING
ATTORNEYS' FEES

THIS MATTER having been opened to the Court by Bruce D. Greenberg, Esq., of Lite DePalma Greenberg, LLC, attorneys for Plaintiffs, Michael Ferguson, Benjamin Unger, Chaim Levin, Jo Bruck, and Bella Levin (collectively "Plaintiffs"); and JONAH (Jews Offering New Alternatives for Healing f/k/a Jews Offering New Alternatives to Homosexuality), Arthur Goldberg, Alan Downing, and Alan Downing Life Coaching LLC, (collectively "Defendants" and together with Plaintiffs, the "Parties") each having expressed their consent to this Order; and the Court having considered the Plaintiffs' request; and for good cause having been shown for the entry of the Order; therefore

On this 18th day of December, 2015:

It is hereby FOUND AND DECREED, that:

1. The relief sought by Plaintiffs and granted herein is based upon and fully supported by the evidence presented during the trial in this action, the jury's unanimous verdict of June 25, 2015, and their finding that each Defendant made misrepresentations in connection with the advertisement, sale or subsequent performance of the JONAH program and engaged in unconscionable commercial practices;
2. The award of attorneys' fees and costs requested by Plaintiffs' counsel is a fair and reasonable award for the service provided in this action.

NOW, THEREFORE, it is hereby ORDERED that:

1. JONAH, Inc. shall permanently cease any and all operations within thirty (30) days of the entry of this Order, including its educational functions, its provision of referrals and/or direct services, and operation of its websites and listservs, which it shall cause to be taken offline, provided however that it shall be permitted to maintain use of "@jonahweb.org" email addresses, only for those purposes not

prohibited by this Order, for one hundred eighty (180) days from the entry of this Order;

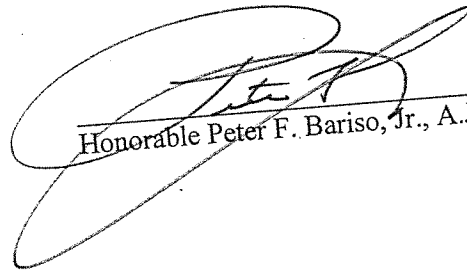
2. JONAH, Inc. shall permanently dissolve as a corporate entity and liquidate all its assets, tangible or intangible, within one hundred eighty (180) days of the entry of this Order;

3. As of the date of this Order, pursuant to the New Jersey Consumer Fraud Act, N.J.S.A. §§ 56:8-1, *et seq.*, Defendants are permanently enjoined from engaging, whether directly or through referrals, in any therapy, counseling, treatment or activity that has the goal of changing, affecting or influencing sexual orientation, “same sex attraction” or “gender wholeness,” or any other equivalent term, whether referred to as “conversion therapy,” “reparative therapy,” “gender affirming processes” or any other equivalent term (“Conversion Therapy”), or advertising, or promoting Conversion Therapy or Conversion Therapy-related commerce in or directed at New Jersey or New Jersey residents (whether in person or remotely, individually or in groups, including via telephone, Skype, email, online services or any delivery medium that may be introduced in the future, and including the provision of referrals to providers, advertisers, promoters, or advocates of the same), provided however that Alan Downing shall have thirty (30) days from the date of the entry of this Order to cease the provision of Conversion Therapy to his current clients;

4. Plaintiffs’ counsel is awarded attorneys’ fees and expenses in the amount of three million five hundred thousand U.S. dollars (\$3,500,000) to be paid by Defendants (the “Fee Award”) within such time as mutually agreed upon by the Parties.

Plaintiffs shall submit to this Court a notice of satisfaction upon Defendants' payment of the Fee Award.

5. This Order, and all of its obligations and restrictions, shall be binding on Arthur Goldberg, Alan Downing, Alan Downing Life Coaching LLC, and JONAH, Inc., including Elaine Berk as its co-founder and co-director.
6. This Court shall retain jurisdiction with respect to all matters relating to or arising from the interpretation, implementation, or enforcement of this Order.


Honorable Peter F. Bariso, Jr., A.J.S.C.

opposed

unopposed