Commentary: It’s time for Utah’s conversion therapy ban

(Trent Nelson | Tribune file photo) Ermiya Fanaeian, with a group of young people protesting in front of the Utah House Chamber at the state Capitol on March 11, 2019, calling on legislators to support a conversion therapy ban and denounce homophobia and transphobia.

By Paul C. Burke, John W. Mackay and Brett L. Tolman | Special to The Tribune

- Published: September 23, 2019
  Updated: September 24, 2019

On Saturday night, a new movie debuts on Lifetime about how conversion therapy was practiced only a few years ago at an unlicensed facility in southern Utah. “Trapped: The Alex Cooper Story” was inspired by Cooper’s gripping memoir, “Saving Alex,” which chronicled the torture and abuse she suffered by those seeking to change her sexual orientation.

This harrowing yet ultimately redeeming film arrives as the state of Utah is poised to finally and hopefully forever ban the practice of conversion therapy by licensed professionals.

Earlier this year, the Legislature failed to pass a bill that had been drafted in keeping with the “Utah Way” by key groups, including Equality Utah and The Church of Jesus Christ of Latter-day Saints. Unfortunately the consensus legislation was hijacked by proponents of the discredited practice.

Gov. Gary Herbert responded in June by directing the Division of Professional and Occupational Licensing (DOPL) to develop rules to address and govern the practice. To his credit, Herbert directed that the terms of the policy should be driven by scientific knowledge.

“This needs to be done in an area that should be governed by the best available science rather than left unregulated or regulated in a manner that is colored by politics,” Herbert wrote.

This sensible reliance on scientific consensus by the Herbert-Cox administration is consistent with the general approach of the state’s largest ecclesiastical organization. More than a decade ago, President Dallin Oaks explained that “The [LDS] Church rarely takes a position on which treatment techniques are appropriate [except in very, very rare cases like abortion], for medical doctors or for psychiatrists or psychologists and so on.”

More recently, on its official “Mormon and Gay” website, the LDS Church counsels its members against the false promise of conversion therapy, writing: “[A] change in attraction should not be expected or demanded as an outcome by parents or leaders.”

The nation’s leading mental health and medical associations have also condemned conversion therapy as dangerous and ineffective. Just last month, an article in the New England Journal of Medicine quoted a coalition of scientific organizations that, “the idea that homosexuality is a mental disorder or that the emergence of same-sex attraction and orientation among some adolescents is in any way abnormal or mentally unhealthy has no support among any mainstream health and mental health professional organizations.”

Paul Burke

John Mackay

Brett L. Tolman

Moreover, “The World Psychiatric Association has declared that interventions such as conversion therapy are ‘wholly unethical’.”

To its credit, Utah’s Division of Professional Licensing has developed a proposed rule that is consistent with the prevailing scientific consensus. The proposed rule would prohibit licensed professionals from subjecting clients or patients to “sexual orientation change efforts.”

The proposed rule would protect Utah teenagers from the physical and psychological abuse suffered by Alex Cooper. After coming out to her Mormon family at age 15, Cooper was forced to stand at attention for hours wearing a backpack filled with heavy rocks, meant to symbolize her supposed sin of her homosexuality.

She was also subjected to psychological abuse targeting her identity and the essence of her very being. She was told that there was no place for her in God’s

plan. She was told that she had made wrong choices and that it was evil not only to "act gay" but to be gay. She was instructed, against the weight of all scientific evidence, that she could — and must — choose not to be gay.

The proposed rule would outlaw this dangerous quackery by licensed professionals. DOPL has scheduled an open hearing to take public comment on the proposed rule on Thursday morning at the Heber Wells Building. The public may also submit comments to DOPL on the proposed rule by emailing Larry Marx at lmarx@utah.gov.

Cooper survived her ordeal and has even reconciled with her parents, but Cooper's heartbreaking experience demonstrates why LGBT teens need to be loved and affirmed as they were created. The movie about Cooper's months of captivity shows why Utah should no longer be the place for conversion therapy.

Paul C. Burke, John W. Mackay and Brett L. Tolman. Tolman and the law firm of Ray Quinney & Nebeker provided pro bono legal representation to Alex Cooper.