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Congress of the United States House of Representatives

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VICE CHAIR

Chairwoman Edith Ramirez
Commissioner Julie Brill
Commissioner Terrell McSweeney
Commissioner Maureen Ohlhausen
Commissioner Joshua Wright

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairwoman Ramirez and Commissioners:

We are writing to you concerning the deceptive, unnecessary, ineffective, and dangerous practice known as ‘conversion therapy.’ Sometimes referred to as ‘reparative therapy’ or ‘sexual orientation change efforts,’ these ‘therapies’ falsely claim to change or reduce same-sex attraction or alter a person’s gender identity. The techniques most commonly used include a variety of behavioral, cognitive, psychoanalytic, and other practices that can have harmful long-term effects. We implore the Federal Trade Commission (FTC) to use its consumer protection rulemaking authority under the FTC Act to ban ‘conversion therapy.’ Establishing a rule will protect actual or perceived lesbian, gay, bisexual, and transgender (LGBT) children from these harmful, false and misleading practices.

With no basis in any scientific evidence, these ‘conversion therapies’ falsely claim to alter an individual’s sexual orientation and/or gender identity. Such ‘therapies’ are not only ineffective, but also have serious adverse implications to an individual’s physical and psychological well-being. In 2009, the American Psychological Association conducted a comprehensive review of published studies, concluding ‘The results of scientifically valid research indicate that it is unlikely that individuals will be able to reduce same-sex sexual attractions or increase other-sex attractions through SOCE [sexual orientation change efforts].’ The American Psychiatric Association, American Academy of Pediatrics, and the Pan American Health Organization, a regional office of the World Health Organization, have stated these practices are medically unjustified and ineffective.

States across the country have banned these practices by protecting actual or perceived LGBT children from the dangerous and scientifically discredited efforts by state-licensed therapists. California led the nation in 2012¹, followed by New Jersey in 2013², Washington, D.C. in 2014³, Oregon and Illinois in 2015, and most recently New York. More efforts are underway to protect

¹ SB1172, Sexual orientation change efforts, by then-State Senator Ted Lieu.

² A3371, An act concerning the protection of minors from attempts to change their sexual orientation and supplementing Title 45 of the Revised Statutes.

³ Bill 20-501, the Conversion Therapy for Minors Prohibition Amendment Act of 2013.

children in other states, but we believe the FTC is best positioned to ban this dangerous practice. Although these laws have faced legal challenges, they have survived. The 9th Circuit Court of Appeals ruled that California's ban does not violate the First Amendment because the ban "regulates professional conduct, not speech," and the United States Supreme Court allowed a 3rd Circuit Court of Appeals decision upholding New Jersey's ban on the grounds that the state's interest overrides any First Amendment concerns to stand.

In February of 2015, a New Jersey Superior Court judge ruled that misrepresenting homosexuality as a disorder violates the state's consumer protection laws. In June of 2015, the jury in that case determined that JONAH, Jews Offering New Alternatives for Healing, violated New Jersey's consumer fraud law by marketing homosexuality as a mental illness and by claiming that their conversion therapy services could successfully turn a gay person straight – and that they had done so many times before. This was the first case in the nation to rule on this cruel practice, and the jury found that JONAH "engaged in unconscionable commercial practices" and misrepresented their services. In December 2015, that same Court issued a permanent injunction requiring JONAH to shut down entirely and prohibiting founder Arthur Goldberg and counselor Alan Downing from engaging in any form of conversion therapy commerce in New Jersey.

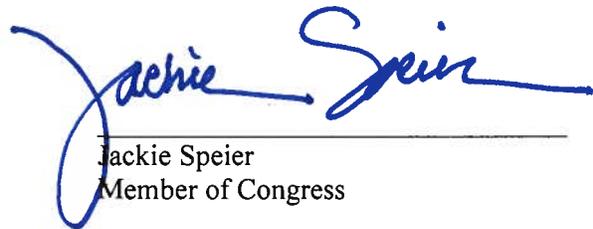
It is clear now, more than ever, that the FTC has the authority to act to protect our children from the false and misleading practice of conversion therapy. A rule banning 'conversion therapy' is especially needed to protect minors, who are almost always forced or coerced to undergo conversion therapy. State-licensed practitioners frequently prey on well-intentioned parents and legal guardians who do not understand that they are putting their children at risk of serious harm. The federal government has a strong interest in ensuring that state-licensed practitioners follow both ethical and lawful standards of conduct and do not advertise services or practice 'therapies' that are medically unjustified.

We implore the FTC to use its congressionally delegated authority to ban 'conversion therapy' as a practice. We owe it to our children and our nation to ban these 'therapies' once and for all.

Sincerely,



Michael M. Honda
Member of Congress
Chair, Transgender Equality Task Force



Jackie Speier
Member of Congress



Ted W. Lieu
Member of Congress



Raúl M. Grijalva
Member of Congress
Transgender Equality Task Force



Eleanor Holmes Norton
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