



# CONVERSION THERAPY AND LGBTQ YOUTH

*What Parents, Students, Educators and Mental  
Health Providers Need to Know*

Presented by Lisa A. Linsky, Partner

April 29, 2020

[mwe.com](https://mwe.com)

**McDermott  
Will & Emery**

THE  
**MATTACHINE SOCIETY**  
OF WASHINGTON DC

# MISSION

- The mission of the Mattachine Society of Washington DC is to conduct original archival research and educational programs that focus on gay and lesbian legal, political, and policy history

# ARCHIVE ACTIVISM: THE HISTORY SPEAKS FOR ITSELF

- Original historical documents uncovered – **many for the first time** – and made public to educate and inspire a new generation of lawmakers, thought-leaders and the legal community
- High-impact approach combining investigative research professionals: McDermott Will & Emery legal team and Mattachine Society of Washington DC

# LISA A. LINSKY

## INVOLVEMENT IN LGBTQ ISSUES:

- Created McDermott's LGBTQ Diversity and Inclusion Committee
- Trainer on LGBTQ Competency issues
- Board member, Lambda Legal (2007-2014)
  - Leading LGBTQ Civil Rights legal organization in country since 1973



# LISA A. LINSKY

## INVOLVEMENT IN LGBT ISSUES (CONT.)

- Board Member, LGBTQ Community Center, NYC (2014-Present)
- The Center provides a wide range of support options for LGBTQ individuals and their families
- Programs include: Building Families, Strengthening Families, Connecting Families, Family Therapy Certification, Family Resources



# THE HISTORY OF SEXUAL ORIENTATION CHANGE EFFORTS (SOCE)

# CONVERSION THERAPY

“It's not conversion 'therapy;' it's conversion brainwashing.”  
— Dr. DaShanne Stokes

**'Tiny needles were stuck into my fingers and I was electrocuted': Victim of Baptist gay conversion therapy describes how he was tortured at 12**

- Beaten repeatedly by his father after innocently telling him, aged 12, that he was attracted to his friend
- Told he had AIDS, that he was the only gay person in the country and the government would kill him if they found out



# THE GOAL OF CONVERSION THERAPY

“The first step – which usually lasted six months – [is] where they ‘deconstruct us’ as a person. The goal is to get us to hate ourselves for being LGBTQ. We were no longer people at the end of the program.”

“TC”, subjected to conversion therapy at age 15.  
HuffPost.com, 11/6/17 James Michael McNichol

# SEXUAL ORIENTATION CHANGE EFFORTS “SOCE”

—Also known as:

- Conversion Therapy
- Reparative Therapies
- Ex-Gay Ministries



# SEXUAL ORIENTATION CHANGE EFFORTS (CONT.)

## A “Scientific” Genesis

- Mid-19<sup>th</sup> century: Homosexuality considered an “illness”, but 20<sup>th</sup> century “scientific” methods trying to “cure” it
  - Early treatment techniques:
    - other-sex prostitution
    - arranged heterosexual marriage
  - As late as the 1970s it was commonplace to market goods that aided in conversion therapy, including electric shocks
    - See Farrall Instrument Company- marketing “corrective” products as late as 1973

### THE WIRELESS SHOCKER

The Wireless Shocker gives clinicians and researchers aversive control over situations without the encumbrance of wires. Unhampered by control wires, the patient can now move with unrestrained freedom and yet be under control. Another great advantage of this physical isolation of the patient from the therapist is the diminished link between the therapist and the aversive shock. The patient thinks less of the therapist, as a punisher, and associates the shock with the undesired act he is doing.

FOR ALLEVIATING

SELF DESTRUCTIVE BEHAVIOR

PSYCHOSOMATIC PROBLEMS

AGGRESSIVE BEHAVIOR



The Model AR-5 is an improved version of our Model AR-2 which has been in production for over five years. An automatic gain control has been added to the receiver. This greatly increases the reliability by decreasing overload problems at close range. The new model also has an increased shock output.



The shocker has a range of around 75 feet indoors and 300 feet outdoors. The long outdoor range makes this unit useful on the playground and in similar situations. The control unit is a small hand-held device. The receiver-shocker is a small unit housed in a leather case and is usually attached to the patient by a belt around the waist. Both units are sufficiently small to permit unobtrusive use in a variety of field or group situations. Thus, behavior modified in the laboratory or office situation may be subject to generalization and discrimination training more closely approximating the situations to which the behavior must be transferred.

**FARRALL INSTRUMENTS**

# GOVERNMENT PERSECUTION

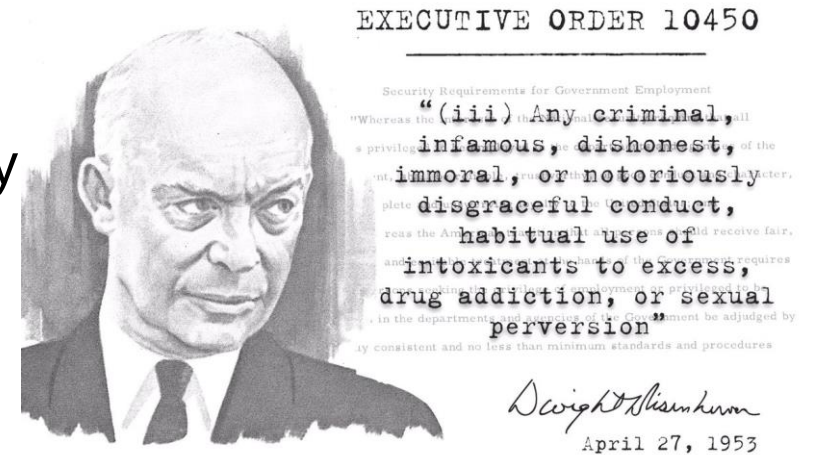
## J. EDGAR HOOVER'S "SEX DEVIATE" PROGRAM

- Began in 1951 by FBI, but gained teeth with Eisenhower's executive order
- Under this program, homosexuals were often labelled "clinically insane" and committed to psychiatric institutions



# GOVERNMENT PERSECUTION: THE LAVENDER SCARE

- In the 1950s, it was believed that homosexuals posed a national security threat
- Eisenhower issued Executive Order 10450 in 1953
  - Officially sanctioned the identification of homosexuality as a behavior threatening to national security
  - Prevented Homosexuals from employment in the Federal Government
    - Ruined Careers
    - Contributed to public stigma
    - Created a “Culture of Animus”



# ST. ELIZABETHS HOSPITAL

- Washington D.C.
- Originally established in 1855 by Dorothea Dix to serve members of the Army and Navy
- By 1950s was serving exclusively civilians
- Center of the conversion therapy pseudoscience
- Homosexuals could be admitted for simply expressing an interest in others of the same sex

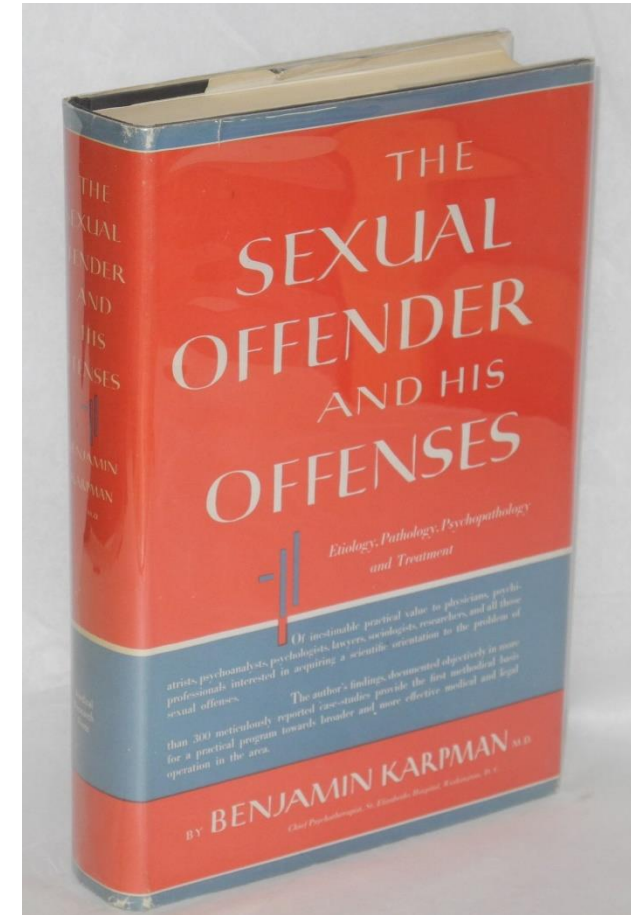




# ST. ELIZABETHS HOSPITAL (CONT.)

Dr. Benjamin Karpman

- Senior forensic psychiatrist at St. Elizabeths for 40 years
- Thought leader in searching for a “scientific” cure
- Disseminated the view that homosexuality was like a contagious disease
- Believed every person has an element of bisexuality though it is only expressed in some individuals
- It is undesirable for gay people to be public about their sexual orientation because it may corrupt others to experiment with their homosexual side



# MEDICAL COMMUNITY REVERSES THE STIGMA

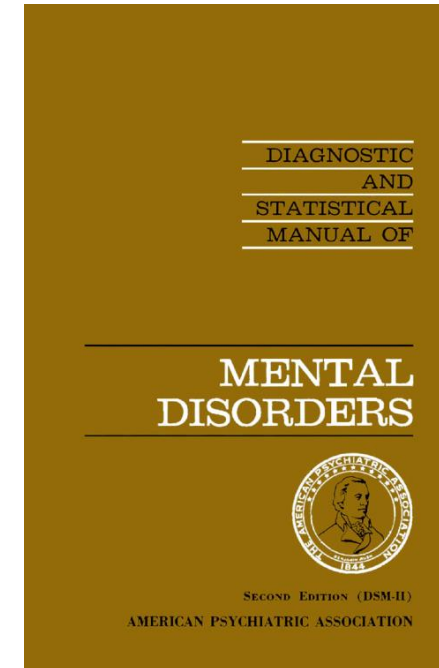
- Through the 1960s and part of the 1970s, the American Psychiatric Association (APA) categorized homosexuality as a mental illness, despite no evidence that homosexuality was pathological
  - research at that time had shown that homosexual men and women were essentially similar to their heterosexual counterparts and that no factors such as family dynamics or trauma correlated with homosexuality





# MEDICAL COMMUNITY REVERSES THE STIGMA (CONT.)

- In 1973, homosexuality was declassified as a mental health disorder by the APA
  - In response, some groups (especially religious organizations) viewed their way of life as incompatible with homosexuality
  - As such, newer conversion therapies emerged and frequently centered around religion instead of “science”, birthing the phrase “praying the gay away”
- In 1975, the American Psychological Association followed suit, declassifying homosexuality as a disorder



# LOVE IN ACTION AND JOHN SMID



# LOVE IN ACTION (LIA): THE PARADIGM FOR POST-1973 CONVERSION THERAPY

*Finding Freedom in Jesus Christ*  
**LOVE IN ACTION**



- One such religious organization that began conducting conversion therapy was Love in Action (LIA)
  - Founded by Frank Worthen in 1973 in San Rafael, CA
- LIA or “The Ministry” targeted desperate parents trying to turn their LGBTQ children straight
- The Ministry used tactics including cherry-picked biblical verses, spiritual discipline and 12 step programs that supported the premise that homosexuals were broken
- LIA was an arm of Exodus International, which was comprised of roughly 150 conversion therapy organizations globally with the goal of uniting its members’ interests through community unification

# JOHN J. SMID: EXECUTIVE DIRECTOR AT LIA

- Joins LIA in the Mid-1980s
- Takes over LIA from the Worthen's
- A role Smid was born to play



# JOHN J. SMID

## Early Life



- Dysfunctional family
- Begins to develop feelings for other men but “did not understand them”
- Marries at 22, and has two children
- Has an affair with male coworker- gets divorced after he tells his wife he is gay
- Moves to Omaha, NE and “participates in gay culture”
- Becomes frustrated with hook-up culture, AIDS epidemic
- Engages in evangelism and renounces his sexual orientation
- Joins LIA as an “ex-gay” minister

# JOHN J. SMID (CONT.)

## LIA's Appeal

- Smid felt embraced by the evangelical community
- Became a leader in that community and placed on a pedestal
- Spoke publicly about how, with God's help, he beat homosexuality
- When the Worthen's left to go on a mission in the Philippines, Smid was promoted to Executive Director of LIA
- Smid became a poster child for the ex-gay cause



# LIA MOVES TO TENNESSEE

## The Addiction Model

- When LIA moved to Tennessee in 1994, Smid also changed the treatment model
  - While formerly LIA focused solely on the religious aspects of the renunciation of homosexuality, Smid later adopted an addiction model for “treating” clients’ sexual orientation to rid them of same sex attractions
  - Followed 12-step program model, which blamed homosexual conduct on “pains of the past”
  - Initially, no one affiliated with LIA had any state-licensed mental health qualifications
  - LIA as an organization had no such license to conduct recovery or treatment programs





# LIA'S DOWNFALL

## Zach Stark's Post

- In 2005, just as LIA was planning to open a second outpost in Memphis two scandals arose:
  - 1. One LIA staff member was spotted with a former client in an adult pornography store and was subsequently fired; and,
  - 2. Zach Stark, a gay teenager in the program posted on MySpace about contemplating suicide due to the oppressive nature of the “Therapy”
    - This launched a national outcry as journalists reached out to former participants of LIA's programs





# LIA'S DOWNFALL (CONT.)

## *The Washington Blade* Article

- After Zach Stark's post, *The Washington Blade* conducted interviews about LIA and published an article
  - One former participant, Peterson Toscano, told of how patients were restricted from physical contact from any males and were not allowed to go anywhere in Memphis without supervision. LIA clients had to criticize each other for all the ways they appeared to be gay in a shaming ritual
  - Another participant, Garrard Conley, author of the memoir *Boy Erased* told how they had a mock funeral for a “defector” and were forced to write obituaries of his death from AIDS
  - A former Ex-Gay Leader, Jeffrey Ford, described how LIA resembled a cult based on fear and with behavioral restrictions



# LIA INVESTIGATED



- LIA's conduct grabbed the attention of Tennessee State officials
- Tennessee Department of Mental Health and Department of Developmental Disabilities (TDMHDD) began an investigation in the summer of 2005

# INVESTIGATIONS FUELED LIA FUNDRAISING



- Smid writes: “God proved his faithfulness to us and has used the Tennessee Department of Children’s Services and the Tennessee Department of Mental Health to validate what we do and how we minister to our clients...The way God uses these state departments is interesting and humbling”
- Fundraising efforts generated increased donations

# TDMHDD INVESTIGATION

- On Aug. 19, 2005, TDMHDD's licensure coordinator entered LIA's compound unannounced and determined there were violations as LIA was providing mental health services without a license
- TDMHDD ordered LIA to cease and desist operations
- LIA responded with a lawsuit brought by Alliance Defense Fund (ADF), today Alliance Defending Freedom



# LIA'S LAWSUIT: TESTING THE WATERS

- LIA brought 4 claims
  1. 14<sup>th</sup> Amendment Due Process Claim
  2. 1<sup>st</sup> Amendment Free Exercise of Religion Claim
  3. 14<sup>th</sup> Amendment Equal Protection Clause Claim
  4. 1<sup>st</sup> Amendment Free Speech Claim
- After three of the four claims survived motions to dismiss, the case settled
  - The state agreed that LIA was not required to be licensed as a mental health provider and LIA agreed to stop monitoring the medication intake of participants
  - The state also agreed to pay LIA's attorney's fees
- Smid hailed the result as a “victory” and that his ministry was “without reproach”



Photo: Shutterstock/Lori Howard



# SMID LEAVES LIA

- After the lawsuit, Smid became enveloped in more bad press and LIA staff who turned against him
- He felt that he was an ineffective leader
- By 2008, he resigned, and LIA folded a year later



# SMID TODAY:

## A Changed Man- An Ex-Ex Gay

- Today, Smid believes that with the lawsuit, “God was rescuing the people from coming to LIA” and that Tennessee was “protecting children”
- He admits that LIA could never have gotten a license to do what they did because “homosexuality is not a mental disorder”
- Smid claims that no participant in LIA’s programming ever came homosexual and left heterosexual, and that the program as a whole was a “horrible failure”
- Smid divorced his 2d wife and in 2014, married Larry McQueen, after meeting at a conference for Christian gays



# LIA FALLOUT

- Garrard Conley's memoir *Boy Erased* tells the story of a teenager sent to LIA by his Baptist Minister Father
- After reading the memoir, Smid issued an apology to parents of young people who attended LIA, claiming that he harnessed their fear of homosexuality as a scare tactic
- Smid closed the apology, saying "It is my hope that as our world unfolds, shame and degradation for LGBTQ people will stop. It is my dream that families will totally embrace and support their LGBTQ loved ones. May it be so."





# CONVERSION THERAPY TODAY

# ADVERSE EFFECTS OF CONVERSION THERAPY

- Conversion therapy is rarely effective, with proponents relying on anecdotal ex-gays as success stories
- Side effects of Conversion therapy: **Depression**, guilt, helplessness, hopelessness, shame, social withdrawal, **suicidality**, **substance abuse**, stress, disappointment, self-blame, increased self-hatred, hostility and blame toward parents, 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



# ADVERSE EFFECTS OF CONVERSION THERAPY (CONT.)

- In a study by San Francisco State University (Caitlin Ryan), lesbian, gay and bisexual youth who were rejected by their families and caregivers due to their identities were nearly **six times more likely to report high levels of depression** and more than **eight times more likely to have attempted suicide** when compared to youth from accepting and affirming families and caregivers
- The American Academy of Child and Adolescent Psychiatry (AACAP) has warned that SOCE “may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts.”
- Ninety-nine percent of SOCE attempts fail (*King* Brief, citing Glassgold)
- Few practices hurt LGBTQ youth more than attempts to change their sexual orientation or gender identity.



# CONVERSION THERAPY REMAINS PREVALENT

- A 2019 UCLA study estimated that 16,000 LGBTQ youth aged 13-17 will be subjected to conversion therapy via a licensed healthcare professionals before they turn 18, and 57,000 youth will receive conversion therapy from religious or spiritual figures
- An estimated 700,000 LGBTQ adults in the U.S. aged 18-59 have received some form of conversion therapy, half of them as adolescents
- <https://williamsinstitute.law.ucla.edu/>



# CONVERSION THERAPY REMAINS PREVALENT (CONT.)

Sample of Religious-Focused Conversion Therapies Operating Today

**exODUS**  
*Global Alliance*



 **NORTHSTAR**  
*Community. Integrity. Hope.*



(closed in 2019)

**JOEL**  
2:25  
INTERNATIONAL



**HA**  
Homosexuals  
Anonymous

# CONVERSION THERAPY REMAINS PREVALENT (CONT.)

Sample of Conversion Therapies Operating Today



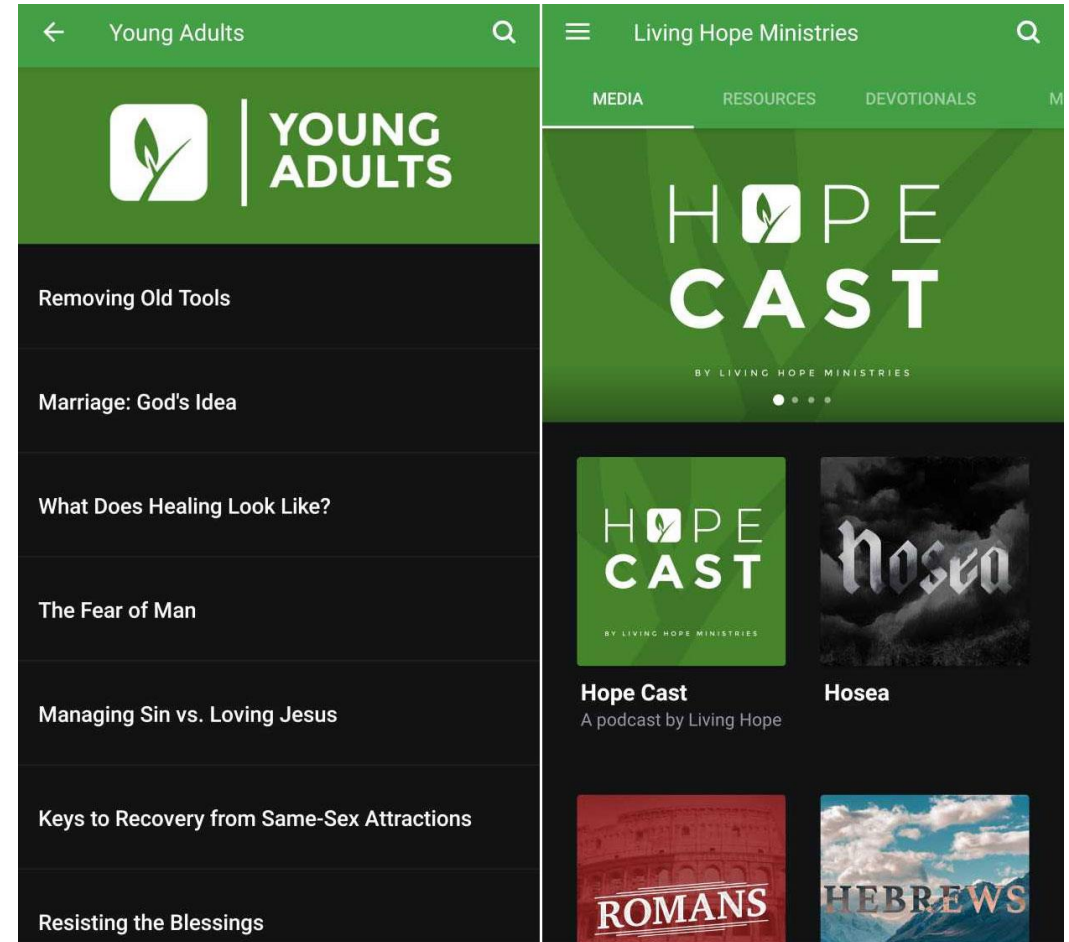
(New Version of LIA)





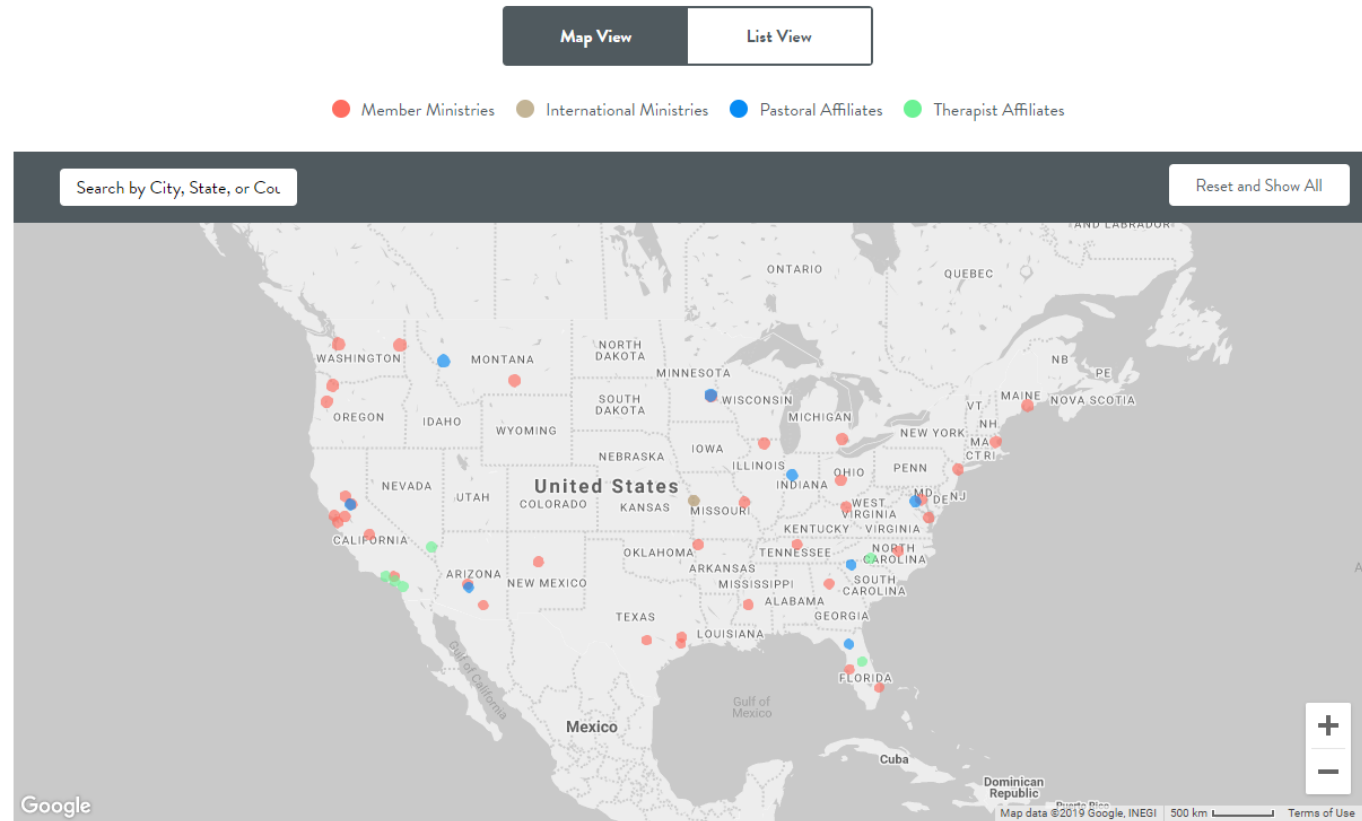
# CONVERSION THERAPY ON YOUR PHONE?

- Living Hope Ministries app pulled from Google Play Store in March 2019 after a change.org petition from Truth Wins Out collected over 150,000 signatures. HRC suspended Google from its Corporate Equality Index
  - The app, which had amassed over 1,000 users, included sections such as “Keys to Recovery from Same-Sex Attractions”
  - Apple and Amazon had removed the app in 2018
  - Example of how conversion therapy hides in plain sight



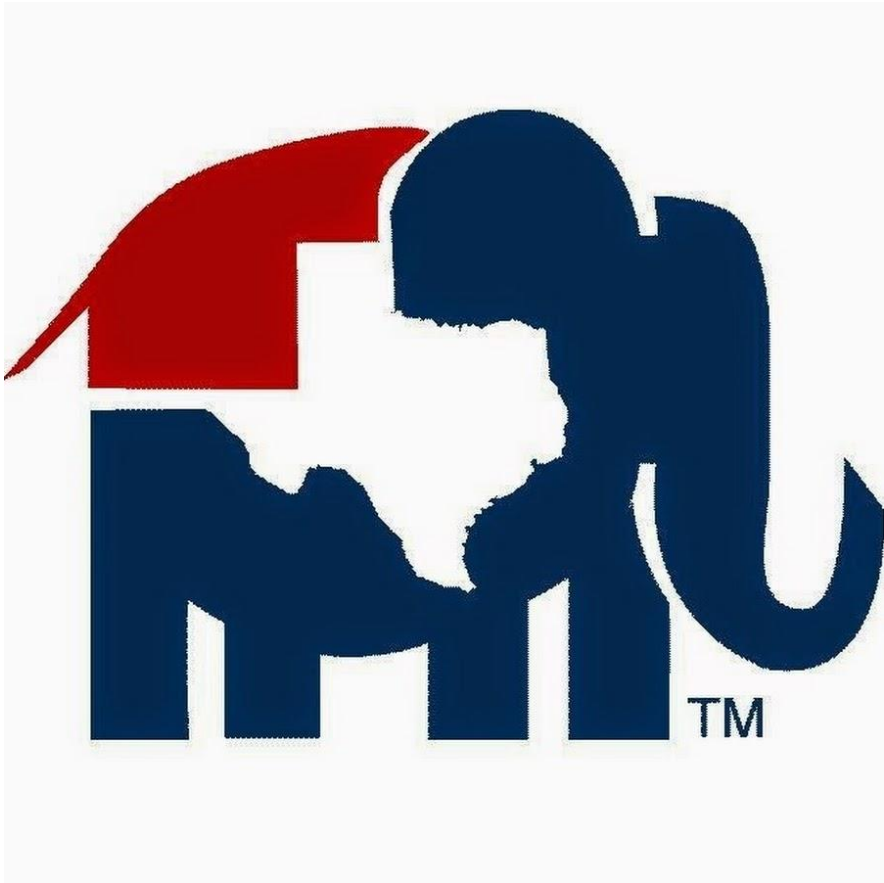
# CONVERSION THERAPY REMAINS PREVALENT (CONT.)

- Truth Wins Out calls Restored Hope Network the new Exodus International





# POLITICAL SUPPORT FOR CONVERSION THERAPY



- Texas Republican Party 2019 platform voted on by the party in June includes opposing “all efforts to validate transgender identities” and no restriction on therapies aimed at changing sexual orientation

# CONTEMPORARY CONVERSION THERAPY TECHNIQUES

- Common conversion therapy techniques today include:
  - Behavioral, cognitive, psychoanalytic practices, talk therapy
  - Less commonly: Aversive conditioning including induced nausea, shaming, electric shocks, hypnosis, sex therapies (including pain inducement upon arousal from same sex attractions)
- ATCSI (Alliance for Therapeutic Choice and Scientific Integrity), is a group of mental health professionals who seek to change sexual orientation through therapy
- Formerly known as NARTH (National Association for Research and Therapy of Homosexuality)



# CONSUMER PROTECTION

## A New Tool To Protect LGBTQ People from Conversion Therapy

- Consumer Fraud laws target business practices that are unfair or deceptive
- Conversion therapies which suggest they will alter the sexual orientations of their subjects become targets for consumer fraud laws because they rarely create that change, and do not disclose the dramatic side effects
- Successfully filed lawsuits include the SPLC's victory against Jews Offering New Alternatives for Healing (JONAH) in Ferguson v. JONAH
- Obtained ruling to permanently cease operations and pay 3.5 million dollar fine on June 12, 2019



# CONSUMER PROTECTION (CONT.)

## Therapeutic Fraud Prevention Act of 2019

- Proposes a federal ban on for profit conversion therapy by mental health professionals
- Introduced in the House of Representatives by Ted Lieu, who introduced California's ban in their state assembly in 2012, and Patty Murray and Cory Booker in the Senate
- Has been introduced in previous years without passage



Ted Lieu (D-CA)

# SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI) THERAPIES

- Affirmative therapies where the mental health professional has no agenda can be effective for teens who are beginning to grapple with their sexual orientation or gender identity
- Issues arise when the therapy is aimed at changing client's orientation or identity from one to another with a stake in the outcome



# STATES BAN CONVERSION THERAPY

- 20 states, D.C. and Puerto Rico have banned conversion therapy for minors by mental health providers
- 4 states in 2019: New York, Massachusetts, Maine and Colorado
- 2 states in 2020: Utah and Virginia

# MUNICIPALITIES BAN CONVERSION THERAPY

- 71 municipalities, counties and communities in states including Florida, Pennsylvania, Ohio, Wisconsin and Arizona also ban Conversion Therapy for minors
- The Dillon Rule limits the effectiveness of these bans (i.e., a state decision)



# RESOURCES

- The Trevor Project
- Human Rights Campaign
- Born Perfect (National Center for Lesbian Rights)
- Truth Wins Out
- Lambda Legal Defense & Education Fund
- Local LGBT Community Centers
- PFLAG

# THE WHITE PAPER

## THE PERNICIOUS MYTH OF CONVERSION THERAPY: HOW LOVE IN ACTION PERPETRATED A FRAUD ON AMERICA

Prepared by McDermott Will & Emery LLP on behalf of the  
Mattachine Society of Washington DC

<https://stopconversiontherapy.org/white-paper/>

# THE MATTACHINE SOCIETY OF WASHINGTON DC

- [www.mattachinesocietywashingtondc.org](http://www.mattachinesocietywashingtondc.org)
- [www.stopconversiontherapy.org](http://www.stopconversiontherapy.org)
- [www.lesbianpioneer.org](http://www.lesbianpioneer.org)
- Contact us at [info@mattachinesocietydc.org](mailto:info@mattachinesocietydc.org)

# QUESTIONS?

**Lisa A. Linsky, Esq.**

**McDermott Will & Emery (NY)**

**[llinsky@mwe.com](mailto:llinsky@mwe.com)**

**212.547.5400**