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*Attorneys for Plaintiffs*

Michael Ferguson, Benjamin Unger, Chaim  
Levin, Jo Bruck, Bella Levin,

Plaintiffs,

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

**NOTICE OF PLAINTIFFS' MOTION  
TO ENFORCE PERMANENT  
INJUNCTION AND FOR DEFAULT  
JUDGMENT**

To: Michael P. Laffey, Esq.  
Messina Law Firm P.C.  
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16236 San Dieguito Road, Suite 3-15  
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PLEASE TAKE NOTICE that, pursuant to R. 1:10-3, Plaintiffs Michael Ferguson, Benjamin Unger, Chaim Levin, and Jo Bruck shall apply to the Honorable Peter F. Bariso, A.J.S.C. at the Superior Court of New Jersey located at 595 Newark Avenue, Jersey City on Friday, April 27, 2018 at 9:30 a.m. for an order to enforce the Court's December 18, 2015 *Order Granting Permanent Injunctive Relief and Awarding Attorneys' Fees* (the "Permanent Injunction"), and for default judgment against JONAH, Arthur Goldberg and Elaine Berk for failure to pay the Fee Award as provided for in the Permanent Injunction.

A proposed form of order accompanies this motion. In support of this motion, Plaintiffs will rely upon the Certification of Thomas S. Kessler, Esq. and the brief submitted herewith.

ORAL ARGUMENT: Plaintiffs request oral argument if this matter is contested.

Dated: March 28, 2018

Respectfully submitted,

/s/ Bruce D. Greenberg  
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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 MOTION  
TO ENFORCE PERMANENT  
INJUNCTION AND FOR  
DEFAULT JUDGMENT**



**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 and Jo Bruck on motion (the “Motion”)<sup>1</sup> returnable April 27, 2018, seeking (i) enforcement of the Court’s December 18, 2015 *Order Granting Permanent Injunctive Relief and Awarding Attorneys’ Fees* (the “Permanent Injunction”) and (ii) default judgment against JONAH, Arthur Goldberg and Elaine Berk for failure to pay the Fee Award as provided for in the Permanent Injunction, and for good cause shown

**IT IS** on this \_\_\_\_ day of \_\_\_\_\_, 2018, hereby

**FOUND AND DETERMINED** that:

1. JONAH, Arthur Goldberg and Elaine Berk have violated the Permanent Injunction by failing to “permanently cease any and all operations” of JONAH as required by Paragraph 1 of the Permanent Injunction, including through the founding and operation of the Jewish Institute for Global Awareness or “JIFGA”;
2. JONAH, Arthur Goldberg and Elaine Berk have violated the Permanent Injunction by engaging in Conversion Therapy and promoting Conversion Therapy-related commerce;
3. The Permanent Injunction violations committed by JONAH, Arthur Goldberg and Elaine Berk were willful such that it is proper to award to Plaintiffs their fees and costs incurred in bringing the Motion; and

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion.

4. JONAH, Arthur Goldberg and Elaine Berk have breached their obligations under the parties' December 17, 2015 settlement agreement (the "Settlement Agreement"), which breaches cannot be cured.

Therefore, it is hereby **ORDERED** that:

1. The Motion is GRANTED as set forth herein.
2. JIFGA, as a successor to JONAH, shall be subject to the Permanent Injunction in all respects, including with respect to all provisions applicable to JONAH, and the Permanent Injunction's definition of "Defendants" shall be deemed amended to include JIFGA;
3. Pursuant to Paragraph 1 of the Permanent Injunction, JIFGA shall permanently cease any and all operations within thirty (30) days of the entry of this Order, including operation of its websites, which it shall cause to be taken offline;
4. Pursuant to Paragraph 2 of the Permanent Injunction, JIFGA 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;
5. Pursuant to Paragraph 6 of the Settlement Agreement, Defendants shall, within thirty (30) days of the entry of this Order, pay to Plaintiffs the Defendants' Breach Damages (as defined in Paragraph 6(b) of the Settlement Agreement), *provided, however*, that Ms. Berk's liability for the Defendants' Breach Damages shall be limited to the Berk Breach Damages (as defined in Paragraph 6(c) of the Settlement Agreement);
6. Plaintiffs shall, within \_\_\_\_ days of the entry of this Order, submit a certification documenting their fees and costs incurred in bringing the Motion. Defendants shall,

not later than thirty (30) days after receipt of Plaintiffs' certification, reimburse Plaintiffs for such fees and costs;

7. The Permanent Injunction, as clarified and supplemented by this Order, shall continue in full force and effect on the terms set forth therein; and
8. 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

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Elaine Berk.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
HUDSON COUNTY, LAW DIVISION

Docket No. L-5473-12

CIVIL ACTION

**CERTIFICATION OF THOMAS S.  
KESSLER, ESQ. IN SUPPORT OF  
MOTION TO ENFORCE  
PERMANENT INJUNCTION AND  
FOR DEFAULT JUDGMENT**

I, Thomas S. Kessler, hereby certify as follows:

1. I am an associate at the law firm Cleary Gottlieb Steen & Hamilton LLP, co-counsel for Plaintiffs Michael Ferguson, Benjamin Unger, Chaim Levin, and Jo Bruck in this action. By order of this Court, I have been admitted *pro hac vice* as one of the counsel of record for Plaintiffs in this case. I am familiar with the facts and circumstances of this matter.<sup>1</sup>

2. A true and complete copy of Plaintiffs' Complaint, dated November 27, 2012, is attached as Exhibit 1.

3. A true and complete copy of the Court's Order Granting Permanent Injunctive Relief and Awarding Attorneys' Fees (the "Permanent Injunction"), dated December 18, 2015, is attached as Exhibit 2.

4. A true and complete redacted copy of the December 2015 settlement agreement between the Parties (the "Settlement Agreement") is attached as Exhibit 3.<sup>2</sup>

5. A true and complete copy of JONAH's December 31, 2015 newsletter is attached as Exhibit 4.

6. On January 11, 2016, I observed that JONAH's website, jonahweb.org, had been replaced with a "page unavailable" banner. At various times, as early as May 9, 2016 and as late as October 16, 2017, I observed that jonahweb.org no longer had a "page unavailable" banner, but prompted visitors to enter a username and password to access the website's contents.

7. A true and complete copy of the cited excerpts from Volume 1 of the June 8, 2015, trial transcript is attached as Exhibit 5.

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<sup>1</sup> Capitalized terms used herein but not defined shall have the meaning ascribed to them in the *Brief in Support of Motion to Enforce Permanent Injunction and for Default Judgment*, filed contemporaneously herewith.

<sup>2</sup> An unredacted version of Exhibit 3 has been filed with the Court under seal.

8. A true and complete copy of the cited excerpts from the deposition of Defendant JONAH, Inc. is attached as Exhibit 6.

9. A true and complete copy of JIFGA's 2016 Form 990 is attached as Exhibit 7.

10. A true and complete copy of JONAH, Inc.'s 2011 Form 990 is attached as Exhibit 8.

11. A true and complete copy of JIFGA's 2015 Form 990 is attached as Exhibit 9.

12. A true and complete copy of the National Task Force for Therapy Equality's Report to the Federal Trade Commission, "In Their Own Words: Lies, Deception, and Fraud," dated May 2, 2017, is attached as Exhibit 10.

13. A series of true and complete screenshots from the Funding Morality website, [www.fundingmorality.com](http://www.fundingmorality.com), each taken on March 21, 2018, is attached as Exhibit 11.

14. A true and complete copy of an email exchange with Mr. Arthur Goldberg as posted to the Nefesh listserv on May 22, 2016 is attached as Exhibit 12.

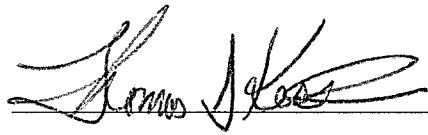
15. A true and complete copy of the article, "Sexual Orientation Change Efforts Under Attack," written by Laura A. Haynes, Ph.D and Charles S. LiMandri, Esq., and published on WorldNetDaily's website, [www.wnd.com](http://www.wnd.com), on February 1, 2016, is attached as Exhibit 13.

16. A true and complete copy of the letter sent by James L. Bromley to Charles S. LiMandri, Esq., Teresa L. Mendoza, Esq., Paul M. Jonna, Esq., and Michael P. Laffey, Esq., on January 19, 2018, is attached as Exhibit 14.

17. A true and complete copy of the letter, with enclosures, sent by Michael P. Laffey to James Bromley, Esq., on January 30, 2018 is attached as Exhibit 15.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 28, 2018  
New York, NY

A handwritten signature in black ink, appearing to read "Thomas S. Kessler", is written over a horizontal line.

Thomas S. Kessler

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SUPERIOR COURT OF NEW JERSEY  
HUDSON COUNTY, LAW DIVISION

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CIVIL ACTION

**BRIEF IN SUPPORT OF PLAINTIFFS'  
MOTION TO ENFORCE PERMANENT  
INJUNCTION AND FOR  
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**PRELIMINARY STATEMENT**<sup>1</sup>

On June 25, 2015, a unanimous New Jersey jury determined that Defendants' provision of Conversion Therapy, however characterized, and the misrepresentations they made in connection with the advertisement, sale and subsequent performance of their Conversion Therapy program, constituted consumer fraud and an unconscionable business practice. On December 18, 2015, this Court entered a Permanent Injunction to prevent Defendants from continuing to engage in, advertise or promote this harmful, unlawful conduct. Defendants' public activities over the last two years appear designed to test the boundaries of the Permanent Injunction, and it now is clear that Defendants have far exceeded the limits set by this Court. JONAH did not close its doors; it simply changed its name and continued operating.

Only a few days after the Court ordered JONAH to shut down, Defendants established its successor, recycling an old label—the Jonah Institute for Gender Affirmation or “JIFGA”—that they had previously used to make JONAH’s services seem more legitimate. But Defendants’ new organization, the “Jewish Institute for Global Awareness,” inherited more than just the “JIFGA” acronym: it has JONAH’s assets, JONAH’s leadership, JONAH’s core operations and even JONAH’s physical place of business and telephone number. Through JIFGA, Defendants have continued to promote Conversion Therapy and have helped raise money for others who engage in Conversion Therapy and promote Conversion Therapy-related Commerce. Most egregiously, by Defendants’ own admission, 95% of JIFGA’s 2016 gross receipts came from former JONAH clients, who paid JIFGA for Conversion Therapy they continue to receive from their JONAH-recommended Conversion Therapy providers, who are then paid directly by JIFGA. These actions are indistinguishable from the unlawful,

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<sup>1</sup> Capitalized terms used in the Preliminary Statement have the meaning ascribed to them herein.

unconscionable conduct at the heart of Plaintiffs' lawsuit and are squarely prohibited by this Court's Permanent Injunction.

As a result, Plaintiffs Michael Ferguson, Benjamin Unger, Chaim Levin and Jo Bruck respectfully request that this Court enter an order enforcing its Permanent Injunction and, because Defendants' violation triggers payment obligations under the Parties' Settlement Agreement, granting default judgment with respect to the Fee Award owed to Plaintiffs.

### **PROCEDURAL HISTORY**

On November 27, 2012, Plaintiffs filed their Complaint, alleging four counts of violation of New Jersey's Consumer Fraud Act, which protects consumers from deceptive, false, fraudulent or unconscionable business practices. At the core of Plaintiffs' allegations was that Defendants<sup>2</sup> referred them to Conversion Therapy practitioners who Defendants claimed, among other misrepresentations, could significantly reduce or eliminate Plaintiffs' "same-sex attraction." *See* Ex. 1 ¶¶ 14-16, 40-41, 68, 79, 90, 104.<sup>3</sup> On June 25, 2015, a jury rendered a unanimous verdict for Plaintiffs and, on December 18, 2015, the Court entered its *Order Granting Permanent Injunctive Relief and Awarding Attorneys' Fees* (the "Permanent Injunction"). *See* Ex. 2.

The Permanent Injunction required JONAH to "permanently cease any and all operations," including "operation of its websites and listservs, which it shall cause to be taken offline." *Id.* ¶ 1. Further, Defendants were permanently enjoined from:

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<sup>2</sup> For purposes of this motion (the "Motion"), "Defendants" is defined to include JONAH, Arthur Goldberg and, because she is subject to the Permanent Injunction, Elaine Berk. While Alan Downing is not the subject of the Motion, Plaintiffs continue to reserve all rights with respect to his compliance with the Permanent Injunction and the Settlement Agreement (as defined herein).

<sup>3</sup> All exhibits referenced in this brief are attached to the accompanying *Certification of Thomas S. Kessler* ("Kessler Cert."), and identified by number with the prefix "Ex."

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). . . .

*Id.* ¶ 3. The Permanent Injunction awarded Plaintiffs \$3.5 million in attorneys’ fees and costs (the “Fee Award”) and retained jurisdiction “with respect to all matters relating to or arising from the interpretation, implementation, or enforcement of this Order.” *Id.* ¶¶ 4, 6.

Also in December 2015, the Parties executed a settlement agreement (the “Settlement Agreement”), which provided, *inter alia*, that Plaintiffs would agree to accept a reduced payment in respect of the Fee Award. *See* Ex. 3 ¶ 5. In exchange, the Parties agreed that, if Defendants violate the Permanent Injunction or otherwise breach the Settlement Agreement on or before December 18, 2020, Plaintiffs are entitled to collect the remaining balance of Fee Award and, if Defendants refuse to pay, to seek a default judgment. *Id.* ¶ 6.<sup>4</sup>

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<sup>4</sup> Under the Settlement Agreement, Plaintiffs agreed to provide Defendants a notice defining the breach and providing Defendants thirty days in which to cure the breach (to the extent the breach can be cured) or to pay the Fee Award. *Id.* ¶¶ 6(a)-(c). Because the return date for this Motion is more than thirty days from the date it is served on Defendants, this Motion serves as Plaintiffs’ requisite notice and demand for payment. For the avoidance of doubt, nothing herein is intended to suggest that Defendants’ breaches of the Settlement Agreement can be cured; as discussed herein, they cannot.

## **RELEVANT FACTS**

### **A. JONAH Is Rebranded As JIFGA, Continues Operations**

In a December 31, 2015 newsletter, Defendants announced that JONAH would be shutting down its operations and that its website, jonahweb.org, would “no longer be available online after mid-January 2016.” Ex. 4 at 1.<sup>5</sup>

In the same December 31 newsletter, Defendants announced that, on December 29, 2015—only eleven days after entry of the Permanent Injunction—they filed articles of incorporation for the “Jewish Institute for Global Awareness,” or “JIFGA.” *Id.* at 2. The JIFGA acronym was previously associated with the “Jonah Institute for Gender Affirmation” (“Old JIFGA”). As Defendants have admitted, Old JIFGA had “no separate life from JONAH,” but was merely a label applied to JONAH’s services in an effort to make them more marketable to the general public. Ex. 5, Trial Tr. 113:1-114:11, June 8, 2015 vol. 1; Ex. 6, JONAH Dep. 34:14-22. Just as with JONAH, the “new” JIFGA is co-directed by Arthur Goldberg and Elaine Berk, each of whom also serves as a JIFGA trustee and, according to JIFGA’s 2016 tax filings, devotes a full thirty-five hour workweek to the organization. Ex. 7 at Part IV. JIFGA’s offices are located at the site of JONAH’s offices in Jersey City, New Jersey, where JIFGA continues to use JONAH’s telephone number. *Compare id.* at 1, *with* Ex. 8 at 1.

### **B. Defendants’ Public Activities Reflect Continuing Involvement in Conversion Therapy and Conversion Therapy-Related Commerce**

JIFGA’s public website does not provide any indication that it sells any goods or services or otherwise has ongoing operations. Tellingly, JIFGA’s publicly available 2015 and 2016 tax returns failed to disclose JIFGA’s “primary exempt purpose.” Ex. 7 at Part III; Ex. 9 at

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<sup>5</sup> Counsel for Plaintiffs confirmed that on January 11, 2016, jonahweb.org had been replaced with a “page unavailable” banner. However, at various times since the entry of the Permanent Injunction, confirmed as early as May 9, 2016 and as late as October 16, 2017, jonahweb.org appeared to be back in operation, although requiring users to log in. Kessler Cert. ¶ 6.

Part III. That silence notwithstanding, the public record demonstrates that JIFGA and its founders have been focused on promoting Conversion Therapy since the organization's inception. For example:

- JIFGA joined a group calling itself the “National Task Force for Therapy Equality,” which submitted a report to the Federal Trade Commission in support of Conversion Therapy. This report, among other things, contends that many Conversion Therapy recipients see “a significant and meaningful shift in their sexual orientation or gender identity.” Ex. 10 at 38.
- JIFGA operates an online “crowd funding” platform called “Funding Morality,” which raises money for projects like “The Legacy of Dr. Joseph Nicolosi, Sr.: Video Series,” which aims to explain “strategies available to assist those living with same-sex attractions” and “the science of sexual orientation change.” *See, e.g.*, Ex. 11 at 4-5.<sup>6</sup> JIFGA keeps for itself 4% of all donations that Funding Morality collects. *Id.* at 18 ¶ 19.
- Mr. Goldberg continues to promote Conversion Therapy independent of JIFGA. For example, in May 2016, Mr. Goldberg participated on a Nefesh listserv, a listserv used predominantly by orthodox Jewish mental health professionals, through the jonahhelp@aol.com email address. Ex. 12. In his email, Mr. Goldberg urged recipients to read an article by Dr. Laura Haynes, Ph.D., and defense counsel, Mr. LiMandri. *Id.* In that article, the authors provide links to a variety of sources, many of which were discussed or referenced in Defendants’

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<sup>6</sup> Defendants previously offered Dr. Nicolosi as an expert witness in this case. His testimony was excluded by the Court on, among others, the basis that his conclusions were based “on the initial false premise that homosexuality is either abnormal or a mental disorder.” *Ferguson v. JONAH*, Case No. L-5473-12, 2015 WL 609436 at \*10 (N.J. Super. Ct. Feb. 5, 2015). Dr. Nicolosi died on March 9, 2017.

excluded expert reports, that purport to “show[] change therapy is effective for those who seek it.” Ex. 13. Mr. Goldberg’s email closed with an offer to speak more with anyone who “desires to learn more about the reality (as opposed to the myths) of the JONAH case,” instructing them to use the jonahhelp@aol.com email address or JONAH’s phone number. Ex. 12.

**C. Defendants Reveal Their Continued Engagement in and Promotion of Conversion Therapy and Conversion Therapy-Related Commerce**

Lest there be any doubt as to JIFGA’s true purpose, its 2016 tax return, along with subsequent confirmation by Defendants themselves, makes clear that Defendants are using JIFGA to continue JONAH’s core operations. JIFGA’s 2016 IRS Form 990<sup>7</sup> reveals that it paid \$42,549 in “professional fees and other payments to independent contractors” through Form 1099s. Ex. 7 at 1 at Line 13. The Form 990 also indicates that JIFGA took in \$29,618 in “gross receipts from admission, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization’s tax-exempt purpose.” *Id.* at Schedule A at 3. These funds are distinct from any gifts, grants or donations JIFGA received. *Id.*

After reviewing JIFGA’s 2016 tax filings, Plaintiffs sent a letter to defense counsel on January 19, 2018, requesting that Defendants provide the Form 1099s<sup>8</sup> that JIFGA issued in 2016, as well as documentation sufficient to identify the source(s) of their gross receipts. Ex. 14. On January 30, 2018, Plaintiffs received a response from defense counsel disclosing, for the first time, that when JONAH publicly announced it had ceased operations, it had actually transferred assets directly to JIFGA. Ex. 15. Among those assets were the balance

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<sup>7</sup> An IRS Form 990 is an Internal Revenue Service form that a nonprofit organization must file annually to provide the public with information about its mission, governance and finances.

<sup>8</sup> A IRS Form 1099 is an Internal Revenue Service form used by businesses, including nonprofits, to report amounts paid to independent contractors.



of a JONAH bank account and certain referral agreements between JONAH and its network of Conversion Therapy providers, namely Robert Vazzo and Robert Morgan. *Id.*

In their letter, Defendants admit that the referrals JONAH provided to Messrs. Vazzo and Morgan “most likely” include clients “seeking assistance with ‘same-sex attraction,’” and that they generated \$28,210.74 in direct payments to JIFGA in 2016, more than 95% of JIFGA’s gross receipts for that year. *Id.* Of that sum, JIFGA kept \$14,987.36, or more than 50%, as aggregate referral fees. *Id.* at 2. JIFGA paid the remainder to Messrs. Vazzo and Morgan as payment for the Conversion Therapy provided to their JONAH-referred clients. *Id.*

## **ARGUMENT**

### **I. LEGAL STANDARD**

A private litigant is entitled to move to enforce an injunction against a non-compliant defendant. *See In re Adoption of N.J.A.C. 5:96 & 5:97 ex. rel. N.J. Council on Affordable Hous.*, 221 N.J. 1, 17 (2015); *Asbury Park Bd. of Educ. v. New Jersey Dep’t of Educ.*, 369 N.J. Super. 481, 486 (App. Div.) (“A claim that a party . . . is acting in violation of court order ordinarily should be brought before the court that issued that order . . . by a motion for relief in aid of litigants’ rights under Rule 1:10-3.”), *aff’d in relevant part*, 180 N.J. 109, *clarified by* 180 N.J. 113 (2004). Courts routinely grant Rule 1:10-3 motions to enforce their orders and injunctions. *See, e.g., Adoption*, 221 N.J. at 17-20; *Irish Pub v. Stover*, 364 N.J. Super. 351, 353 (App. Div. 2003).

The Court has broad discretion to fashion appropriate remedies in order to ensure compliance with the Permanent Injunction. *See Adoption*, 221 N.J. at 17; *see also Bd. of Educ., Twp. of Middletown v. Middletown Twp. Educ. Ass’n*, 352 N.J. Super. 501, 509 (Ch. Div. 2001) (“The particular manner in which compliance may be sought is left to the court’s sound

discretion.”).<sup>9</sup> Further, Rule 1:10-3 gives the Court express authority to “make an allowance for counsel fees to be paid . . . to a party accorded relief under [Rule 1:10-3].” R. 1:10-3; Pressler & Verniero, cmt. 4.4.5 on R. 1:10-3 (award of counsel fees recognizes that “as a matter of fundamental fairness, a party who willfully fails to comply with an order or judgment entitling his adversary to litigants’ rights is properly chargeable with his adversary’s enforcement expenses”).

## **II. DEFENDANTS HAVE VIOLATED THE PERMANENT INJUNCTION**

### **A. JONAH Continues to Operate As JIFGA**

This Court ordered JONAH to “permanently cease any and all operations” and to “permanently dissolve as a corporate entity and liquidate all its assets, tangible or intangible.” Ex. 2 ¶¶ 1-2. Because JIFGA is a continuation of JONAH in all material respects, Defendants have plainly failed to comply with one of the most fundamental provisions of the Permanent Injunction.

JONAH’s central business practice was providing its customers with referrals to a handpicked network of conversion therapists. Ex. 6, JONAH Dep. 76:12-14 (“[W]e primarily work as a referral agency”); Ex. 5, Trial Tr., 189:6-8, June 8, 2015 vol. 1 (“[A]ll the therapists are independent referral counselors.”). These therapists included Robert Vazzo and Robert Morgan. Ex. 15. As part of this service, JONAH often received payments directly from its clients, retained a pre-negotiated referral fee and paid its affiliated conversion therapists through Form 1099s. Ex. 6, JONAH Dep. 73:9-15, 83:2-6; 133:7-11.

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<sup>9</sup> Where a court finds that a defendant’s failure to comply was not excusable, these remedies can include coercive measures, including the imposition of monetary sanctions. *See Milne v. Goldenberg*, 428 N.J. Super. 184, 199 (App. Div. 2012) (monetary sanctions appropriate where defendant simply “ignored the obligation” contained in the court’s order); *see also* Sylvia B. Pressler & Peter G. Verniero, *Current N.J. Court Rules*, cmt. 4.3 on R. 1:10-3 (2017) (“[T]he court must be satisfied that . . . the defendant [was] able to comply and had no good reason to resist compliance.”).

Some of JONAH's operations, including certain of its Conversion Therapy referrals, were provided under the Old JIFGA name, a label Defendants applied to make JONAH's services more palatable to the general public. Ex. 5, Trial Tr. 112:1-6, 113:1-4, June 8, 2015 vol. 1; Ex. 6, JONAH Dep. 34:14-22, 54:22-55:18. In essence, Defendants admitted that Old JIFGA was just another name for JONAH.

Defendants incorporated "new" JIFGA, repurposing the self-admitted JONAH alter ego, only eleven days after entry of the Permanent Injunction—even before JONAH publicly announced it would cease operations. JIFGA operates out of JONAH's offices in Jersey City, uses JONAH's telephone number and employs JONAH's co-directors and trustees. As Defendants later disclosed, JONAH also transferred liquid assets and assigned its referral agreements with conversion therapists to JIFGA, enabling this "new" organization to carry out JONAH's enjoined activities without interruption. In fact, 95% of JIFGA's 2016 gross receipts came from payments it collected from JONAH clients who continue to receive Conversion Therapy from JONAH-referred Conversion Therapy providers. JIFGA deposited these payments, kept thousands in referral fees and paid its conversion therapists through Form 1099s, just as JONAH had done.

The fact that JONAH and JIFGA share the same directors and trustees, location, assets and operations makes it clear that JONAH has not "permanently cease[d] any and all operations." Defendants cannot avoid compliance with the Permanent Injunction simply by changing the name on their door. *See, e.g., Marshak v. Treadwell*, 595 F.3d 478, 490 (3d Cir. 2009) (applying New Jersey law and finding that two entities were "mere continuations" of an enjoined company because "the personnel of each business were the same, the location of each business was the same, the assets of each business were the same, the general operations of each

business were the same, and [the predecessor] folded shortly after [the new entities] w[ere] formed”); *see also Woodrick v. Jack J. Burke Real Estate, Inc.*, 306 N.J. Super. 61, 77 (App. Div. 1997) (finding a corporation inherited the liabilities of its predecessor and noting that the new corporation amounted to nothing more than “a change of hat”). Because JIFGA is, at its core, a continuation of JONAH, Plaintiffs request that the Court find that Defendants have violated the injunction by failing to “cease any and all operations” of JONAH and order that JIFGA be subject to the Permanent Injunction in all respects, including Paragraphs 1-2, which set out the terms on which JIFGA should be required to cease operations and dissolve.

**B. Defendants Continue to Engage in Conversion Therapy and Promote Conversion Therapy-Related Commerce**

The Permanent Injunction also bars Defendants from “engaging, whether directly or through referrals, in [Conversion Therapy], or advertising, or promoting Conversion Therapy or Conversion Therapy-related commerce in or directed at New Jersey or New Jersey residents.” Ex. 2 ¶¶ 3, 5. Just as JONAH used Old JIFGA to legitimize its services, Defendants have used the JIFGA façade to obscure their continued engagement in, and promotion of, Conversion Therapy and Conversion Therapy-related commerce.

Defendants have now admitted that, through JIFGA, they continue to receive money from JONAH’s Conversion Therapy clients as payment for continuing Conversion Therapy. In 2016, Defendants retained approximately 50% of those payments for themselves and then paid the rest to their affiliated Conversion Therapy providers—all from their office at 80 Grant Street in Jersey City. There can be no question that these activities constitute engaging in “Conversion Therapy.”<sup>10</sup> As discussed above, it is precisely this activity that caused Plaintiffs

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<sup>10</sup> Notably, the Permanent Injunction’s definition of “Conversion Therapy” goes beyond “therapy, counseling [or] treatment” to include “any . . . activity that has the goal of changing, affecting or influencing sexual orientation, “same sex attraction” or “gender wholeness” or any equivalent term.” Ex. 2 ¶ 3. Thus, the fact that neither JIFGA

to bring suit against Defendants, led a jury to find that Defendants violated New Jersey law and resulted in the Court entering the Permanent Injunction.

These same actions also constitute an impermissible promotion of Conversion Therapy-related commerce. It is beyond question that accepting money for a good or service, as well as making payments to the provider of a good or service, is an act of commerce. *See, e.g., Hambright v. Yglesias*, 200 N.J. Super. 392, 395 n.1 (App. Div. 1985) (“Commerce is defined as business.”).<sup>11</sup> Similarly, Defendants cannot credibly deny that their actions, which are the exclusive means through which certain of their clients pay for the Conversion Therapy that JONAH referred them to, “promote” Conversion Therapy-related commerce.<sup>12</sup>

In their January 30 letter, Defendants suggest that they have not violated the Permanent Injunction because they limited their Conversion Therapy and Conversion Therapy-related commerce to customers who do not reside in New Jersey and who receive Conversion Therapy services outside of the state. *See* Ex. 15. As an initial matter, the plain terms of the Permanent Injunction prohibit “engaging, whether directly or through referrals, in [Conversion Therapy]” without regard to location, placing the “in or directed at New Jersey or New Jersey residents” limitation only on “advertising, or promoting Conversion Therapy or Conversion Therapy-related commerce[.]” *See* Ex. 2 ¶ 3. In any event, Defendants’ argument

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nor Defendants are directly providing the Conversion Therapy at issue is irrelevant. Defendants’ own letter makes clear that their active facilitation of payments for Conversion Therapy through JIFGA is an “activity that has the goal of changing, affecting or influencing” their clients’ sexual orientation. *See* Ex. 15.

<sup>11</sup> And, of course, an entity’s nonprofit status is irrelevant to whether or not its exchange of money for services constitutes “commerce.” *See United States v. Brown Univ. in Providence in State of R.I.*, 5 F.3d 658, 666 (3d Cir. 1993) (“The exchange of money for services, even by a nonprofit organization, is a quintessential commercial transaction.”); *see also Tony & Susan Alamo Found. v. Sec’y of Labor*, 471 U.S. 290, 295 n.8, 297-98 (1985) (nonprofit religious organization was an “[e]nterprise engaged in interstate commerce” under the FLSA insofar as it derived income from the operation of “ordinary commercial activities”).

<sup>12</sup> *Promote*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/promote> (last updated Mar. 21, 2018) (meaning “to contribute to the growth or prosperity of” or “further,” and “to help bring (something, such as an enterprise) in being”).

ignores the dispositive facts that Defendants themselves are based in New Jersey and that they incorporated a New Jersey entity whose apparent sole function is to receive and make payments from their New Jersey headquarters on account of Conversion Therapy services they orchestrated. Ex. 4 at 2; Ex. 7; Ex. 15. Moreover, the facts that Defendants in their letter point to as exculpatory are the same as those that formed the basis of Plaintiff Jo Bruck's successful claims against Defendants. *See* Ex. 1 ¶¶ 22-23, 88-100. There, none of Ms. Bruck, her son who received the Conversion Therapy nor the Conversion Therapy provider were located in New Jersey. *Id.* Just as the location of the customers and the Conversion Therapy providers were irrelevant to Ms. Bruck's claims against Defendants, so too are those locations irrelevant here.

Similarly unavailing is Defendants' too-clever-by-half suggestion that their conduct does not violate the Permanent Injunction because the "actual referrals" pursuant to which they were paid predate the Permanent Injunction. Ex. 15. Regardless of when the initial referrals were made, the Conversion Therapy itself, which JIFGA facilitates and promotes through its ongoing receipt and distribution of payments, postdates the Permanent Injunction. JIFGA assumed responsibility for paying the conversion therapists for their services. In doing so, it and Defendants became the sole conduit through which the ongoing Conversion Therapy at issue was paid for. It defies reason to suggest that the Permanent Injunction can be read to permit Defendants to continue engaging in Conversion Therapy so long as that therapy began prior to the three week trial where the same actions were found by a jury to constitute consumer fraud and an unconscionable business practice.<sup>13</sup>

Finally, Defendants' argument about the date of the Conversion Therapy referrals in no way alters the fact that they have continued to promote Conversion Therapy-related

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<sup>13</sup> Indeed, if the Permanent Injunction envisioned that Defendants would be permitted to continue working with their preexisting clients, the grandfather clause that permitted Alan Downing to transition his Conversion Therapy clients to other providers would have been unnecessary. Ex. 2 ¶ 3.

commerce in New Jersey. As explained above, Defendants' post-Permanent Injunction acceptance, in New Jersey, of payments for ongoing Conversion Therapy, and their subsequent payments, from New Jersey, to conversion therapists for that Conversion Therapy, independently constitutes an impermissible promotion of "Conversion Therapy-related commerce," regardless of when the underlying contracts were signed and when the referrals themselves were made. As a result, Plaintiffs request that the Court find that Defendants have violated the Permanent Injunction by engaging in Conversion Therapy and promoting Conversion Therapy-related commerce.

### **III. PLAINTIFFS ARE ENTITLED TO DEFAULT JUDGMENT FOR THE FEE AWARD**

In addition to enforcement of the Permanent Injunction, Plaintiffs are also entitled to entry of default judgment against Defendants for failure to pay the remaining Fee Award, an obligation triggered by Defendants' breaches of the Settlement Agreement.

The Settlement Agreement provides that if Defendants breach the terms of the Settlement Agreement within five years of entry of the Permanent Injunction, then "Plaintiffs shall be entitled to" collect the full Fee Award, less the confidential sum Defendants paid pursuant to the Settlement Agreement. Ex. 3 ¶ 6(a). Any violation of the Permanent Injunction constitutes a breach of the Settlement Agreement. *Id.* If Defendants fail to make such a payment within thirty days of receiving a breach notice from Plaintiffs, Plaintiffs are entitled to seek default judgment for Defendants' failure to satisfy the full Fee Award. *Id.* ¶ 6(b).

As demonstrated above, Defendants' actions over the last two years conclusively establish that they have violated the Permanent Injunction by failing to "permanently cease any and all operations" and by engaging in and promoting Conversion Therapy and Conversion Therapy-related commerce. *See supra* Part II. Further, Defendants' activities relate to

Conversion Therapy sessions that have already occurred, rendering their breaches incapable of being cured. Because Defendants' actions also constitute incurable breaches of the Settlement Agreement, if Defendants fail to satisfy the Fee Award by April 27, 2018, Plaintiffs are entitled to default judgment in an amount equal to the unpaid portion of the Fee Award. *See* Ex. 3

¶¶ 6(a)-(c).

#### **IV. AN AWARD OF COSTS AND FEES TO PLAINTIFFS IS APPROPRIATE**

Pursuant to New Jersey's Court Rule 1:10-3, the Court has the discretion to award counsel fees to Plaintiffs if they prevail in establishing that Defendants' failure to comply with a court order was inexcusable. *See* Pressler & Verniero, cmt. 4.4.5 on R. 1:10-3; *see also* *Milne v. Goldenberg*, 428 N.J. Super. 184, 209 (App. Div. 2012). As established above, Defendants were fully capable of complying with each of their obligations under the Permanent Injunction; they simply chose to not do so. *See supra* Part II. Nor can Defendants' actions be interpreted as an honest mistake. Quite to the contrary, Defendants constructed the appearance of a "new" organization, which appears to exist only to promote Conversion Therapy and to obscure Defendants' continued receipt of tens of thousands of dollars from JONAH's core operations. These admitted facts demonstrate the willful violation of the Permanent Injunction. Accordingly, Defendants should be responsible for the expense incurred to hold them accountable for their inexcusable attempts to evade compliance with the Permanent Injunction.<sup>14</sup>

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<sup>14</sup> Should the Court grant this request, Plaintiffs will submit a certification setting forth their attorneys' time and expenses.



### **CONCLUSION**

Plaintiffs respectfully request that the Court enter an order:

1. Finding that JONAH, Arthur Goldberg and Elaine Berk have violated the Permanent Injunction by failing to “permanently cease any and all operations” of JONAH;
2. Finding that JONAH, Arthur Goldberg and Elaine Berk have violated the Permanent Injunction by engaging in Conversion Therapy and promoting Conversion Therapy-related commerce;
3. Finding that JONAH, Arthur Goldberg and Elaine Berk have breached their obligations under the Settlement Agreement;
4. Ordering that JIFGA, as a successor to JONAH, be subject to the terms of the Permanent Injunction in all respects and, pursuant to Paragraphs 1-2 of the Permanent Injunction, must permanently cease any and all operations within 30 days of the entry of the Court’s order and must dissolve as a corporate entity within 180 days of the entry of the Court’s order; and
5. Granting default judgment against JONAH, Arthur Goldberg and Elaine Berk in respect of the unpaid portion of the Fee Award.

In addition, Plaintiffs respectfully request that the Court award them the costs of bringing this Motion, including attorneys’ fees.

Dated: March 28, 2018

Respectfully submitted,

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# **EXHIBIT 1**

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Bruck, Chaim Levin, Jo Bruck, Bella Levin,

Plaintiffs,

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: \_\_\_\_\_

CIVIL ACTION

**COMPLAINT AND JURY DEMAND**

Plaintiffs through their undersigned counsel, by way of complaint, state:

**PRELIMINARY STATEMENT**

1. This is a case challenging services provided by Defendants purporting to change a person's sexual orientation from gay to straight. Plaintiffs bring this case under the New Jersey

Consumer Fraud Act, which protects consumers from deceptive, false, or fraudulent business practices.

2. Plaintiffs Michael Ferguson, Benjamin Unger, Chaim Levin, and Sheldon Bruck were consumers of “conversion therapy” provided by one or more of the above-captioned Defendants. Conversion therapy is sometimes also called “reparative,” “reorientation,” or “ex-gay” therapy.

3. Plaintiffs Bella Levin and Jo Bruck, the respective mothers of Levin and Bruck, paid one or more Defendants for conversion therapy services for their sons and paid for mental-health costs resulting from the damage caused by Defendants’ services.

4. Conversion therapy is based on the misguided and erroneous belief that being gay is a mental disorder – a position rejected by the American Psychiatric Association four decades ago.

5. Conversion therapy has also long been discredited and highly criticized by all mainstream mental health and medical professional organizations. As the American Psychological Association has found, “[t]here is simply *no sufficiently scientifically sound evidence* that sexual orientation can be changed.”<sup>1</sup> The American Psychiatric Association has further warned that the “[t]he potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient.”<sup>2</sup>

6. Despite the findings by the American Psychological Association, the American Psychiatric Association, and peer organizations, Defendants repeatedly represented to Plaintiffs that their services were effective in changing a person’s sexual orientation from gay to straight.

<sup>1</sup> American Psychological Association, *Statement of the American Psychological Association* (Aug. 10, 2006), [www.apa.org/pi/lgbt/resources/policy/ex-gay.pdf](http://www.apa.org/pi/lgbt/resources/policy/ex-gay.pdf) (emphasis added).

<sup>2</sup> American Psychiatric Association, *Therapies Focused on Attempts to Change Sexual Orientation (Reparative or Conversion Therapies): COPP Position Statement* (May 2000), [http://media.mlive.com/news/detroit\\_impact/other/APA\\_position\\_conversion%20therapy.pdf](http://media.mlive.com/news/detroit_impact/other/APA_position_conversion%20therapy.pdf).

7. Defendants claimed that their services were scientifically proven to be effective, citing the work of Joseph Nicolosi, one of the primary proponents of conversion therapy, and Richard A. Cohen, who was permanently expelled from the American Counseling Association in 2002 for multiple ethical violations related to his conversion therapy services. Nicolosi's "therapeutic" methods for changing a person's sexual orientation include advising fathers to engage in "rough-and-tumble games" and showering with their sons as a means to avoid the development of homosexuality. According to Nicolosi, the act of showering together will help the son identify with his father's body and come to the realization that "I am a boy, and that means I have a penis." The penis, advises Nicolosi, is the "essential symbol of masculinity" and an "undeniable anatomical difference" that "should be emphasized to the boy" as a way for parents to prevent homosexuality in their male children.<sup>3</sup>

8. Cohen's techniques to prevent or cure homosexuality include practices he identifies as "bioenergetics." Prominent components of bioenergetics include having a male patient repeatedly beat a pillow, meant to represent the patient's mother, with a tennis racket, and encouraging male patients to cuddle with one another as a way of diminishing their same-sex attractions.

9. Defendants' services implemented Nicolosi's, Cohen's, and other theories and practices aimed at changing a person's sexual orientation. As described below, Defendants' treatments included sessions in which clients were instructed to:

- remove all clothing during both individual and group therapy sessions including an instruction to Levin to hold his penis in front of Defendant Downing,

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<sup>3</sup> Joseph Nicolosi & Linda Ames Nicolosi, *A Parent's Guide to Preventing Homosexuality* 24 (2002) (emphasis omitted).

- cuddle and intimately hold others of the same-sex including between young clients and older counselors,
- violently beat an effigy of the client's mother with a tennis racket,
- go to the gym more as well as bath houses in order to be nude with father figures, and
- be subjected to ridicule as "faggots" and "homos" in mock locker room and gym class scenarios.

10. Defendants falsely claimed that their services were effective in changing a person's sexual orientation and placed the blame for any lack of progress on Plaintiffs' purported failure to work hard enough.

11. Plaintiffs relied on Defendants' misrepresentations in paying for their services – services that can cost participants more than \$10,000 per year for individual and group sessions as well as weekend retreats. Defendants' misrepresentations and services also caused Plaintiffs to suffer depression and other emotional harm when they were unable to change their sexual orientation using Defendants' services, harm that they subsequently addressed by seeking and paying for professional treatment.

### **JURISDICTION AND VENUE**

12. Plaintiffs seek declaratory, injunctive, and monetary relief, including attorneys' fees and costs, for violations of the Consumer Fraud Act, N.J.S.A. § 56:8-2, *et seq.*

13. Venue is proper in Hudson County under Rule 4:3-2 because it is where the causes of action arose and where Defendants have maintained their principal business addresses or have otherwise conducted business.

### **PARTIES**

14. Defendant **Jews Offering New Alternatives for Healing (“JONAH”)**, formerly known as Jews Offering New Alternatives to Homosexuality, is a New Jersey non-profit corporation based at 80 Grand St. in Jersey City, New Jersey. JONAH promotes and offers a secular, “scientifically based” conversion therapy regimen to individuals who identify as gay or experience “same-sex attraction” (“SSA”).

15. JONAH adopted its current name to reflect its expanded mission of treating other issues Defendants term “sexual confusion,” which along with homosexuality include “sexual promiscuity, pornography, sexual abuse, pedophilia or pederasty, compulsive masturbation, fetishes, transvestitism, incest, prostitution, emotional dependency, sexual addictions.”<sup>4</sup>

16. Defendant **Arthur Goldberg** is a co-director, co-founder, and spokesperson for JONAH with the title “Certified Professional Counselor, Relationship Specialist.” Goldberg recruits and interacts with JONAH clients, referring them to conversion therapy services primarily through affiliated counselors such as Defendant Alan Downing. On information and belief, Goldberg resides in Jersey City, New Jersey.

17. Defendant **Alan Downing** is a JONAH-affiliated counselor who provides individual and group conversion therapy sessions for JONAH clients at JONAH’s Jersey City office as a “life coach.” He does not publicize possession of any professional license, and upon information and belief, does not possess any such license. On information and belief, Downing resides in Jackson, New Jersey. Downing sometimes does business as **Alan Downing Life Coaching LLC**, a corporation whose address is listed as 4 Mount Olive Ln., Jackson, New Jersey 08527.

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<sup>4</sup> *JONAH’s History*, JONAH, [www.jonahweb.org/sections.php?secId=11](http://www.jonahweb.org/sections.php?secId=11) (last visited Sept. 21, 2012).



18. Plaintiff **Michael Ferguson** resides in Salt Lake City, Utah but lived in New York City when he underwent individual and group conversion therapy sessions with Downing at JONAH's Jersey City building for approximately four months from in or around April 2008 to July 2008.

19. Plaintiff **Benjamin Unger** resides in Brooklyn, New York and underwent Defendants' conversion therapy services at JONAH's Jersey City, New Jersey building for approximately one year, from the summer of 2007 to July 2008, beginning when Unger was 19 years old.

20. Plaintiff **Chaim Levin** resides in Brooklyn, New York. He first met Defendant Goldberg in April 2007 at age 17 and soon after commenced Defendants' conversion therapy program. Levin continued weekly individual and group sessions with Defendant Downing at JONAH's Jersey City building until he terminated sessions in October 2008.

21. Plaintiff **Bella Levin** is Levin's mother who paid for most of Levin's conversion therapy with JONAH as well as costs of repairing the harm caused by Defendants' services.

22. Plaintiff **Sheldon Bruck** resides in New York City. During the summer of 2009, when he was a resident of Chicago, Illinois, Bruck underwent conversion therapy through JONAH for approximately five weeks at the age of 17.

23. Plaintiff **Jo Bruck** is Bruck's mother who paid for Bruck's conversion therapy with JONAH as well as costs of repairing the harm caused by Defendants' services.

## **GENERAL ALLEGATIONS COMMON TO ALL COUNTS**

### **Tenets of Conversion Therapy and Other Sexual Orientation Change Efforts**

24. The essential premise of conversion therapy – that it will “convert” a gay person to a straight person – has no basis in scientific fact.<sup>5</sup>

25. Conversion therapy is aimed at suppressing or eliminating homosexual desire and changing a person’s sexual orientation from gay to straight. As explained by the American Psychiatric Association, “[t]he most important fact about these ‘therapies’ is that they are based on a view of homosexuality that has been rejected by all the major mental health professions.”<sup>6</sup> Indeed, the American Psychiatric Association removed homosexuality as a mental disorder from the Diagnostic and Statistical Manual of Mental Disorders four decades ago.

26. Despite a consensus in the scientific community that the origins of sexual orientation (whether genetic, hormonal, or other) are not well understood, conversion therapy claims to have identified certain factors which “cause” homosexuality. For example, a central tenet of conversion therapy, one embraced by the Defendants, is that a main cause of male homosexuality is a deficient father-son relationship. Nicolosi – who co-founded the National Association for Research & Therapy of Homosexuality (“NARTH”) and whom Defendants cited as an authority for their program – has written extensively about the supposed essential role that a father plays in

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<sup>5</sup> American Psychological Association, *supra* note 1.

<sup>6</sup> Just the Facts Coalition, *Just the Facts About Sexual Orientation and Youth: A Primer for Principals, Educators, and School Personnel* 5 (2008), [www.apa.org/pi/lgbt/resources/just-the-facts.pdf](http://www.apa.org/pi/lgbt/resources/just-the-facts.pdf) (The Coalition is comprised of these organizations: American Academy of Pediatrics, American Association of School Administrators, American Counseling Association, American Federation of Teachers, American Psychological Association, American School Counselor Association, American School Health Association, Interfaith Alliance Foundation, National Association of School Psychologists, National Association of Secondary School Principals, National Association of Social Workers, National Education Association, School Social Work Association of America.).

developing his son's sexual orientation. In his handbook for parents looking to "prevent homosexuality" in their child, for example, Nicolosi warns that with respect to the development of male homosexuality, "the one virtually unchanging variable is the poor relationship with fathers."<sup>7</sup>

27. Another theoretical underpinning of conversion therapy is that gay men can change their sexual orientation by forming "healthy" non-sexual male relationships. Nicolosi writes that "[a] large part of the problem is that men struggling with homosexuality hold an idealized and unrealistic view of men and a naive understanding of the nature of male friendships."<sup>8</sup> He further counsels that "the challenge of establishing and deepening healthy male friendships is an essential one for the man who desires to overcome his *homosexual problem*."<sup>9</sup>

28. For those who peddle conversion therapy, participation in competitive team sports is an ideal context for developing these "healthy" male friendships, as if learning to play football or softball will help decrease same-sex attraction. For example, JONAH encourages those with "unwanted same-sex attractions" to seek out team sports to "receive affirmation of their inherent masculinity."<sup>10</sup> According to JONAH, "[p]laying sports heals the disconnection with body from

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<sup>7</sup> Nicolosi & Nicolosi *supra* note 3 at 74; *see also id.* at 78 ("The majority of fathers of pre-homosexual boys I have known are simply uninvolved, emotionally distant and disconnected, especially from their sons."); Joseph Nicolosi, *Fathers of Male Homosexuals: A Collective Clinical Profile*, <http://narth.com/docs/fathers.html> (last visited Nov. 26, 2012).

<sup>8</sup> Joseph Nicolosi, *Shame and Attachment Loss: The Practical Work of Reparative Therapy* 303-04 (2009).

<sup>9</sup> *Id.* at 304 (emphasis added).

<sup>10</sup> Elaine Silodor Berk & Arthur A. Goldberg, *JONAH's Psycho-Educational Model for Healing*, JONAH, [www.jonahweb.org/sections.php?secId=121](http://www.jonahweb.org/sections.php?secId=121) (last visited Apr. 16, 2012).

which our members suffer. Members report that playing sports and learning the skills helped them heal that disconnection while simultaneously increasing their sense of masculinity.”<sup>11</sup>

29. Citing Cohen as authority, Defendants further assert that a constellation of additional “precipitating factors” can cause homosexuality, including an overly close relationship with a different-sex parent, poor sibling relationships, and other family dysfunction. Conversion therapy proponents also posit that experiencing child sex abuse is a primary cause of homosexuality.<sup>12</sup>

30. Every mainstream mental health and medical professional organization including the American Psychiatric Association, the American Counseling Association (“ACA”), the American Psychological Association, the American Psychoanalytic Association, the American Medical Association, the American Academy of Pediatrics, the National Association of Social Workers (“NASW”), and the World Health Organization has been highly critical of conversion therapy.

31. In its May 2000 Position Statement, the American Psychiatric Association cautioned that “ethical practitioners refrain from attempts to change individuals’ sexual orientation, keeping in mind the medical dictum to First, do no harm.”<sup>13</sup> Similarly, the ACA has determined that “[t]he belief that same-sex attraction and behavior is abnormal and in need of treatment is in opposition to the position taken by national mental health organizations, including ACA.”<sup>14</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> Arthur Goldberg, *Light in the Closet: Torah, Homosexuality, and the Power to Change* 125-44 (2008) (citing Richard Cohen, *Coming Out Straight* (2000)).

<sup>13</sup> American Psychiatric Association, *supra* note 2.

<sup>14</sup> Press Release, ACA, Ethical issues related to conversion or reparative therapy (May 22, 2006), <https://www.counseling.org/PressRoom/NewsReleases.aspx?AGuid=b68aba97-2f08-40c2-a400-0630765f72f4>.

32. Mainstream professional organizations have also expressed deep concerns about the potential harm resulting from efforts to change a person's sexual orientation. Over a decade ago, the American Psychiatric Association warned: "The potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction."<sup>15</sup> The American Psychoanalytic Association has cautioned that conversion therapy "efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes."<sup>16</sup> And the World Health Organization has confirmed that "'reparative' or 'conversion therapies' have no medical indication and represent a severe threat to the health and human rights of the affected persons. They constitute unjustifiable practices that should be denounced and subject to adequate sanctions and penalties."<sup>17</sup> Similar concerns have been raised by the American Psychological Association<sup>18</sup> and the NASW,<sup>19</sup> among others.

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<sup>15</sup> American Psychiatric Association, *supra* note 2.

<sup>16</sup> American Psychoanalytic Association, *Attempts to Change Sexual Orientation, Gender Identity, or Gender Expression* (Jun. 2012), [http://www.apsa.org/About\\_APsaA/Position\\_Statements/Attempts\\_to\\_Change\\_Sexual\\_Orientation.aspx](http://www.apsa.org/About_APsaA/Position_Statements/Attempts_to_Change_Sexual_Orientation.aspx).

<sup>17</sup> The Pan American Health Organization, Regional Office of the World Health Organization, *"CURES" FOR AN ILLNESS THAT DOES NOT EXIST: Purported therapies aimed at changing sexual orientation lack medical justification and are ethically unacceptable* (May 17, 2012), [http://new.paho.org/hq/index.php?option=com\\_docman&task=doc\\_download&gid=17703&Itemid](http://new.paho.org/hq/index.php?option=com_docman&task=doc_download&gid=17703&Itemid).

<sup>18</sup> American Psychological Association, *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation* 120 (Aug. 2009), [www.apa.org/pi/lgbt/resources/therapeutic-response.pdf](http://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf) (noting that for some persons who had

33. Despite the foregoing warnings, concerns, and admonitions, Defendants have nonetheless continued to peddle and practice conversion therapy largely through unlicensed counselors free from oversight by professional associations, licensing boards, or other regulatory agencies.

#### **General CFA Violations**

34. The New Jersey Consumer Fraud Act, N.J.S.A. § 56:8-2 (“CFA”), prohibits:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, [or] misrepresentation . . . in connection with the sale or advertisement of any merchandise.

35. “Merchandise” includes “any . . . services or anything offered, directly or indirectly to the public for sale.” *Id.* § 56:8-1(c).

36. “Person” includes “any natural person . . . partnership, corporation, company, . . . business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestius que trustent thereof.” *Id.* § 56:8-1(c).

37. Defendants are “persons” under the CFA and the services they have promoted and sold constitute “merchandise.”

38. As described herein, Defendants’ unconscionable commercial practices, deception, fraud, false pretenses, false promises, and misrepresentations to Plaintiffs include the following: 1) that gay sexual orientation is a mental disorder and gay people must change to straight in order to lead satisfying and happy lives; 2) that homosexuality is alterable and Defendants are able to successfully change clients’ sexual orientation from gay to heterosexual; and 3) that when

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experienced conversion therapy, “[b]elief in the hope of sexual orientation change followed by the failure of the treatment was identified as a significant cause of distress and negative self-image.”).

<sup>19</sup> NASW, “*Reparative*” and “*Conversion*” *Therapies for Lesbians and Gay Men: Position Statement* (Jan. 21, 2000), [www.naswdc.org/diversity/lgb/reparative.asp](http://www.naswdc.org/diversity/lgb/reparative.asp) (noting that conversion therapy “*potentially can lead to severe emotional damage.*”) (emphasis added).



conversion therapy does not produce the promised results, the clients themselves are to blame for not sufficiently investing in and surrendering to Defendants' services.

39. Defendants base their solicitation and treatment of gay clients, including Plaintiffs, upon the false premise that gay sexual orientation is a mental disorder or a pathology. In JONAH's promotional materials, Defendants misrepresent that homosexuality is "a compulsive behavior" similar to other "sexual conflicts" such as sexual abuse, pedophilia and incest.<sup>20</sup> Defendants similarly claim that homosexuality is a "false identity" – a kind of "sexual confusion."<sup>21</sup>

40. Consistent with this premise, JONAH falsely promises that gay orientation is changeable: "Empirical evidence is clear that homosexuality is changeable."<sup>22</sup> "Homosexuality is a learned behavior and ... anyone can choose to disengage from their same-sex sexual fantasies, arousals, behavior and identity – if motivated and supported in that process . . . [and] with appropriate assistance, same-sex attractions can be reduced or eliminated followed by the subsequent development of one's innate opposite-sex attractions."<sup>23</sup>

41. Defendants further contend that conversion therapy is well-grounded in science and results in success:

- "By this process - introspection and healing past wounds, and building a healthier self-image and way of being - we heal the underlying causes of our SSA. In most instances, people who do this feel the force of the same-sex attractions diminish, and feel heterosexual attractions grow."<sup>24</sup>

<sup>20</sup> *JONAH's History*, *supra* note 4.

<sup>21</sup> Elaine Silodor Berk, *A Message Co-Director of JONAH*, JONAH, [www.jonahweb.org/sections.php?secId=112](http://www.jonahweb.org/sections.php?secId=112) (last visited Sept. 21, 2012); *JONAH's History*, *supra* note 4.

<sup>22</sup> Elaine Silodor Berk, *Open Letter From Co-Director of JONAH*, JONAH, [www.jonahweb.org/sections.php?secId=23](http://www.jonahweb.org/sections.php?secId=23) (last visited Sept. 21, 2012).

<sup>23</sup> *JONAH's History*, *supra* note 4.

<sup>24</sup> David, an Israeli JONAH Struggler, *How Do I Start To Walk Away From Homosexuality*, JONAH, <http://www.jonahweb.org/sections.php?secId=194> (last visited Sept. 25, 2012).

- “We believe that gender identity determines sexual orientation and that one sexualizes or eroticizes that with which he does not identify. To successfully treat someone with a homosexual condition, our experience shows that a directive and activist therapy program is critical in assisting a client to internalize his gender identity, demystify his romantic attractions to the same sex, and satisfy his unmet developmental needs for attention, affection, and approval from others of the same gender without sexualizing these needs.”<sup>25</sup>

42. When the false promise of changed orientation fails to occur, Defendants assign blame to the subjects, thereby inflicting shame and a sense of failure, and insist that they must become more fully devoted to JONAH techniques and continue conversion therapy for an indefinite period.

#### **Defendants’ Conversion Therapy Services to Plaintiffs**

43. JONAH associates with affiliated conversion therapists that include licensed and unlicensed counselors available at a variety of locations to provide services in person, by phone or by video conferencing. JONAH’s main individual and group conversion therapy sessions take place at its location in Jersey City. Defendants typically charged Plaintiffs \$100 for each individual session and \$60 for group sessions.

44. By making the false and deceptive claim that gay sexual orientation is a choice and that anyone can choose to “disengage from their same-sex sexual fantasies, arousals, behavior and identity,”<sup>26</sup> Defendants induced Plaintiffs to pay for and subject themselves to a variety of Defendants’ conversion therapy “treatments” as described below.

#### ***Nudity***

45. As described below, several of the Plaintiffs were instructed to undress as part of Defendants’ conversion therapy services. During a private session in or about October 2008 with

<sup>25</sup> Berk & Goldberg, *supra* note 10.

<sup>26</sup> JONAH’s History, *supra* note 4.



then-teenaged Levin, Downing initiated a discussion about Levin's body and instructed Levin to stand in front of a full-length mirror and hold a staff. Downing directed Levin to say one negative thing about himself, remove an article of clothing, then repeat the process. Although Levin protested and expressed discomfort, at Downing's insistence, Levin submitted and continued until he was fully naked. Downing then instructed Levin to touch his penis and then his buttocks. Levin, unsure what to do but trusting in and relying on Downing, followed the instructions, upon which Downing said "good" and the session ended.

46. At another time, Unger was pressured to participate in an exercise in which a group of young men, led by Downing, would be instructed to remove all of their clothing and stand in a circle with Downing, who would also be naked.

47. Downing also urged Unger to undress during a private session instructing Unger to take off his shirt and stand in front of the full-length mirror. After Unger complied, Downing further pressed Unger to continue, which Unger understood to mean to fully undress. Unger resisted and refused to comply.

48. During a similar individual session with Ferguson, Downing instructed Ferguson to remove his shirt and stand in front of the mirror as Downing stood behind him. Downing repeatedly urged Ferguson to remove additional clothing, although Ferguson refused.

49. According to Defendant Goldberg, such treatments can play an important role in JONAH's treatment.<sup>27</sup>

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<sup>27</sup> Helen Chernikoff, *Orthodox Mental Health Workers Seen Changing on Homosexuality*, The Jewish Week (Dec. 6, 2011), [www.thejewishweek.com/news/new\\_york/orthodox\\_mental\\_health\\_workers\\_seen\\_changing\\_homosexuality\\_1](http://www.thejewishweek.com/news/new_york/orthodox_mental_health_workers_seen_changing_homosexuality_1) ("On very rare occasions, for those suffering from 'severe body image issues,' a JONAH therapist may have asked a client to undress.")

### ***Reviving Past Trauma***

50. Defendants' conversion therapy irresponsibly encourages clients to replicate personal trauma so as to achieve "deep emotional breakthrough[s]" that will "help [them] identify and process the underlying issues that may be alienating [them] from [their] authentic heterosexual masculinity."<sup>28</sup>

51. During a group session, Downing instructed Levin to direct his peers to reenact and recreate scenes of sexual abuse from his childhood. Levin complied by selecting another group participant to play the role of his abuser and another to represent Levin as a child. Levin was instructed to divulge actual statements that were made to Levin as a child which the proxy then repeated such as, "I won't love you anymore if you don't give me blow jobs." The proxy continually repeated similar statements causing Levin distress and shame. Downing did nothing to address or process Levin's emotional distress.

52. Bruck's JONAH counselor, Thaddeus Heffner, instructed him to wear a rubber band around his wrist and snap himself each time he felt attracted to a man. Self-inflicted pain matched other aspects of conversion therapy, which focused on magnifying painful or traumatic experiences from Bruck's past on the baseless assumption that by re-experiencing hurt and anger, he would become straight.

53. Heffner similarly focused on attempting to put Bruck "in touch" with his masculinity. The counselor's demands to conform to stereotypically masculine characteristics caused Bruck anxiety, shame, and deepening depression.

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<sup>28</sup> *News & Events: Journey into Manhood - Israel, JONAH*, [www.jonahweb.org/event\\_view.php?id=45](http://www.jonahweb.org/event_view.php?id=45) (last visited Sept. 21, 2012).

***Male Figures***

54. Another component of Defendants' conversion therapy services was the presumption that Plaintiffs are gay because of deficient parenting. For example, Defendant Downing advised Unger that he should spend more time at the gym as well as naked with his father at bathhouses, which, according to Downing, would cause Unger to get in touch with his masculinity and overcome same-sex attraction.

55. Similarly, as part of a weekend retreat largely designed by and overseen by Downing, Ferguson participated in a session in which clients took turns standing alone at one end of a room while others held hands creating a human chain toward the other end of the room and an additional person stood behind the chain holding two oranges representing testicles. Individuals in the chain blocked the subject from the testicles and taunted him with statements such as "you're such a fag, homo, queer boy," reinforcing the notion that gay men are not true men. Subjects typically expressed anger and aggressively strived to break through the chain to seize the two oranges, sometimes biting and squeezing them to drink the juice and sometimes placing the oranges down their pants.

56. Similar conversion therapy exercises are based on the false assumption that anti-gay harassment and bullying causes gay sexual orientation.

57. One exercise placed clients in sporting and locker-room scenes where they were blindfolded, as counselors and others dribbled basketballs while speaking aggressively to the clients using anti-gay slurs.

58. Defendants gave little or no attention to processing emotions and trauma arising – and sometimes originating – from their pseudo-therapeutic treatments, as though experiencing

distressing emotions such as anger, aggression, and pain is necessary to “heal” into heterosexuality.

***Repudiating Femininity***

59. Defendants further represented that one of the main causes of male homosexuality is the failure of mothers to maintain appropriate boundaries with their sons. On one occasion, Downing instructed Unger to beat an effigy of his mother with a tennis racket, as though killing her, and encouraged Unger to scream at his mother while beating her effigy.

***Male Touch***

60. Citing Cohen, who describes himself as “the king of touch,” Defendants claimed that hugging and cuddling a person of the same sex would reduce or eliminate same-sex attraction. For example, Defendant Downing, who has admitted to having his own same-sex attractions and who is considerably older than Unger, frequently hugged Unger as part of treatment. Downing similarly supervised and participated in group cuddling sessions with and among young clients.

***Denigrating Gay People***

61. Defendants repeatedly misrepresented that being gay is loathsome and that gay people are more likely to be pedophiles, drug abusers, and alcoholics. In order to promote their services, Defendants also falsely claimed that gay people are all generally lonely, suicidal, and have or will contract HIV/AIDS.

62. Those and similar claims are consistent with discredited assertions of Paul Cameron, a psychiatrist who is the architect of modern anti-gay pseudoscience and who has been censured by four professional organizations for his shoddy research and animus against LGBT (lesbian, gay, bisexual, and transgender) people.

63. Defendants reinforced these and similar misrepresentations to Plaintiffs and other clients, by, for example, disseminating patently false statistics purportedly showing that gay people are more likely to molest children.

64. In addition to being premised on discredited theories and beliefs about homosexuality, Defendants' "treatments" are contraindicated by modern therapeutic practice that does not include, among other techniques, instructing clients to undress, beat effigies of their mothers, or subject to activities designed to induce profound anger or shame.<sup>29</sup>

### **COUNT I**

(By Benjamin Unger Against All Defendants)

#### **VIOLATIONS OF THE CFA**

#### **(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD, FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

65. Plaintiffs incorporate by reference all preceding paragraphs.

66. Defendants' promotion and provision of their conversion therapy services to Unger, who is gay, constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises and misrepresentations in violation of the CFA.

67. On multiple occasions, Defendants misrepresented to Unger that gay sexual orientation is a mental disorder and that it is "unnatural to be gay." Downing and Goldberg assured Unger that Unger was not in fact gay and, if he followed the conversion therapy process, his attractions to men would disappear.

68. Goldberg also falsely promised Unger that "change is absolutely possible," claiming that Unger would eliminate or substantially reduce his same-sex attraction within two to four years of using – and paying for – Defendants' services. Defendants repeatedly misrepresented to Unger

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<sup>29</sup> See e.g., *Clinical Handbook of Psychological Disorders: A Step-By-Step Treatment Manual* (David H. Barlow ed., 4<sup>th</sup> ed. 2008).

that their program would change his sexual orientation to heterosexual or at a minimum, dramatically decrease his attractions to men, replacing them with opposite-sex attractions.

69. In order to achieve success, Downing claimed, Unger had to absolutely trust the process, “if you don’t believe it will work, it won’t.”

70. Defendants similarly misrepresented to Unger on multiple occasions that their conversion therapy methods are “scientifically based,” citing the work of Joseph Nicolosi and Richard Cohen.

71. Conversion therapy was, in Unger’s experience, “psychological abuse.” By the time he terminated sessions with JONAH, he was deeply depressed and had commenced taking anti-depressant medications. During sessions, Downing “picked apart every human emotion and childhood disappointment” of Unger, to present them as treatable origins of Unger’s orientation.

72. Defendants’ services also impaired Unger’s ability to engage in physical and emotional relationships with men, in part, by conditioning him to view such relations as unnatural and to analyze what attribute in the other person Unger is lacking as the supposed reason for his attraction to that person.

73. As a result of Defendants’ unlawful acts, Unger suffered the ascertainable loss of paying for the costs of repairing the damage caused by Defendants’ “treatments.”

74. As a result of Defendants’ unlawful acts, Unger was unable to work for approximately one year with the loss of corresponding wages.

75. Unger’s ascertainable losses also include attorneys’ fees associated with bringing meritorious claims under the CFA.

76. Each of Unger’s ascertainable losses resulted from Defendants’ unlawful conduct.

**COUNT II**  
**(By Chaim and Bella Levin Against All Defendants)**  
**VIOLATIONS OF THE CFA**  
**(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD,**  
**FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

77. Plaintiffs incorporate by reference all preceding paragraphs.

78. Defendants' promotion and provision of their conversion therapy services to Levin constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises, and misrepresentations in violation of the CFA.

79. On multiple occasions, Defendants misrepresented to Levin that gay sexual orientation is a mental disorder. Defendants falsely promised Levin that they would help him change from gay to straight.

80. Goldberg misrepresented to Levin that "you can change if you just try hard enough . . . you just need to work really hard, we are experts at this . . . we have helped so many people."

81. Other typical statements by Goldberg and Downing included, "it's all about the work and figuring out what is really bothering you – making you feel this way [gay]."

82. Defendants repeatedly misrepresented to Levin that their conversion therapy methods are "scientifically based" citing as authorities the work of Nicolosi and Cohen.

83. Based on Defendants' misrepresentations and false promises to her son, Plaintiff Bella Levin suffered the ascertainable loss of fees paid to JONAH for weekly group and individual sessions that her son attended for nearly a year and a half.

84. Levin also paid several hundred dollars for JONAH sessions.

85. As a result of Defendants' unlawful acts, Levin has suffered the ascertainable loss of paying for costs of repairing damage caused by Defendants' "treatments."



86. Additionally, Levin's and Bella Levin's ascertainable losses include attorneys' fees associated with bringing meritorious claims under the CFA.

87. Each of Levin's and Bella Levin's ascertainable losses resulted from Defendants' unlawful conduct.

**COUNT III**  
**(By Sheldon and Jo Bruck Against JONAH and Arthur Goldberg)**  
**VIOLATIONS OF THE CFA**  
**(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD,**  
**FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

88. Plaintiffs incorporate by reference all preceding paragraphs.

89. Defendants' promotion and provision of their conversion therapy services to Bruck, who is gay, constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises, and misrepresentations in violation of the CFA.

90. In the summer of 2009 when Bruck was 17 years old, he called Goldberg who promised to Bruck that "as long as you put in the effort, you're going to change." Goldberg falsely promised Bruck that JONAH could help him change his orientation from gay to straight.

91. Goldberg referred Bruck to a JONAH-affiliated conversion therapist, Thaddeus Heffner, based in Tennessee, because JONAH had no therapists in Chicago where Bruck was living.

92. Based on JONAH's and Goldberg's false promises and assured representations of the origins of Bruck's homosexuality as well as effective treatment options for Bruck, Bruck initiated conversion therapy with Heffner via telephone and Skype.

93. Heffner placed blame for Bruck's gay orientation on Bruck for not working hard enough to change, on his father for being too distant, and on his mother for being too close to him.

94. While receiving no benefit from conversion therapy, Bruck experienced deepening depression and anxiety leading to suicidal ideation and feelings of hopelessness about his life.



95. Realizing that conversion therapy was causing him to experience depression, anxiety and suicidal ideation, after approximately five weekly sessions, Bruck decided to stop conversion therapy.

96. When Bruck informed Heffner that he was going to stop sessions with him, Heffner expressed anger exclaiming to Bruck that he was “making a big mistake” and “throwing [his] life away” by “giving into [his] desires” and that he would “never lead a happy life” but would “lead a life of unhappiness in that unhealthy lifestyle.”

97. Relying on JONAH’s and Goldberg’s misrepresentations, Jo Bruck, Bruck’s mother, paid JONAH the ascertainable loss of approximately \$500, \$100 for each session.

98. Jo Bruck’s ascertainable losses include payment of fees for legitimate mental health services that her son required to overcome damage caused by Defendants’ “treatments.”

99. Additionally, Bruck’s and Jo Bruck’s ascertainable losses include attorneys’ fees associated with bringing meritorious claims under the CFA.

100. Each of the ascertainable losses resulted from Defendants’ unlawful conduct.

#### **COUNT IV**

(By Michael Ferguson Against Defendants Downing and JONAH)

#### **VIOLATIONS OF THE CFA**

**(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD,  
FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

101. Plaintiffs incorporate by reference all preceding paragraphs.

102. Defendants’ promotion and provision of conversion therapy to Ferguson, who is gay, constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises and misrepresentations in violation of the CFA.

103. Ferguson engaged in conversion therapy with Downing based on Defendants’ misrepresentations that it would help him become heterosexual.

104. At the time, Ferguson paid for and participated in conversion therapy based on Downing's misrepresentation that he would help Ferguson achieve promised orientation change.

105. Downing described "change" to mean that one's same-sex attractions would disappear and heterosexual attractions would emerge.

106. Ferguson paid Downing directly while group sessions consisted of JONAH clients, and group and individual sessions were held at JONAH's Jersey City building.

107. Relying on Defendants' misrepresentations and false promises, Ferguson paid Downing the ascertainable loss of approximately \$1,000 for Downing's conversion therapy program.

108. Ferguson has suffered the ascertainable loss of paying for reasonable costs of repairing damage caused by Defendants' "treatments."

109. Additionally, Ferguson's ascertainable losses include attorneys' fees associated with bringing meritorious claims under the CFA.

110. Each of Ferguson's ascertainable losses resulted from Defendants' unlawful conduct.

111. Defendants' conduct constitutes multiple violations of N.J.S.A. § 56:8-2, *et seq.*

### **PRAYER FOR RELIEF**

112. **WHEREFORE**, Plaintiffs respectfully request that the Court enter judgment against Defendants:

- a) Declaring that the acts of Defendants constitute multiple instances of unlawful practices in violation of the CFA;
- b) ordering the revocation of JONAH's business license;
- c) permanently enjoining Defendants and JONAH's officers, directors, founders, managers, agents, servants, employees, representatives, independent contractors and all other persons or entities directly under their control, from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, including, but not limited to, the acts and practices alleged in this Complaint;

- d) directing the assessment of restitution amounts to Plaintiffs for all of their payments to Defendants for individual and group conversion therapy;
- e) directing the assessment of restitution amounts to Plaintiffs for reasonable costs of repairing damage resulting from Defendants' unlawful acts;
- f) directing the assessment against Defendants, jointly and severally, of treble Plaintiffs' ascertainable losses;
- g) directing the assessment of costs and fees against Defendants, including Plaintiffs' investigation costs and attorneys' fees, jointly and severally, as authorized by the CFA, and
- h) granting such other relief as the interests of justice may require.

**JURY DEMAND**

113. The Plaintiffs demand trial by a jury for all of the triable issues of this Complaint.

**CERTIFICATION UNDER RULE 4:5-1**

114. Plaintiffs certify that the matter in controversy is not the subject of any other current or contemplated court or arbitration proceeding. As of this date, no other parties should be joined to this action.

**CERTIFICATE OF SERVICE UPON THE ATTORNEY GENERAL**

115. In accordance with N.J.S.A. § 56:8-20, Plaintiffs mailed a copy of this Complaint to the Attorney General at P.O. Box 080, Trenton, NJ 08625-0080 as well as to the Division of Consumer Affairs at P.O. Box 45027, Newark, NJ 07101.

**TRIAL COUNSEL DESIGNATION**

116. Under Rule 4:25-4, Lite DePalma Greenberg, LLC, the Southern Poverty Law Center, and Cleary Gottlieb Steen & Hamilton LLP are designated as trial counsel for the Plaintiffs in this action.

Dated: November 27, 2012

Respectfully submitted,



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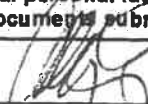
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**Appendix XII-B1**

 <b>CIVIL CASE INFORMATION STATEMENT (CIS)</b> Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</b>		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
1. ATTORNEY / PRO SE NAME Allyn Z. Lite		2. TELEPHONE NUMBER (973) 623-3000	
3. COUNTY OF VENUE Hudson		4. DOCKET NUMBER (when available)	
5. FIRM NAME (if applicable) Lite DePalma Greenberg, LLC		6. OFFICE ADDRESS Two Gateway Center – Suite 1201	
7. DOCUMENT TYPE Complaint		8. JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
9. NAME OF PARTY (e.g., John Doe, Plaintiff) Michael Ferguson, Benjamin Unger, Sheldon Bruck, Chaim Levin, Jo Bruck, Bella Levin		10. CAPTION M. Ferguson, B. Unger, S. Bruck, C. Levin, J. Bruck, B. Levin, Plaintiffs, v. JONAH, Arthur Goldberg, Alan Downing, Alan Downing Life Coaching LLC, Defendants	
11. CASE TYPE NUMBER (See reverse side for listing) 599		12. IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
13. RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		14. IF YES, LIST DOCKET NUMBERS	
15. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		16. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
17. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS	
18. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
20. DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
21. WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?	
22. I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
23. ATTORNEY SIGNATURE: 			

Side 2



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1***CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I - 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

**Track II - 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

**Track III - 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

**Track IV - Active Case Management by Individual Judge / 450 days' discovery**

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Centrally Managed Litigation (Track IV)**

- 285 STRYKER TRIDENT HIP IMPLANTS
- 288 PRUDENTIAL TORT LITIGATION
- 289 REGLAN
- 290 POMPTON LAKES ENVIRONMENTAL LITIGATION

- 291 PELVIC MESH/GYNECARE
- 292 PELVIC MESH/BARD
- 293 DEPUY ASR HIP IMPLANT LITIGATION
- 295 ALLODERM REGENERATIVE TISSUE MATRIX
- 623 PROPECIA

**Mass Tort (Track IV)**

- 266 HORMONE REPLACEMENT THERAPY (HRT)
- 271 ACCUTANE/ISOTRETINOIN
- 274 RISPERDAL/SEROQUEL/ZYPREXA
- 278 ZOMETA/AREDIA
- 279 GADOLINIUM

- 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
- 282 FOSAMAX
- 284 NUVARING
- 286 LEVAQUIN
- 287 YAZ/YASMIN/OCELLA
- 601 ASBESTOS

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action☐ Title 59

# **EXHIBIT 2**



**LITE DEPALMA GREENBERG, LLC**

Bruce D. Greenberg (NJ Id# 014951982)  
570 Broad Street, Suite 1201  
Newark, NJ 07102  
(973) 623-3000

**COPY**

**FILED**

**DEC 18 2015**

**PETER F. BARISO, JR., A.J.S.C.**

**SOUTHERN POVERTY LAW CENTER**

David C. Dinielli (*pro hac vice*)  
Samuel Wolfe (*pro hac vice*)  
Scott D. McCoy (*pro hac vice*)  
400 Washington Ave.  
Montgomery, AL 36104  
(334) 956-8200

**CLEARY GOTTlieb STEEN & HAMILTON LLP**

James L. Bromley (*pro hac vice*)  
Lina Bensman (*pro hac vice*)  
Thomas S. Kessler (*pro hac vice*)  
One Liberty Plaza  
New York, NY 10006  
(212) 225-2000

*Attorneys for Plaintiffs*

Michael Ferguson, Benjamin Unger, Chaim  
Levin, Jo Bruck, Bella Levin,

Plaintiffs,

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 18<sup>th</sup> 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

# **EXHIBIT 3**

## **(Redacted)**

**Ferguson et al. v. JONAH et al.**

No. L-5473-12, Superior Court of New Jersey, Hudson County Law Division

**SETTLEMENT AGREEMENT**

This agreement (“**Settlement Agreement**”) is entered into as of the 17th day of December, 2015, by and among Michael Ferguson, Benjamin Unger, Chaim Levin, Jo Bruck, and Bella Levin (together, “**Plaintiffs**”), Arthur Goldberg, Alan Downing, Alan Downing Life Coaching LLC, Jews Offering New Alternatives for Healing (f/k/a Jews Offering New Alternatives to Homosexuality) (“**JONAH**” and together, with Arthur Goldberg Alan Downing, and Alan Downing Life Coaching LLC, “**Defendants**”), and Mrs. Elaine Berk (together with Defendants, the “**JONAH Parties**” and together with Plaintiffs, the “**Parties**”).

**WHEREAS**, on November 27, 2012, Plaintiffs filed *Ferguson, et al., v. JONAH, et al.*, No. L-5473-12, (the “**Action**”) in the Superior Court of New Jersey, Hudson County (the “**Court**”);

**WHEREAS**, on June 25, 2015, a jury returned a verdict for the Plaintiffs, finding that Defendants made misrepresentations and engaged in unconscionable commercial practices in violation of the New Jersey Consumer Fraud Act, N.J.S.A. §§ 56:8-1, *et seq.* (the “**CFA**”), and providing for an award to the Plaintiffs of \$72,450, inclusive of statutory trebling (the “**Jury Award**”);

**WHEREAS**, the CFA entitles Plaintiffs to seek a permanent injunction and obligates Defendants to pay Plaintiffs’ attorneys fees and costs as determined by the Court;

**WHEREAS**, the Parties have agreed to jointly submit to the Court a stipulated order (the “**Order**”)<sup>1</sup> setting out the terms of an injunction and establishing Plaintiffs’ recoverable fees and costs so as to expedite the full and final resolution of the case;

**WHEREAS**, the Order permanently enjoins Defendants from engaging in Conversion Therapy (whether directly or through referrals) 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 of the same);

**WHEREAS**, Defendants have publicly acknowledged the fees and costs incurred by their counsel in connection with the Action have exceeded \$3,000,000;

**WHEREAS**, the Order entitles Plaintiffs to a payment of fees and costs by Defendants in the amount of \$3,500,000 (the “**Fee Award**”);

**WHEREAS**, in exchange for the JONAH Parties’ agreement to comply with the terms set forth in this Settlement Agreement, and subject to the Settlement Agreement’s conditions, Plaintiffs agree to accept a lesser amount in satisfaction of the Fee Award to which Plaintiffs are fully entitled pursuant to the Order and New Jersey law; and

---

<sup>1</sup> Terms capitalized but not defined herein shall have the meaning ascribed to them in the Order.



**WHEREAS**, the Parties desire to enter into the Settlement Agreement for their mutual benefit and agree that each of the Parties, individually and collectively, will receive valuable consideration upon entering into the Settlement Agreement;

**NOW, THEREFORE**, in consideration of the foregoing recitals and of the mutual benefits to be derived hereby (the sufficiency of which is acknowledged), the Parties agree as follows:

1. Effective Date. This Settlement Agreement shall become effective on the date on which the Court enters the Order (the “**Effective Date**”).

2. Order Applicability to Mrs. Berk. Mrs. Berk shall be bound by the terms of the Order, including, for the avoidance of doubt, the prohibitions on engaging in Conversion Therapy (whether directly or through referrals) 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 of the same).

3. Waiver of Right to Appeal. Defendants irrevocably waive their right to appeal, overturn, set aside, collaterally attack, avoid or otherwise challenge in any way whatsoever, including, for the avoidance of doubt, any right that might exist under R. 2:2-3 or Fed. R. Civ. P. 60, the Order or any other aspect of the Action, including without limitation, relating to the jury verdict, injunction, Fee Award, and any and all Court orders issued in connection with the Action.

4. Resignation of JONAH Parties. The JONAH Parties shall resign from all positions in Conversion Therapy-related boards and organizations including, without limitation, The National Association for Research & Therapy of Homosexuality, The Alliance for Therapeutic Choice and Scientific Integrity, Positive Alternatives to Homosexuality, Joel 2:25, People Can Change, Parents and Friends of Ex-Gays and Gays, Voice of the Voiceless, Voices of Change, International Healing Fund, and the Institute for Healthy Families, whether doing business in these or any other names, within sixty (60) days of the entry of the Order, and shall not hold any position in any such organizations in the future, provided however that this prohibition shall not prohibit ordinary membership in any such organizations.

5. Satisfaction of Fee Award. Subject to paragraph 6 of the Settlement Agreement, the Plaintiffs will accept payment of [REDACTED] (the “**Settlement Sum**”) in full satisfaction of the Fee Award and Jury Award. [REDACTED] is to be deposited by Defendants in an escrow account or accounts to be designated and controlled by Plaintiffs within sixty (60) days of the entry of the Order. The remaining [REDACTED] is to be deposited by Defendants into the same escrow account or accounts within eighteen (18) months of the entry of the Order.

6. Violation of the Settlement Agreement

a. If, within five (5) years of the entry of the Order, any of the JONAH Parties breach the terms of the Settlement Agreement or Order (a “**Breach**”), Plaintiffs shall be entitled to Defendants’ Breach Damages and/or Berk Breach Damages, each as defined in



subsections (b) and (c) of this paragraph (collectively, “**Breach Damages**”). Plaintiffs shall provide notice to the JONAH Parties of their intent to seek the applicable Breach Damages, accompanied by a description of Plaintiffs’ good faith basis for believing that the JONAH Parties are in breach of the Settlement Agreement or Order. If Defendants fail to cure the Breach within thirty (30) days of receiving such notice or if the Breach cannot be cured (collectively, an “**Uncured Breach**”), the applicable Breach Damages will become due. Engaging in Conversion Therapy services, including providing referrals to Conversion Therapy providers, in or directed at New Jersey or New Jersey residents is an Uncured Breach.

b. In the event of an Uncured Breach by Defendants, Defendants shall have thirty (30) days to pay Plaintiffs the Fee Award less that portion of the Settlement Sum that has been paid (the “**Defendants’ Breach Damages**”).<sup>2</sup> If Defendants fail to timely make such payment, Plaintiffs shall file a motion (a “**Breach Motion**”) with the Court seeking a default judgment in the amount of the Defendants’ Breach Damages for Defendants’ failure to satisfy the Fee Award. The Defendants’ Breach Damages shall only be due from, and the Breach Motion shall only be brought against, those Defendants that committed the Uncured Breach. If, subsequent to an Uncured Breach by one Defendant, another Defendant commits an Uncured Breach, then both shall be jointly and severally liable for the Defendants’ Breach Damages.

c. In the event of an Uncured Breach by Mrs. Berk, Mrs. Berk shall have thirty (30) days to pay Plaintiffs the sum of \$400,000 in liquidated damages (the “**Berk Breach Damages**”).

d. The Parties agree and acknowledge that (i) the Order entitles Plaintiffs to collect the full Fee Award from Defendants; (ii) Plaintiffs have agreed to accept the Settlement Sum in full and final satisfaction of the Fee Award and Jury Award in exchange for the JONAH Parties’ agreement to abide by the terms of the Settlement Agreement; (iii) the Breach Damages are fairly and reasonably commensurate to the actual damages that would be incurred by Plaintiffs in the event of the JONAH Parties’ breach of the Settlement Agreement; and (iv) the Breach Damages have been fairly and freely negotiated by the Parties through their counsel with full knowledge of the facts and legal principles at issue.

e. For the avoidance of doubt, it shall not be a violation of this Settlement Agreement for Mr. Downing to form a limited liability corporate entity (“**LLC**”) in a state other than New Jersey, provided, however, that any such LLC shall be bound by this Settlement Agreement to the same extent as Mr. Downing.

7. Duty to File Notice of Satisfaction of Fee Award. Within sixty (60) days of the fifth anniversary of the Court’s entry of the Order, provided payment of the Settlement Sum has been made in full and the JONAH Parties have not committed an Uncured Breach, Plaintiffs will file a notice with the Court (the “**Satisfaction Notice**”) that the Fee Award has been fully satisfied. For the avoidance of doubt, filing of the Satisfaction Notice shall not affect the JONAH Parties’ obligation to comply with the terms of the Order and this Settlement

---

<sup>2</sup> By way of example, in the event of an Uncured Breach by Defendants that takes place after the initial [REDACTED] of the Settlement Sum has been paid, but before the remaining [REDACTED] has been paid, the Defendants’ Breach Damages will be [REDACTED], which represents the sum of the Fee Award (\$3,500,000) less that portion of the Settlement Sum ([REDACTED]) that has already been paid.

Agreement. Further, filing of the Satisfaction Notice shall not waive any of Plaintiffs' rights with respect to the JONAH Parties' breach of the Settlement Agreement or violation of the Order, other than Plaintiffs' right to collect the Breach Damages.

8. Governing Law. The Parties agree that any and all disputes relating to the Settlement Agreement shall be governed by the laws of the State of New Jersey.

9. Exclusive Jurisdiction. The Parties agree that jurisdiction as to any disputes relating to the Settlement Agreement is exclusively in New Jersey Superior Court, Hudson County, and the Parties agree to waive any and all jurisdictional defenses.

10. Confidentiality. The Settlement Sum shall remain confidential and shall not be disclosed to any non-Party other than attorneys representing or advising the Parties, providing such attorneys agree to be bound by this confidentiality provision.

11. Court Modifications to the Order. Should the Court modify or strike any term of the Order as submitted by the Parties, the Parties shall execute an amendment adding to this Settlement Agreement any and all of the modified or stricken terms exactly as they originally appeared in the Order submitted by the Parties within fourteen (14) days of the Effective Date.

12. Entire Agreement. This Settlement Agreement constitutes the entire agreement of the Parties with respect to the subject matter hereof. This Settlement Agreement supersedes all prior negotiations, agreements and understandings of the Parties of any nature, whether oral or written, concerning the subject matter hereof.

13. Amendments. This Settlement Agreement may be amended only by a written agreement between the Parties hereto.

14. Severability. If in any proceedings a court will refuse to enforce any provision of this Settlement Agreement, then such unenforceable provision will be deemed eliminated from this Settlement Agreement for the purpose of such proceedings to the extent necessary to permit the remaining provisions to be enforced. To the full extent, however, that the provisions of any applicable law may be waived, they are hereby waived to the end that this Settlement Agreement be deemed to be valid and a binding agreement enforceable in accordance with its terms, and in the event that any provision hereof will be found to be invalid or unenforceable, such provision will be construed by limiting it so as to be valid and enforceable to the maximum extent consistent with and possible under applicable law.

15. Counterparts. This Settlement Agreement may be executed by facsimile or portable document format (pdf) transmission and by counsel for each of the Parties, in separate counterparts, each of which when so executed will be deemed to be an original and all of which together will constitute one and the same agreement.

*[Signatures appear on the next page]*



IN WITNESS WHEREOF, the Parties have executed this Settlement Agreement as of  
the 11 day of DECEMBER, 2015.

**JONAH PARTIES**

JONAH, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Alan Downing Life Coaching LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Arthur Goldberg

\_\_\_\_\_

Alan Downing

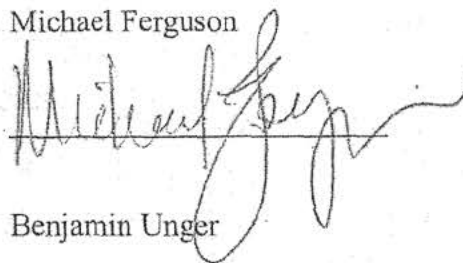
\_\_\_\_\_

Elaine Berk

\_\_\_\_\_

**PLAINTIFFS**

Michael Ferguson



Benjamin Unger

\_\_\_\_\_

Chaim Levin

\_\_\_\_\_

Jo Bruck

\_\_\_\_\_

Bella Levin

\_\_\_\_\_

**IN WITNESS WHEREOF**, the Parties have executed this Settlement Agreement as of  
the \_\_\_\_ day of \_\_\_\_\_, 2015.

**JONAH PARTIES**

JONAH, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Alan Downing Life Coaching LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Arthur Goldberg

\_\_\_\_\_

Alan Downing

\_\_\_\_\_

Elaine Berk

\_\_\_\_\_

**PLAINTIFFS**

Michael Ferguson

\_\_\_\_\_

Benjamin Unger



Chaim Levin

\_\_\_\_\_

Jo Bruck

\_\_\_\_\_

Bella Levin

\_\_\_\_\_

**IN WITNESS WHEREOF**, the Parties have executed this Settlement Agreement as of  
the \_\_\_\_ day of \_\_\_\_\_, 2015.

**JONAH PARTIES**

JONAH, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Alan Downing Life Coaching LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Arthur Goldberg

\_\_\_\_\_

Alan Downing

\_\_\_\_\_

Elaine Berk

\_\_\_\_\_

**PLAINTIFFS**

Michael Ferguson

\_\_\_\_\_

Benjamin Unger

\_\_\_\_\_

Chaim Levin

\_\_\_\_\_

Jo Bruck

\_\_\_\_\_

Bella Levin

\_\_\_\_\_

**IN WITNESS WHEREOF**, the Parties have executed this Settlement Agreement as of  
the \_\_\_\_ day of \_\_\_\_\_, 2015.

**JONAH PARTIES**

JONAH, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Alan Downing Life Coaching LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Arthur Goldberg

\_\_\_\_\_

Alan Downing

\_\_\_\_\_

Elaine Berk

\_\_\_\_\_

**PLAINTIFFS**

Michael Ferguson

\_\_\_\_\_

Benjamin Unger

\_\_\_\_\_

Chaim Levin

\_\_\_\_\_

Jo Bruck

\_\_\_\_\_



Bella Levin

\_\_\_\_\_

**IN WITNESS WHEREOF**, the Parties have executed this Settlement Agreement as of  
the \_\_\_\_ day of \_\_\_\_\_, 2015.

**JONAH PARTIES**

JONAH, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Alan Downing Life Coaching LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Arthur Goldberg

\_\_\_\_\_

Alan Downing

\_\_\_\_\_

Elaine Berk

\_\_\_\_\_

**PLAINTIFFS**

Michael Ferguson

\_\_\_\_\_

Benjamin Unger

\_\_\_\_\_

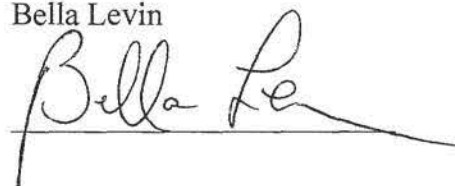
Chaim Levin

\_\_\_\_\_

Jo Bruck

\_\_\_\_\_

Bella Levin

\_\_\_\_\_

IN WITNESS WHEREOF, the Parties have executed this Settlement Agreement as of  
the \_\_\_\_ day of \_\_\_\_\_, 2015.

**JONAH PARTIES**

JONAH, Inc.

By: Arthur Goldberg

Name: Arthur Goldberg

Title: Co-Director

Alan Downing Life Coaching LLC

By: Alan Downing

Name: Alan Downing

Title: President

Arthur Goldberg

Arthur Goldberg

Alan Downing

Alan Downing

Elaine Berk

Elaine Berk

**PLAINTIFFS**

Michael Ferguson

\_\_\_\_\_

Benjamin Unger

\_\_\_\_\_

Chaim Levin

\_\_\_\_\_

Jo Bruck

\_\_\_\_\_

Bella Levin

\_\_\_\_\_

# **EXHIBIT 4**



Final Newsletter

December 31, 2015

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[Plans Going Forward](#)

[Rabbinical Commentary](#)

**Quick Links**

[Contact JONAH](#)

[Contact JIFGA](#)

**DONATE TO JONAH**

Greetings!

### Legal Update

First, we would like to thank our many friends for their kind words and consistent financial support, which have been pouring in since we received the unjust and unwarranted verdict in Ferguson vs JONAH from the NJ Courts this past June. Your encouragement and good wishes have kept us going in spite of the often negative and blatantly false publicity that appears all over the media.

The NJ Court delivered its final judgement on December 18th. Under the order, JONAH must permanently cease operations, including providing referrals and operating its website and listserv. That means that our site, [www.jonahweb.org](http://www.jonahweb.org), will no longer be available online after mid- January 2016, and neither of us will be permitted to give referrals to strugglers who call or email with requests for help. JONAH is required to dissolve as a corporate entity and liquidate its assets by the middle of May.

We are also required to pay a portion of the plaintiffs' legal fees. We hope that our supporters will help us offset these costs by [clicking here to give via PayPal](#) or by mailing donations to JONAH, Inc, PO box 313, Jersey City, NJ 07303. JONAH's bank account will be open to accept donations until mid-May 2016.

In thinking about the court's ruling we both feel that:

**The tragic miscarriage of justice which occurred in the JONAH case reflects the near triumph of political correctness and the gay activist agenda in the USA. We long for the day when the outcome in the JONAH case will be recognized as one of the greatest miscarriages of justice in modern history. So many of the court's outrageous pre-trial rulings, such as not allowing our six defense experts to testify, the equally outrageous rulings that calling homosexuality "disordered" violates the consumer fraud act, and the ruling during the trial which prohibited our attorney from arguing our freedom of religion 1st Amendment rights, ended any real chance for a fair trial and verdict. However, we fervently believe that the Torah's traditional values on sexuality and the family will triumph in the**



**end because these universal laws produce the most just societies which, in turn, offer G-d given truths for all humanity to follow.**

Coercive tactics that attempt to shut down choice are antithetical to a country founded in religious tolerance. We believe that this decision continues the erosion of religious freedom now taking place in our country. Seeking counseling is a very private and personal decision people make and should not be interfered with by government or anyone.

## **Plans Going Forward**

We have been working on our vision to form a new institute that will be rooted in Biblical values and express a Biblical world view. We look to put together a coalition of those who follow the Abrahamic religions (Jews, Christians, and Muslims, which constitute more than 50% of the world's population). This coalition will advocate Divinely ordained moral imperatives and universal ethics known as the Seven Noahide Laws. We will continue to fight for core American values, including the freedom of traditional believers to live as free and equal citizens in this great country.

The new organization will focus on the Seven Noahide Laws given to Noah by G-d following The Flood. It will seek to inspire all descendants of Noah, the biblical survivor of the flood recounted in the Bible to follow these Noahide laws and to recognize the existence of a higher Power, one to whom we are responsible for our actions.

The Seven Universal Laws, known as the Noahide laws, prohibit:

1. Idolatry
2. Blasphemy and cursing the name of G-d
3. Murder
4. Robbery and theft
5. Immorality and forbidden sexual relations
6. Removing and eating a limb from a live animal

And require

7. The establishment of a justice system and courts of law to enforce the other six laws

These seven principles, if followed, permit us to establish a harmonious world in which diverse peoples can live together in a just society.

On December 29, 2015, we filed the articles of incorporation for our new organization, the Jewish Institute for Global Awareness (JIFGA).

Its purpose is to educate the public on the Noahide laws. We intend to explain how following these laws can be shown to benefit the individual and society. The educational activities will be carried out via discussions, lectures, forums, radio and television, publications and social media.

We are looking for volunteers from different geographic areas in the USA and other countries to make suggestions and offer their ideas

as we build JIFGA. Please let us know if you are interested in working with us on this effort. You may email us at [info@JIFGA.org](mailto:info@JIFGA.org).

### **Rabbinical Commentary**

Reprinted from the newsletter of Rabbi Mendy Herson, Chabad of Greater Somerset County,  
[www.Chabadcentral.org](http://www.Chabadcentral.org)

*This month Rabbi Herson gives a beautiful rendition of the story of Joseph and his brothers. Rabbi calls it, "You Are Joseph".*



One can only imagine how Joseph felt.

Teenaged Joseph (of Biblical fame) had been abducted by his jealous brothers and sold into slavery. Persevering through a painful trail of difficulties, Joseph had managed to achieve huge success. This former slave had saved the Egyptian empire from economic catastrophe, ultimately catapulting Joseph to a position second to only Pharaoh himself.

Joseph's brothers came to Egypt looking for food. They didn't recognize him, since he had grown a beard and physically matured. He, on the other hand, knew their identities; but he still wanted to explore their humanity. He wanted to forgive, but he needed to know where they stood. Years ago, the brothers had had shown ugliness. But were those jealous brothers of yesteryear the same people now standing before him? Had they grown?

Joseph needed to know. He needed to know if they regretted what they'd done to him. He needed to know if they'd evolved and learned the lessons of their harmful behavior.

So he tested them. He maneuvered events so that he could probe their sense of regret for what had occurred, and their present sense of loyalty to the clan's youngest son, their half-brother.

Once he saw that his brothers indeed regretted their past actions, and had indeed refined their behavior, he revealed his identity to them: "I am Joseph, your brother, whom you sold into Egypt."

His next words are the part of this captivating narrative that always grabs me the most: "G-d has sent me here to be a provider for you and to insure your survival."

Joseph first points out the obvious truth that they had consciously made the horrifying decision to sell him into slavery in Egypt; then he proceeds to call it G-d's will.

Why the switch?

Once Joseph had achieved the closure that came with his victimizer's contrition, after he saw how they were emotionally

tortured by the pain they had caused him, he was able to unshackle himself of their deeds and move on with his life's work.

Stepping forward into the next chapter of his life, Joseph's pressing focus wasn't on his past victimhood, it was on the question: How does G-d want me to use my present situation to better the world?

When the moment was right, Joseph turned himself from a victim into a victor.

There's surviving. Then there's thriving.

Joseph thrived, and we are Joseph.

Thank You and Shalom

Arthur Goldberg & Elaine Silodor Berk  
JONAH Co-Directors

[DONATE TO JONAH](#)

JONAH Inc \* PO Box 313, Jersey City, NJ 07303 \* 201.433.3444 \* [www.jonahweb.org](http://www.jonahweb.org)

# **EXHIBIT 5**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CIVIL PART  
HUDSON COUNTY  
DOCKET NO. HUD-L-5473-12  
APP. DIV. NO. \_\_\_\_\_

MICHAEL FERGUSON, et al.,	:	
	:	TRANSCRIPT
Plaintiffs,	:	
vs.	:	OF
	:	
JONAH, ARTHUR GOLDBERG, ALAN	:	TRIAL
DOWNING and ALAN DOWNING LIFE	:	
COACHING, L.L.C.,	:	
	:	
Defendants.	:	
	:	

Place: Hudson County Superior Court  
Administration Building  
595 Newark Avenue  
Jersey City, N.J. 07306

Date: June 8, 2015  
Volume 1 of 2  
Pages 1 - 200

B E F O R E:

HONORABLE PETER F. BARISO, JR., A.J.S.C.,  
And a Jury.

TRANSCRIPT ORDERED BY:

JODI ERICKSON, ESQ.,  
(Cleary, Gottlieb, Steen & Hamilton, L.L.P.)

Audio Recorded by: C. Ortiz

////////////////////////////////////

**METRO TRANSCRIPTS, L.L.C.**

**Mary Nelson**

316 Ann Street  
Randolph, New Jersey 07869  
(973) 659-9494

////////////////////////////////////

1 Q You created the JONAH Institute in 2007  
2 because you wanted to attract more secular, meaning  
3 non-religious clients, right?

4 A We wanted to attract those who were not  
5 necessarily of the Jewish faith. And that was created  
6 as a division JONAH, the parent organization.

7 Q And you created the institute because you  
8 wanted your program to sound scientific. Isn't that  
9 right?

10 A No, we've all -- the fundamental basis of our, of  
11 our organization always is God-based, Torah-based.  
12 That is the perspective and the underlying assumption  
13 of everything. We do try to integrate and synthesize  
14 scientific material into the religious doctrines.

15 Q Isn't it true, Mr. Goldberg, that the JONAH  
16 Institute doesn't really exist because it's just a  
17 label?

18 A I think that's an overstatement. It is a division  
19 of JONAH and functions and does have a separate website  
20 of sorts. And it's, it's an idea that we had to try to  
21 really reach out in a broader capacity, but it frankly  
22 never really worked very well. So yeah, it's still  
23 there, but it's, it's not something that is used a lot.  
24 But yes, it is certainly -- and it still exists,  
25 absolutely.

1 Q Do you remember being asked at your  
2 deposition, question, it's just a label and responding  
3 correct?

4 A Okay. I'll accept that.

5 MS. BENSMAN: Permission to show joint  
6 exhibit 62.

7 THE COURT: Okay.

8 MS. BENSMAN: If we could zoom in on that.  
9 Thank you.

10 Q So here it says under the caption JONAH  
11 Institute of Gender Affirmation, it says: "In 2007  
12 JONAH established a separate division, the JONAH  
13 Institute for Gender Affirmation, to provide research  
14 and critical strategies for growth out of  
15 homosexuality", right?

16 A Yes, ma'am.

17 Q And that's from JONAH home page?

18 A Presumably so. I'm assuming that's correct.

19 Q Do you see the word "separate" there?

20 A Yes.

21 Q In the first line?

22 A Yes.

23 Q Okay. In fact isn't it true that the JONAH  
24 Institute has no separate life from JONAH?

25 A The word is "division". A division means that

Goldberg - Direct/Bensman

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1 it's part of a parent organization. So it, it is  
2 certainly an integral part of JONAH, yes.

3 Q But isn't it true that there's nothing  
4 separate or different about it?

5 A I'm not sure I agree with that characterization.  
6 It has some -- it does have some different aspects.

7 But yeah, okay. I'll, I'll accept what you're saying.

8 Q Do you recall being asked at your deposition,  
9 question, would it be accurate to say that it has no  
10 separate life from JONAH and responding correct?

11 A That's what I just said now.

12 Q There's no separate JONAH Institute office,  
13 right?

14 A That is correct, for sure.

15 Q There are no JONAH Institute employees,  
16 right?

17 A There are no JONAH Institute employees, nor are  
18 there any JONAH employees. They're all independent  
19 contractors.

20 Q The JONAH Institute doesn't file taxes,  
21 right?

22 A No, ma'am.

23 MS. BENSMAN: You can put that away.

24 Permission to show plaintiffs' 414.

25 THE COURT: Any objection?

Goldberg - Direct/Bensman

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1 MR. LI MANDRI: No objection.

2 THE COURT: Okay.

3 Q This is a brochure for the JONAH Institute,  
4 right?

5 A Yes, ma'am.

6 Q The phone number on front, that's the JONAH  
7 phone number, right?

8 A Yes, ma'am, that is correct.

9 Q The same one that we saw in the newspaper ad?

10 A That is correct.

11 Q Is that the phone that rings on your desk?

12 A Among other places, that is correct, yes.

13 Q Let's look at the second page of this  
14 brochure. Do you see the column on the left?

15 A Yes, ma'am.

16 Q And it says there that the JONAH Institute  
17 for Gender Affirmation is a worldwide non-  
18 denominational, full-service clinical and research  
19 center, right?

20 A Yes, ma'am.

21 Q And the words "research" and "clinical" were  
22 also used in the JONAH website text we just looked at a  
23 moment ago, right?

24 A That is correct.

25 Q Let's start with "research center". The

1 MR. LI MANDRI: Can we take a look at that  
2 please? And I want -- specifically want to look at --  
3 it will be the third page if you're able to pull it up  
4 that way.

5 Q And this is the article entitled --

6 A I don't have it on my screen yet, sir.

7 Q P -- it's P-317, I'm sorry, P as in Paul.

8 THE COURT: What is it, P-317?

9 MR. LI MANDRI: Yeah, previously displayed.

10 Q Okay. Can we look at the title? It says,  
11 "Beyond Therapy, A Process Of Gender Affirmation by  
12 Arthur Goldberg, JD". Do you see that?

13 A Yes, I do see that, sir.

14 Q Okay. What do you mean by gender  
15 affirmation, Mr. Goldberg?

16 A Gender affirmation is a process really of trying  
17 -- I mean, one of the reasons why I like using gender  
18 affirming processes is because it's far, it's far more  
19 than just simply individual therapy. It's a process of  
20 basically involving yourself in bibliotherapy,  
21 involving yourself in support groups. It's involving  
22 yourself in a whole range of activities. So it's  
23 really -- that's why it's called a process because it's  
24 not just one thing. It really deals with doing a  
25 series of things to really try to regain a sense of

1 one's own inherent masculinity.

2 Q How much --

3 A Or, of femininity in --

4 Q Or does it just include just good old basic  
5 talk therapy as well?

6 A Oh, absolutely, absolutely. A good portion of  
7 what the therapists do -- and again, all the therapists  
8 are independent referral counselors. They're not -- we  
9 don't direct them what to do, per se. We, we basically  
10 tell them really that -- you know, almost every  
11 counselor generally has their own modality. And the  
12 modalities they choose are from, you know, a little bit  
13 of this and a little bit of that, which they then bring  
14 together.

15 Q Do some of the counselors who are independent  
16 psychiatrists and psychologists are licensed in their  
17 field?

18 A Yes, we, we, we have in our network, our referral  
19 group, people running from psychiatrists to life  
20 coaches and everything in between.

21 Q Now what happens when you refer them out? Do  
22 you stay involved and say I want to know what you're  
23 going to be doing with this patient on this day or  
24 whether or not they're progressing? Are you involved  
25 at all once you refer them out to an independent



# **EXHIBIT 6**

1 SUPERIOR COURT OF NEW JERSEY

2 HUDSON COUNTY, LAW DIVISION

3 -----x  
MICHAEL FERGUSON, BENJAMIN UNGER, SHELDON  
4 BRUCK, CHAIM LEVIN, JO BRUCK, BELLA LEVIN,

5 Plaintiffs,

6 -against-

7 JONAH (Jews Offering New Alternatives for  
Healing f/k/a Jews Offering New Alternatives to  
8 Homosexuality), ARTHUR GOLDBERG, ALAN DOWNING,  
ALAN DOWNING LIFE COACHING LLC,

9 Defendants.

10 Docket No. L-5473-12

11 -----x

12 One Liberty Plaza  
New York, New York

13 February 18, 2014  
14 9:31 a.m.

15  
16 DEPOSITION of ARTHUR GOLDBERG, as  
17 corporate representative, taken pursuant to  
18 Notice, taken by Fran Insley, a Notary Public  
19 of the States of New York and New Jersey.  
20  
21  
22

23 ELLEN GRAUER COURT REPORTING CO. LLC  
24 126 East 56th Street, Fifth Floor  
New York, New York 10022  
212-750-6434  
25 REF: 106347A

1 GOLDBERG

2 has been made?

3 A. Usually it's very informal. We  
4 basically get on the phone talk to each other,  
5 or whatever.

6 Q. The full board?

7 A. Usually it's Elaine and myself and  
8 then we check with our spouses.

9 Q. What happens when you and Elaine  
10 disagree?

11 A. Actually, we rarely if ever  
12 disagreed. If we do, one of us will concede to  
13 the other.

14 Q. What is the JONAH Institute?

15 A. The JONAH Institute is really more  
16 of a counseling referral specific agency. It's  
17 really part of JONAH. It's -- it was really  
18 created initially because we have a lot of non-  
19 Jews who come in looking for assistance, and  
20 they felt comfortable -- more comfortable  
21 having a broader institute than JONAH itself,  
22 which is really a torah-based organization.

23 Q. What is the full name of the JONAH  
24 Institute?

25 A. JONAH Institute -- excuse me, JONAH

1 GOLDBERG

2 you decide is not appropriate for JONAH?

3 A. There are some. It's a minority.

4 Q. If you had to estimate a percentage,  
5 what would that percentage be?

6 A. I don't know. Five, ten, maybe.

7 Q. Has that changed over time?

8 A. Not really. I mean recently maybe  
9 it's gotten a little bit more but that's not  
10 recently.

11 Q. Looking at the right-hand column on  
12 the first page, above the photo, it says  
13 "Counseling, life coaching, group and process  
14 facilitation." Do you see that?

15 A. Yes, I do.

16 Q. What is process facilitation?

17 A. Process facilitation is group work  
18 and certain types of processes that may be done  
19 in groups or it may also be recommending people  
20 to other organizations that do group or group  
21 type work or weekends.

22 Q. Turning to the second page and  
23 starting with the column of the brochure that  
24 is on the left. It says "The JONAH Institute  
25 for Gender Affirmation, is a worldwide

1 GOLDBERG

2 non-denominational, full service clinical and  
3 research center." What does full service mean?

4 A. We try to provide whatever services  
5 individuals are looking for in terms of a  
6 referral basis.

7 Q. Does the JONAH Institute do anything  
8 other than refer people to counselors?

9 A. No. Well, it does. As I said  
10 before, it does collect, for example, research  
11 of various aspects and it tries to really -- it  
12 really tries to network with understanding what  
13 is available out there.

14 Q. So referrals, research and  
15 networking are all of the services that the  
16 JONAH Institute provides? Oh, and I should say  
17 classes?

18 A. Right.

19 Q. Are there any additional ones that  
20 we haven't discussed?

21 A. Well, we mentioned some before like  
22 group work sometimes, the Listserv.

23 Q. The Listserv is something that is  
24 offered through the JONAH Institute?

25 A. I don't know why you keep asking me

1 GOLDBERG

2 Q. When you say sample documents, what  
3 do you mean?

4 A. There own intake form, counseling  
5 form, that kind of thing. The fact that  
6 nothing is guaranteed in terms of results.  
7 That kind of aspect.

8 Q. What is an intake form?

9 A. It's a form that the client signs as  
10 to when they come in to work with a therapist.  
11 They don't sign it for us. This is a form  
12 we've given to the various counselors. And  
13 since they are 1099, you know, independent  
14 contractors, they are free to choose to either  
15 accept what we have suggested or not.

16 Q. What is the purpose of an intake  
17 form?

18 A. To help the client -- to help the  
19 therapist understand where the client is coming  
20 from, and also to understand more about the  
21 client.

22 Q. How does the intake form help a  
23 counselor understand more about the client?

24 A. He asks all sorts of questions as to  
25 issues and all that kind of thing.

1 GOLDBERG

2 A. It's their clients, not my client.

3 Q. You don't think it's important to  
4 ensure that the counselors to whom you refer  
5 clients have good standards, ethical and  
6 effective standards for protecting client  
7 confidentiality?

8 A. Of course we do, but, you know,  
9 that's what they do.

10 Q. How do you ensure that that's what  
11 they do?

12 A. Again, we are -- we primarily work  
13 as a referral agency, so we refer people to  
14 individuals that we have confidence in.

15 Q. How do you come to have confidence  
16 in an individual?

17 A. As I said before, it's a small  
18 community of people that we know that are doing  
19 this work and we get to know who they are and  
20 we get -- I mean, you hear feedback from  
21 various people, this guy is good, this guy is  
22 not good, that kind of thing.

23 Q. The first time you refer to a  
24 particular counselor, do you always already  
25 have an established relationship with that

1 GOLDBERG

2 A. Because in many cases the therapists  
3 collect the money directly, in other cases they  
4 may ask us to do the administrative work and  
5 pay us and then we will pay them. So there is  
6 no reason for it, there is no need for it.

7 Q. Does JONAH's status as a nonprofit  
8 complicate that process at all?

9 A. I don't believe so.

10 Q. You don't see a need to set out any  
11 guidelines?

12 A. No.

13 Q. What about with respect to hiring;  
14 any documented policies or procedures?

15 A. No. We don't have an HR department.  
16 We are too small for that.

17 Q. You didn't think it was important to  
18 have policies about who you refer clients to?

19 MR. LI MANDRI: Objection. Assumes  
20 facts not in evidence. Go ahead.

21 A. As I said before, we are a pretty  
22 informal organization. We don't do a lot of  
23 things that are written up.

24 Q. Separately from what is or is not  
25 written down, do you have standards that relate



1 GOLDBERG

2 use the office before he moved to Florida. I  
3 am not sure how he accounted for it, whether it  
4 was a rent or whether it was a donation. Each  
5 deal with their own accountant as to how they  
6 want to handle it.

7 Q. That's rent. Fees that are paid by  
8 clients per session, does JONAH take a portion  
9 of those fees?

10 A. Yes, we do. We take an  
11 administrative fee.

12 Q. What percentage do you take?

13 A. Different percentages with different  
14 people.

15 Q. How do you determine what percentage  
16 you will take?

17 A. It depends on what I will negotiate  
18 with the individual counselor.

19 Q. Does it depend on the client?

20 A. Well, sometimes the client can't  
21 afford anything, may either have -- sometimes  
22 gratis or sometimes, you know, have  
23 significantly reduced fees, yes.

24 Q. Whose decision is it to take on a  
25 client pro bono?

# **EXHIBIT 7**

Click on the question-mark icons to display help windows.

The information provided will enable you to file a more complete return and reduce the chances the IRS has to contact you

Form <b>990-EZ</b>	<b>Short Form</b> <b>Return of Organization Exempt From Income Tax</b> Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)	OMB No 1545-1150 <div style="font-size: 2em; font-weight: bold;">2016</div> <div style="background-color: black; color: white; padding: 5px; text-align: center;">                         Open to Public Inspection                     </div>
Department of the Treasury Internal Revenue Service		
▶ Do not enter social security numbers on this form as it may be made public. ▶ Information about Form 990-EZ and its instructions is at <a href="http://www.irs.gov/form990">www.irs.gov/form990</a> .		

**A** For the 2016 calendar year, or tax year beginning , 2016, and ending , 20

**B** Check if applicable:

<input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	<p><b>C</b> Name of organization <b>JEWISH INSTITUTE FOR GLOBAL AWARENESS</b></p> <p>Number and street (or P.O. box, if mail is not delivered to street address) <b>80 GRAND STREET</b></p> <p>City or town, state or province, country, and ZIP or foreign postal code <b>JERSEY CITY NJ 07302</b></p>	<p><b>D</b> Employer identification number <b>81-0950956</b></p> <p><b>E</b> Telephone number <b>201-433-3444</b></p> <p><b>F</b> Group Exemption Number ▶ <b>?</b></p>
---	---	---

**G** Accounting Method: ☒ Cash ☐ Accrual ☐ Other (specify) ▶

**H** Check ☐ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).

**I** Website: ▶

**J** Tax-exempt status (check only one) - ☒ 501(c)(3) ☐ 501(c)( ) (insert no.) ☐ 4947(a)(1) or ☐ 527

**K** Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other

**L** Add lines 5b, 6c, and 7b to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ.

**Part I** Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I)

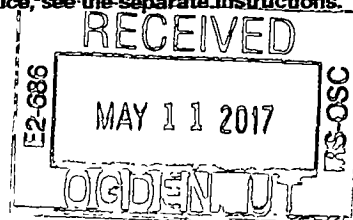
Check if the organization used Schedule O to respond to any question in this Part I ☒

1	Contributions, gifts, grants, and similar amounts received	1	45923
2	Program service revenue including government fees and contracts	2	29618
3	Membership dues and assessments	3	
4	Investment income	4	
5a	Gross amount from sale of assets other than inventory	5a	
5b	Less: cost or other basis and sales expenses	5b	
5c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	
6	Gaming and fundraising events		
6a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	
6b	Gross income from fundraising events (not including \$ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b	
6c	Less: direct expenses from gaming and fundraising events	6c	
6d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d	
7a	Gross sales of inventory, less returns and allowances	7a	
7b	Less: cost of goods sold	7b	
7c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c	
8	Other revenue (describe in Schedule O)	8	
9	<b>Total revenue.</b> Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	75541
10	Grants and similar amounts paid (list in Schedule O)	10	
11	Benefits paid to or for members	11	
12	Salaries, other compensation, and employee benefits	12	
13	Professional fees and other payments to independent contractors	13	42549
14	Occupancy, rent, utilities, and maintenance	14	
15	Printing, publications, postage, and shipping	15	417
16	Other expenses (describe in Schedule O)	16	11831
17	<b>Total expenses.</b> Add lines 10 through 16	17	54797
18	Excess or (deficit) for the year (Subtract line 17 from line 9)	18	20744
19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	
20	Other changes in net assets or fund balances (explain in Schedule O)	20	
21	<b>Net assets or fund balances at end of year.</b> Combine lines 18 through 20	21	20744

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 106421

Form 990-EZ (2016)



SCANNED JUN 05 2017

9.9

16

**Part II Balance Sheets** (see the instructions for Part II)

Check if the organization used Schedule O to respond to any question in this Part II

		(A) Beginning of year	(B) End of year
22	Cash, savings, and investments . . . . .		22 70744
23	Land and buildings . . . . .		23
24	Other assets (describe in Schedule O) . . . . .		24
25	<b>Total assets</b> . . . . .		25 70744
26	<b>Total liabilities</b> (describe in Schedule O) . . . . .		26
27	<b>Net assets or fund balances</b> (line 27 of column (B) must agree with line 21) . . . . .		27 70744

**Part III Statement of Program Service Accomplishments** (see the instructions for Part III)

Check if the organization used Schedule O to respond to any question in this Part III

What is the organization's primary exempt purpose?

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

## Expenses

(Required for section 501(c)(3) and 501(c)(4) organizations; optional for others.)

28			
29	(Grants \$ ) If this amount includes foreign grants, check here	28a	N/A
30	(Grants \$ ) If this amount includes foreign grants, check here	29a	N/A
31	Other program services (describe in Schedule O)	30a	N/A
32	Total program service expenses (add lines 28a through 31a)	31a	
		32	

**Part IV List of Officers, Directors, Trustees, and Key Employees** (list each one even if not compensated—see the instructions for Part IV)

Check if the organization used Schedule O to respond to any question in this Part IV

[illegible]

**Part V Other Information** (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V. ☐

	Yes	No
<b>33</b> Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O . . . . .		<input checked="" type="checkbox"/>
<b>34</b> Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions) . . . . .		<input checked="" type="checkbox"/>
<b>35a</b> Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)? . . . . .		<input checked="" type="checkbox"/>
<b>b</b> If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O . . . . .		<input checked="" type="checkbox"/>
<b>c</b> Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III . . . . .		<input checked="" type="checkbox"/>
<b>36</b> Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N . . . . .		<input checked="" type="checkbox"/>
<b>37a</b> Enter amount of political expenditures, direct or indirect, as described in the instructions ▶ <b>37a</b> . . . . .		
<b>b</b> Did the organization file <b>Form 1120-POL</b> for this year? . . . . .		<input checked="" type="checkbox"/>
<b>38a</b> Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return? . . . . .		<input checked="" type="checkbox"/>
<b>b</b> If "Yes," complete Schedule L, Part II and enter the total amount involved . . . . . <b>38b</b> . . . . .		
<b>39</b> Section 501(c)(7) organizations. Enter: . . . . .		
<b>a</b> Initiation fees and capital contributions included on line 9 . . . . . <b>39a</b> . . . . .		
<b>b</b> Gross receipts, included on line 9, for public use of club facilities . . . . . <b>39b</b> . . . . .		
<b>40a</b> Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 ▶ . . . . . ; section 4912 ▶ . . . . . ; section 4955 ▶ . . . . .		
<b>b</b> Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I . . . . .		<input checked="" type="checkbox"/>
<b>c</b> Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 . . . . . ▶ . . . . .		
<b>d</b> Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax on line 40c reimbursed by the organization . . . . . ▶ . . . . .		
<b>e</b> All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T . . . . .		<input checked="" type="checkbox"/>
<b>41</b> List the states with which a copy of this return is filed ▶ . . . . .		
<b>42a</b> The organization's books are in care of ▶ <u>THEODORE B. BERK</u> Telephone no. ▶ <u>2017678565</u> Located at ▶ <u>36 ELLIOT ROAD HARRINGTON PR NE</u> ZIP + 4 ▶ <u>07640</u>		
<b>b</b> At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: ▶ . . . . .		<input checked="" type="checkbox"/>
See the instructions for exceptions and filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).		
<b>c</b> At any time during the calendar year, did the organization maintain an office outside the United States? If "Yes," enter the name of the foreign country: ▶ . . . . .		<input checked="" type="checkbox"/>
<b>43</b> Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of <b>Form 1041</b> —Check here and enter the amount of tax-exempt interest received or accrued during the tax year . . . . . ▶ <b>43</b> . . . . .		<input type="checkbox"/>
<b>44a</b> Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ . . . . .		<input checked="" type="checkbox"/>
<b>b</b> Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ . . . . .		<input checked="" type="checkbox"/>
<b>c</b> Did the organization receive any payments for indoor tanning services during the year? . . . . .		<input checked="" type="checkbox"/>
<b>d</b> If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O . . . . .		
<b>45a</b> Did the organization have a controlled entity within the meaning of section 512(b)(13)? . . . . .		<input checked="" type="checkbox"/>
<b>b</b> Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions) . . . . .		<input checked="" type="checkbox"/>

46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I . . . . .

	Yes	No
46		<input checked="" type="checkbox"/>

**Part VI Section 501(c)(3) organizations only**

All section 501(c)(3) organizations must answer questions 47–49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI . . . . . ☐

47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II . . . . .

	Yes	No
47		<input checked="" type="checkbox"/>

48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E . . . . .

	Yes	No
48		<input checked="" type="checkbox"/>

49a Did the organization make any transfers to an exempt non-charitable related organization? . . . . .

	Yes	No
49a		<input checked="" type="checkbox"/>

b If "Yes," was the related organization a section 527 organization? . . . . .

	Yes	No
49b		<input checked="" type="checkbox"/>

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees, and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and title of each employee	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
None!				

f Total number of other employees paid over \$100,000 . . . . . 2

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and business address of each independent contractor	(b) Type of service	(c) Compensation
None!		

d Total number of other independent contractors each receiving

52 Did the organization complete Schedule A? **Note:** All se completed Schedule A . . . . .

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information furnished by taxpayer.

Sign Here

Signature of officer

Type or print name and title

*Theodore Berk, CEO*

**Paid Preparer Use Only**

Print/Type preparer's name

Preparer's signature

Firm's name ▶

Firm's address ▶

May the IRS discuss this return with the preparer shown above? See



**SCHEDULE A**  
**(Form 990 or 990-EZ)**

Department of the Treasury  
Internal Revenue Service

**Public Charity Status and Public Support**

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.  
▶ **Attach to Form 990 or Form 990-EZ.**

▶ Information about Schedule A (Form 990 or 990-EZ) and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990).

OMB No. 1545-0047

**2016**

**Open to Public Inspection**

Name of the organization

*JEANIS H INSTITUTE FOR GLOBAL AWARENESS*

Employer identification number

*81-0950958*

**Part I Reason for Public Charity Status** (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

- 1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i)**.
- 2 ☐ A school described in **section 170(b)(1)(A)(ii)**. (Attach Schedule E (Form 990 or 990-EZ).)
- 3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii)**.
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state:
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv)**. (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v)**.
- 7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 9 ☐ An agricultural research organization described in **section 170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land-grant college of agriculture (see instructions). Enter the name, city, and state of the college or university:
- 10 ☒ An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2)**. (Complete Part III.)
- 11 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4)**.
- 12 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2)**. See **section 509(a)(3)**. Check the box in lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.
  - a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**
  - b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**
  - c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**
  - d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**
  - e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.
- f Enter the number of supported organizations
- g Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1–10 above (see instructions))	(iv) Is the organization listed in your governing document?		(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
			Yes	No		
(A) <i>N/A</i>						
(B)						
(C)						
(D)						
(E)						
<b>Total</b>						



**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.") . . . . .						
<b>2</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf . . . . .						
<b>3</b> The value of services or facilities furnished by a governmental unit to the organization without charge . . . . .						
<b>4</b> <b>Total.</b> Add lines 1 through 3 . . . . .						
<b>5</b> The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) . . . . .						
<b>6</b> <b>Public support.</b> Subtract line 5 from line 4						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
<b>7</b> Amounts from line 4 . . . . .						
<b>8</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources . . . . .						
<b>9</b> Net income from unrelated business activities, whether or not the business is regularly carried on . . . . .						
<b>10</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.) . . . . .						
<b>11</b> <b>Total support.</b> Add lines 7 through 10						
<b>12</b> Gross receipts from related activities, etc. (see instructions)					<b>12</b>	
<b>13</b> <b>First five years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> . . . . .						<input type="checkbox"/>

**Section C. Computation of Public Support Percentage**

<b>14</b> Public support percentage for 2016 (line 6, column (f) divided by line 11, column (f)) . . . . .	<b>14</b>	%
<b>15</b> Public support percentage from 2015 Schedule A, Part II, line 14 . . . . .	<b>15</b>	%
<b>16a</b> <b>33 1/3% support test—2016.</b> If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>b</b> <b>33 1/3% support test—2015.</b> If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>17a</b> <b>10%-facts-and-circumstances test—2016.</b> If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>b</b> <b>10%-facts-and-circumstances test—2015.</b> If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>18</b> <b>Private foundation.</b> If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions . . . . .		<input type="checkbox"/>

**Part III Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II.  
If the organization fails to qualify under the tests listed below, please complete Part II.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")					45923	45923
<b>2</b> Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose					29618	29618
<b>3</b> Gross receipts from activities that are not an unrelated trade or business under section 513						
<b>4</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
<b>5</b> The value of services or facilities furnished by a governmental unit to the organization without charge						
<b>6 Total.</b> Add lines 1 through 5					75541	75541
<b>7a</b> Amounts included on lines 1, 2, and 3 received from disqualified persons						
<b>b</b> Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year						
<b>c</b> Add lines 7a and 7b						0
<b>8 Public support.</b> (Subtract line 7c from line 6.)						75541

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
<b>9</b> Amounts from line 6						75541
<b>10a</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
<b>b</b> Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
<b>c</b> Add lines 10a and 10b						
<b>11</b> Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
<b>12</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
<b>13 Total support.</b> (Add lines 9, 10c, 11, and 12.)						75541
<b>14 First five years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> ► <input checked="" type="checkbox"/>						

**Section C. Computation of Public Support Percentage**

<b>15</b> Public support percentage for 2016 (line 8, column (f) divided by line 13, column (f))	<b>15</b>	100	%
<b>16</b> Public support percentage from 2015 Schedule A, Part III, line 15	<b>16</b>		%

**Section D. Computation of Investment Income Percentage**

<b>17</b> Investment income percentage for 2016 (line 10c, column (f) divided by line 13, column (f))	<b>17</b>	N/A	%
<b>18</b> Investment income percentage from 2015 Schedule A, Part III, line 17	<b>18</b>		%

- 19a 33 1/3% support tests—2016.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization ► ☐
- b 33 1/3% support tests—2015.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization ► ☐
- 20 Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ► ☐

Name of the organization

JEWISH INSTITUTE FOR GLOBAL AWARENESS

Employer identification number

81-0950956

OTHER EXPENSES LINE 66 990EZ

ADVISORY FEES TO NON PROFIT ORG	
TO REACH OUT TO THEIR	9540
CONSTITUENTS TO HELP JIFGA	
TRANSACTION FEES	1166
INSURANCE	1439
GOVERNMENT FEES	1008
WEB HOSTING	683

11831

# **EXHIBIT 8**

Form **990-EZ****Short Form  
Return of Organization Exempt From Income Tax**

OMB No 1545-1150

**2011****Open to Public  
Inspection**Department of the Treasury  
Internal Revenue ServiceUnder section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code  
(except black lung benefit trust or private foundation)

- Sponsoring organizations of donor advised funds, organizations that operate one or more hospital facilities, and certain controlling organizations as defined in section 512(b)(13) must file Form 990 (see instructions)
- All other organizations with gross receipts less than \$200,000 and total assets less than \$500,000 at the end of the year may use this form

► The organization may have to use a copy of this return to satisfy state reporting requirements

**A** For the 2011 calendar year, or tax year beginning

, 2011, and ending

, 20

**B** Check if applicable

- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Terminated
- ☐ Amended return
- ☐ Application pending

**C** Name of organization

IONAH INC

Number and street (or P.O. box, if mail is not delivered to street address)

80 GRAND STREET

Room/suite

City or town, state or country, and ZIP + 4

JERSEY CITY NJ 07302

**D** Employer identification number

22367448

**E** Telephone number

201-4333444

**F** Group Exemption  
Number ►**G** Accounting Method: ☐ Cash ☐ Accrual Other (specify) ►**I** Website: ►**J** Tax-exempt status (check only one) — ☒ 501(c)(3) ☐ 501(c) ( ) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527**H** Check ☐ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF)**K** Check ☐ if the organization is not a section 509(a)(3) supporting organization or a section 527 organization and its gross receipts are normally not more than \$50,000. A Form 990-EZ or Form 990 return is not required though Form 990-N (e-postcard) may be required (see instructions). But if the organization chooses to file a return, be sure to file a complete return**L** Add lines 5b, 6c, and 7b, to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, line 25, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (see the instructions for Part I.)Check if the organization used Schedule O to respond to any question in this Part I ☐

Revenue	1	Contributions, gifts, grants, and similar amounts received	1	46,952
	2	Program service revenue including government fees and contracts	2	
	3	Membership dues and assessments	3	
	4	Investment income	4	
	5a	Gross amount from sale of assets other than inventory	5a	
	5b	Less: cost or other basis and sales expenses	5b	
	5c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	
	6	Gaming and fundraising events		
	a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	
b	Gross income from fundraising events (not including \$ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b		
c	Less: direct expenses from gaming and fundraising events	6c		
d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d		
7a	Gross sales of inventory, less returns and allowances	7a		
b	Less: cost of goods sold	7b		
c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c		
8	Other revenue (describe in Schedule O)	8	98,657	
9	<b>Total revenue.</b> Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	145,609	
Expenses	10	Grants and similar amounts paid (list in Schedule O)	10	
	11	Benefits paid to or for members	11	
	12	Salaries, other compensation, and employee benefits	12	
	13	Professional fees and other payments to independent contractors	13	96,084
	14	Occupancy, rent, utilities, and maintenance	14	13,212
	15	Printing, publications, postage, and shipping	15	1,916
	16	Other expenses (describe in Schedule O)	16	33,867
17	<b>Total expenses.</b> Add lines 10 through 16	17	145,019	
Net Assets	18	Excess or (deficit) for the year (Subtract line 17 from line 9)	18	530
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	20,758
	20	Other changes in net assets or fund balances (explain in Schedule O)	20	
	21	Net assets or fund balances at end of year. Combine lines 18 through 20	21	21,288

For Paperwork Reduction Act Notice, see the separate instructions.

Cat No 106421

Form **990-EZ** (2011)

SCANNED MAY 03 2012

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**Part II**   **Balance Sheets.** (see the instructions for Part II.)

Check if the organization used Schedule O to respond to any question in this Part II . . . . . ☐

		(A) Beginning of year	(B) End of year
22	Cash, savings, and investments . . . . .	20758	21288
23	Land and buildings . . . . .		
24	Other assets (describe in Schedule O) . . . . .		
25	<b>Total assets</b> . . . . .	20758	21288
26	<b>Total liabilities</b> (describe in Schedule O) . . . . .		
27	<b>Net assets or fund balances</b> (line 27 of column (B) must agree with line 21) . . . . .	20758	21288

**Part III** **Statement of Program Service Accomplishments** (see the instructions for Part III.)

Check if the organization used Schedule O to respond to any question in this Part III ☐

What is the organization's primary exempt purpose? DEAL WITH SAME SEX ATTRACTING

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

**Expenses**  
(Required for section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts, optional for others.)

28	THROUGH INDIVIDUAL & GROUP COUNSELING JONAH HAS HELPED HUNDREDS OF MEN, WOMEN & FAMILIES DEAL WITH UNWANTED SAME SEX ATTRACTION	(Grants \$ ) If this amount includes foreign grants, check here	28a	N/A
29	JONAH ALSO HOLDS SEMINARS & ATTENDS FREQUENT CONFERENCES TO FURTHER OUR GOAL OF EDUCATING THE JEWISH COMMUNITY & THE LARGER GENERAL PUBLIC THAT YES CHANGE IS POSSIBLE!	(Grants \$ ) If this amount includes foreign grants, check here	29a	N/A
30		(Grants \$ ) If this amount includes foreign grants, check here	30a	N/A
31	Other program services (describe in Schedule O)	(Grants \$ ) If this amount includes foreign grants, check here	31a	
32	Total program service expenses (add lines 28a through 31a)		32	0

**Part IV** **List of Officers, Directors, Trustees, and Key Employees.** List each one even if not compensated. (see the instructions for Part IV.)

Check if the organization used Schedule O to respond to any question in this Part IV . . . . . ☐

[illegible]



**Part V Other Information** (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V.) Check if the organization used Schedule O to respond to any question in this Part V ☐

	Yes	No
<b>33</b> Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O . . . . .		✓
<b>34</b> Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions) . . . . .		✓
<b>35a</b> Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)? . . . . .		✓
<b>b</b> If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O . . . . .		✓
<b>c</b> Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III . . . . .		✓
<b>36</b> Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N . . . . .		✓
<b>37a</b> Enter amount of political expenditures, direct or indirect, as described in the instructions. ▶ <b>37a</b> . . . . .		✓
<b>b</b> Did the organization file <b>Form 1120-POL</b> for this year? . . . . .		✓
<b>38a</b> Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return? . . . . .		✓
<b>b</b> If "Yes," complete Schedule L, Part II and enter the total amount involved . . . . . <b>38b</b> . . . . .		
<b>39</b> Section 501(c)(7) organizations. Enter: . . . . .		
<b>a</b> Initiation fees and capital contributions included on line 9 . . . . . <b>39a</b> . . . . .		
<b>b</b> Gross receipts, included on line 9, for public use of club facilities . . . . . <b>39b</b> . . . . .		
<b>40a</b> Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 ▶ . . . . . ; section 4912 ▶ . . . . . ; section 4955 ▶ . . . . .		
<b>b</b> Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I . . . . .		✓
<b>c</b> Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 . . . . . ▶ . . . . .		
<b>d</b> Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization . . . . . ▶ . . . . .		
<b>e</b> All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T. . . . .		✓
<b>41</b> List the states with which a copy of this return is filed. ▶ <u>NEW JERSEY</u>		
<b>42a</b> The organization's books are in care of ▶ <u>Theodore B. GRL</u> Telephone no. ▶ <u>201-767-8169</u> Located at ▶ <u>36 Elliot Road HALLINGTON NJ</u> ZIP + 4 ▶ <u>07640</u>		
<b>b</b> At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . . . . .		✓
If "Yes," enter the name of the foreign country: ▶ . . . . .		
See the instructions for exceptions and filing requirements for <b>Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts</b> . . . . .		
<b>c</b> At any time during the calendar year, did the organization maintain an office outside the U.S.? . . . . .		✓
If "Yes," enter the name of the foreign country: ▶ . . . . .		
<b>43</b> Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of <b>Form 1041</b> —Check here and enter the amount of tax-exempt interest received or accrued during the tax year . . . . . ▶ <b>43</b> . . . . . <input type="checkbox"/>		
<b>44a</b> Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ . . . . .		✓
<b>b</b> Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ . . . . .		✓
<b>c</b> Did the organization receive any payments for indoor tanning services during the year? . . . . .		✓
<b>d</b> If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O . . . . .		✓
<b>45a</b> Did the organization have a controlled entity within the meaning of section 512(b)(13)? . . . . .		✓
<b>45b</b> Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions) . . . . .		✓

- 46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I . . . . . **46** ☐ Yes ☒ No

**Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only.** All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 47–49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI ☐

- 47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II . . . . . **47** ☐ Yes ☒ No
- 48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E . . . . . **48** ☐ Yes ☒ No
- 49a Did the organization make any transfers to an exempt non-charitable related organization? . . . . . **49a** ☐ Yes ☒ No
- b If "Yes," was the related organization a section 527 organization? . . . . . **49b** ☐ Yes ☒ No
- 50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
None				

f Total number of other employees paid over \$100,000 . . . . . **f**

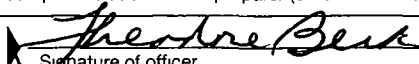
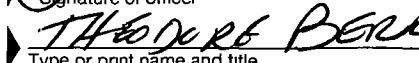
- 51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
None		

d Total number of other independent contractors each receiving more than \$100,000 . . . . . **d**

- 52 Did the organization complete Schedule A? **Note:** All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A.

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information provided to the preparer.

Sign Here  Signature of officer  
 Type or print name and title

Paid Preparer Use Only Print/Type preparer's name Preparer's signature  
 Firm's name  
 Firm's address

May the IRS discuss this return with the preparer shown above? See instructions.



**SCHEDULE A**  
(Form 990 or 990-EZ)Department of the Treasury  
Internal Revenue Service**Public Charity Status and Public Support**

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No 1545-0047

**2011****Open to Public Inspection**

Name of the organization

JONAH INC

Employer identification number

223674444

**Part I Reason for Public Charity Status** (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

- 1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**
- 2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E.)
- 3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state: \_\_\_\_\_
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**
- 7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 9 ☒ An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)
- 10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**
- 11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).** See **section 509(a)(3).** Check the box that describes the type of supporting organization and complete lines 11e through 11h.
- a ☐ Type I      b ☐ Type II      c ☐ Type III—Functionally integrated      d ☐ Type III—Other
- e ☒ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).**
- f If the organization received a written determination from the IRS that it is a Type I, Type II, or Type III supporting organization, check this box ☐
- g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
- (i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization? ☐
- (ii) A family member of a person described in (i) above? ☐
- (iii) A 35% controlled entity of a person described in (i) or (ii) above? ☐
- h Provide the following information about the supported organization(s).

	Yes	No
11g(i)		<input checked="" type="checkbox"/>
11g(ii)		<input checked="" type="checkbox"/>
11g(iii)		<input checked="" type="checkbox"/>

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1–9 above or IRC section (see instructions))	(iv) Is the organization in col (i) listed in your governing document?		(v) Did you notify the organization in col (i) of your support?		(vi) Is the organization in col (i) organized in the U S ?		(vii) Amount of support
			Yes	No	Yes	No	Yes	No	
(A)									
(B)		N/A							
(C)									
(D)									
(E)									
Total									

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ►	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.") . . . . .						
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf . . . . .		<b>NOT APPLICABLE</b>				
3 The value of services or facilities furnished by a governmental unit to the organization without charge . . . . .						
4 <b>Total.</b> Add lines 1 through 3 . . . . .						
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) . . . . .						
6 <b>Public support.</b> Subtract line 5 from line 4.						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ►	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
7 Amounts from line 4 . . . . .						
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources . . . . .						
9 Net income from unrelated business activities, whether or not the business is regularly carried on . . . . .		<b>NOT APPLICABLE</b>				
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.) . . . . .						
11 <b>Total support.</b> Add lines 7 through 10						
12 Gross receipts from related activities, etc. (see instructions) . . . . .					12	
13 <b>First five years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> . . . . . <input type="checkbox"/>						

**Section C. Computation of Public Support Percentage**

14 Public support percentage for 2011 (line 6, column (f) divided by line 11, column (f)) . . . . .	14	%
15 Public support percentage from 2010 Schedule A, Part II, line 14 . . . . .	15	%
16a <b>33 1/3% support test—2011.</b> If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization . . . . . <input type="checkbox"/>		
b <b>33 1/3% support test—2010.</b> If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization . . . . . <input type="checkbox"/>		
17a <b>10%-facts-and-circumstances test—2011.</b> If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . <input type="checkbox"/>		
b <b>10%-facts-and-circumstances test—2010.</b> If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . <input type="checkbox"/>		
18 <b>Private foundation.</b> If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions . . . . . <input type="checkbox"/>		

**Part III Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II.  
If the organization fails to qualify under the tests listed below, please complete Part II.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	34605	79090	15068	111349	46952	422678
<b>2</b> Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose . . . . .		15211		37029	98657	150897
<b>3</b> Gross receipts from activities that are not an unrelated trade or business under section 513						
<b>4</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf . . . . .						
<b>5</b> The value of services or facilities furnished by a governmental unit to the organization without charge . . . . .						
<b>6 Total.</b> Add lines 1 through 5 . . . . .	34605	94301	15068	148378	145609	573575
<b>7a</b> Amounts included on lines 1, 2, and 3 received from disqualified persons . . . . .						
<b>b</b> Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year . . . . .						
<b>c</b> Add lines 7a and 7b . . . . .						
<b>8 Public support.</b> (Subtract line 7c from line 6.) . . . . .						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
<b>9</b> Amounts from line 6 . . . . .	34605	94301	15068	148378	145609	573575
<b>10a</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources . . . . .						
<b>b</b> Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975 . . . . .						
<b>c</b> Add lines 10a and 10b . . . . .						
<b>11</b> Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on . . . . .						
<b>12</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.) . . . . .						
<b>13 Total support.</b> (Add lines 9, 10c, 11, and 12.) . . . . .	34605	94301	15068	148378	145609	573575
<b>14 First five years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> . . . . . <input type="checkbox"/>						

**Section C. Computation of Public Support Percentage**

<b>15</b> Public support percentage for 2011 (line 8, column (f) divided by line 13, column (f)) . . . . .	<b>15</b>	100	%
<b>16</b> Public support percentage from 2010 Schedule A, Part III, line 15 . . . . .	<b>16</b>		%

**Section D. Computation of Investment Income Percentage**

<b>17</b> Investment income percentage for 2011 (line 10c, column (f) divided by line 13, column (f)) . . . . .	<b>17</b>	N/A	%
<b>18</b> Investment income percentage from 2010 Schedule A, Part III, line 17 . . . . .	<b>18</b>		%

- 19a 33 1/3% support tests—2011.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization. ☐
- b 33 1/3% support tests—2010.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization. ☐
- 20 Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions. ☐

**SCHEDULE O**  
**(Form 990 or 990-EZ)**Department of the Treasury  
Internal Revenue Service**Supplemental Information to Form 990 or 990-EZ**Complete to provide information for responses to specific questions on  
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

OMB No 1545-0047

**2011****Open to Public  
Inspection**

Name of the organization

JONAH INC

Employer identification number

VV 3674448

**PART I OTHER REVENUE - LINE 8**

MENS WORKSHOPS 7541

HEALING CONVENTIONS + SHABBATON 18397

SALE OF BOOKS, SELF EDUCATION 2179

SERVICE FEES FROM THERAPISTS 70002

(INCLUDES IN HOUSE, GROUPS &amp; TELEPHONE)

EXPENSE REIMBURSEMENT 338

**TOTAL OTHER REVENUE LINE 8 98659**

Name of the organization

JONAH INC

Employer identification number

22-3674444

## PART I OTHER EXPENSES - LINE 16

ADVERTISING, DATA BASE	1059
COMPUTER EQUIPMENT - REPAIRS	72
EQUIPMENT RENTAL	-
TRAVEL, HOTELS & FOOD FOR CONVENTIONS & WEEKEND MEETINGS EVENTS }	5481
WEBSITE DESIGN	1203
EVENT REGISTRATION, NETWORKING	-
MEMBERSHIP DUES & REGISTRATIONS	2186
EVENT EXPENSE - WORKSHOPS & CONVENTIONS	13645
TRANSACTION FEES (CREDIT CARDS)	1951
MISC. OFFICE EXPENSE & SUPPLIES	2501
TELEPHONE, TELECOM	4867
OFFICE REPAIRS	379
INSURANCE	523

TOTAL OTHER EXPENSES - LINE 16

33867

# **EXHIBIT 9**



Form **990-EZ**

**Short Form**

**Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

▶ Do not enter social security numbers on this form as it may be made public.

▶ Information about Form 990-EZ and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990).

OMB No. 1545-1150

**2015**

**Open to Public Inspection**

Department of the Treasury  
Internal Revenue Service

**A** For the 2015 calendar year, or tax year beginning , 2015, and ending , 20

**B** Check if applicable:  
☐ Address change  
☐ Name change  
☒ Initial return  
☐ Final return/terminated  
☐ Amended return  
☐ Application pending

**C** Name of organization  
LEWIS H INSTITUTE FOR GLOBAL AWARENESS  
 Number and street (or P.O. box, if mail is not delivered to street address) Room/suite  
8 GRAND STREET  
 City or town, state or province, country, and ZIP or foreign postal code  
TEANECK NJ 07092

**D** Employer identification number  
81-0950956

**E** Telephone number  
201 767 8539

**F** Group Exemption Number  
 \_\_\_\_\_

**G** Accounting Method: ☒ Cash ☐ Accrual Other (specify) ▶ \_\_\_\_\_

**H** Check ☒ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).

**I** Website: ▶ \_\_\_\_\_

**J** Tax-exempt status (check only one) – ☒ 501(c)(3) ☐ 501(c) ( ) ◀ (insert no) ☐ 4947(a)(1) or ☐ 527

**K** Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other \_\_\_\_\_

**L** Add lines 5b, 6c, and 7b to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ ▶ \$ \_\_\_\_\_

**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (see the instructions for Part I)  
 Check if the organization used Schedule O to respond to any question in this Part I ☐

<b>Revenue</b>	1	Contributions, gifts, grants, and similar amounts received	1	<u>NONE</u>
	2	Program service revenue including government fees and contracts	2	<u>NONE</u>
	3	Membership dues and assessments	3	
	4	Investment income	4	
	5a	Gross amount from sale of assets other than inventory	5a	
	5b	Less: cost or other basis and sales expenses	5b	
	5c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	
	6	Gaming and fundraising events		
	a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	
<b>Expenses</b>	b	Gross income from fundraising events (not including \$ _____ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b	
	c	Less: direct expenses from gaming and fundraising events	6c	
	d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d	
	7a	Gross sales of inventory, less returns and allowances	7a	
	7b	Less: cost of goods sold	7b	
	7c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c	
	8	Other revenue (describe in Schedule O)	8	
	9	<b>Total revenue.</b> Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	<u>0</u>
	10	Grants and similar amounts paid (list in Schedule O)	10	
	11	Benefits paid to or for members	11	
	12	Salaries, other compensation, and employee benefits	12	
	13	Professional fees and other payments to independent contractors	13	<u>NONE</u>
14	Occupancy, rent, utilities, and maintenance	14		
15	Printing, publications, postage, and shipping	15		
16	Other expenses (describe in Schedule O)	16		
17	<b>Total expenses.</b> Add lines 10 through 16	17		
<b>Net Assets</b>	18	Excess or (deficit) for the year (Subtract line 17 from line 9)	18	
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	
	20	Other changes in net assets or fund balances (explain in Schedule O)	20	
	21	Net assets or fund balances at end of year. Combine lines 18 through 20	21	

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 106421

Form **990-EZ** (2015)

SCANNED JUN 10 2016

68 10

**Part II    Balance Sheets** (see the instructions for Part II)

Check if the organization used Schedule O to respond to any question in this Part II . . . . . ☐

	(A) Beginning of year	(B) End of year
22 Cash, savings, and investments . . . . .		22
23 Land and buildings . . . . .	<i>N</i>	23 <i>N</i>
24 Other assets (describe in Schedule O) . . . . .	<i>0</i>	24 <i>0</i>
25 <b>Total assets</b> . . . . .	<i>N</i>	25 <i>0</i>
26 <b>Total liabilities</b> (describe in Schedule O) . . . . .	<i>6</i>	26 <i>N</i>
27 <b>Net assets or fund balances</b> (line 27 of column (B) must agree with line 21) . . . . .		27 <i>6</i>

<b>Part III</b>	<b>Statement of Program Service Accomplishments</b> (see the instructions for Part III)
-----------------	---

Check if the organization used Schedule O to respond to any question in this Part III . . . ☐

What is the organization's primary exempt purpose?

**Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.**

**Expenses**  
(Required for section  
501(c)(3) and 501(c)(4)  
organizations; optional for  
others.)

28			
	(Grants \$ ) If this amount includes foreign grants, check here . . . . ▶ <input type="checkbox"/>	28a	10
29			
	(Grants \$ ) If this amount includes foreign grants, check here . . . . ▶ <input type="checkbox"/>	29a	10
30			
	(Grants \$ ) If this amount includes foreign grants, check here . . . . ▶ <input type="checkbox"/>	30a	1
31	Other program services (describe in Schedule O) . . . . ▶ <input type="checkbox"/>		
	(Grants \$ ) If this amount includes foreign grants, check here . . . . ▶ <input type="checkbox"/>	31a	10
32	<b>Total program service expenses</b> (add lines 28a through 31a) . . . . ▶ <input type="checkbox"/>	32	10

**Part IV** **List of Officers, Directors, Trustees, and Key Employees** (list each one even if not compensated—see the instructions for Part IV)

Check if the organization used Schedule O to respond to any question in this Part IV ☐

[illegible]



**Part V Other Information** (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V ☐

	Yes	No
33 Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O . . . . .	33	<input checked="" type="checkbox"/>
34 Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions) . . . . .	34	<input checked="" type="checkbox"/>
35a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)? . . . . .	35a	<input checked="" type="checkbox"/>
b If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O . . . . .	35b	
c Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III . . . . .	35c	<input checked="" type="checkbox"/>
36 Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N . . . . .	36	<input checked="" type="checkbox"/>
37a Enter amount of political expenditures, direct or indirect, as described in the instructions ▶ 37a	37a	
b Did the organization file Form 1120-POL for this year? . . . . .	37b	<input checked="" type="checkbox"/>
38a Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return? . . . . .	38a	<input checked="" type="checkbox"/>
b If "Yes," complete Schedule L, Part II and enter the total amount involved . . . . .	38b	
39 Section 501(c)(7) organizations. Enter: . . . . .		
a Initiation fees and capital contributions included on line 9 . . . . .	39a	
b Gross receipts, included on line 9, for public use of club facilities . . . . .	39b	
40a Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 ▶ ; section 4912 ▶ ; section 4955 ▶ . . . . .		
b Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I . . . . .	40b	<input checked="" type="checkbox"/>
c Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 . . . . . ▶		
d Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax on line 40c reimbursed by the organization . . . . . ▶		
e All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T . . . . .	40e	<input checked="" type="checkbox"/>
41 List the states with which a copy of this return is filed ▶ . . . . .		
42a The organization's books are in care of ▶ Telephone no. ▶		
Located at ▶ ZIP + 4 ▶		
b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: ▶ See the instructions for exceptions and filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR). . . . .	42b	<input checked="" type="checkbox"/>
c At any time during the calendar year, did the organization maintain an office outside the U.S.? . . . . . If "Yes," enter the name of the foreign country: ▶ . . . . .	42c	<input checked="" type="checkbox"/>
43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041—Check here and enter the amount of tax-exempt interest received or accrued during the tax year . . . . . ▶ 43		<input type="checkbox"/>
44a Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ . . . . .	44a	<input checked="" type="checkbox"/>
b Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ . . . . .	44b	<input checked="" type="checkbox"/>
c Did the organization receive any payments for indoor tanning services during the year? . . . . .	44c	<input checked="" type="checkbox"/>
d If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O . . . . .	44d	
45a Did the organization have a controlled entity within the meaning of section 512(b)(13)? . . . . .	45a	<input checked="" type="checkbox"/>
b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions) . . . . .	45b	<input checked="" type="checkbox"/>

46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I . . . . .

	Yes	No
46		<input checked="" type="checkbox"/>

**Part VI Section 501(c)(3) organizations only**

All section 501(c)(3) organizations must answer questions 47-49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI . . . . . ☐

47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II . . . . .

	Yes	No
47		<input checked="" type="checkbox"/>

48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E . . . . .

48		<input checked="" type="checkbox"/>
----	--	-------------------------------------

49a Did the organization make any transfers to an exempt non-charitable related organization? . . . . .

49a		<input checked="" type="checkbox"/>
-----	--	-------------------------------------

b If "Yes," was the related organization a section 527 organization? . . . . .

49b		
-----	--	--

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and title of each employee	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
N/A				NONE
				NONE
				NONE
				NONE
				-0-

f Total number of other employees paid over \$100,000 . . . . .

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and business address of each independent contractor	(b) Type of service	(c) Compensation
N/A		

d Total number of other independent contractors each receiving more than \$100,000 . . . . .

52 Did the organization complete Schedule A? **Note:** All completed Schedule A . . . . .

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information provided to the preparer.

Sign Here

Theodore Berk  
Signature of officer  
THEODORE BERK-CO  
Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name: \_\_\_\_\_ Preparer's signature: \_\_\_\_\_  
Firm's name: \_\_\_\_\_  
Firm's address: \_\_\_\_\_

May the IRS discuss this return with the preparer shown above? See instructions.

**SCHEDULE A**  
**(Form 990 or 990-EZ)**Department of the Treasury  
Internal Revenue Service**Public Charity Status and Public Support**

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ.

▶ Information about Schedule A (Form 990 or 990-EZ) and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990).

OMB No 1545-0047

**2015****Open to Public  
Inspection**

Name of the organization

Employer identification number

JEWISH INSTITUTE FOR GLOBAL PEACE AND JUSTICE

87-0950956

**Part I Reason for Public Charity Status** (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

- 1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**
- 2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E (Form 990 or 990-EZ).)
- 3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state:
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**
- 7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 9 ☒ An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)
- 10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**
- 11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).** See **section 509(a)(3).** Check the box in lines 11a through 11d that describes the type of supporting organization and complete lines 11e, 11f, and 11g.
- a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**
- b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**
- c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**
- d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**
- e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.
- f Enter the number of supported organizations . . . . .
- g Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above (see instructions))	(iv) Is the organization listed in your governing document?		(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
			Yes	No		
(A) <i>N/A</i>						
(B)						
(C)						
(D)						
(E)						
<b>Total</b>						

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ►	(a) 2011	(b) 2012	(c) 2013	(d) 2014	(e) 2015	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.") . . . . .						0-
<b>2</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf . . . . .						
<b>3</b> The value of services or facilities furnished by a governmental unit to the organization without charge . . . . .			N/A			
<b>4</b> <b>Total.</b> Add lines 1 through 3 . . . . .						
<b>5</b> The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) . . . . .						
<b>6</b> <b>Public support.</b> Subtract line 5 from line 4.						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ►	(a) 2011	(b) 2012	(c) 2013	(d) 2014	(e) 2015	(f) Total
<b>7</b> Amounts from line 4 . . . . .						
<b>8</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources . . . . .						
<b>9</b> Net income from unrelated business activities, whether or not the business is regularly carried on . . . . .			N/A			
<b>10</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.) . . . . .						
<b>11</b> <b>Total support.</b> Add lines 7 through 10						
<b>12</b> Gross receipts from related activities, etc. (see instructions) . . . . .					12	
<b>13</b> <b>First five years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> . . . . .						<input type="checkbox"/>

**Section C. Computation of Public Support Percentage**

<b>14</b> Public support percentage for 2015 (line 6, column (f) divided by line 11, column (f)) . . . . .	<b>14</b>	%
<b>15</b> Public support percentage from 2014 Schedule A, Part II, line 14 . . . . .	<b>15</b>	%
<b>16a</b> <b>33<sup>1</sup>/<sub>3</sub>% support test—2015.</b> If the organization did not check the box on line 13, and line 14 is 33 <sup>1</sup> / <sub>3</sub> % or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>b</b> <b>33<sup>1</sup>/<sub>3</sub>% support test—2014.</b> If the organization did not check a box on line 13 or 16a, and line 15 is 33 <sup>1</sup> / <sub>3</sub> % or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>17a</b> <b>10%-facts-and-circumstances test—2015.</b> If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>b</b> <b>10%-facts-and-circumstances test—2014.</b> If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . .		<input type="checkbox"/>
<b>18</b> <b>Private foundation.</b> If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions . . . . .		<input type="checkbox"/>

**Part III Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II.  
If the organization fails to qualify under the tests listed below, please complete Part II.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2011	(b) 2012	(c) 2013	(d) 2014	(e) 2015	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						— 0 —
<b>2</b> Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose . . . .						
<b>3</b> Gross receipts from activities that are not an unrelated trade or business under section 513						
<b>4</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf . . . .						
<b>5</b> The value of services or facilities furnished by a governmental unit to the organization without charge . . . .						
<b>6 Total.</b> Add lines 1 through 5 . . . .						— 0 —
<b>7a</b> Amounts included on lines 1, 2, and 3 received from disqualified persons . . . .						
<b>b</b> Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year . . . .						
<b>c</b> Add lines 7a and 7b . . . .						— 0 —
<b>8 Public support.</b> (Subtract line 7c from line 6.) . . . .						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2011	(b) 2012	(c) 2013	(d) 2014	(e) 2015	(f) Total
<b>9</b> Amounts from line 6 . . . .						
<b>10a</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources . . . .						— 0 —
<b>b</b> Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975 . . . .						
<b>c</b> Add lines 10a and 10b . . . .						— 0 —
<b>11</b> Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on . . . .						
<b>12</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.) . . . .						
<b>13 Total support.</b> (Add lines 9, 10c, 11, and 12.) . . . .						— 0 —
<b>14 First five years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> . . . . <input type="checkbox"/>						

**Section C. Computation of Public Support Percentage**

<b>15</b> Public support percentage for 2015 (line 8, column (f) divided by line 13, column (f)) . . . .	<b>15</b>	100%
<b>16</b> Public support percentage from 2014 Schedule A, Part III, line 15 . . . .	<b>16</b>	%

**Section D. Computation of Investment Income Percentage**

<b>17</b> Investment income percentage for 2015 (line 10c, column (f) divided by line 13, column (f)) . . . .	<b>17</b>	NA%
<b>18</b> Investment income percentage from 2014 Schedule A, Part III, line 17 . . . .	<b>18</b>	%
<b>19a 33 1/3% support tests—2015.</b> If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and <b>stop here</b> . The organization qualifies as a publicly supported organization . . . . <input type="checkbox"/>		
<b>b 33 1/3% support tests—2014.</b> If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and <b>stop here</b> . The organization qualifies as a publicly supported organization . . . . <input type="checkbox"/>		
<b>20 Private foundation.</b> If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions . . . . <input type="checkbox"/>		

# **EXHIBIT 10**



# NATIONAL TASK FORCE FOR THERAPY EQUALITY

## REPORT TO THE FEDERAL TRADE COMMISSION

MAY 2, 2017

### In Their Own Words LIES, DECEPTION, AND FRAUD

*Southern Poverty Law Center, Human Rights Campaign, and the  
National Center for Lesbian Rights' Hate Campaign to Ban Psychotherapy for  
Individuals with Sexual and Gender Identity Conflicts*



*The National Task Force for Therapy Equality is a coalition of licensed psychotherapists, psychiatrists, physicians, public policy organizations, and psychotherapy clients/patients from across the United States of America. Their purpose is to secure therapy equality for clients that experience distress over unwanted same-sex attractions and gender identity conflicts*

**40** NATIONAL CENTER FOR LESBIAN RIGHTS

Achieving LGBTQ Equality Through  
Litigation, Legislation, Policy, and Public  
Education for 40 Years

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#BornPerfect: The Facts About Conversion Therapy

## #BornPerfect: The Facts About Conversion Therapy

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## Terry Bean: Charges of sex with a minor cast shadow over gay rights crusader's accomplishments



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## The Lies and Dangers of Efforts to Change Sexual Orientation or Gender Identity

Filed under: [Health & Aging](#)

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So-called "conversion therapy," sometimes known as "reparative therapy," is a range of dangerous and discredited practices that falsely claim to change a person's sexual orientation or gender identity or expression. Such practices have been rejected by every mainstream medical and mental health organization for decades, but due to continuing discrimination and societal bias against LGBTQ people, some practitioners continue to conduct conversion therapy. Minors are especially vulnerable, and conversion therapy can lead to depression, anxiety, drug use, homelessness, and suicide.

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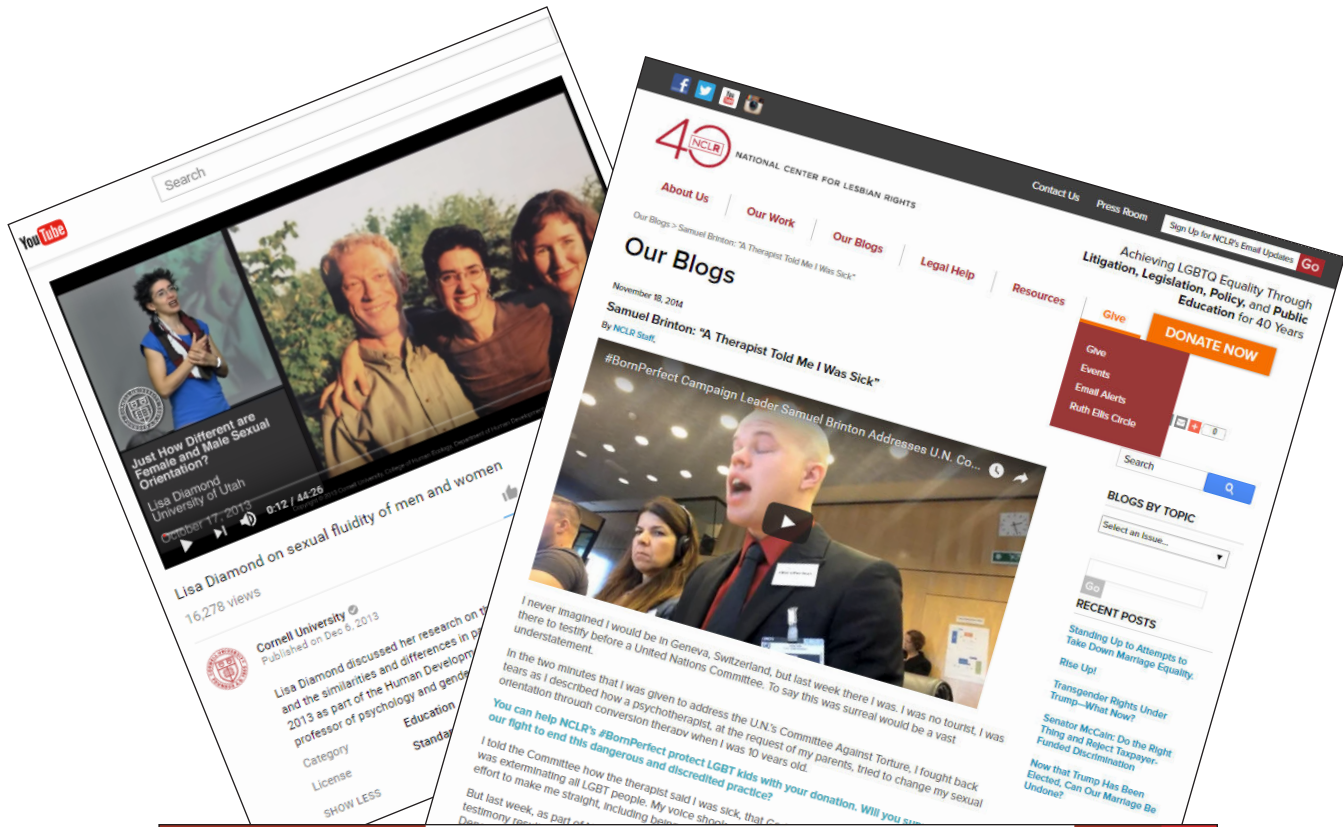
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PUBLICATION

# QUACKS: 'Conversion Therapists,' the Anti-LGBT Right, and the Demonization of Homosexuality

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## EXECUTIVE SUMMARY

In February 2016, the Southern Poverty Law Center (SPLC), Human Rights Campaign (HRC), and National Center for Lesbian Rights (NCLR) filed a complaint with the Federal Trade Commission (FTC) against People Can Change (now called Brothers Road), accusing the Virginia-based non-profit organization of committing consumer fraud, namely, by offering, marketing, selling, and performing services that purport to change a person's sexual orientation or gender identity, commonly referred to as "conversion therapy." This complaint was a part of the Respondents' ongoing effort to curtail the therapy rights of individuals, and their families, who experience sexual and gender identity conflicts by enacting legislation to ban licensed psychotherapy on the state and federal level.

This complaint prompted the National Task Force for Therapy Equality, a coalition of psychotherapists, psychiatrists, physicians, public policy organizations, and clients who experience unwanted same-sex attractions and gender identity conflicts, to launch a comprehensive investigation titled:

*In Their Own Words — Lies, Deception, and Fraud: The Southern Poverty Law Center, Human Rights Campaign, and National Center for Lesbian Rights' Hate Campaign to Ban Psychotherapy for Individuals with Sexual and Gender Identity Conflicts*

As this report will detail, the three Respondents have been actively working together for at least five years in a deceptive and fraudulent hate campaign with the goal of deceiving law makers on the state, federal, and international level to enact legislation to ban licensed psychotherapy for clients (minors) that experience unwanted same-sex attractions and gender identity conflicts. To date, six states and several cities and jurisdictions have passed such legislation into law, prompting several lawsuits across the country.

This report will demonstrate the following:

- The three Respondents have actively and knowingly engaged in deceptive and fraudulent marketing practices of the kind the FTC considers malicious, which are particularly deceptive and misleading to consumers and the general public. This complaint is pursuant to the FTC's definition of unfair practices, defined as those that "cause or are likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition" (15 U.S.C. Sec. 45(n)).
- The three Respondents have supported witnesses on the state, federal, and international level that have delivered unverifiable and fraudulent testimony in front of law-making bodies in the effort to persuade legislative action to ban psychotherapy. Through multiple examples, it has now been proven these witnesses have lied and engaged in a variety of deceptive practices on behalf of the Respondents' hate campaigns to ban psychotherapy.
- The three Respondents, through their marketing campaigns, are actively raising large sums of money in the effort to ban psychotherapy by using deceptive and fraudulent practices. These practices are misleading to the general public, and, as this report documents, it is highly unlikely that the three Respondents are unaware of the false and misleading nature of how their statements distort the facts and research around psychotherapy to help clients with sexual and gender identity conflicts. As such, they are knowingly misleading consumers in their efforts to profit from such activities.
- The three Respondents, through their marketing campaigns, have actively and knowingly distorted the research to promote efforts to ban psychotherapy for clients with sexual and gender identity conflicts, including misleading statements regarding the 2009 American Psychological Association Task Force Report on Appropriate Therapeutic Responses to Sexual Orientation, as well as other research (e.g., Ryan et al., 2009). The three Respondents use these misleading statements to make false and misleading claims that psychotherapy is harmful and ineffective for minors who experience sexual and gender identity conflicts.
- The three Respondents, through their marketing campaigns, have actively distorted the scientific research in promoting the "Born Gay" hoax, a notion that has been dis-

*As this report will detail, the three Respondents have been actively working together for at least five years in a deceptive and fraudulent hate campaign with the goal of deceiving law makers on the state, federal, and international level to enact legislation to ban licensed psychotherapy for clients (minors) that experience unwanted same-sex attractions and gender identity conflicts.*

*The National Task Force for Therapy Equality (NTFTE) respectfully requests that the Federal Trade Commission ("FTC") investigate and stop the libelous, slanderous, deceptive, and misleading actions of the Southern Poverty Law Center (SPLC), Human Rights Campaign (HRC), and National Center for Lesbian Rights (NCLR), which have made broad-sweeping claims of fraud and harm towards professional sexual orientation change therapies, and their clients.*

proved and refuted by organizations such as the American Psychological Association through their 2008 Position Statement and 2014 *APA Handbook of Sexuality and Psychology*. The Respondents have perpetrated this lie to further their respective political agendas, and in so doing, have raised untold sums of money from unsuspecting consumers and the general public.

- The three Respondents have also engaged in smear and defamatory attacks on licensed psychotherapists and faith-based ministries providing help and assistance to those who experience sexual and gender identity conflicts. Until recently, one of the Respondents (SPLC) included an interactive "Hate Map" that identified nearly 100 therapists and ministries on their website. The Respondent recently removed this map in the aftermath of the crime of Floyd Corkins, a gunman who was inspired by the SPLC's "Hate Map" to enter the Family Research Council in 2013 and attempt to murder conservatives.
- One of the Respondents (SPLC) was also reported to the Internal Revenue Service (IRS) in 2017 by the Federation for American Immigration Reform (FAIR) for engaging in practices of using "opinion-based smears and innuendos" as though they were educational while violating governmental regulations and using tactics that it claims shields it from liability lawsuits. The Respondent's blatant engagement in political activity is a clear violation of their 501(c) (3) status with the IRS, says the complaint.

By engaging in these deceptive and fraudulent practices, the National Task Force for Therapy Equality accuses the Respondents of perpetrating undue harm on millions of consumers and the general public, hundreds of licensed mental health providers, and thousands of clients and potential clients that experience sexual and gender identity conflicts. Because their hate campaigns have already resulted in therapy bans enacted in at least six states and several other cities and jurisdictions, this report respectfully requests the FTC to review these fraudulent and deceptive practices and to promptly order the Respondents to cease their activities in the effort to protect therapists, clients, consumers, and the general public from further harm. In addition, we respectfully request the FTC to order the three Respondents to issue press releases, correct inaccurate statements on their websites, and actively work with legislators across the United States to reverse legislation that has been passed into law so that further harm can be avoided.



## I. INTRODUCTION

### A. Formal Purpose of this Complaint

The National Task Force for Therapy Equality (NTFTE), the following licensed therapists, and the following therapy clients respectfully request that the Federal Trade Commission (“FTC”) investigate and stop the libelous, slanderous, deceptive, and misleading actions of the Southern Poverty Law Center (SPLC), Human Rights Campaign (HRC), and National Center for Lesbian Rights (NCLR), which have made broad-sweeping claims of fraud and harm towards professional sexual orientation change therapies, and their clients.

In accordance with the substantial scientific and anecdotal evidence that demonstrates sexual orientation change is possible for some individuals, and the lack of accurate research to support the assertion that Sexual Orientation Change Effort (SOCE) therapy is fraudulent and/or harmful, the NTFTE, licensed therapists, and therapy clients who report successful change in sexuality support the complaint herein.

The actions of the SPLC, HRC, and NCLR seek to invalidate and end the practice of professional sexual orientation change therapies and will result in a denial of free speech of therapists and therapy clients, restraint of trade, loss of religious rights, and in some cases, may pose harm to the mental and emotional health of clients, who could experience depression, anxiety and/or suicide ideation due to a lack of available therapists who share their values and goals.

As such, we define the efforts of the SPLC, HRC, and NCLR as malice, and are particularly deceptive and misleading to consumers and the general public. This complaint is pursuant to the FTC’s definition of unfair practices, defined as those that “cause or are likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition” (15 U.S.C. Sec. 45(n)).

We respectfully request that the FTC take enforcement action to end the actions of the SPLC, HRC, and NCLR, which seek to defame change therapies, change therapists, and their clients, or to render a judgment against the three organizations for their actions, which are deceptive and misleading to consumers and the general public. We also ask that the FTC require these organizations to cease publishing slanderous remarks about change therapies, change therapists, and their clients, and require them to cease and desist publishing all deceptive statements including those within their public speeches, social media, online videos, and on their websites.

### B. Overview of the Southern Poverty Law Center (SPLC), Human Rights Campaign (HRC), and National Center for Lesbian Rights (NCLR)

#### Southern Poverty Law Center – Respondent

Respondent Southern Poverty Law Center (“SPLC”), located in Montgomery, Alabama ([www.splcenter.org](http://www.splcenter.org)) is a multi-million dollar law firm, organized as a non-profit, committed to targeting and prosecuting SPLC identified “Hate” groups. Until recently, the SPLC included an interactive “Hate Map” that identified nearly 100 therapists and ministries that help individuals with sexual and gender identity conflicts. The Respondent recently removed this map in the aftermath of Floyd Corkins, a gunman that was inspired by the SPLC’s “Hate Map” to enter the Family Research Council in 2013 and attempt to murder conservatives.<sup>1</sup> The SPLC LGBT Human Rights Project is dedicated to the fraudulent pseudoscience of proving genetic homosexuality and to profiting from alleged harm of falsely named “conversion therapy.” The SPLC initiated the lawsuit of *Ferguson v. JONAH*, exploited recruited plaintiffs, biased court proceedings, and manipulated overly broad consumer fraud laws in a New Jersey State Court to target and persecute this organization.<sup>2</sup> In 2014, the Federal Bureau of Investigation removed the SPLC from the “Resources” page of its Civil Rights Division. An internal FBI e-mail seems to suggest that the decision to remove the SPLC from this list was prompted by a meeting with Congressional staffers, who expressed the concerns of the head of the Family

*Until recently, the SPLC included an interactive “Hate Map” that identified nearly 100 therapists and ministries that help individuals with sexual and gender identity conflicts. The Respondent recently removed this map in the aftermath of Floyd Corkins, a gunman that was inspired by the SPLC’s “Hate Map” to enter the Family Research Council in 2013 and attempt to murder conservatives.*

<sup>1</sup> Peters, C. (May 30, 2015). I was traumatized by the Southern Poverty Law Center’s hate campaign against ex-gays. Retrieved online at: <http://www.voiceofthevoiceless.info/?s=hate+map>

<sup>2</sup> L. Haynes, & C. LiMandri (2016). *JONAH Case: The Time for Legal Protection for Sexual Orientation Change Efforts is Now*. <http://www.wnd.com/2016/02/sexual-orientation-change-efforts-under-attack/>

*Petitioner therapy clients include over 1,000 individuals and families who seek help from licensed professional therapists to heal trauma from sexual abuse, to resolve unwanted same sex attractions and/or gender identity conflicts, and to heal from the consequences of homosexual activity, including depression, anger, addiction, disease, and suicide.*

Research Council (FRC), whose presence on the SPLC's "hate watch" list inspired Floyd Corkins the gunman that targeted the FRC in 2012 in order to "kill as many employees as possible."<sup>3</sup>

#### **Human Rights Campaign – Respondent**

According to their website (www.HRC.org) the Human Rights Campaign is located in Washington, D.C. and is "America's largest civil rights organization working to achieve LGBTQ equality. By inspiring and engaging individuals and communities, HRC strives to end discrimination against LGBTQ people and realize a world that achieves fundamental fairness and equality for all. The Human Rights Campaign envisions a world where lesbian, gay, bisexual, transgender and queer people are ensured equality and embraced as full members of society at home, at work and in every community." While HRC works to defend the rights of the LGBTQ community, they have actively worked to marginalize, defame, and discriminate against individuals that experience unwanted same-sex attractions and gender identity confusion. Until recently, they have distanced themselves from formal efforts to end what they label "conversion therapy" for minors. "However, in a February 14, 2017 press release on pending legislation in New Mexico to ban "conversion therapy," they stated: "NCLR and HRC have partnered with state equality groups across the nation to pass state legislation to end conversion therapy."<sup>4</sup>

#### **National Center for Lesbian Rights – Respondent**

Located in San Francisco, CA, the National Center for Lesbian Rights (NCLR) launched the #BornPerfect Campaign in June 2014 to end "conversion therapy in five years by passing laws across the country to protect LGBT kids from these dangerous practices, fighting in courtrooms to ensure their safety, and raising awareness." According to their website (www.ncrlrights.org), the NCLR "focuses on employment, immigration, youth, elder law, transgender law, sports, marriage, relationship protections, reproductive rights, and family law to create safer homes, safer jobs, and a more just world. Each year, NCLR shapes the legal landscape for all LGBT people and families across the nation through its precedent-setting litigation, legislation, policy, and public education. For more than three decades, NCLR has led historic cases, and it is still blazing trails in pursuit of justice, fairness, and legal protections for all LGBT people."

## **II. THE PARTIES**

### **A. Licensed Psychotherapists**

Over 20,000 licensed petitioner therapists, psychiatrists, and physicians represented by the National Task Force for Therapy Equality.

### **B. Therapy Clients/Patients**

Petitioner therapy clients include over 1,000 individuals and families who seek help from licensed professional therapists to heal trauma from sexual abuse, to resolve unwanted same sex attractions and/or gender identity conflicts, and to heal from the consequences of homosexual activity, including depression, anger, addiction, disease, and suicide.

### **C. Southern Poverty Law Center (SLPC)**

### **D. Human Rights Campaign (HRC)**

### **E. National Center for Lesbian Rights (NCLR)**

## **III. WRITTEN AND VERBAL STATEMENTS FROM THE SPLC, HRC, AND NCLR**

### **A. Applicable Law**

Section 5 of the Federal Trade Commission Act ("FTC Act") prohibits unfair and deceptive acts and practices, including statements. The FTC considers whether there has been a rep-

<sup>3</sup> Bennett, J. (2/3/2017). EXCLUSIVE: FBI Removed SPLC, ADL From Resources Pages Over 'Number Of Concerns'. Retrieved online at: <http://dailycaller.com/2017/02/03/exclusive-fbi-removed-splc-and-adl-from-civil-rights-resources-pages-because-of-a-number-of-concerns/>

<sup>4</sup> Miller, H. (2/14/17). Bill to Protect LGBTQ Youth from "Conversion Therapy" Moves Through New Mexico Senate Committee. Retrieved online at: <http://www.hrc.org/blog/bill-to-protect-lgbtq-youth-from-conversion-therapy-moves-through-new-mexic>

resentation, omission, or practice that is likely to mislead the consumer. The FTC also asks whether the representation, omission, or practice is a “material” one. Neither an intent to deceive nor actual consumer harm is required to find an act deceptive under the FTC Act. The analysis focuses on the risk of consumer harm. Both express misrepresentations and implied misrepresentations are violations of the FTC Act. If a claim is likely to be misleading without qualifying information, the qualifying information must be disclosed in a clear and conspicuous manner. Clear and conspicuous disclosure is required. A disclosure can qualify or limit a claim to avoid a misleading impression; it cannot, however, cure a false claim.

SPLC, HRC, and NCLR’s false and misleading spoken and written practices concerning professional psychotherapy for unwanted same-sex attractions/gender identity confusion is deceptive, contains material omissions, and does not objectively consider all the research that has been completed to date. Publishing false and misleading information will result in harm to consumers by infringing upon their right to accurate information. The Respondent’s researched evidence shows no proven conclusions by any psychological association in the United States, and its citations of the American Psychological Association (APA) are misleading.

### **1. Assumption 1: Everyone who experiences same-sex attraction is born gay.**

On the American Psychological Association’s (APA) own website ([www.apa.org](http://www.apa.org)) under sections dealing with causation of homosexuality, it clearly indicates there is no “gay gene” and that other biological studies are inconclusive. It states that causes for homosexuality are most likely a combination of genetic and environmental influences. In other words, no one can be certain of causation in terms of proof at this point in time. The APA’s Position Statement in 2008 reads:

There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, gay or lesbian orientation. Although much research has examined the possible genetic, hormonal, developmental, social and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors. Many think that nature and nurture both play complex roles; most people experience little or no sense of choice about their sexual orientation.<sup>5</sup>

### **2. Assumption 2: Sexual orientation and gender identity (SOGI) therapies are harmful and ineffective for minors who experience sexual and gender identity conflicts.**

As a basis for many of their statements, the three Respondents make references to the American Psychological Association, specifically a report that was produced in 2009. On pages 83-85 of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation,<sup>6</sup> the APA concludes there is no proof of harm done to anyone undergoing sexual or gender identity (SOGI) therapies:

There are no scientifically rigorous studies of recent SOCE that would enable us to make a definitive statement about whether recent SOCE is safe or harmful and for whom.<sup>7</sup>

When it comes to the effectiveness of SOCE for children and adolescents, the APA Task Force said the following:

There is no research demonstrating that providing SOCE to children or adolescents has an impact on adult sexual orientation. The few studies of children with gender identity disorder found no evidence that psychotherapy provided to those children had an impact on adult sexual orientation.<sup>8</sup>

Therefore, there is no evidence to conclude SOGI therapies are harmful or ineffective. The SPLC, HRC, and NCLR are distorting the research by publishing false and misleading informa-

*As stated above, there is not one single outcome-based study in the scientific literature of minors undergoing SOCE therapy to back up these claims. Thus, to cite these potential health risks of SOCE therapy for minors is false and misleading. All three of the organizations in this complaint have cited similar claims on their websites and published materials, and are therefore guilty of misleading consumers and the general public.*

<sup>5</sup> American Psychological Association. (2008). Answers to Your Questions For a Better Understanding of Sexual Orientation & Homosexuality. Retrieved online at: <http://www.apa.org/topics/lgbt/orientation.aspx>

<sup>6</sup> APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation. (2009). *Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation*. Washington, DC: American Psychological Association.

<sup>7</sup> Ibid, p. 83., note: this was for all populations, children/adolescents as well as adults.

<sup>8</sup> Ibid, p. 85., note: the Task Force did not find any outcome-research for children/adolescents undergoing SOCE therapy and fails to include language in their report that specifically states this.

*As this report will show, most individuals who experience same-sex attractions also experience change in sexual attraction, behavior, and identity toward or exclusively toward heterosexuality. Anecdotal claims of harm ignore the majority of individuals who can and do change, with or without the help of therapy.*

tion to the general public to achieve their respective political agendas. As will be demonstrated later in this report, the Respondents distort the research often, and in a variety of ways.

**B. SPLC, HRC, and NCLR's false and misleading spoken and written practices concerning professional psychotherapy are deceptive and contain material omissions, which result in harm to the consumers by infringing on their right to accurate information.**

**1. Origins of false and misleading statements in California State legislation**

In 2012, gay activist organizations, including but not limited to, SPLC, HRC, and NCLR began working with politicians in the state of California to pass legislation to prohibit licensed mental health practitioners from helping minors who experience unwanted same-sex attractions or wish to change their sexual orientation.

On September 30, 2012, Governor Jerry Brown signed into law Senate Bill 1172, essentially outlawing the practice of sexual orientation change effort (SOCE) therapy for clients under the age of 18. In a press release from the Governor's office, Brown said the following of SOCE therapy: "These practices have no basis in science or medicine, and they will now be relegated to the dustbin of quackery." As justification for the law, SB 1172 said the following in Section B:

Sexual orientation change efforts pose critical health risks to lesbian, gay, and bisexual people, including confusion, 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. This is documented by the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation in its 2009 Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation.<sup>9</sup>

Despite the claims of harm cited in SB 1172, the American Psychological Association Task Force did not actually provide scientific evidence to back up the 28 health risks listed above. In fact, none of these health risks have been documented in the scientific peer-reviewed literature outside of a few published and unpublished anecdotal reports from adults, none of which have studied SOCE therapy outcomes for minors.<sup>10</sup>

As stated above, there is not one single outcome-based study in the scientific literature of minors undergoing SOCE therapy to back up these claims. Thus, to cite these potential health risks of SOCE therapy for minors is false and misleading. All three of the organizations in this complaint have cited similar claims on their websites and published materials, and are therefore guilty of misleading consumers and the general public.

As this report will show, most individuals who experience same-sex attractions also experience change in sexual attraction, behavior, and identity toward or exclusively toward heterosexuality. Anecdotal claims of harm ignore the majority of individuals who can and do change, with or without the help of therapy.

**2. Misleading Statements and False Claims of Harm and Therapy Torture**

In May 2016, the Southern Poverty Law Center (SPLC) published a paper that was posted on their website and said the "National Gay and Lesbian Task Force reacted with alarm," and "warned that the ex-gay industry was under-mining the battle for LGBT rights by suggesting that homosexuality is a choice, not an unchangeable condition like skin color." Such a statement is meant to convey to the reader that sexual orientation is unchangeable, like skin color.<sup>11</sup> Over the years, the SPLC has said a number of deceptive and misleading statements

<sup>9</sup> [ftp://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_1151-1200/sb\\_1172\\_bill\\_20120416\\_amended\\_sen\\_v97.html](ftp://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_1151-1200/sb_1172_bill_20120416_amended_sen_v97.html)

<sup>10</sup> Phelan, J., Goldberg, A., & Doyle, C.J. (2012). A Critical Evaluation of the Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation, Resolutions, and Press Release. *Journal of Human Sexuality*, 4, 41-69.

<sup>11</sup> Southern Poverty Law Center (SPLC) (May 2016). "Quacks: 'Conversion Therapists,' the Anti-LGBT Right, and the Demonization of Homosexuality," p. 9. <https://www.splcenter.org/20160525/quacks-conversion-therapists-anti-lgbt-right-and-demonization-homosexuality>



about therapy to help individuals with unwanted same-sex attractions and gender identity confusion:

Not only does it (SOCE therapy) not work, it's harmful to LGBT people and their families. People who have undergone conversion therapy have reported increased anxiety, depression, and in some cases, suicidal ideation. It can also strain family relationships, because practitioners frequently blame a parent for their child's sexual orientation.<sup>12</sup>

We will discuss more examples of misleading statements in the SPLC's paper later in this document.

The National Center for Lesbian Rights (NCLR) has said similar outrageous and inaccurate statements:

In the past, some mental health professionals resorted to extreme measures such as institutionalization, castration, and electroconvulsive shock therapy to try to stop people from being lesbian, gay, bisexual, or transgender (LGBT). Today, while some counselors still use physical treatments like aversive conditioning, 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.

Conversion therapy can be extremely dangerous and, in some cases, fatal. In 2009, the APA issued a report concluding that the reported risks of the practices include: depression . . . and a sense of having wasted time and resources.

The risks are even greater for youth. Minors who experience family rejection based on their sexual orientation or gender identity face especially serious health risks. Research shows that lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence were more than eight times more likely to report having attempted suicide, more than five times more likely to report high levels of depression, more than three times more likely to use illegal drugs, and more than three times more likely to report having engaged in unprotected sexual intercourse compared with peers from families that reported no or low levels of family rejection.<sup>13</sup>

As evidence to implicate SOCE therapy for minors, the NCLR refers to a study by Ryan et al. (2009), which equates poor health outcomes for LGBT youth as synonymous with therapy outcomes. This statement is a common misuse of research by the NCLR and other gay activists. They cite a study that attributes high levels of family rejection to increased health risks for sexual minority youth and report that these outcomes are attributed to or somehow associated with youth undergoing SOCE therapy. In fact, none of the outcomes in this study were attributed to youth undergoing SOCE therapy, nor did the study even discuss therapy.<sup>14</sup>

The Human Rights Campaign (HRC) has also made similar outrageous and unfounded claims:

So-called "conversion therapy," sometimes known as "reparative therapy," is a range of dangerous and discredited practices that falsely claim to change a person's sexual orientation or gender identity or expression . . . Minors are especially vulnerable, and conversion therapy can lead to depression, anxiety, drug use, homelessness, and suicide.

In February 2016, the Human Rights Campaign, National Center for Lesbian Rights, and Southern Poverty Law Center filed a consumer fraud complaint with the Federal Trade Commission (FTC) against People Can Change, a major provider of conversion therapy. The complaint alleges that People Can Change's advertisements and business practices which claim they can change a person's sexual orientation or gender identity constitute deceptive, false, and misleading practices and can cause serious

*As evidence to implicate SOCE therapy for minors, the NCLR refers to a study by Ryan et al. (2009), which equates poor health outcomes for LGBT youth as synonymous with therapy outcomes. This statement is a common misuse of research by the NCLR and other gay activists. They cite a study that attributes high levels of family rejection to increased health risks for sexual minority youth and report that these outcomes are attributed to or somehow associated with youth undergoing SOCE therapy. In fact, none of the outcomes in this study were attributed to youth undergoing SOCE therapy, nor did the study even discuss therapy.*

<sup>12</sup> <https://www.splcenter.org/issues/lgbt-rights/conversion-therapy>

<sup>13</sup> <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>

<sup>14</sup> Ryan, C., Huebner, H., Diaz, R.M., & Sanchez, J. (2009). *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults*. *Pediatrics*, 123,1.

harm to consumers, all in direct violation of Section 5 of the Federal Trade Commission Act.<sup>15, 16</sup>

Not only do these misleading statements attribute SOCE therapy as causing depression, anxiety, drug use, homelessness, and suicide for youth, they falsely accuse People Can Change (now called Brothers Road) of being a “conversion therapy provider” when in actuality, Brothers Road is a peer-lead, non-therapeutic experiential weekend for adult men who experience unwanted same-sex attractions. They do not provide any form of psychotherapy to adults, and they do not work with minors.

### 3. “Conversion Therapy Torture Camps” in New Jersey

In March 2013, the New Jersey Senate Health, Human Services, and Senior Citizens Committee held a three-hour hearing on a bill that would take away the rights of minors who experience unwanted same-sex attraction (SSA) to receive therapy from licensed mental health professionals. Representatives from gay rights organizations, including the Human Rights Campaign, Garden State Equality, and the Trevor Project, as well as several mental health associations, testified at length about the so-called dangers of “conversion therapy.” While all of these organizations used misleading statistics and false statements to condemn SOCE, one testimony in particular stood out that was particularly fraudulent.

Brielle Goldani, a transgendered woman from Toms River, New Jersey, stated she was tortured at an Ohio-based “conversion therapy camp” in 1997. “Twice a week I was hooked up to electrodes on my hands,” she said. “I, a child, was shocked repeatedly by people who had my parent’s permission to torture me.” Goldani claimed that the torture occurred at a “conversion camp” called “True Directions.” “This is nothing more than legalized child abuse,” claimed Goldani at the hearing.

According to the office of the Ohio Secretary of State and Attorney General, no such camp called “True Directions” has ever existed. In fact, the only trace of this camp is from a 1999 movie titled “But I’m a Cheerleader,” starring drag queen RuPaul. In the film, the main character is suspected of being a lesbian by her family members, who then proceed to send her to a fictitious “conversion therapy” camp called “True Directions.” Throughout the course of the film, two disgruntled gay men encourage the campers to rebel against the program and discover their true identities as gays and lesbians. The final scene of the film shows the main character’s parents attending a Parents and Friends of Lesbians and Gays (PFLAG) meeting to accept their daughter’s homosexuality.<sup>17</sup>

Later that spring, on May 6, 2013, representatives from Garden State Equality, New Jersey’s largest gay rights organization, made further false and misleading statements at a press conference at the State Assembly House in Trenton, New Jersey.<sup>18</sup> At the press conference, representatives of Garden State Equality claimed that six other “conversion therapy torture camps” existed in Ohio (and other states) with similar names as “True Directions.” Garden State Equality Executive Director, Troy Stevenson, was asked at the press conference where the alleged camps were located and their names, and promised to provide all members of the press corps the names of these camps right after the press conference. However, Stevenson failed to provide any of these details, even after multiple phone calls were made to his office.

It is important to note that state policy organizations such as Garden State Equality have worked very closely with the HRC, SPLC, and NCLR in their campaigns to make SOCE therapy illegal. They act as local liaisons, recruiting, prepping, and providing talking points to witnesses at committee hearings. In the experience of the NTFTE, the vast majority of witnesses recruited and ultimately those who testify in front of state legislatures have never undergone professional psychotherapy to resolve same-sex attractions or gender identity conflicts with a licensed mental health practitioner. They are typically gay-identified advocates of local and state gay activist organizations or work on behalf of medical and mental health associations within (and outside) the state that oppose SOCE therapy.

*Not only do these misleading statements attribute SOCE therapy as causing depression, anxiety, drug use, homelessness, and suicide for youth, they falsely accuse People Can Change (now called Brother’s Road) of being a “conversion therapy provider” when in actuality, Brother’s Road is a peer-lead, non-therapeutic experiential weekend for adult men who experience unwanted same-sex attractions. They do not provide any form of psychotherapy to adults, and they do not work with minors.*

<sup>15</sup> [https://www.splcenter.org/sites/default/files/ftc\\_conversion\\_therapy\\_complaint\\_-\\_final.pdf](https://www.splcenter.org/sites/default/files/ftc_conversion_therapy_complaint_-_final.pdf)

<sup>16</sup> <http://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy>

<sup>17</sup> Doyle, C.J. (March 21, 2013). Transgendered ‘woman’ lies about therapy ‘torture’. Retrieved online at: <http://www.wnd.com/2013/03/transgendered-woman-lies-about-therapy-torture>

<sup>18</sup> Video footage of this press conference was obtained by representatives from Voice of the Voiceless, and can be found here: <https://www.youtube.com/watch?v=LkDtIVTnHtI>

In some cases, these witnesses are receiving compensation to attend and testify at hearings to promote therapy bans.<sup>19</sup> One prominent gay activist that has made a career from opposing SOCE therapy is Wayne Besen, Founder and Executive Director of Truth Wins Out. Besen has testified at state hearings to ban SOCE therapy, espousing the so-called horrors of “conversion therapy.”<sup>20</sup> However, like many of his colleagues, Besen never received “gay to straight” therapy as he calls it, yet makes a living from his tabloid-style website that spins half-truths and lies about mental and medical health practitioners that work with clients who experience unwanted same-sex attractions and gender identity confusion.

Besen was one of nearly twenty witnesses that testified against SOCE therapy in the New Jersey General Assembly in the spring of 2013. Like Garden State Equality, Besen is not employed by the three organizations this report is filing a complaint against; however, the SPLC has acknowledged Besen for playing a major part in their efforts to end SOCE therapy. After this bill passed both houses in the New Jersey Legislature, Governor Chris Christie signed the bill into law on August 19, 2013.

#### 4. Ice Baths in the State of Washington

In 2014, gay activists working with Democrat lawmakers in the state of Washington introduced HB 2451. The bill contained similar language to other legislation in California and New Jersey, and the tactics used by gay activists were very similar to that seen in New Jersey. Joseph Backholm of the Family Policy Council of Washington documented the almost unbelievable testimony of one witness:

Proponents of the bill told stories about children being subjected to shock therapy and ice baths against their will. While that kind of aversive therapy is broadly condemned, there is little to no evidence that such therapy is done commonly if at all. The Washington State Department of Health said they have received no complaints about therapists performing coercive sexual orientation change therapy of any kind—much less ice baths and shock therapy—against the will of a client.<sup>21</sup>

The Senate ultimately killed this bill in 2014. However, in 2015, the same bill was introduced and passed by the House, only to be amended in the Senate to ban all therapy (not only therapy intended to reduce or eliminate homosexual feelings) that used methods such as electroshock or electroconvulsive therapy. This bill would keep “talk therapy” of any kind legal. But when that bill was sent back to the House for consideration, something remarkable happened. According to Joseph Backholm of the Family Policy Institute of Washington:

The same people who spent the last year talking about the need to protect children from ice baths and shock therapy suddenly and strongly opposed a bill specifically designed for that purpose. What was the problem? The bill didn’t go far enough. “It must restrict talk therapy”, they said. Last year, not a word was uttered about the need to ban talk therapy because everyone was so horrified by the stories of involuntary shock therapy. All they talked about was the need to protect kids from child abuse. But now that they have been given the chance to stop involuntary shock therapy without the ability to regulate conversations... suddenly shock therapy wasn’t such a big deal. There are two things we can learn from this recent development. First, the advocates of this bill have always been mostly interested in prohibiting conversations they dislike, not stopping physical forms of child abuse everyone opposes. The attempt to focus on stories of abuse was just part of the bait and switch. People suspected as much before, but now they have admitted it. Second, and maybe more importantly, the fact that they are willing to oppose a bill to stop child abuse in the hopes that they can pass a bill to ban conversations illustrates the depth of their conviction about this issue. From their perspective, telling kids same-sex attraction is not necessarily permanent is child abuse. The harm of involuntary shock therapy and the “harm” of a child being told change is possible are the same. If this tactic is successful now, it won’t just be the therapists who are affected. If it were “child abuse”

*Besen never received “gay to straight” therapy as he calls it, yet makes a living from his tabloid-style website that spins half-truths and lies about mental and medical health practitioners that work with clients who experience unwanted same-sex attractions and gender identity confusion.*

19 For example, Sam Wolfe of the SPLC and Alison Gill of the HRC testified in Washington, D.C. on June 27, 2014 in a hearing to ban “conversion therapy” for minors. See: <http://lims.dccouncil.us/Download/29657/B20-0501-CommitteeReport1.pdf>. Similarly, Samantha Ames of the NCLR testified in Geneva, Switzerland on November 11, 2014 in front of the United Nations. See: <http://www.nclrights.org/genevavideo/>

20 See: <https://www.truthwinsout.org/pressrelease/2013/06/35675/>

21 Balkholm, J. (February 14, 2014). “House Passes Ban on Life Change Therapy 94-4.” Retrieved online at: <http://www.fpiw.org/blog/2014/02/14/house-passes-ban-on-life-change-therapy-94-4/>

*Perhaps the most disturbing part of Shurka's testimony is that no one, not even the press, asked him why he didn't report the so-called "deaths" that occurred during his experience with Journey Into Manhood. Surely, if a crime, suicide, or homicide had occurred, a police report would have been filed. Yet, these stories continue to be recorded as testimony in front of state legislatures and printed in gay activist media outlets such as GAYRVA.com.*

for a therapist to tell a child that sexual desires can be controlled or changed, why wouldn't it be child abuse for someone else to say the same thing?<sup>22</sup>

This legislation was ultimately defeated again in 2015, was not introduced in 2016, and reintroduced again in 2017, only to fail once again.

##### 5. "Not everyone walked out alive" in Virginia

The Commonwealth of Virginia has been a tough battle for gay activists to convince lawmakers to ban SOCE therapy for minors. Three years in a row, gay activists valiantly showed up to testify at the Republican-dominated legislature, only to see their bill die in committee. In 2016, one of the more shocking witnesses was Matthew Shurka, who is a prominent spokesperson for the NCLR's #BornPerfect campaign. During the late January committee hearing, Shurka (who allegedly went through "ex-gay therapy" from the age of 16-21) testified of the following (according to an article in a gay activist website):

"I was in camp in Charlottesville," he said about a short stint in a conversion therapy camp called Journey Into Manhood located about 50 miles outside of RVA. "Not everyone walked out alive." Shurka has been involved in fighting ex-gay therapy since he abandoned the treatment, and he is unafraid to share some of the darker parts of his treatment, including "masturbation therapy" and being kept from his mother and sister for three years to avoid picking up feminine traits. He said folks like himself entered the treatments believing they could change, hoping to please their family and/or their faith, and were emotionally destroyed when they failed. "Every week someone is committing suicide or overdosing on drugs because they know they can't succeed," he said.<sup>23</sup>

Perhaps the most disturbing part of Shurka's testimony is that no one, not even the press, asked him why he didn't report the so-called "deaths" that occurred during his experience with Journey Into Manhood. Surely, if a crime, suicide, or homicide had occurred, a police report would have been filed. Yet, these stories continue to be recorded as testimony in front of state legislatures and printed in gay activist media outlets such as GAYRVA.com.

##### 6. Samuel Brinton, Washington, D.C. and the United Nations

Another one of NCLR's prominent spokespersons to end SOCE therapy is Samuel Brinton, who has testified on multiple occasions in state legislatures and, in 2014, even traveled to Geneva, Switzerland to speak of his "therapy torture" at the United Nations. When Washington, D.C. considered (and ultimately passed) a bill to ban SOCE therapy for minors in 2014, one witness, Dr. Gregory Jones, included this quote (in part) from a TIME Magazine article telling Brinton's story:

Sam Brinton says that his father first tried physical abuse to rid his young son of homosexual feelings. When that didn't work, Brinton's parents turned to something called reparative therapy. Some of the memories are hazy more than 10 years later, but Brinton does remember the tactics the counselor used. There was talk therapy, about how God disapproved, and there was aversion therapy, during which pictures of men touching men would be accompanied by the application of heat or ice. "It was pretty much mental torture," Brinton says. "To this day, I still have light pain when I shake hands with another male."<sup>24, 25</sup>

On November 14, 2014, Brinton spoke at the United Nations in Geneva, Switzerland to testify of the alleged abuse he suffered from an unnamed licensed therapist. According to CNSNews.com, Brinton "testified about the licensed psychotherapist who tied his arms down, wrapped his hands in hot copper coils, and stuck needles in his finger to channel electric

<sup>22</sup> Balkholm, J. (March 25, 2015). "Who Doesn't Oppose Child Abuse?" Retrieved online at: <http://www.fpiw.org/blog/2015/03/25/doesnt-oppose-child-abuse/>

<sup>23</sup> Kutner, B. (January 26, 2016). Virginia legislator compares being gay to cancer as ex-gay therapy bill voted down in Senate subcommittee. Retrieved online at: <http://www.gayrva.com/news-views/senator-compares-being-gay-to-cancer-as-ex-gay-therapy-bill-voted-down-in-ga-subcommittee/>

<sup>24</sup> Sprigg, P. (August 27, 2014). "Ex-Gay Therapy Debate: The Truth Matters." Retrieved online at: <http://www.christianpost.com/news/ex-gay-therapy-debate-the-truth-matters-125479/>

<sup>25</sup> Steinmetz, K. (June 23, 2014). "The New Campaign to End Gay Conversion Therapy." Retrieved online at: <http://time.com/2907989/bornperfect-gay-conversion-reparative-therapy/>



shocks whenever he was shown a picture of men kissing.”<sup>26</sup> Even more troubling, Brinton later authored (with the help of NCLR staff) a fundraising letter that was published on the NCLR blog of his experience at the United Nations:

November 18, 2014

### Samuel Brinton: “A Therapist Told Me I Was Sick”

By [NCLR Staff](#)



I never imagined I would be in Geneva, Switzerland, but last week there I was. I was no tourist, I was there to testify before a United Nations Committee. To say this was surreal would be a vast understatement.

In the two minutes that I was given to address the U.N.’s Committee Against Torture, I fought back tears as I described how a psychotherapist, at the request of my parents, tried to change my sexual orientation through conversion therapy when I was 10 years old.

**You can help NCLR’s #BornPerfect protect LGBT kids with your donation. Will you support us in our fight to end this dangerous and discredited practice?**

I told the Committee how the therapist said I was sick, that God hated me, and that the government was exterminating all LGBT people. My voice shook as I detailed the physical abuse I endured in an effort to make me straight, including being restrained and physically hurt.

But last week, as part of NCLR’s #BornPerfect campaign delegation, I was finally vindicated. Our testimony resulted in the Committee addressing the issue of conversion therapy with the U.S. State Department for the first time in history. We brought international awareness to conversion therapy, a dangerous and discredited practice that is still wreaking havoc in the lives of youth across the country.

As co-chair of the #BornPerfect Advisory Committee, I hope that my testimony will save other children across the U.S. and around the world. No one should ever be told that they need to change who they are. WE ARE ALL BORN PERFECT.

**Will you help us in our fight to end this practice in the next five years by donating today?**

Samuel Brinton

#BornPerfect Advisory Committee Co-Chair

While Brinton’s story sounds compelling, it has yet to be confirmed by any legitimate source or news outlet. According to a 2014 article, some pro-gay media tried to verify this report—and couldn’t.<sup>27</sup> Even Wayne Besen, the most rabid “anti-ex-gay” activist, declared, “[U]ntil he [Brinton] provides more information to verify his experience, he makes it impossible for us to use him as an example. Indeed, it would be grossly irresponsible for us to do so.”<sup>28</sup>

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<sup>26</sup> Hunter, M. (November 14, 2014). “LGBT Activists: UN Should Classify Gay Conversion Therapy as Torture.” <http://www.cnsnews.com/news/article/melanie-hunter/lgbt-activists-un-should-classify-gay-conversion-therapy-torture>

<sup>27</sup> “The Mystery Surrounding “Driftwood’s” Tortured Ex-Gay Survivor.” (October 10, 2011). <http://www.queerty.com/the-mystery-surrounding-driftwoods-tortured-ex-gay-survivor-20111010>

<sup>28</sup> Sprigg, P. (August 27, 2014). “Ex-Gay Therapy Debate: The Truth Matters.” Retrieved online at: <http://www.christianpost.com/news/ex-gay-therapy-debate-the-truth-matters-125479/>

## 7. SPLC Opinion-Based Smears and Innuendos Convey Sexual Orientation is Unchangeable, and Efforts to Change Do Not Include Aversive Therapy or Electric Shock But Regularly Lead to Suicide

In May 2016, the SPLC published a paper on its website titled: “Quacks: ‘Conversion Therapists,’ the Anti-LGBT Right, and the Demonization of Homosexuality.”<sup>29</sup> The SPLC’s “primary technique[s]” in its “Quacks” online paper are “opinion-based smears and innuendos” and “smearing by association, some of the same techniques that another organization, the Federation for American Immigration Reform (FAIR), documented in its complaint against the SPLC to the IRS.”<sup>30</sup>

The Southern Poverty Law Center (SPLC) is a megalithic organization with a war chest of hundreds of millions of dollars. Since it has the means to hire a multitude of attorneys and any other consultants it wishes, one can be rather sure this report represents what the SPLC considers the best case it has to offer against therapy that is open to a client’s goal of sexual orientation or gender identity (SOGI) change. With all the SPLC’s resources, it should know whether its claims misrepresent current and scientifically accurate information or not.

The SPLC used the term “conversion therapy” about 250 times and never mentioned the terms actual psychotherapy providers use such as “sexual orientation change efforts (SOCE),” “sexual attraction fluidity exploration through therapy (SAFE-T),” or “heterosexual-affirming therapy.” “Conversion therapy” is a term regularly used by opponents of real psychotherapy that is open to sexual orientation or gender identity (SOGI) change. Even unlicensed religious practitioners generally do not use the term “conversion therapy.” They may speak of “religiously-mediated sexual orientation change efforts.” Why avoid the actual terms in usage for the very subject of the paper?

The term, “conversion therapy” deceptively associates religious practice, “conversion,” with the term appropriate for licensed professions, “therapy.” Religious practices are not psychotherapy, and psychotherapy is not religious practice. The term “conversion therapy” also helps opponents lump unlicensed and licensed actors into one group. In this way, the SPLC can collect smears on a lay counselor, member of the clergy, or coach, none of whom are licensed psychotherapy professionals, and make it appear that such smears apply to all unlicensed and licensed actors.

This method is guilt by association, a sleight of hand, and it permeates the SPLC’s paper. The high powered and well-financed lawyers and professionals who work for the SPLC do know the difference between criticism that applies to some individuals in a group but not the whole group, between religious practice and psychotherapy, and between licensed and unlicensed, and they do know what they are doing when they use this deceptive practice.

Anti-change therapy activists have scandals of their own. Some leaders have left, claimed to change their sexual orientation, and married an opposite sex partner. And there have been scandals of another sort. As Rosik said:

I would find it contemptible if someone argued that because some highly influential gay rights leaders have recently been fighting charges of felony sodomy and sexual abuse with teenage boys and felony possession of child pornography that this must be the case for all such leaders.<sup>31</sup>

29 Southern Poverty Law Center, Quacks: ‘Conversion Therapists,’ the Anti-BGBT Right, and the Domination of Homosexuality, May 2016.

30 FAIR press release, April 5, 2017, <http://www.fairus.org/news/fair-files-formal-exhaustive-complaint-with-the-irs-splc-violated-its-tax-exempt-status-repeatedly>. The entire complaint can be found at [http://www.fairus.org/DocServer/media/SPLC\\_Complaint.pdf](http://www.fairus.org/DocServer/media/SPLC_Complaint.pdf). This complaint to the IRS about the SPLC found the SPLC used “opinion-based smears and innuendos” and “smearing by association”. We found the same.

31 C. Rosik, My conversation with a typical opponent of professional therapies that include change, *Journal of Human Sexuality*, 2016, p. 8; J. Manning, J., Terry Bean: Charges of sex with a minor cast shadow over gay rights crusader’s accomplishments. *The Oregonian*. Dec. 4, 2014, Retrieved from [http://www.oregonlive.com/politics/index.ssf/2014/12/post\\_166.html](http://www.oregonlive.com/politics/index.ssf/2014/12/post_166.html); S. Mayes, Sex crime charges against Terry Bean will be dismissed; key witness won’t testify. *The Oregonian*, Aug. 28, 2015, Retrieved from [http://www.oregonlive.com/portland/index.ssf/2015/08/judge\\_dismisses\\_sex\\_crime\\_char.html](http://www.oregonlive.com/portland/index.ssf/2015/08/judge_dismisses_sex_crime_char.html); S. Mayes, With star witness absent, sex crimes case against Terry Bean and ex-boyfriend will be dismissed, *The Oregonian*, Aug. 28, 2015; [http://www.oregonlive.com/portland/index.ssf/2015/08/judge\\_dismisses\\_sex\\_crime\\_char.html](http://www.oregonlive.com/portland/index.ssf/2015/08/judge_dismisses_sex_crime_char.html); K. Willson & N. Jaquiss, Terry Bean’s problem: A prominent Portlander fights for his reputation after a love affair goes wrong. *Willamette Week*. June 3, 2015, Retrieved from <http://www.wweek.com/portland/article-22648-terry-beans-problem.html>; V. Ho, S.F. gay rights advocate sentenced for child porn. *SFGATE*,

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The SPLC itself specifically has the scandal that it has targeted organizations of traditional values on a hate map leading to a gunman opening fire at the Family Research Council.<sup>32</sup> We doubt the SPLC would accept the accuracy of their smear-by-innuendo-and-association method if it were applied to itself.

The SPLC conveys deceptive perceptions indirectly not only about individuals who provide religious practices or professional psychotherapy. It also uses indirect methods to purvey false information about sexual orientation such as the falsehood that it cannot change. Here are some examples.

A Pew Research Center poll finds that 51% of Americans do not believe that gay men and lesbians can change their sexual orientation, while 36% think they can. Answering the same question for Pew a decade earlier, in 2003, 42% said sexual orientation could be changed and 42% said it could not.<sup>33</sup>

The National Gay and Lesbian Task Force...warned that the ex-gay industry was undermining the battle for LGBT rights by suggesting that homosexuality is a choice, not an unchangeable condition like skin color.<sup>34</sup>

The SPLC is careful not to put the generalization into its own mouth that sexual orientation never changes or is like skin color. Instead, it always presents the assertion from the mouths of others. There is a very good reason it is so careful. Research has established that the assertion is false. The organization may think if it cannot be pinned with actually stating a falsehood itself, it cannot be accused of being a purveyor of a falsehood. Thus, the SPLC shields its misrepresentations behind the assertions of others throughout the paper.

We will document that the American Psychological Association (APA) says in the *APA Handbook of Sexuality and Psychology* (2014) (*APA Handbook* or *Handbook*) and other researchers show that sexual orientation changes for many who experience same-sex attractions. In addition, the co-editor-in-chief of the *Handbook* (Dr. Lisa Diamond) has been telling political activists since 2008 to stop the “born-that-way-and-can’t-change false claim” because it harms those who change—most same-sex attracted individuals, as we will also later document. Yet the SPLC has continued to propagate this deception.

The SPLC paper also conveys the impression that sexual orientation is dichotomous, that is, that it predominantly comes in two types—“gay” or “straight,” barely acknowledging bisexuality. We will show that the *APA Handbook* says this portrayal is false; the vast majority of same-sex attracted individuals are also attracted to the opposite sex, and those who are exclusively same-sex attracted are the minority. We will substantiate that the majority of individuals who are both-sex attracted experience changes in their sexual attraction, behavior, and identity self-label—all three. This is the case for both men and women and for both adolescents and adults. Most of their change is toward or to exclusive opposite-sex attraction. We will substantiate all of this.

The term “bisexual” is used only 2 times. In one of the two uses of the term bisexual, the paper says Ted Haggard, leader of the National Association of Evangelicals, had “intensive counseling with senior evangelicals for three weeks,” was pronounced “completely heterosexual” by one of them, but later said “that if he were 21, he would consider himself bisexual.”<sup>35</sup> We would question what would be accomplished in three weeks of “intensive counseling” with an apparently unlicensed counselor in any case. But the SPLC seems to infer that if someone were to change from exclusive homosexual attraction to bisexual attraction, and did not change to exclusive heterosexual attraction, he would not have experienced sexual orientation change.

As we will show, most researchers and the *APA Handbook* would consider a change from exclusively homosexually attracted to bisexually attracted to be sexual orientation change. Even a change of one point on a five point continuum from exclusive heterosexual to most-

March 6, 2014; Retrieved from <http://www.sfgate.com/crime/article/S-F-gay-rights-advocate-sentenced-for-child-porn-5292163.php>

32 Cratty, C & Pearson, M. (February 7, 2013). DC shooter wanted to kill as many as possible, prosecutors say. Retrieved online at: <http://www.cnn.com/2013/02/06/justice/dc-family-research-council-shooting/> possible, prosecutors say

33 Ibid., p. 35.

34 SPLC, 2016, p. 9.

35 SPLC, 2016, p. 34.

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ly heterosexual to bisexual (attracted about equally to both sexes) to mostly homosexual to exclusive homosexual is considered change in modern research. Further, a change to bisexual or mostly heterosexual would allow an individual to live in a heterosexual relationship in accordance with the individual's desire.

The SPLC conveys the impression that no can go from exclusively same-sex attracted to exclusively opposite-sex attracted. Research shows some do make that kind of change, as we will document.

The SPLC also leaves the reader with the impression that contemporary licensed mental health professionals generally claim they can make everyone go from exclusively gay to exclusively straight. However, licensed mental health professionals generally do not claim they can make anyone do anything, but they can assist individuals in the work they do in psychotherapy, and some individuals, though not all, make a significant and meaningful change through therapy.<sup>36</sup>

The SPLC also leaves the reader with the impression that therapy that is open to change harms many people. However, there is no scientific evidence that meets scientific standards for that claim, again made through the mouths of others whom the SPLC quotes. The "Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation" for the APA in 2009<sup>37</sup> said it was unable to conclude from scientific evidence whether gay affirmative therapy or therapy that is open to a client's goal of change is safe or effective.<sup>38</sup>

The vast majority of the SPLC paper is not about professional psychotherapy; it is about religious support groups, but the reader gets the impression that all of the tabloid smears of religious support groups apply to licensed professional psychotherapists. The following are examples of the SPLC's presentations in its paper of what some individuals believe about whether sexual orientation can change through religious support groups. These examples have the effect of conveying to the reader that sexual orientation is immutable or never changes through religiously-mediated practices and through professional psychotherapy.

John Paulk said that he did not believe that sexual orientation change was possible. He also said: "I do not believe that reparative therapy changes sexual orientation; in fact, it does harm to many people."<sup>39</sup>

Michael Bussee, one of the 5 co-founders of Exodus International, said: "'I never saw one of our members or other Exodus leaders or other Exodus members become heterosexual' and added that it had harmed many people."<sup>40</sup>

Here are some quotes from an interview with Alan Chambers, former leader of Exodus International, whom the SPLC quotes extensively:

Alan Chambers...led his board to close down the largest religiously based conversion therapy group in the country.<sup>41</sup>

You've said that trying not to be gay is 'one big excruciating struggle, because it is impossible.'<sup>42</sup>

...I publicly denounced reparative therapy in 2012 after repeated calls from reparative therapists offering me free counseling to 'cure' me of my same-sex attractions.<sup>43</sup>

The term Reparative Therapy (RT) appears here. Therapy that is open to change generally is not a form of therapy but a therapist's openness to a client's goal of change using any

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36 What Research Shows: NARTH's Response to the APA Claims on Homosexuality (Summary), p. 1, Family Watch International, [http://www.familywatchinternational.org/fwi/NARTH\\_what\\_research\\_shows.pdf](http://www.familywatchinternational.org/fwi/NARTH_what_research_shows.pdf); The summary was of a full article, J. Phelan, N. Whitehead, & P.M. Sutton, What research shows: NARTH's response to the APA claims on homosexuality: A report of the scientific advisory committee of the National Association for Research and Therapy of Homosexuality, 2009, Journal of Human Sexuality, 1: 1-121. Available at [https://media.wix.com/ugd/ec16e9\\_04d4fd-5fb7e044289cc8e47dbaf13632.pdf](https://media.wix.com/ugd/ec16e9_04d4fd-5fb7e044289cc8e47dbaf13632.pdf)

37 APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation. Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation, 2009, Washington, DC: American Psychological Association.

38 Ibid., p. 3, 42, 83.

39 Ibid., pp. 9, 10-11, 12.

40 Ibid., p. 10.

41 Ibid., p. 11-12.

42 Ibid., p. 47.

43 Ibid., p. 46.

contemporary form of talk therapy. RT, however, is a specific form of therapy pioneered by the late Dr. Joseph Nicolosi. Nicolosi laid out RT in his book, *Shame and Attachment Loss: The Practical Work of Reparative Therapy*.<sup>44</sup>

Nicolosi considered reparative therapy appropriate for about 80% of men who seek professional psychotherapy for unwanted same-sex attraction. The SPLC uses the term RT frequently and as a synonym for any effort to change sexual orientation, even though they quote Chambers as correctly designating RT as a type of professional psychotherapy that not all therapists who are open to change use. By knowingly misusing the term, the SPLC emphasizes that some therapists think there could be something in same-sex attractions to repair, a possibility the SPLC denies, even though the APA acknowledges trauma could be a potentially causal factor of same-sex attractions because research has shown that,<sup>45</sup> and even though excellent research shows absence or loss of a biological parent—an attachment loss, especially the loss of the parent of the same sex as the child, is potentially causally related to same-sex attractions.<sup>46</sup>

In this interview, Chambers reportedly said there were about 30 therapists in Exodus, and about 10% focused on RT, hence about 3 therapists focused on RT then. Therefore, according to the SPLC's report, only 30 members, or a tiny number of Exodus members, actually were licensed mental health professionals providing therapy that is open to change, 3 of which did RT. Activities of Exodus members were not representative of professional sexual orientation change efforts. Also, notably, by the SPLC's report of Chambers own words, Chambers never experienced RT or probably any professional therapy that is open to a goal of change. Therefore, Chambers is not an example of a therapy failure. Nicolosi published his book on RT in 2009. He was still training a handful of people. Chambers did not know enough about it and did not try it.

It is possible that the men who gave their opinions that no one changed were using the erroneous model that sexual orientation comes in two discreet categories rather than a continuum, so if any amount of same-sex attraction remains, they might make the interpretation that no sexual orientation has occurred.

It is also possible that the men who testified that neither they nor anyone changed simply believed sexual orientation never changes for anyone, with or without therapy. A 2014 study gained insight into non-heterosexuals who held such a belief. These researchers studied spontaneous change, not change through therapy. In their non-representative study of non-heterosexual young adults, the researchers found, unsurprisingly, that the majority reported they had experienced spontaneous sexual attraction fluidity, some of them more than once. What was interesting was that the minority who had not experienced sexual attraction fluidity themselves, especially among men, more often believed sexual orientation is not changeable for all non-heterosexuals, contrary to findings in their study and in research broadly as we will later show.<sup>47</sup>

Alan Chambers and some others said they did not change through religiously-mediated efforts and believed no one else did either. In the case of Alan Chambers, the former president of Exodus International, his view also was contrary to actual research specific to Exodus. There is a prospective, longitudinal study on religiously-mediated sexual orientation change efforts that was conducted with individuals who were participating in some programs of member organizations of Exodus. It has been published in a book and a peer reviewed journal.<sup>48</sup> The study showed that some individuals diminished their same-sex attraction, some

*It is possible that the men who gave their opinions that no one changed were using the erroneous model that sexual orientation comes in two discreet categories rather than a continuum, so if any amount of same-sex attraction remains, they might make the interpretation that no sexual orientation has occurred.*

44 J. J. Nicolosi, *Shame and Attachment Loss: The Practical Work of Reparative Therapy*, Downers Grove, Illinois: IVP Academic, 2009.

45 B. Mustaky, L. Kuper, and G. Geene, Chapter 19: Development of sexual orientation and identity, In Tolman, D., & Diamond, L., Co-Editors-in-Chief, *APA Handbook of Sexuality and Psychology*, Volume 1. Person Based Approaches, 2014, Washington D.C.: American Psychological Association.

46 Frisch, M. and Hviid, A., Childhood family correlates of heterosexual and homosexual marriages: A national cohort study of two million Danes, *Archives of Sexual Behavior*, 2006, 35:533-547; Francis, A. M., Family and sexual orientation: The family-demographic correlates of homosexuality in men and women. *Journal of Sex Research*, 2008, 45 (4):371-377, DOI:10.1080/00224490802398357; J.R. Udry & K. Chantala, Risk factors differ according to same-sex and opposite-sex interest. *Journal of Biosocial Science*, 2005, 37:481-497, <http://dx.doi.org/10.1017/S0021932004006765>.

47 Katz-Wise, S.L., & Hyde, J.S. (2014). Sexual Fluidity and Related Attitudes and Beliefs Among Young Adults with a Same-Gender Orientation. *Arch Sex Behav*. 2015 Jul; 44(5):1459-70.

48 S. L. Jones & M. A. Yarhouse, *Ex-Gays? A Longitudinal Study of Religiously Mediated Change in Sexual Orientation*, 2007, Downer's Grove, IL: InterVarsity Press; S. L. Jones. & M. A. Yarhouse, *A Longitudinal Study of Attempted*

*There is no credible scientific evidence that therapy that is open to change leads to harm, as the APA Task Force Report said in 2009, yet the SPLC repeatedly conveys it. The assertion of “leading with grim regularly to suicide” is a particularly egregious misrepresentation of therapy that is open to change provided by licensed mental health professionals.*

also developed heterosexual attraction, and some did not change. Out of all the subjects in the sample, there was one who reported change and later said he did not change. When Chambers took a position generalizing from his experience to the supposed experience of all members, he was wrong. Member organizations correctly disagreed with Chambers, left him, and formed new organizations (specifically, Restored Hope Network and later, Hope for Wholeness), effectively closing him down within a year of his taking his erroneous stand.

In addition to arguing indirectly that sexual orientation cannot change generally, and cannot change in therapy, the SPLC makes a claim coming from its own mouth directly that efforts to change sexual orientation through therapy are harmful. “The ‘science’ examined here actively harms people, leading with grim regularity to suicide, depression and an array of self-destructive behaviors.”<sup>49</sup>

There is no credible scientific evidence that therapy that is open to change leads to harm, as the APA Task Force Report said in 2009, yet the SPLC repeatedly conveys it. The assertion of “leading with grim regularly to suicide” is a particularly egregious misrepresentation of therapy that is open to change provided by licensed mental health professionals.

The SPLC also said: “Leelah Alcorn, 17-year-old transgender girl in Ohio, commits suicide.... her parents... forced her to go to a Christian-based conversion therapy program.”<sup>50</sup>

Leelah’s suicide note did not say her parents “forced her to go to a Christian-based conversion therapy program.” It says the parents provided therapy from Christian therapists.” The SPLC merely projects that onto the story, or assumes that all Christian counselors do “conversion therapy,” which, of course, is far from the truth, since most have not been trained in it.

Even if Leelah’s therapist were so trained, we believe the therapist would not do that kind of work with Leelah. Leelah said in her note that she did not want therapy to change her gender identity. A contemporary licensed professional psychotherapist, Christian or not, who is open to a client’s goal of change in gender identity would accept that Leelah did not have a goal of change in gender identity and would not pursue that therapy goal with her. Contrary to what opponents regularly say, therapists open to change do not coerce a therapy goal.

The suicide note also cites disappointment in peers, saying, “I finally had my friends back. They were extremely excited to see me and talk to me, but only at first. Eventually they realized they didn’t actually give a s\*\*t about me, and I felt even lonelier than I did before. The only friends I thought I had only liked me because they saw me five times a week. After a summer of having almost no friends....” Leelah reports multiple stressors.

The SPLC implies from one sensational and questionable story that therapists who are open to a client’s goal of change have clients’ suiciding right and left. There are more examples of statements in the SPLC paper show their use of innuendo to misrepresent therapy open to sexual orientation or gender identity change.

The SPLC says: “[E]lectric shock therapy...has virtually disappeared at this point.”<sup>51</sup>

We note that even the SPLC can no longer assert SOCE uses an electric shock method, but still brings it up to keep the association ongoing. Electric shock was an experimental and small part of mainstream behavior modification therapy in the 1960’s to early 1980’s that was not created just for unwanted sexual behaviors. It was used for other unwanted behaviors such as smoking cessation and control of alcohol abuse.<sup>52</sup>

Another example from the SPLC is:

Mediated Sexual Orientation Change. *Journal of Sex & Marital Therapy*, 2011, 37:5, 404-427.

<sup>49</sup> SPLC, 2016, p. 4.

<sup>50</sup> K. Corcoran & C. Spargo, Suicide note of 17-year-old transgender girl is deleted from her Tumblr page after her Christian parents demand message blaming them for her death be removed, Jan. 3, 2015, <http://www.dailymail.co.uk/news/article-2895534/Heartbreaking-suicide-note-17-year-old-transgender-girl-DELETED-Tumblr-page-canceled-lit-vigils-held-honor.html>

<sup>51</sup> SPLC, 2016, p. 29.

<sup>52</sup> A. D. Byrd & J. E. Phelan, Facts and myths on early aversion techniques in the treatment of unwanted homosexual attractions (no date), <https://www.narth.com/aversion-techniques->

Historically, attempts to ‘cure’ gay people of their homosexuality have been marked by real horror stories—the use of castration, shock therapy, brain surgery, aversion therapy, the implantation of a heterosexual man’s testicles and more.<sup>53</sup>

None of this bears any resemblance to contemporary professional therapy by licensed professionals, but there is little doubt that reporting this is intended to create such an association in the mind of the reader. By saying electric shock therapy and aversion therapy are historical, that is, not current, the SPLC is creating a current association between electric shock and archaic forms of medicine with contemporary talk therapy.

What the SPLC has actually established inadvertently is that even the SPLC—a staunch opponent of therapy that is open to change, with all its resources to research the matter and with its high motivation to find every possible flaw, acknowledges that such therapy does not use electric shock therapy or aversion therapy.

The SPLC also acknowledges a small number of researchers who had something positive to say about change therapy. Given that there are over 600 research publications, mostly peer reviewed, that span 125 years, the SPLC is quite minimalistic. These researchers pose a problem for the SPLC’s disparagement of therapy that is open to change. We will illustrate how the SPLC deals with them.

Even Masters and Johnson, the pioneering sexologists who were the first to show that homosexuality is common, claimed that gay people could be converted.<sup>54</sup>

Again, the inappropriate term “converted” falsely associates professional psychotherapy with religious practice in the mind of the reader. This is a misrepresentation. Saying only that the researchers “claimed” same-sex attracted individuals can change is an understatement. Masters and Johnson actually published research showing they had a high success rate at sexual orientation change therapy, using the behavioristic methods of their day (but not electric shock), that were similar to the methods by which Alfred Kinsey, arguably the father of the scientific study into homosexuality and himself a bisexual, also successfully helped homosexual men change sexual orientation.<sup>55</sup>

Notably, the SPLC embedded Master’s and Johnson in the context of truly archaic medical practices such as an experiment with a testicle transplant, an “icepick” lobotomy, convulsive therapies using drugs, and Nazi experiments, as though these have any bearing on licensed mental health professionals using contemporary talk therapies. Clearly, the purpose is to create associations in the readers’ minds that flagrantly misrepresent contemporary therapy and distract the reader from actual research showing change therapy that is safe and effective.

Sigmund Freud is also mentioned:

But it was Sigmund Freud, the father of psychoanalysis, whose ideas about homosexuality, developed in the first decades of the 20th century, formed the basis of what most conversion therapists today believe. Although Freud did not demonize gay people...he did see homosexuality in both men and women as a former arrested psychosexual development...the triadic family... A closely related theory blames early childhood trauma like sexual molestation... Today, the consensus of the vast majority of psychologists, psychiatrists and other counselors is that the model is entirely false.<sup>56</sup>

This passage conveys that the link between childhood trauma like sexual molestation and same-sex attractions is a false model. The APA takes a position that sexual variations are normal, but since its 2014 *Handbook*, at least, is not consistent with that view. The *APA Handbook* said there is a potentially causal link between documented cases of childhood molestation and having a same-sex relationship.<sup>57</sup> The *APA Handbook* also says there are “psychoanalytic” factors in same-sex attraction.<sup>58</sup> Excellent research shows there is also a potentially causal link between same-sex attraction, behavior, and self-label identity and absence of a biological parent, especially the parent of the same-sex as the child, as through death, divorce, end of

*Again, the inappropriate term “converted” falsely associates professional psychotherapy with religious practice in the mind of the reader.*

53 Ibid., p. 38.

54 Ibid., p. 7.

55 W. Pomeroy, Dr. Kinsey and the Institute for Sex Research, 1972, N.Y.: Harper and Row, Pub., pp. 72-75.

56 Op cit.

57 Mustanski, Kuper, & Greene, 2014, 1:609-610.

58 Rosario & Schrimshaw, 2014, 1:583, in *APA Handbook*.



*Through this illustration and others, it is clear that the SPLC is a bully that tries to destroy volunteer-run religious support groups and psychotherapy for victims of sexual molestation and parent loss linked to same-sex attractions through suppressing, denying, and misrepresenting accurate scientific information and through viciously perpetrating falsehoods and deception.*

parent co-habitation, or unknown paternity, and especially during the first six years of life and, for girls, in the case of a mother's death during adolescence. Denying these realities suppresses knowledge from individuals who have been injured and stand to benefit from accurate knowledge.

Another religious support group is brought up as the SPLC focuses on its lawsuit against JONAH (Jews Offering New Alternatives to Healing):

The judge in the case barred almost all testimony from the six experts proffered by the defendants, saying that 'the theory that homosexuality is a disorder is not novel but—like the notion that the earth is flat and the sun revolves around it—instead is outdated and refuted.'<sup>59</sup>

The SPLC makes much of its victory over JONAH. JONAH was a two volunteer non-profit dependent for its defense on the pro bono services of a small law firm going up against the SPLC with its multitude of attorneys and probably quarter of a billion dollar resources. As a non-profit, JONAH simply engaged in no commercial activity, a requirement to be covered by the Consumer Fraud Act. JONAH's attorney and a co-author summarized:

The Court allowed the New Jersey Consumer Fraud Act (CFA) to be applied to a religious organization and a non-profit organization for the first time ever, and allowed recovery for non-economic damages, even though the New Jersey CFA specifically disallows such recovery. In retrospect, this was the first sign that the lawsuit had a pre-determined outcome.<sup>60</sup>

The Court conducted the trial on the assumption that same-sex attraction, unlike seemingly every other aspect of human experience, is remarkably never affected by trauma. As we have said and will later document, however, research shows potentially causal links between childhood sexual molestation and parent loss with same-sex attraction.<sup>61</sup>

Through this illustration and others, it is clear that the SPLC is a bully that tries to destroy volunteer-run religious support groups and psychotherapy for victims of sexual molestation and parent loss linked to same-sex attractions through suppressing, denying, and misrepresenting accurate scientific information and through viciously perpetrating falsehoods and deception.

The SPLC also reports research of another famous clinician and researcher:

The NARTH Institute/Alliance for Therapeutic Choice presents 'initial data' from a longitudinal study of 102 psychotherapy patients at NARTH founder Joseph Nicolosi's Thomas Aquinas Psychological Clinic. Nicolosi and Alliance President Carolyn Pela claim that 12 months of data show 'statistically significant reductions in distress and improvements in well-being, significant movement toward heterosexual identity, and significant increases in heterosexual desires and thoughts with accompanying significant decreases in homosexual thoughts and desires.'<sup>62</sup>

This study is being conducted to meet the recommendations of the APA Task Force in 2009 for research that can show that therapy causes sexual orientation change and is safe. The SPLC has to include this research so as not to be embarrassed by critics pointing it out and so as not to be accused of not offering other views to the reader. Ironically, the SPLC surrounds the study with a chorus of unsupported opinions that SOCE is "potentially harmful" in an effort to dilute the study's impact on the reader. But this credible evidence that SOCE is safe and effective undermines the position of the SPLC that it has spread in courts and legislatures—that sexual orientation never changes, especially never changes through therapy, and that efforts to change it through therapy are harmful. The result has been depriving children of therapy—children who are victims of child abuse and other trauma that forced same-sex attraction on them. Another result has been discouraging adults who were such children from even trying therapy that addresses their childhood trauma.

<sup>59</sup> SPLC, 2016, p. 4.

<sup>60</sup> L. Haynes & C. LiMandri, JONAH case: The time for legal protection for sexual orientation change efforts is now, <http://www.wnd.com/2016/02/sexual-orientation-change-efforts-under-attack/>

<sup>61</sup> Mustanski, Kuper, & Greene, 2014, 1:609-610.

<sup>62</sup> SPLC, 2016, p. 37.

More evidence of the SPLC's practices of using "opinion-based smears and innuendos" as though they were educational and of violating governmental regulations comes from a 2017 Complaint against the SPLC to the IRS filed by the Federation for American Immigration Reform (FAIR). A press release published by FAIR that summarizes their complaint is titled, "FAIR Files Formal Exhaustive Complaint with the IRS: SPLC Violated Its Tax Exempt Status Repeatedly in the Last Election Cycle Alleges FAIR."<sup>63</sup>

The following quotes are from FAIR's press release summary of the complaint and address SPLC smear tactics:

The SPLC used its tried and true formula of opinion-based smears and innuendos - tactics that it claims shield it from liability suits- to engage in blatant political activity masquerading as 'teaching tolerance.' The complaint reiterates that 'smear[ing] by association' is a 'primary technique of the SPLC'....

According to IRS rules, organizations are not deemed educational, for instance, if their 'principal function is the mere presentation of unsupported opinion', if they 'fail [to] provide a factual foundation for the viewpoint or position being advocated' or they lack a 'full and fair exposition of the pertinent facts' which 'permit[s] an individual or the public to form an independent opinion or conclusion.'

These statements from the FAIR complaint also accurately describe the SPLC 2016 paper published on its website.

### C. Summary

The purpose of this section was to highlight a few of the more egregious examples of false and misleading statements by the HRC, SPLC, and NCLR, their colleagues, and spokespersons.

Based on public statements on their websites, the NTFTE can now prove that these three organizations worked together, officially, in many of the campaigns described above. At the very least, it is clear they have cooperated with each other in other campaigns, spreading lies and providing misleading and false information to state liaisons (such as Garden State Equality) and actively promoted false stories of therapy torture, such as Brielle Goldani and NCLR spokesperson Samuel Brinton, while supporting persons who are providing misleading statements in front of state legislatures, such as the NCLR's spokesperson, Matthew Shurka, and Troy Stevenson, former Executive Director of Garden State Equality.

Additionally, SPLC also admits to working in cooperation with figures such as Wayne Besen, an active purveyor of tabloid-style journalism that regularly spins half-truths and lies of SOCE therapy on his website. In many cases, these three organizations (including Wayne Besen's Truth Wins Out) actively fundraise by promoting false and misleading statements about SOCE therapy. We believe this constitutes a clear violation of the Federal Trade Commission's consumer fraud laws.

We also want to acknowledge that while many additional inaccuracies have been told in front of state legislatures in the last five years by gay activists and other organizations working in cooperation with the HRC, SPLC, and NCLR, it would, however, be virtually impossible to document all of the fraudulent testimony and misleading statements. There are dozens, if not hundreds, of additional examples of fraudulent and misleading statements that exist in the public record of each of the twenty-five or so states that have introduced bills to ban SOCE therapy for minors.

### IV. PETITIONERS' (LICENSED THERAPISTS AND CLIENTS) STATEMENT AND REQUEST

The Petitioners respectfully request that the Federal Trade Commission (FTC) investigate and put an end to the damaging, deceptive, and misleading hate campaigns of the SPLC, HRC and NCLR.

Pursuant to the FTC's mission to protect consumers from egregious, unfair, deceptive and fraudulent practices, in violation of Section 5 of the Federal Trade Commission Act, we request that the FTC take enforcement action to stop the deceptive practices promoted by the SPLC, HRC and NCLR, including advertising, marketing, and other business practices in all

*We also want to acknowledge that while many additional inaccuracies have been told in front of state legislatures in the last five years by gay activists and other organizations working in cooperation with the HRC, SPLC, and NCLR, it would, however, be virtually impossible to document all of the fraudulent testimony and misleading statements. There are dozens, if not hundreds, of additional examples of fraudulent and misleading statements that exist in the public record of each of the twenty-five or so states that have introduced bills to ban SOCE therapy for minors.*

<sup>63</sup> FAIR press release, April 5, 2017, [http://www.bizjournals.com/prnewswire/press\\_releases/2017/04/05/DC54600](http://www.bizjournals.com/prnewswire/press_releases/2017/04/05/DC54600) ; Find the full complaint at [http://www.fairus.org/DocServer/media/SPLC\\_Complaint.pdf](http://www.fairus.org/DocServer/media/SPLC_Complaint.pdf)

forms, including through their websites, brochures, videos, social media, fundraising e-mails, and other advertisements and promotional materials.

#### A. The Respondents Violations of Section 5 of the Federal Trade Commission

The Three Respondents' hate campaigns are intended to provide the public little or no choice in how to respond to unwanted same-sex attraction (SSA). The hate campaign propaganda is based on the false premise that being lesbian, gay, or bisexual is an unvarying and inborn characteristic of humanity.

There is no competent and reliable scientific evidence that has determined that SSA is fixed and not fluid. There is no scientific evidence that people are born gay. For those who are unhappy feeling SSA, a choice should be permitted. In fact, over the past 125 years there has been substantial valid and reliable scientific evidence that traditional therapy can work as well for unwanted SSA as it does for any other unwanted human behavior. Claims by respondents that therapies for SSA are ineffective are false and harmful to the public. Further, statistics show that both male and female homosexuals experience serious physical and emotional health risks as a result of their sexual behavior.

Despite the abundance of the historical and present day evidence of more than 125 years determining that traditional psychotherapy for unwanted SSA is effective in changing sexual attraction, behavior, and/or identity and is as effective as therapy for any other behavioral or emotional issue, Respondents' hate campaigns continue to mislead the public and pose serious health and safety risks to consumers, including the increased risk of death by suicide.<sup>64</sup>

Section 5 of the Federal Trade Commission ACT (FTC Act) prohibits unfair and deceptive acts and practices.<sup>65</sup> To determine whether business practices are deceptive, the FTC considers three elements.<sup>66</sup>

First, it considers whether there has been a representation, omission, or practice that is likely to mislead the consumer. Second, it examines the practice from the perspective of a consumer acting reasonably in the circumstances. Third, it asks whether the representation, omission or practice is a "material" one. Neither an intent to deceive nor actual consumer harm is required to find an act deceptive under the FTC Act.<sup>67</sup> This analysis focuses on the risk of consumer harm.

Both expressed misrepresentations and implied misrepresentations are violations of the FTC Act. If a claim is likely to be misleading without qualifying information, the qualifying information must be disclosed in a "clear and conspicuous" manner. Clear and conspicuous disclosure is required because the FTC focuses on the overall net impression of an advertisement, and if a disclosure is not seen or comprehended, it will not change the net impression consumers take from an advertisement. A disclosure can qualify or limit a claim to avoid a misleading impression; it cannot, however, cure a false claim.<sup>68</sup>

The FTC has also issued rules for specific areas relating to deceptive acts or practices, such as the use of testimonials in advertising.<sup>69</sup>

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64 What Research Shows: NARTH's Response to the APA Claims on Homosexuality (Summary), p. 1, Family Watch International, [http://www.familywatchinternational.org/fwi/NARTH\\_what\\_research\\_shows.pdf](http://www.familywatchinternational.org/fwi/NARTH_what_research_shows.pdf); The summary was of a full article, J. Phelan, N. Whitehead, & P.M. Sutton, What research shows: NARTH's response to the APA claims on homosexuality: A report of the scientific advisory committee of the National Association for Research and Therapy of Homosexuality, 2009, *Journal of Human Sexuality*, 1: 1-121. Available at [https://media.wix.com/ugd/ec16e9\\_04d4fd-5fb7e044289cc8e47dbaf13632.pdf](https://media.wix.com/ugd/ec16e9_04d4fd-5fb7e044289cc8e47dbaf13632.pdf)

65 15 U.S.C. paragraph 45

66 FTC Policy Statement on Deception (1983), appended to *Cliffdale Associates, Inc.*, 103 F.T.C. 110, 174 (1984), available at <http://www.ftc.gov/bcp/policystmt/ad-decept.htm>

67 See *FTC vs Verity International, Ltd.*, 443 F.3d 48, 63 (2nd Cir. 2006)

68 See FTC.com Disclosures: How to Make Effective Disclosures in Digital Advertising 5 (2013), available at: <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf> ("[A disclosure] cannot cure a false claim. If a disclosure provides information that contradicts a material claim, the disclosure will not be sufficient to prevent the ad from being deceptive.")

69 FTC, Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 CFR Part 255, available at [https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides--governing-endorsements-testimonials/091005revised\\_endorsementguides.pdf](https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides--governing-endorsements-testimonials/091005revised_endorsementguides.pdf)



## B. The “Born Gay” Lie is a Deliberate Hoax Perpetrated by the Respondents

According to Kirk and Madsen, authors of *After the Ball: How America Will Conquer Its Fear and Hatred of Gays in the 90's*, the central role to be played by gay victimhood in the homosexual revolution, was that gay strategists would espouse the theory that homosexuals are “born that way”- in other words, that their sexual orientation is already determined at birth-whether or not there existed any scientific basis for such a claim. Individuals developing the hate campaigns of the HRC, SPLC, and NCLR, according to Kirk and Madsen, counsel their followers that they should portray themselves as victims of circumstances who “no more chose their sexual orientation than they did, say, their height, skin color, talents, or limitations.” Revealingly, gay individuals such as Kirk and Madsen stress the need for homosexuals to stand behind the “Born Gay” theory—even though the authors themselves recognize its invalidity: “For all practical purposes, gays should be considered to have been born gay—even though sexual orientation, for most humans, seems to be the product of a complex interaction between innate predispositions and environmental factors during childhood and early adolescence.”<sup>70, 71</sup>

The need to portray gays as victims is inseparably linked to the “Born Gay” hypothesis and needs to be addressed directly.

Jan Clausen, a former leader of New York’s lesbian community (later expelled by her comrades for marrying a man) details how gay advocates developed this “born gay” fictive science as a tactic to influence public perceptions of sexual identity: “Fueled by the prestige of contemporary genetic science, the craze for biological explanations of all sorts of human behavior has given boost to ‘born that way’ theories of erotic attraction.” Such pressure from “determinist” quarters, as well as “high profile campaigns for basic rights for gay men and lesbians” resulted in “obsessive media coverage of scientists’ efforts to identify possible biological influences on sexuality,” which, as the author herself acknowledges, were “commonly reported in oversimplified terms that foster notions of genetic determination not claimed by the researchers themselves.”<sup>72</sup>

It bears stressing that as of the date of this publication, no genetic earmark distinguishing homosexuals from heterosexuals has been identified. So far as science has been able to discover, homosexuals and heterosexuals are genetically indistinguishable.<sup>73</sup> Moreover, as noted in

70 Madsen, H. & Mashall, K. (1991). *After the Ball: How America Will Conquer Its Fear and Hatred of Gays in the 90's*. Plume, P. 184.

71 Some of this text has been adapted from material published in: *Light in the Closet: Torah, Homosexuality, and the Power to Change*, Los Angeles: Red Heifer Press, 2d printing, 2009.

72 Jan Claussen, Apples & Oranges: *My Journey Through Sexual Identity*, Boston & New York: Houghton Mifflin (1999), p. 235.

73 Not one of the researchers commonly cited by gay activists has reported anything even close to proving the genetic nature of sexual orientation. Not one study claiming results favorable to the “gay gene” theory has ever been replicated under the scrutiny of rigorous experimental controls. The three most cited studies are not only seriously flawed, but the authors themselves have admitted that those studies should not be cited as proof of the gay gene theory. For example:

1. Dean Hamer claimed his study showed a statistically significant correlation between homosexual orientation and the genetic sequence of the top of the X chromosome. His study has been widely criticized for lacking a control group and for a statistical methodology that, according to charges by a former research colleague, was flawed by data selectively chosen to enhance Hamer’s thesis. Even Dr. Hamer admitted that “These genes do not cause people to become homosexuals ...the biology of personality is much more complicated than that.” *Time*, April 27, 1998, cited in Chad Thompson, *The Homophobia Stops Here: Addressing the Ex Gay Perspective in Public Schools*, Des Moines: In Queery (2004), p. 10.

2. In an attempt to show that sexuality is hard-wired into the brain via the hypothalamus, Simon LeVay examined the corpses of 19 homosexuals who died of AIDS complications and compared them with a group of 16 male and 6 female corpses he presumed were heterosexual. His debatable conclusion noted a difference in the size of a specific neuron group (INA H3). His results, too, could never be replicated. Shortly after the study’s publication, an openly homosexual reporter correctly observed, “It turns out that LeVay doesn’t know anything about the sexual orientation of his control group.” Critiquing LeVay’s claim that “he knows his control group are heterosexual because their brains are different from HIVer corpses,” the same commentator jibes, “Sorry, doctor; this is circular logic. You can use the sample to prove the theory or vice versa, but not both at the same time.” Michael Botkin, “Salt and Pepper,” *The Bay Area Reporter*, September 6, 1991, pp. 21, 24, as quoted in Anton M. Marco, “Gay Marriage,” <<http://www.narth.com/docs/marco.html>>. LeVay himself is on record as stating: “The most common mistake people make in interpreting my work” is either that “homosexuality is genetic” or that it can prove “a genetic cause for being gay.” *Discover*, March, 1994, as cited in Thompson, *supra*, p. 9. Hence, in spite of the torrents of propaganda about claimed differences ... versus “heterosexual” brains, no credible evidence has yet been found to support such claims. As Masters & Johnson conclude, “no serious scientist” would apply the “simple cause-effect relationship” of the genetic theory of homosexuality. Wm. Masters, Virginia Johnson, Robert Kolodny, *Human Sexuality*, Boston: Little Brown & Co. (2d ed. 1985), p. 411.

*“People very much want to find simple answers... A gene for this, a gene for that...”*

*Human behavior is much more complicated than that.”*

*A 1993 scientific literature critique by Byne and Parsons in Archives of General Psychiatry reviewed more than 130 major studies on the subject and found no evidence favoring sexual orientation being either genetically or biologically determined*

the highly respected British Medical Journal: “From an evolutionary perspective, genetically determined homosexuality would have become extinct long ago because of reduced reproduction.”<sup>74</sup>

### C. Evidence Against the Genetic/Biological Argument for Homosexuality

Genetics researcher Neil Risch noted in an August 1998 Newsweek article that the public has misunderstood behavioral genetics. “People very much want to find simple answers . . . A gene for this, a gene for that . . . Human behavior is much more complicated than that.”<sup>75</sup>

Researchers Dar-Nimrod & Heine conclude:

As there are no known complex human behaviors in which genetics render the actor unable to resist performing a behavior, we contend that genetic etiological accounts should not serve as the basis for moral evaluations . . . there are many other sources of influence at play... Furthermore, the amount of influence that genes have on behaviors is considerably smaller than one might think.<sup>76</sup>

The three rules of behavioral genetics by genetics researcher Erik Turkheimer (University of Virginia) are:<sup>77</sup>

1. All human behavioral traits are heritable.
2. The effect of being raised in the same family is smaller than the effect of genes.
3. A substantial portion of the variation in complex human behavioral traits is not accounted for by the effects of genes or families.

A 1993 scientific literature critique by Byne and Parsons in Archives of General Psychiatry reviewed more than 130 major studies on the subject and found no evidence favoring sexual orientation being either genetically or biologically determined.<sup>78</sup>

In 1987, sociologist Lee Ellis proposed the Maternal Stress Theory, which argues that maternal neurohormones functioned in determining the sexual orientation of a fetus.<sup>79</sup> In January 2012, psychology professor Stanton Jones posted an essay: “Sexual orientation and reason: On the implications of false beliefs about homosexuality.” Jones details three primary theories in the debate regarding biological origins of same-sex sexual orientation: Maternal stress, fraternal birth order, and genetics. In reviewing Ellis’ work on Maternal Stress Theory, Jones found strong selection bias in Ellis’ study in that Ellis surveyed mothers of gay sons while the mothers were being instructed about maternal stress theory itself.<sup>80</sup>

In 2003, Anthony Bogaert of Canada’s Brock University published a survey study showing that fraternal birth order of men, specifically the number of older brothers born to the same mother, correlated to increased chances of homosexual orientation. The theoretical explanation was that the mother’s immune system became sensitized to male-derived proteins.<sup>81</sup>

1. Recruitment bias in the study led to non-representative sampling.
2. Canadian Psychiatrist Joseph Berger, M.D., a Distinguished Fellow with the American Psychiatric Association, said: “It [Bogert’s study] is rubbish. It should never have been published. I suspect it was not peer-reviewed properly or was reviewed by someone

<sup>74</sup> Miron Baron, “Genetic Linkage and Male Homosexual Orientation,” British Medical Journal, Vol. 307 (Aug. 7, 1993), p. 337, cited in Peter Sprigg and Timothy Dailey (eds.), *Getting It Straight: What The Research Shows about Homosexuality*, Family Research Council, Washington, D.C. (2004), p. 13.

<sup>75</sup> Leland, J. & M. Miller, “‘Convert’?” Newsweek, August 17, 1998, p. 49.

<sup>76</sup> Dar-Nimrod, I., & Heine, S.J. (2011b). Some thoughts on essence placeholders, interactionism, and heritability: Reply to Haslam (2011) and Turkheimer (2011). *Psychological Bulletin*, 137(5), 829-833.

<sup>77</sup> *Current Directions in Psychological Science*, Vol. 9, N. 5, Oct. 2000, 160-164.

<sup>78</sup> Byne, W. & Parsons, B. (1993), “Human sexual orientation: the biologic theories reappraised.” *Archives of General Psychiatry*, 50, p. 229-239.

<sup>79</sup> L. Ellis and A. Ames (1987), “Neurohormonal functioning and sexual orientation: A theory of homosexuality-heterosexuality,” *Psychological Bulletin*, 101, 233-238.

<sup>80</sup> Stanton L. Jones (January, 2012), “Sexual orientation and reason: On the implications of false beliefs about homosexuality,” digitally published at [www.christianethics.org](http://www.christianethics.org).

<sup>81</sup> A. F. Bogaert (2003), “Number of older brothers and sexual orientation: New tests and the attraction/behavior distinction in two national probability samples,” *Journal of Personality and Social Psychology*, 84 (3), 644-652.

so biased and ignorant that they were unable to see the huge flaws and [are] essentially ignorant of the literature.”<sup>82</sup>

3. The media was quick to carry Bogaert’s claims but not the criticisms. Dr. Stanton Jones noted in his review:
  - a. Bogaert [then] analyzed two smaller nationally representative samples, finding an exceptionally weak ‘older brother’ effect only for same-sex attraction (and no effect for same-sex behavior).<sup>83</sup>
  - b. Bogaert then assessed “an independent . . . and representative sample eight times the size those of his previous studies, in which he found that the older brother effect had disappeared.”<sup>84</sup>
  - c. A study of two million Danish subjects<sup>85</sup> and another of 10,000 American adolescents also identified no “older brother” effect.<sup>86</sup>

The genetic hypothesis of same-sex sexual orientation has long held sway in the media, and twin studies helped propel this. Michael Bailey and colleagues conducted numerous studies in an attempt to show a statistically significant concordance of homosexuality in identical twins. Since identical twins share the same gene pool, the existence of a “gay gene” should have produced a near 100% rate of concordance. However, the highest percentage ever tabulated was just over 50%. When Bailey tried to replicate his findings with an Australian population of twins, his new study showed homosexuality concurring in less than half the number claimed in his original study. Dr. Neil Whitehead has extensively analyzed these studies and debunked the genetic theories.<sup>87</sup>

Prof. Jones wrote that in a 1991 Archives of General Psychiatry study, J. Bailey claimed that the concordance rate for homosexuality was 52 percent in identical male twin pairs.<sup>88</sup> Bailey had second thoughts about how his study subjects were recruited through advertisements in Chicago’s gay community (multiple biases). He next examined samples from the Australian Twin Registry, producing an identical male twin homosexual orientation concordance rate of 20 percent with simple descriptive matching at 11 percent. Bailey reported that the genetic contribution to homosexual orientation failed to show statistical significance, but the media did not tune in.<sup>89</sup>

A 2010 study of the Swedish Twin Registry found only 9.8 percent of identical male twin pairs matching for homosexual orientation.<sup>90</sup>

Dr. Francis Collins, who was the director of the Human Genome Project at the National Institutes for Health stated: “... the likelihood that the identical twin of a homosexual male will also be gay is about 20% (compared with 2-4 percent of males in the general population), indicating that sexual orientation is genetically influenced but not hardwired by DNA, and that whatever genes are involved represent predispositions, not predeterminations.”<sup>91</sup>

Per Dr. Neil Whitehead’s analysis: “... if one identical twin—male or female—has SSA, the chances are only about 10 percent that the co-twin also has it. In other words, identical twins usually differ for SSA.”<sup>92</sup>

<sup>82</sup> <http://www.narth.com/docs/bogaert.html>

<sup>83</sup> A. F. Bogaert (2003), “Number of older brothers and sexual orientation: New tests and the attraction/behavior distinction in two national probability samples,” *Journal of Personality and Social Psychology*, 84 (3), 644-652.

<sup>84</sup> A. F. Bogaert (2010), “Physical development and sexual orientation in men and women: An analysis of NATSAL-2000,” *Archives of Sexual Behavior*, 39, 110-116.

<sup>85</sup> M. Frisch, & A. Hviid (2006), “Childhood family correlates of heterosexual and homosexual marriages: A national cohort study of two million Danes,” *Archives of Sexual Behavior* 35(5), 533-547.

<sup>86</sup> A. M. Francis (2008), “Family and sexual orientation: The family-demographic correlates of homosexuality in men and women,” *Journal of Sex Research*, 45, 371-377.

<sup>87</sup> See Whitehead, N. [www.mygenes.co.nz](http://www.mygenes.co.nz).

<sup>88</sup> J. M. Bailey & R. C. Pillard, “A genetic study of male sexual orientation,” 1991, *Archives of General Psychiatry*, 48, 1081-1096.

<sup>89</sup> J. M. Bailey, M.P. Dunne, N. G. Martin, “Genetic and environmental influences on sexual orientation and its correlates in an Australian twin sample,” 2000, *Journal of Personality and Social Psychology*, 78 (3), 524-536.

<sup>90</sup> N. Långström, Q. Rahman, E. Carlstrom, & P. Lichtenstein, “Genetic and environmental effects on same-sex sexual behavior: A population study of twins in Sweden,” 2010, *Archives of Sexual Behavior*, 39, 75-80.

<sup>91</sup> Byrd, A.D., “Homosexuality Is Not Hardwired,” Concludes Dr. Francis S. Collins, Head Of The Human Genome Project. NARTH.com. April 4, 2007.

<sup>92</sup> <http://www.narth.com/docs/isminor.html>.

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*Notwithstanding the flaws in “gay gene studies,” and thanks to the constant bombardment of misinformation and disinformation by the media and the hoax perpetrated by SPLC, HRC and NCLR, the myth of a “gay gene” has seeped into the public consciousness.*

Dr. Eric Turkheimer, psychologist and behavioral genetics researcher, indicates there are two reasons why identical twins raised in the same family do not have identical outcomes. One is measurement error. The other: “...is the self-determinative ability of humans to chart a course for their own lives, . . . in a phrase, is free will.”<sup>93</sup>

In a review by Kelly Servick in 2014, it was reported that Bailey and Sanders presented another X-linked “gay gene” study. Scientists were not impressed because “genetic linkage” was used for DNA analysis rather than the current “genome-wide association” (GWA), and the researchers took an awfully long time to get published. They didn’t show underlying/causative genes, and Sanders reportedly admitted the Xq28 linkage was not statistically significant. (Neil Risch’s 1999 study disproving Xq28 was cited).<sup>94</sup>

#### **D. So how much of sexual orientation is genetic versus environmental?**

Eric Turkheimer, an expert in the field, warns that heritability statistics are tricky due to difficulty in clearly seeing and assessing environmental factors, which he feels contribute strongly to development.<sup>95</sup>

Elsewhere, Turkheimer states: “... the amount of influence that genes have on behaviors is considerably smaller than one might think.”<sup>96</sup> He insists: “... genetic essentialists were wrong about gay genes and similar nonsense.”<sup>97</sup>

Epigenetics analyzes the interaction of genes and environment. There is a life-long interplay between our genetic blueprints and our chains of choices and their consequences. For example, the more weight one gains, the more likely diabetes manifests. But even in the genetically disposed, diabetes can often be avoided or reversed by the right choices over time. Epigenetics changes constantly in response to environment and the choices we make. Looking for causation there is a recipe for misunderstanding behavior. Again, genes determine predispositions, not destiny. Heritability is not inevitability.

A UCLA team reported at the October 2015 American Society of Human Genetics conference identifying epigenetic markers with which they could predict with nearly 70% accuracy if men were homosexual. The media reported approvingly, and the scientists at the conference tore it apart for poor method and poor validity of results. Dr. John Greally (Albert Einstein College of Medicine) stated: “We can no longer allow poor epigenetics studies to be given credibility if this field is to survive . . . The problems in the field are systematic.”<sup>98</sup>

Notwithstanding the flaws in “gay gene studies,” and thanks to the constant bombardment of misinformation and disinformation by the media and the hoax perpetrated by SPLC, HRC and NCLR, the myth of a “gay gene” has seeped into the public consciousness. For example, after the 1993 publication of Dr. Hamer’s study, the New York Times headlined: “Report Suggests Homosexuality is Linked to Genes,” while the Wall Street Journal trumpeted, “Research Points Toward a ‘Gay’ Gene.” Two later headlines in the New York Times illustrate the ongoing effort to keep the theory alive: “Study Reveals New Difference between the Sexes” and “For Gay Men, Different Scent of Attraction.”<sup>99</sup>

Prof. Paul McHugh of Johns Hopkins University said: “Unlike the traits of race and sex, and again despite popular beliefs to the contrary, no replicated scientific study supports the view that sexual orientation is determined at birth.”<sup>100</sup>

93 Turkheimer, E. (2011). Genetics and human agency: Comment on Dar-Nimrod and Heine (2011). *Psychological Bulletin*, 137(5), p. 826.

94 K. Servick, Study of gay brothers may confirm X chromosome link to homosexuality, Nov. 17, 2014, <http://news.sciencemag.org/biology/2014/11/study-gay-brothers-may-confirm-x-chromosome-link-homosexuality>.

95 E. Turkheimer (2000), “Three laws of behavior genetics and what they mean,” *Current Directions in Psychological Science*, 9, 160-164; quotes p. 162.

96 Dar-Nimrod, I., & Heine, S.J. (2011b). Some thoughts on essence placeholders, interactionism, and heritability: Reply to Haslam (2011) and Turkheimer (2011). *Psychological Bulletin*, 137(5), 829-833, (quote on p. 831).

97 Turkheimer, E. (2011). Genetics and human agency: Comment on Dar-Nimrod and Heine (2011). *Psychological Bulletin*, 137(5), 825-828.

98 No, Scientists Have Not Found the ‘Gay Gene’. [theatlantic.com](http://theatlantic.com), Oct. 10, 2015.

99 New York Times. March 17, 2005, p. A25; and New York Times, May 10, 2005, p. 1.

100 Dr. Paul McHugh’s amicus brief to the SCOTUS on *Obergefell v. Hodges*.



The American Psychological Association has reviewed the research literature on origins of same-sex sexuality in the *APA Handbook of Sexuality and Psychology (APA Handbook)*.<sup>101</sup> There is no question that the APA considers its *Handbook* to be authoritative. In its “Series Preface,” the *APA Handbook on Sexuality and Psychology* states:

With the imprimatur of the largest scientific and professional organization representing psychology in the United States and the largest association of psychologists in the world, and with content edited and authored by some of its most respected members, the *APA Handbooks in Psychology* series will be the indispensable and authoritative reference resource to turn to for researchers, instructors, practitioners, and field leaders alike.<sup>102</sup>

The American Psychological Association (APA) could not confer any higher authority on the *APA Handbook of Sexuality and Psychology* than it does, bestowing its “imprimatur” and calling it “authoritative.” In addition, Dr. Lisa Diamond, a self-avowed lesbian, is co-editor-in-chief of the *Handbook*, and she authors and co-authors chapters in it. She qualifies as one of the APA’s “most respected members.”

Regarding whether there is a “gay gene,” Rosario and Scrimshaw say in the *APA Handbook*, “[W]e are far from identifying potential genes that may explain not just male homosexuality but also female homosexuality.”<sup>103</sup> The authors of the *APA Handbook* still hold that as-yet-unidentified genes contribute toward same-sex attraction in some way.

Diamond and colleagues said in 2016, “To provide a basis of comparison, it is helpful to note that higher estimates of heritability (ranging from .4 [40%] to .6 [60%]) have been found for a range of characteristics that are not widely considered immutable, such as being divorced, smoking, having low back pain, and feeling body dissatisfaction.”<sup>104</sup> One may well note that these conditions (with the exception generally for lower back pain) are also widely considered to be changeable for some through psychological intervention and without harm.<sup>105</sup> Estimates of heritability for same-sex attraction are 40% to 50% in the *APA Handbook*<sup>106</sup> but 32% in more recent publications of Diamond and colleagues.<sup>107</sup>

With respect to the role of epigenetics, Diamond and Rosky point out, “In essence, the current scientific revolution in our understanding of the human epigenome challenges the very notion of being “born gay,” along with the notion of being “born” with any complex trait. Rather, our genetic legacy is dynamic, developmental, and environmentally embedded” (emphasis added).<sup>108</sup>

Regarding the fraternal birth order hypothesis, Diamond and Rosky conclude: “Prenatal hormones potentially contribute to same-sex sexuality in some individuals but do not determine it.”<sup>109</sup>

Historically, some have conceded that some same-sex sexuality is not biologically determined while maintaining that some is. Kleinplatz and Diamond conclude: “The inconvenient reality... is that social behaviors are always jointly determined by ‘a range of constitutional propensities interacting with a range of facultative opportunities’ ... rendering the entire constitution-facultative distinction (and, of course, its implied nature-nurture distinction) overly simplistic.”<sup>110</sup>

Diamond and Rosky explain: “Even if sexual orientation were wholly determined by genes or by perinatal hormones, it would not mean that it was immutable, given that immutable means unchangeable. Although the status of a trait as biologically determined is

*Diamond and Rosky explain:  
“Even if sexual orientation were wholly determined by genes or by perinatal hormones, it would not mean that it was immutable, given that immutable means unchangeable. Although the status of a trait as biologically determined is often inflated with its capacity to change over the life course, these are not synonymous constructs.”*

101 D. Tolman & L. Diamond, Co-Editors-in-Chief, 2014, *APA Handbook of Sexuality and Psychology* (2 volumes). Washington D.C.: American Psychological Association.

102 Ibid., 1:xvi.

103 Rosario & Scrimshaw, 2014, 1:579, in *APA Handbook*.

104 Diamond & Rosky, 2016, p. 4.

105 As an example, for smoking, the APA developed and offers a psychological intervention in the form of a free mobile app, which lists evidence-based smoking-cessation interventions and other resources (APA, 2016, p. 76).

106 Rosario & Scrimshaw, 2014, 1:579, in *APA Handbook*.

107 Diamond & Rosky, 2016, p. 2; taken from Bailey et al including Diamond, 2016, p. 76.

108 Ibid.

109 Ibid., 2016, p. 4.

110 Kleinplatz & Diamond, 2014, 1:257, in *APA Handbook*.

often inflated with its capacity to change over the life course, these are not synonymous constructs.”<sup>111</sup>

In summary, the scientific literature *does not* (emphasis added) support sexual orientation being genetically or biologically determined.

#### E. What Else Contributes to Same-Sex Attractions and Gender Dysphoria?

The 2008 American Psychological Association’s brochure (and their current website, April 2017) states:

There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, gay, or lesbian orientation. Although much research has examined the possible genetic, hormonal, developmental, social, and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors. Many think that nature and nurture both play complex roles; most people experience little or no sense of choice about their sexual orientation.<sup>112</sup>

Dr. Jeffrey Satinover says of homosexuality: “It is most often a deeply-embedded condition that develops over many years, beginning long before the development of moral and self-awareness, and is genuinely experienced by the individual as though it was never absent in one form or another. It is, in other words, similar to most human characteristics, and shares with them the typical possibilities for, and difficulties in, achieving sustained change.”<sup>113</sup>

Dr. Nicholas Cummings, Ph.D., Sc.D. (past APA president, 20 years Chief of Mental Health of Kaiser-Permanente HMO, practiced in San Francisco) oversaw the treatment of 18,000 gay and lesbian clients in their system over the years with conflicts over their homosexuality and personally treated 2000.<sup>114</sup> He concluded:

There are many kinds of homosexuality: “There are as many kinds of homosexuals as heterosexuals. Homosexuality is not a unitary experience. [Some gays were quite promiscuous in response to a chaotic upbringing; some had wonderful families. Some were very conforming with traditional gender roles and others were not.]. No single cause for all homosexuality: “Dogmatism about causes is unwarranted . . . clinical experience contradicts efforts to reduce homosexuality to one set of factors.”<sup>115</sup>

In 2001, a study published by Tomeo, et al. found that 942 nonclinical adult participants: homosexual molestation was reported by 46% of the homosexual men, but 7% of the heterosexual men; and 22% of lesbian women, but only 1% of heterosexual women.<sup>116</sup>

In the *APA Handbook of Sexuality and Psychology*, Mustanski, Kuper, and Greene confirm there is excellent research evidence for “associative or potentially causal links” between childhood sexual abuse and ever having same-sex partners, especially for some men.”<sup>117</sup> They said, “The largest reviews of the literature in this area indicated that MSM [men who have sex with men] report rates of childhood sexual abuse that are approximately three times higher than that of the general male population (Purcell, Malow, Dolezal, & Carballo-Dieguez, 2004).”<sup>118</sup>

Mustanski and colleagues continue in the *APA Handbook*: “One of the most methodologically rigorous studies in this area used a prospective longitudinal case-control design that involved following abused and matched nonabused children into adulthood 30 years later. It

<sup>111</sup> Ibid.

<sup>112</sup> <http://www.apa.org/topics/sexuality/orientation.aspx>

<sup>113</sup> Satinover, Jeffrey, MD, “Dr. Jeffrey Satinover, M.D. Testifies in Mass. in Defense of the Family,” [www.Satinover.com](http://www.Satinover.com), 4/29/2004.

<sup>114</sup> Cummings, N. (July 30, 2013). Sexual reorientation therapy not unethical: Column; Southern Poverty Law Center wrongly fighting against patients’ right to choose. <http://www.usatoday.com/story/opinion/2013/07/30/sexual-reorientation-therapy-not-unethical-column/2601159/>

<sup>115</sup> Warren Throckmorton, PhD, “Homosexuality and Psychotherapy: An Interview with Nicholas Cummings,” February 19, 2007.

<sup>116</sup> Tomeo, ME, “Comparative data of childhood and adolescence molestation in heterosexual and homosexual persons.” *Arch Sex Behav.* 2001 Oct;30(5):535-41.

<sup>117</sup> Mustanski, Kuper, & Greene, 2014, 1:609-610, in *APA Handbook*.

<sup>118</sup> Ibid.

In 2001, a study published by Tomeo, et al. found that 942 nonclinical adult participants: homosexual molestation was reported by 46% of the homosexual men, but 7% of the heterosexual men; and 22% of lesbian women, but only 1% of heterosexual women.



found that men with documented histories of childhood sexual abuse had 6.75 times greater odds than controls of reporting ever having same-sex sexual partners (H. W. Wilson & Widom, 2010...The effect in women was smaller (odds ratio = 2.11) and a statistical trend ( $p = .09$ )."<sup>119</sup>

Not only sexual trauma, but psychoanalytic factors also contribute to same-sex attractions, according to the *APA Handbook of Sexuality and Psychology* upon which the APA confers its imprimatur and which it declares "authoritative." In the *Handbook*, Rosario and Schrimshaw say: "Biological explanations, however, do not entirely explain sexual orientation. Psychoanalytic contingencies are evident as main effects or in interaction with biological factors....A joint program of research by psychoanalysts and biologically oriented scientists may prove fruitful."<sup>120</sup>

There is excellent research showing loss of living with a biological parent, as through death, divorce, end of parent co-habitation, or unknown paternity, is potentially causally linked to same-sex attraction, relationships, and self-label identity. Evidence comes from three large, prospective, longitudinal, population-based studies.<sup>121</sup>

In the most stunning of these, a study of an entire population cohort of 2 million Danes found that loss of a biological parent—especially the parent of the same-sex as the child, especially during the first six years of life, and for girls the death of the mother during adolescence—was potentially causally related to entering a same-sex marriage rather than an opposite-sex marriage. The effects were stronger for boys than for girls.<sup>122</sup> The study found no evidence of the FBO effect. These findings give evidence that potentially causal social environmental factors have effects in the earliest years of childhood development. Hence, evidence for an early origin for same-sex sexuality does not in itself argue for a biological origin.

In America, similar evidence was found by studies that used the data set of the National Longitudinal Study of Adolescent to Adult Health, or Ad Health.<sup>123</sup> In one of these studies, Francis<sup>124</sup> looked at the first two waves conducted with participants at ages 16 and 17. He found that growing up without a biological mother increased the likelihood of identifying as non heterosexual by 9.5 percentage points for girls and by 4.5 percentage points for boys. Thus, mother absence was related to increased non-heterosexual identity, especially in daughters. A boy growing up without either biological parent increased the likelihood of same-sex attraction, behavior, and sexual orientation identity. The study failed to find evidence for the FBO effect.

But Francis did not find a relationship specifically between absence of the father and same-sex sexuality for a son during the first two waves of the Ad Health study. Udry and Chantala<sup>125</sup> looked at the first three waves, obtaining data at ages 16, 17, and 18 through 24, from the Ad Health data set. Unlike Francis, Udry and Chantala measured sexual attraction on two separate scales for degree of same-sex attraction and degree of opposite-sex attraction. They found that among boys who had strong same-sex interest, 90% had absent fathers, a very strong affect. The stronger the degree of same-sex attraction, the greater the likelihood of father absence, delinquency, and suicidal thoughts. As opposite sex attraction also rose, that relationship completely disappeared.<sup>126</sup> Where the biological father was present, boys were likely to experience opposite-sex attraction, possibly alongside same-sex attraction. Girls who grew up with their father absent evidenced high sex interest directed at either sex.<sup>127</sup> Thus, father absence was related to same-sex attraction, especially in boys.

*There is evidence that transgender identity also may not be a normal sexual variation. The APA Handbook says the origin of transgender identity is "most likely the result of a complex interaction between biological and environmental factors..."*

119 Ibid., p. 609.

120 Rosario & Shrimshaw, 2014, 1:583, in APA Handbook.

121 Frisch, M. and Hviid, A., Childhood family correlates of heterosexual and homosexual marriages: A national cohort study of two million Danes, *Archives of Sexual Behavior*, 2006,35:533-547; Francis, A. M., Family and sexual orientation: The family-demographic correlates of homosexuality in men and women. *Journal of Sex Research*, 2008, 45 (4):371-377, DOI:10.1080/00224490802398357; J.R. Udry & K. Chantala, Risk factors differ according to same- sex and opposite-sex interest. *Journal of Biosocial Science*, 2005, 37:481-497, <http://dx.doi.org/10.1017/S0021932004006765>.

122 Frisch & Hviid, 2006, p. 545.

123 K.M. Harris, C.T. Halpern, E. Whitsel, J. Hussey, J. Tabor, P. Entzel, and J.R. Udry, The National Longitudinal Study of Adolescent to Adult Health: Research Design, 2009, <http://www.cpc.unc.edu/projects/addhealth/design>

124 A. M. Francis, Family and sexual orientation: The family-demographic correlates of homosexuality in men and women. *Journal of Sex Research*, 2008, 45 (4):371-377, DOI:10.1080/00224490802398357

125 Udry, & Chantala, 2005.

126 Ibid., p. 487.

127 Ibid., p. 491.

*The falsehoods that the SPLC, HRC, and NCLR promote lead the public and some mental health professionals to assume that all individuals who experience any same-sex attraction are really exclusively homosexual and would be happier leaving their heterosexual marriage and breaking up their family to go have same-sex relationships.*

Regarding childhood gender dysphoria or distress, the *APA Handbook* has some important things to say. There is evidence that transgender identity also may not be a normal sexual variation. The *APA Handbook* says the origin of transgender identity is “most likely the result of a complex interaction between biological and environmental factors... Research on the influence of family of origin dynamics has found some support for separation anxiety among gender-nonconforming boys and psychopathology among mothers.”<sup>128</sup>

Further, Bockting says in the *APA Handbook*: “Premature labeling of gender identity should be avoided. Early social transition (i.e., change of gender role, such as registering a birth-assigned boy in school as a girl) should be approached with caution to avoid foreclosing this stage of (trans)gender identity development.” If there is early social transition, “the stress associated with possible reversal of this decision has been shown to be substantial....”<sup>129</sup>

The American Psychological Association, in its *Handbook*,<sup>130</sup> and the American Psychiatric Association in its *Diagnostic and Statistical Manual*<sup>131</sup> say there are three approaches to treatment: attempts to lessen the dysphoria and nonconformity, attempts to get the environment—family, school, and community—to fully accept the child’s gender-variant identity, and the wait-and-see approach. The *APA Handbook* warns that the full acceptance approach “runs the risk of neglecting individual problems the child might be experiencing and may involve an early gender role transition that might be challenging to reverse if cross-gender feelings do not persist.”

#### **F. Living Things Change and So Can Same-Sex Attraction: Change is Well Documented in Adolescents and Adults without Intervention**

Conventional wisdom that the *APA Handbook* says it is not true is that same-sex attraction never changes. The *APA Handbook* states: “[R]esearch on sexual minorities has long documented that many recall having undergone notable shifts in their patterns of sexual attractions, behaviors, or [orientation] identities over time.”<sup>132</sup> “Although change in adolescence and emerging adulthood is understandable, change in adulthood contradicts the prevailing view of consistency in sexual orientation.”<sup>133</sup> “Over the course of life, individuals experience the following:...changes or fluctuations in sexual attractions, behaviors, and romantic partnerships.”<sup>134</sup>

The *APA Handbook* states: “[I]n all studies, heterosexual identified individuals show greater stability than non heterosexual...”<sup>135</sup> That is, change is greater for same-sex sexuality than for heterosexuality.

Many individuals who seek therapy with the goal of making a significant and meaningful shift in their sexual attraction already begin with some degree of opposite-sex attraction alongside same-sex attraction, and the combination generally increases potential for change. In the *APA Handbook*, Dr. Diamond states: “Hence, directly contrary to the conventional wisdom that individuals with exclusive same-sex attractions represent the prototypical ‘type’ of sexual-minority individual, and that those with bisexual patterns of attraction are infrequent exceptions, the opposite is true. Individuals with nonexclusive patterns of attraction are indisputably the ‘norm,’ and those with exclusive same-sex attractions are the exception.” This pattern has been found internationally.<sup>136</sup>

128 Bockting, W. (2014). Chapter 24: Transgender Identity Development. In D. Tolman, & L. Diamond, Co-Editors-in-Chief, *APA Handbook of Sexuality and Psychology* (2 volumes), 2014, Washington D.C.: American Psychological Association.

129 Ibid., 1:744.

130 Ibid., 1:750-751.

131 American Psychiatric Association, 2013, DSM-5, p. 455.

132 L. Diamond, “Chapter 20: Gender and same-sex sexuality,” in D. Tolman & L. Diamond, Co-Editors-in-Chief, *APA Handbook of Sexuality and Psychology*, 2014, Washington D.C.: American Psychological Association, 1:636.

133 M. Rosario & E. Schrimshaw. “Ch. 18: Theories and etiologies of sexual orientation,” in D. Tolman & L. Diamond, Co-Editors-in-Chief, *APA Handbook of Sexuality and Psychology*, Washington D.C.: American Psychological Association, 1:562).

134 B. Mustaky, L. Kuper, and G. Geene, “Chapter 19: Development of sexual orientation and identity” in D. Tolman, L. Diamond, Co-Editors-in-Chief, *APA Handbook of Sexuality and Psychology*, Washington D.C.: American Psychological Association, 2014, 1:619.

135 Diamond, 2014, 1:636.

136 Diamond, 2014, 1:633.

Plentiful evidence (multiple large, prospective, longitudinal, representative sample and cohort studies) makes clear that both-sex attracted individuals (including bisexual and mostly heterosexual individuals) account for most same-sex sexuality, and both-sex attracted individuals experience the most change in attraction, behavior, and identity over time.<sup>137</sup>

Kleinplatz and Diamond say: “Historically such individuals [mostly heterosexual] have been treated with skepticism and suspicion by laypeople and scientists alike. They have been viewed as either closeted lesbian, gay, or bisexual individuals (who cling to a mostly heterosexual label to avoid the stigma associated with same-sex sexuality) or as confused or questioning ‘heteroflexibles.’”<sup>138</sup>

Kleinplatz and Diamond urge that “it is critically important for clinicians not to assume that any experience of same-sex desire or behavior is a sign of latent homosexuality and instead to allow individuals to determine for themselves the role of same-sex sexuality in their lives and identity.”<sup>139</sup>

The falsehoods that the SPLC, HRC, and NCLR promote lead the public and some mental health professionals to assume that all individuals who experience any same-sex attraction are really exclusively homosexual and would be happier leaving their heterosexual marriage and breaking up their family to go have same-sex relationships. An anecdotal illustration of the harm comes from the experience of a man whose therapist told him his sexual attraction could not change, and he would be happier leaving his wife and daughter to have gay relationships. In despair, not relief, he left his marriage and family, and for nine years he had gay relationships, living a life he did not want to live. At the end, he decided to get help to change his sexual attraction, and he married a woman. But he grieves the years he and his daughter lost that he was not living with her and raising her full time, a loss that can never be made up to them.<sup>140</sup>

Yes, they should. Some non exclusively same-sex attracted individuals want to protect their heterosexual relationship and family by stopping periodic same-sex behavior. Should they be able to get that help? Yes, they should. Some non exclusively same-sex attracted minors or young adults aspire to be able to be in an opposite sex relationship and to procreate children with their partner and raise them together, as many people aspire to do, but they may need help to change periodic or a small amount of same-sex attraction. The SPLC, HRC, and NCLR tell them they can never change and try to make therapy to help them be illegal.

Also, both the American Psychiatric Association<sup>141</sup> and the American Psychological Association<sup>142</sup> recognize childhood transgender identity fluctuates. As many as 75% to 98% of gender-confused boys and as many as 75% to 88% of gender confused girls will eventually accept their chromosomal sex by adolescence or adulthood if allowed to do so.

Change is the norm for sexual orientation and childhood gender dysphoria. Therapy that is open to exploring an individual’s potential for a shift in sexual attraction or gender identity is better aligned with the norm of change and direction of change for sexual orientation and childhood gender dysphoria than is gay-affirmative or transgender-affirmative therapy.

Adolescents who experience any same-sex attraction, behavior, or identity self-label should not be led to interpret these as meaning they have a stable sexual orientation trait. Researchers nowadays do not even try to measure homosexuality as a stable or coherent trait. Instead, they often measure sexual orientation by one or more of three separate components: sexual attraction, behavior, or self-label identity. The *APA Handbook* says these do not necessarily match within the same individual.<sup>143</sup>

137 R. Savin-Williams, K. Joyner, & R. Rieger, Prevalence and stability of self-reported sexual orientation identity during young adulthood. *Archives of Sexual Behavior*, 2012, 41:104, 106, 109; Diamond & Rosky, 2016, pp. 6-9; see Table 1 on p. 7; Diamond, 2014, 1:633-635, in *APA Handbook*.

138 Kleinplatz & Diamond, 1:256, in *APA Handbook*.

139 *Ibid.*, 1:257.

140 Personal communication between this man and one of the authors of this document. This man was not a client of anyone associated with this document.

141 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5), Arlington, VA: American Psychiatric Association, 2013, calculations from p. 455 yield the 98% and 88% figures.

142 W. Bockting, “Chapter 24: Transgender Identity Development,” in D. Tolman & L. Diamond, Co-Editors-in-Chief, *APA Handbook of Sexuality and Psychology*, Washington D.C.: American Psychological Association, 1:744 gives the 75% figure.

143 Rosario & Schrimshaw, 1:558-559; Diamond, 2014, 1:634; both in *APA Handbook*.

*Diamond and Rosky concluded: “Several... studies have now been completed and they unequivocally demonstrate that same-sex and other-sex attractions do change over time in some individuals.” Across several large, population-based, prospective, longitudinal studies, among same-sex attracted individuals who changed, 50 to 100% changed to exclusive heterosexuality.*

*Udry and Chantala, examining the data from the first two waves, found 89% of exclusively same-sex attracted boys experienced change in sexual identity in just one year from age 16 to age 17. After one year's time, only 11% remained identified as exclusively same-sex attracted. The majority, 54%, migrated toward or to exclusive heterosexuality, with 48% exclusively opposite-sex attracted and 6% newly attracted to both sexes. These results show that nearly half of adolescent boys changed from exclusive homosexual attraction to exclusive heterosexual attraction in just one year.*

For example, heterosexual minors who had same-sex attraction and behavior forced upon them by childhood molestation could have bisexual attraction, homosexual behavior, and heterosexual identity, if there is a sense that the same-sex sexuality does not represent the authentic self.

Diamond and Rosky concluded: "Several...studies have now been completed and they unequivocally demonstrate that same-sex and other-sex attractions do change over time in some individuals."<sup>144</sup> Across several large, population-based, prospective, longitudinal studies, among same-sex attracted individuals who changed, 50 to 100% changed to exclusive heterosexuality.<sup>145</sup>

Opponents of SOCE often claim that sexual attraction can never change from exclusively same-sex attraction to exclusively opposite-sex attraction. But that is not true. The University of Chicago 1994 (US) National Health and Social Life Survey (UHSLS) conducted by Laumann and colleagues reported that "men who report same-gender sex only before they turned eighteen, not afterward, constitute 42 percent of the total number of men who report ever having a same-gender experience."<sup>146</sup> This study continues to be highly regarded and has not ceased to be cited by leading researchers to this day, as exemplified by numerous citations in the *APA Handbook*.<sup>147</sup>

There is yet more excellent evidence of complete change from exclusive same-sex attraction to exclusive opposite-sex attraction in adolescents. The National Longitudinal Study of Adolescent to Adult Health (Ad Health) is also highly regarded and is reviewed in the *APA Handbook*. It has now gone through five waves of data collection on a large, nationally representative sample. Udry and Chantala, examining the data from the first two waves, found 89% of exclusively same-sex attracted boys experienced change in sexual identity in just one year from age 16 to age 17. After one year's time, only 11% remained identified as exclusively same-sex attracted. The majority, 54%, migrated toward or to exclusive heterosexuality, with 48% exclusively opposite-sex attracted and 6% newly attracted to both sexes. These results show that nearly half of adolescent boys changed from exclusive homosexual attraction to exclusive heterosexual attraction in just one year. For 35% of the boys, same-sex attraction dropped out, but heterosexual attraction had not developed. They became neither-sex attracted. Boys who were neither-sex attracted in early adolescence went on to develop attraction to women in the Ad Health study as Savin-Williams and Ream continued to follow them.<sup>148</sup>

In support of findings of Savin-William and Ream, it may be noted here that similar results were found in the Growing Up Today Study (GUTS) in 2013. This study is a large, prospective, longitudinal cohort study of the children of women participating in the Nurses' Health Study II. The researchers, Ott and colleagues, documented the plasticity of same-sex sexuality of youth beginning at ages 9 through 14 and following up every two years thereafter.<sup>149</sup> They found that youth who were unsure or uncertain of their sexual identity predominantly migrated to an exclusive heterosexual identity.<sup>150</sup>

Savin-Williams and Ream (2007), commenting on the findings of the first three waves of the Ad Health study, said that, overall, the majority of shifts in sexual behavior were toward heterosexuality.<sup>151</sup> "Participants indicating non heterosexuality in Wave 1 were often not the same individuals who indicated non heterosexuality one and five years later."<sup>152</sup> "All attraction categories other than opposite-sex were associated with a lower likelihood of stability over time."<sup>153</sup>

144 Diamond & Rosky, 2016, p. 6.

145 Ibid., p. 7, Table 1.

146 E. O. Laumann, J. H. Gagnon, R. T. Michael, & S. Michaels, *The Social Organization of Sexuality: Sexual Practices in the United States*, Chicago: University of Chicago Press, 1994, p. 296.

147 Examples in *APA Handbook*, 2014: Diamond 1:645; Rosario & Schrimshaw, 1:557, 558-559, 564.

148 Rosario & Schrimshaw, 2014, 1:256, in *APA Handbook*, regarding Savin-Williams & Ream, 2007.

149 M. Ott, D. Wypij, H. Corliss, M. Rosario, S. Reisner, A. Gordon, S. Austiln, Repeated changes in reported sexual orientation identity linked to substance use behaviors in youth, *Journal of Adolescent Health*, 2013 52(4): 465-472. <http://dx.doi.org/10.1016/j.jadohealth.2012.08.004>.

150 Rosario & Schrimshaw, 2014, 1:562, in *APA Handbook*.

151 Savin-Williams and Ream, 2007, p. 386.

152 Ibid., p. 393.

153 Ibid., p. 389.



Reflecting on the first four waves of the Ad Health study, Savin-Williams and Joyner in 2014 observed that: “approximately 80% of adolescent boys and half of adolescent girls who expressed either partial or exclusive same-sex romantic attraction at Wave I ‘turned’ heterosexual (opposite-sex attraction or exclusively heterosexual identity) as young adults.”<sup>154</sup>

There has been some debate as to whether some of the adolescent participants that Savin-William and Ream studied in the first three waves acted as “jokesters” in their responses, resulting in the high rates of same-sex attracted adolescents becoming heterosexual.<sup>155</sup> However, the authors had noted that their findings are consistent with those of other highly regarded studies, including that of Laumann and colleagues. The latter, one may note, obtained their findings from retrospective reports by adults aged 18 to 59,<sup>156</sup> not from 16 or 17 year olds. Savin-Williams and colleagues had highlighted that Laumann et al. “expressed doubt about the extent to which non heterosexual sexual categories, behaviors, and attractions remained stable over time.... Yet, researchers readily acknowledge the existence of such sexual groups (“gay youth”) with little evidence that these individuals will be in the same group a month, a year, or a decade henceforth.”<sup>157</sup>

It was important that students’ sexual confusion is not entrenched by the born-that-way-and-can’t-change rhetoric of the SPLC, HRC, and NCLR. The norm is that most will experience change if allowed to. It is possible, however, that some may need help from therapy in the process.

Prof. Paul McHugh said: “... researchers have found that all three of the most frequently mentioned dimensions of sexual orientation – attraction, behavior, and identity – are subject to change over time.”<sup>158</sup>

From Columbia University Press: “At clinical conferences one often hears . . . that homosexuality is fixed and unmodifiable. Neither assertion is true...The assertion that homosexuality is genetic is so reductionist that it must be dismissed out of hand as a general principle of psychology.”<sup>159</sup>

Dr. Dean Hammer said: “Women tend to be more sexually fluid. We’ve interviewed lesbians who have always identified as lesbian but who fantasize about men.”<sup>160</sup>

Dr. Lisa Diamond determined from her research: “Sexuality identity is far from fixed in women who aren’t exclusively heterosexual.”<sup>161</sup>

Dr. Lisa Diamond, co-editor in chief of the *APA Handbook of Sexuality and Psychology*, an avowed lesbian, and a political activist, is adamantly on a campaign to get political activists such as those at the SPLC, HRC, and NCLR, to stop perpetrating the harmful claim that sexual orientation does not change, like skin color. For nearly a decade, she has not backed down on her mission, yet the SPLC, HRC, and NCLR have knowingly continued to push their false and misleading claims.

The following are some examples of her statements that such claims are false, misleading, and harmful.

Dr. Diamond reported on her 10-year longitudinal study of non-heterosexual women in her book, *Sexual Fluidity: Understanding Women’s Love and Desire*. This book won the “Distinguished Book Award” from the APA Division 44 (LGBT). In this book, Dr. Diamond weighed in on the harm of political activists promoting the “can’t change” myth. She acknowledged that, for political motives, some activists “keep propagating a deterministic model: sexual minori-

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154 R. Savin-Williams, & K. Joyner., The dubious assessment of gay, lesbian, and bisexual adolescents of Add Health. Archives of Sexual Behavior, 2014, 43(no. 3): 413-422. See p. 416 for quote. <http://dx.doi.org/10.1007/s10508-013-0219-5>.

155 For an overview of the debate, see L. Mayer, & P. McHugh, Sexuality and gender: Findings from the biological, psychological, and social sciences, The New Atlantis, A Journal of Technology & Society, Special Report, Fall 2016, 50:1-143. <http://www.thenewatlantis.com/publications/executive-summary-sexuality-and-gender>

156 Laumann et al. 1994.

157 Savin-Williams & Ream, 2007, p. 389.

158 Dr. Paul McHugh’s amicus brief to the SCOTUS on Obergefell v. Hodges.

159 Friedman, R.C. and Downey, J.I., 2002, Sexual Orientation and Psychoanalysis: Sexual Science and Clinical Practice, New York: Columbia University Press, p. 39.

160 John Gallagher, “Gay for the Thrill of it,” The Advocate, Feb. 17, 1998.

161 Diamond, L.M., Sexual Identity, Attractions, and Behavior Among Sexual Minority Women Over a 2 Year Period, Developmental Psychology, 2000, 36(2), pp. 241-250

*The SPLC has admitted electric shock is not presently being used at all in psychotherapy to change sexual attraction or behavior. As we will document, so that would mean they admit it is not being used on minors. Is there credible evidence that electric shock has ever been used on children or adolescents to change sexuality?*

ties are born that way and can never be otherwise.” She addressed the question, “[I]s it really so bad that it is inaccurate?” Her answer was, “Over the long term, yes, particularly because women are systematically disenfranchised by this approach.” She said this deceptive practice does harm to women who have experienced sexual attraction fluidity and have “thought there was something wrong with them.” She said this “silencing is ironic,” because it is being inflicted by the modern lesbian/gay/bisexual rights movement.<sup>162</sup>

In a 2013 lecture to an LGBT audience at Cornell University, Dr. Diamond said, “I feel as a community, the queers have to stop saying, ‘Please help us. We’re born this way, and we can’t change’ as an argument for legal standing. I don’t think we need that argument, and that argument is going to bite us in the ass, because now we know that there’s enough data out there, that the other side is aware of as much as we are aware of it.”<sup>163</sup> In other words, she said, “Stop saying ‘born that way and can’t change’ for political purposes, because the other side knows it’s not true as much as we do.”

A 2016 “Annual Review of Sex Research Special Issue” of the Journal of Sex Research features a review by Diamond and attorney, Rosky. The abstract says, “We review scientific research and legal authorities to argue that the immutability of sexual orientation should no longer be invoked as a foundation for the rights of individuals with same-sex attractions and relationships (ie., sexual minorities)....arguments based on the immutability of sexual orientation are unscientific, given what we now know from longitudinal, population-based studies of naturally occurring changes in the same-sex attractions of some individuals over time.... arguments about the immutability of sexual orientation are unjust....”<sup>164</sup>

In this paper, the authors further said: “We hope that our review of scientific findings and legal rulings regarding immutability will deal these arguments a final and fatal blow.”<sup>165</sup>

Diamond and Rosky testify that the immutability claims of activists, such as those in the SPLC, HRC, and NCLR, are “unjust.” Diamond testifies such claims cause harm, and the methods of political activists who perpetrate the falsehood inflict “silencing.” They lead individuals who experience change in same-sex attractions to think there is something wrong with them and can leave them feeling alone in their experience.

#### **H. No “Electric Shock,” “Electroconvulsive Shock,” or Credible Evidence of Harm**

The SPLC has admitted electric shock is not presently being used at all in psychotherapy to change sexual attraction or behavior. As we will document, so that would mean they admit it is not being used on minors. Is there credible evidence that electric shock has ever been used on children or adolescents to change sexuality?

An extensive research review by an APA task force in 2009<sup>166</sup> concluded there is no research on sexual orientation change efforts for children<sup>167</sup> or adolescents.<sup>168</sup> Although the task force conducted a review of behavior modification research on sexual orientation change efforts, it found no research showing that electric shock has ever been used or coerced on children or adolescents to modify sexuality. In fact, it said there is no research on change therapy for minors whatever. Those who make such claims furnish no scientific research or reliable evidence of such a practice either. The petitioners of this complaint to the FTC do not use electric shock methods, nor do they know of anyone who does, and certainly not with minors.

Historically, aversive methods such as electric shock were used with informed and consenting adult clients by mainstream psychotherapists, especially in the 1960’s and early 1980’s, as a small, experimental part of the dominant form of psychotherapy at the time called behavior modification. The philosophy of behavior modification was to treat only objectively observable behaviors, not internal experiences per se. Behavior modification provided pos-

<sup>162</sup> Ibid., 2008, pp. 256-257.

<sup>163</sup> Diamond, L. (Published Dec. 6, 2013). Lisa Diamond on sexual fluidity of men and women, Cornell University. From Diamond, L. (Oct. 17, 2013). Just how different are female and male sexual orientation? Human Development Outreach and Extension Program. <https://www.youtube.com/watch?v=m2rTHDOuUBw>.

<sup>164</sup> Diamond & Rosky, 2016, p. 1.

<sup>165</sup> Ibid., p. 3.

<sup>166</sup> APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation, Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation, 2009, Washington, DC: American Psychological Association.

<sup>167</sup> Ibid, p. 72.

<sup>168</sup> Ibid, p. 73.



itive consequences for behaviors a client wanted to increase and aversive consequences for behaviors a client wanted to decrease. When electric shock was used, an adult client chose the level of shock, and the shock was delivered into a muscle in an arm or leg, never the genitals. The use of electric shock was voluntary, not coerced. Aversive methods such as electric shock certainly were not used just for unwanted sexual behaviors. They were also used for cessation of smoking and for alcohol abuse.<sup>169</sup>

Behavior modification was so popular among therapists that an individual practically had to be a behaviorist to be the chair of a psychology department in a college or university. Therapists flocked to huge conferences on behavior modification. Use of electric shock to diminish same-sex attraction stopped, not because of lawsuits, but because the American Psychiatric Association removed homosexuality from the Diagnostic and Statistical Manual, second edition. By the end of the 1980's, behavior modification was being replaced by cognitive behavioral therapy (CBT) that was becoming dominant, and aversive methods such as electric shock went by the wayside.

To our knowledge, psychotherapists have not used electric shock or other aversive methods for decades, and we know of no reliable evidence that licensed psychotherapists ever used electric shock on minors for sexual behaviors. If anyone who was born in recent decades claims they received electric shock or aversive methods from a licensed mental health professional when they were a child, especially for same-sex attractions or gender identity, their claim should be taken with a very large grain of salt. But if there was a case where such a method was used, the claimant should make a complaint to the licensing board in their state, and doing so will stop its use.

There is no evidence that "electroconvulsive shock" was ever used by licensed mental health professionals to modify sexuality, contrary to the claims of the NCLR and Washington state bill HB 2541 quoted above. Electroconvulsive shock therapy (ECT) is a method used by some psychiatrists for the most severe cases of depression, mania, or some other severe psychiatric disorders.<sup>170</sup> Electroconvulsive therapy is not the electric shock method that was used in behavior modification to modify behavior. We know of no instances where clients were caused to convulse from electric shock as a method of modifying behavior or sexuality. There is little doubt that the purpose in using the term "electroconvulsive electric shock" is to alarm and deceive legislators into banning therapy.

The SPLC, HRC, and NCLR claim that therapy with minors that is open to SOGI change results in "suicide" or "death." Opponents frequently cite research by Ryan et al. (2009) about suicide in same-sex attracted minors as if it is about SOCE change therapy, but therapy that is open to SOGI change was not even mentioned in the study, and there was no indication any of the participants had such therapy.<sup>171</sup>

Opponents not only regularly claim therapy that is open to change employs aversive methods such as electric shock or electroconvulsive shock therapy and leads to suicide and death. Opponents also often claim the American Psychological Association Task Force Report in 2009 found scientific evidence that sexual orientation change efforts are ineffective or harmful, even using such words as "dangerous," "psychologically damaging" or "stark," but such claims are false. Diamond and Rosky are guilty of this, as a review by Rosik penetratingly critiques.<sup>172</sup>

In reality, the APA task force report found research evidence for the safety and effectiveness of both therapy that is open to change and gay-affirmative therapy to be inconclusive. "Inconclusive" just means the task force had no idea. The Task Force also reported that no data for the safety of gay-affirmative therapy existed.<sup>173</sup> Lack of evidence as to whether a

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169 D. Byrd & J Phelan, Facts and myths on early aversion techniques in the treatment of homosexual attractions. <https://www.narth.com/aversion-techniques->

170 Electroconvulsive therapy and other depression treatments. WebMD, <http://www.webmd.com/depression/guide/electroconvulsive-therapy#1>

171 Ryan, C., Huebner, D., Diaz, R. M., & Sanchez, J. (2009). Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay, and bisexual young adults. *Pediatrics*, 123, 346-352. doi: 10.1542/peds. 2007-3524.

172 C. Rosik, Research review: The quiet death of sexual orientation immutability; How science loses when political advocacy wins, 2016, <http://www.learntolove.co.za/images/Quiet-Death-of-Sexual-Orientation-Immutability.pdf>

173 American Psychological Association Task Force., Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation, 2009, Washington, DC: American Psychological Association.

*Yet the evidence that sexual orientation change efforts, or SOCE, are harmful is virtually all anecdotal – the kind of evidence which critics of SOCE refuse to accept with regard to the effectiveness question.*

*[T]he APA reported anecdotal evidence of both benefits and harms, but ultimately declared that “the recent studies do not provide valid causal evidence of the efficacy of SOCE or of its harm.”*

therapy is safe or effective—whether the therapy be heterosexual affirmative therapy or gay affirmative therapy—does not equal evidence that the therapy is ineffective or harmful. Put another way, lack of evidence does not equal evidence of lack.

If lack of conclusive research evidence is grounds for labeling a goal of therapy, “harmful, quackery, snake oil, bogus, consumer fraud” and something that “should be banned,” then gay-affirmative therapy, transgender-affirmative therapy, “wait-and-see” therapy, and many other approaches to therapy should be given those same labels and be “banned.”

Peter Sprigg, senior fellow for policy studies at the Family Research Council, offered the following analysis of what the APA has said about sexual orientation change efforts in his testimony to the state of Vermont.<sup>174</sup>

The American Psychological Association (APA), under the sway of ideological opponents of reorientation therapy, has criticized and discouraged (but never banned) reorientation therapy. Yet even the APA acknowledges that: “participants reporting beneficial effects in some studies perceived changes to their sexuality, such as in their sexual orientation [attraction], gender identity, sexual behavior, [and/or] sexual orientation identity.”

Critics cite another APA statement that there is “no sufficiently scientifically sound evidence that sexual orientation can be changed.” This, however, means only that the evidence does not meet all the criteria for “gold standard” social science research, such as large, random samples, a prospective and longitudinal design (tracking people before, during, and after therapy), and use of a control group.

Yet the evidence that sexual orientation change efforts, or SOCE, are harmful is virtually all anecdotal – the kind of evidence which critics of SOCE refuse to accept with regard to the effectiveness question.

...[T]he APA reported anecdotal evidence of both benefits and harms, but ultimately declared that “the recent studies do not provide valid causal evidence of the efficacy of SOCE or of its harm.”

Psychotherapy, in general, results in harm for 5-10% of adults and 15-24% of minors.<sup>175</sup> For anti-change therapy activists to justify their claims, they would need research that meets scientific standards and demonstrates that harm from therapy that is open to change significantly exceeds the general rate of harm and is prevalent. No such data exists.

Wild anecdotes claiming harm from therapy that is open to change that some opponents’ repeat should be carefully checked for validity. The fact is, there are 600 reports of successful sexual orientation change spanning 125 years. Dr. Alfred Kinsey himself, arguably the father of scientific study into homosexuality, helped more than 80 homosexual men make a “satisfactory heterosexual adjustment, which either accompanied or largely replaced earlier homosexual experience.” The record includes that he helped “a boy”<sup>176</sup>

Former APA president Nicholas Cummings initiated the 1975 APA resolution that homosexuality is not a mental illness. As Kaiser San Francisco psychology chief, he saw “hundreds” of homosexuals “change and live very happy heterosexual lives.”<sup>177</sup> Dr. Robert Spitzer, famous for his parallel resolution to remove homosexuality from the list of mental disorders in the American Psychiatric Association, published research showing change therapy is effective for

<sup>174</sup> P. Sprigg, Written Testimony in Opposition to Vermont Bill S. 132, Re: Prohibition of “conversion therapy” on minors, February 26, 2016. <http://www.frc.org/testimony/testimony-by-peter-sprigg-in-opposition-to-vermont-bill-s-132>

<sup>175</sup> Lambert, M. (2013). The efficacy and effectiveness of psychotherapy. In Michael J. Lambert (Ed.), *Bergin and Garfield’s Handbook of Psychotherapy and Behavior Change* (6th Edition), pp. 169-218. Hoboken, NJ: Wiley.; Lambert, M., & Ogles, B. (2004). *The efficacy and effectiveness of psychotherapy*. New York, NY: Wiley.

<sup>176</sup> Pomeroy, W. (1972). Dr. Kinsey and the Institute for Sex Research. N.Y. Harper and Row. Pp. 75-77.

<sup>177</sup> See: N. Cummings, 2011 NARTH Conference: Dr. Cummings, Convention, National Association of Research and Therapy for Homosexuality (NARTH), Phoenix, AZ. See 29:20 min to 33:10 min. <https://www.youtube.com/watch?v=B-KxYBch2LVM>. Cummings also submitted an affidavit in the SPLC’s lawsuit against JONAH.

those who seek it.<sup>178</sup> Rebutting controversy, the editor of the prestigious journal that published the study confirmed the research was sound.<sup>179</sup>

An early report on a current longitudinal research being conducted in response to the APA Task Force recommendations is finding reorientation therapy to be safe and effective.<sup>180</sup> Testimonies of real individuals who actually experienced successful and safe change in sexual attraction through therapy can be found at: Voices-of-Change.org.

## V. PETITIONERS' STATEMENT: PROTECT THERAPY EQUALITY FOR MINORS THAT HAVE UNWANTED SAME-SEX ATTRACTIONS OR GENDER IDENTITY

California was the first of a handful of states to ban sexual orientation or gender identity (SOGI) change efforts for minors. Since that time, several states and multiple cities and other jurisdictions have moved to enact similar bans, despite having truthful and scientifically accurate information. Thank you for the opportunity to provide information and share concerns about the unintended consequences we have seen from this anti-change-therapy legislation, and the three organizations discussed in this complaint that are known to be pushing these bills across the country.

Therapy that is open to SOGI change is generally not a form of therapy but openness to a client's freely chosen goal of change using any contemporary form of talk therapy. Contemporary licensed mental health professionals use no coercion or aversive methods. If any exceptions occurred, licensing boards would address these issues. The SPLC, HRC, and NCLR grotesquely misrepresent therapy that is open to a client's goal of change in sexual attraction or behavior or gender identity. Their flagrant and deceptive claims scare minors and adults and are used to deprive children of therapy.

The SPLC, HRC, and NCLR also perpetuate the false and misleading impression that sexual orientation is immutable like skin color. Sexual orientation is not resistant to change; in fact, it is the norm for sexual orientation to change. The American Psychological Association recognizes sexual orientation change.<sup>181</sup> Abundant excellent research has now established that sexual orientation—including attraction, behavior, and identity self label—all three—is fluid for both adolescents and adults and for both genders, and exceptions for LGB individuals are a minority. Change from exclusive homosexual attraction to exclusive heterosexual attraction occurs frequently among adolescents.<sup>182</sup> Sometimes sexual attraction and identity change more than once.<sup>183</sup> Imagine a statement that skin color changes, sometimes from extremely light to extremely dark, in both adolescents and adults and in both men and women, sometimes more than once, and the exceptions are the minority. Such a statement would be absurd. Sexual orientation is not like skin color. "Born that way and can't change" is not true.<sup>184</sup>

In addition, both the American Psychiatric Association<sup>185</sup> and the American Psychological Association<sup>186</sup> recognize gender identity fluctuates for the vast majority of minors, again, unlike skin color.

Individuals who experience same-sex sexuality and gender variation have a right to know the truth about change. Perpetrating the falsehood that same-sex sexuality and childhood gender variation do not change leaves those who experience change—most individuals who experience same-sex sexuality or childhood gender distress—to think there is something

<sup>178</sup> R. L. Spitzer, Can some gay men and lesbians change their sexual orientation? 200 participants reporting a change from homosexual to heterosexual orientation. *Archives of Sexual Behavior*, 2003, 32(5):403-417. doi: 10.1037/t02175-000.

<sup>179</sup> Dreger, A., How to ex an "ex-gay" study. April 11, 2012, *Psychology Today Blog*. <http://www.psychologytoday.com/blog/fetishes-i-dont-get/201204/>

<sup>180</sup> Pela, C. & Nicolosi, J. (March 10, 2016) Clinical outcomes for same-sex attraction distress: Well-being and change,. Conference of the Christian Association for Psychological Studies (CAPS), Pasadena, CA. <http://www.joseph-nicolosi.com/collection/outcome-research>

<sup>181</sup> Diamond, 2016, 1:642, in *APA Handbook*.

<sup>182</sup> Udry & Chantala, 2005, found that 48%, nearly half, of exclusively homosexually attracted boys aged 16 became exclusively heterosexual one year later at age 17. Laumann et al., 1994, found that 42% of men who ever had same-sex relationships never did so again after age 18.

<sup>183</sup> Katz-Wise & Hyde, 2014.

<sup>184</sup> Per research reviews by Diamond & Rosky, 2016, and by Whitehead & Whitehead, 2016.

<sup>185</sup> American Psychiatric Association (2013). *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5). Arlington, VA: American Psychiatric Association, pp. 451-459. See especially pp. 455-456.

<sup>186</sup> Bockting, 2014, 1:744, in *APA Handbook*.

*The SPLC, HRC, and NCLR also perpetuate the false and misleading impression that sexual orientation is immutable like skin color. Sexual orientation is not resistant to change; in fact, it is the norm for sexual orientation to change. The American Psychological Association recognizes sexual orientation change.*

*Most adolescents and adults who identify themselves as same-sex-attracted will change toward or to exclusive opposite sex attraction. Therapy that is open to change is far more congruent with the norm of change in adolescent and adult sexual attraction development than is gay-affirmative therapy. So it should be successful for some, and how dangerous can it be?*

wrong with them, and it subjects them to feeling alone in their experience. As Rosik summarized from Diamond and Rosky:

“Immutability arguments actually marginalize and stigmatize those who do not experience their sexuality as fixed,”<sup>187</sup> namely, most same-sex attracted minors and adults.

Non-heterosexual adults who have not experienced fluidity themselves are the minority and are more likely to believe sexual orientation is resistant to change for all non-heterosexuals,<sup>188</sup> contrary to abundant and conclusive research.<sup>189</sup> The SPLC, HRC, and NCLR seek therapy bans that privilege minors who do not change over minors who do change or could change with help from therapy, that is, most SOGI minors.

One gets the impression from the SPLC, HRC, and NCLR that same-sex attracted minors and adults are exclusively and permanently same-sex attracted, so attempts to change same-sex attraction are attempts to change a person’s essential or core self, hence impossible and harmful. However, abundant research has established that the majority of individuals who experience same-sex attraction (SSA) not only experience change in sexual attraction, they also already experience opposite-sex attraction (OSA). In fact, the majority of individuals who experience SSA are mostly opposite sex attracted (mostly OSA). These mostly heterosexual individuals are greater in number than all other individuals with gay, lesbian, and bisexual attractions combined. The majority of bisexually attracted individuals experience change toward or to exclusive heterosexual attraction. The majority of mostly heterosexually attracted individuals undergo a complete transformation to exclusive heterosexual attraction.<sup>190</sup>

Some who are attracted to both sexes are in heterosexual relationships and desire therapy to help them be faithful and keep their families together. Some youths are not yet in relationships, but they aspire to have faithful heterosexual relationships and families and need therapy assistance to fulfill their potential to do so. The SPLC, HRC, and NCLR create a false portrayal of sexual orientation that excludes them—the vast majority of same-sex attracted individuals— and deprives them of therapy appropriate to their needs.

Most adolescents and adults who identify themselves as same-sex-attracted will change toward or to exclusive opposite sex attraction.<sup>191</sup> Therapy that is open to change is far more congruent with the norm of change in adolescent and adult sexual attraction development than is gay-affirmative therapy. So it should be successful for some, and how dangerous can it be?<sup>192</sup>

According to the American Psychiatric Association’s Diagnostic and Statistical Manual, Fifth Edition (DSM-5) and the *APA Handbook of Sexuality and Psychology*, as many as 75%<sup>193</sup> to 98%<sup>194</sup> of gender dysphoric boys and as many as 75%<sup>195</sup> to 88%<sup>196</sup> of gender dysphoric girls eventually accept their chromosomal sex. Therapy that is open to change is far more congruent with the norm of gender dysphoria development in minors than is transgender-affirmative therapy, so it should be successful for some, and how dangerous can it be?

There is credible scientific evidence that childhood sexual molestation<sup>197</sup> and parent absence through death, divorce, end of parent co-habitation, or unknown paternity are potentially causally linked to same-sex sexuality.<sup>198</sup> Some individuals would like to decide for them-

187 Rosik, 2016, p. 10.

188 Katz-Wise & Hyde (2014). Sexual fluidity and related attitudes and beliefs among adults with a same- gender orientation. *Archives of Sexual Behavior*. DOI 10.1007/s10508-014-0420-1.

189 See these reviews: Diamond, L. (Published Dec. 6, 2013). Lisa Diamond on sexual fluidity of men and women, Cornell University. From Diamond, L. (Oct. 17, 2013). Just how different are female and male sexual orientation? Human Development Outreach and Extension Program. <https://www.youtube.com/watch?v=m2rTHDOuUBw>; Diamond & Rosky, 2016; APA Handbook, 2014; Whitehead & Whitehead, 2016.

190 Diamond & Rosky, 2016, p. 7 and Table 1; Savin-Williams, Joyner, & Reiger, 2012, APA Handbook, 2014.

191 Udry & Chantala, 2005; Savin-Williams & Ream, 2007; Laumann et al., 1994.

192 Savin-Williams & Ream, 2007; Savin-Williams, Joyner, and Rieger, 2012; see analysis of these studies in Whitehead & Whitehead 2013, Ch.12, pp. 231-235.

193 American Psychiatric Association, 2013, DSM-5, calculated from p. 455.

194 Bockting, 2014, 1:744, in APA Handbook.

195 American Psychiatric Association, 2013, DSM-5, calculated from p. 455

196 Bockting, 2014, 1:744, in APA Handbook.

197 Rosario & Shrimshaw, 2014, 1:583, in APA Handbook; Tomeo, ME, “Comparative data of childhood and adolescence molestation in heterosexual and homosexual persons.” *Arch Sex Behav*. 2001 Oct;30(5):535-41.

198 Frisch, M. and Hviid, A., Childhood family correlates of heterosexual and homosexual marriages: A national cohort study of two million Danes., *Archives of Sexual Behavior*, 2006, 35:533-547; Francis, A. M., Family and sexual ori-



selves whether their sexual orientation or gender identity (SOGI) represents an authentic or positive variation of sexuality for themselves. No activist organization, professional organization, or legislature should decide that for others. A position that sexual variation is always normal and positive marginalizes and stigmatizes those who are experiencing a painful link between trauma, parent loss, other psychoanalytic injuries, and same-sex sexuality.

The SPLC, HRC, and NCLR have, through propagating falsehoods to legislatures, caused therapy to be denied to heterosexual children who had same-sex sexuality forced on them through childhood molestation. These children specifically want therapy that will help them CHANGE their attractions and behavior. Depriving children of therapy to help them change same-sex attraction or behavior abuses victims of childhood sexual abuse.

All have a right to know that non-heterosexual orientation and childhood gender confusion change spontaneously in most cases and therapy assistance may be needed to help.

Therapy that is open to change seeks to help parents love their same-sex attracted (SSA) or transgendered or gender non-conforming (TGNC) minor who may have suffered psychological injuries and respect their child's wish to have or not have therapy that is open to change.

The American Psychiatric Association could not conclude whether various therapeutic approaches for children—to change gender dysphoria, to affirm TGNC identity, or to “wait and see”—affected whether gender dysphoria persisted or changed, because no systematic longitudinal studies of gender dysphoric children exist, nor can conclusions be made on safety or harm of these various psychotherapeutic approaches.<sup>199</sup>

Bockting says in the *APA Handbook* that there is evidence of pathology in the etiology of transgender or transsexual identity.<sup>200</sup> He warns against early social transitioning, because most children will eventually identify with their chromosomal sex, but transitioning may foreclose a child's gender identity development.<sup>201</sup> If the child transitions back to identifying with the chromosomal sex, it may be challenging to reverse the social role, and the stress of doing so has been shown to be substantial.<sup>202</sup> Early social transitioning also risks neglecting individual problems that the child might be experiencing.<sup>203</sup> Children should be able to receive therapy for such problems that may be leading to their transgender identity. Unfortunately, opponents seek to deprive such children of therapy, contrary to the advice of Bockting in the authoritative *APA Handbook of Sexuality and Psychology*.<sup>204</sup>

Protocols for chemical transitioning of transgender adolescents and adults are based on research that is rated to be of poor and very poor quality. It is known that puberty blocking hormones and cross-sex hormones (testosterone and estrogen) are associated with dangerous health risks.<sup>205</sup>

Changes in sexuality are not only spontaneous. Sexual orientation also may change through an individual's choices. On choice, Rosik quotes Diamond and Rosky this way, in a not-so-subtle rebuke to the APA, the authors observe that, “Both scientists and laypeople commonly claim that same-sex sexuality is rarely or never chosen (e.g., American Psychological Association, 2008), and individuals who claim otherwise (or who imply the capacity for choice by using terms such as sexual preference instead of sexual orientation) are often interpreted as misguided, insensitive, or homophobic. Yet similar to bisexuals, individuals who

*Protocols for chemical transitioning of transgender adolescents and adults are based on research that is rated to be of poor and very poor quality. It is known that puberty blocking hormones and cross-sex hormones (testosterone and estrogen) are associated with dangerous health risks.*

entation: The family-demographic correlates of homosexuality in men and women. *Journal of Sex Research*, 2008, 45 (4):371-377. DOI:10.1080/00224490802398357; Udry, J.R., & Chantala, K., Risk factors differ according to same- sex and opposite-sex interest. *Journal of Biosocial Science*, 2005, 37, 481-497. <http://dx.doi.org/10.1017/S0021932004006765>.

199 American Psychiatric Association, 2013, DSM-5, p. 455.

200 Bockting, 2014, 1:743, in *APA Handbook*.

201 Ibid., 1:744.

202 Ibid., 1:744, 750.

203 Ibid., 1:750.

204 Bockting, 2014, 1:743-744, 750, in *APA Handbook*.

205 See: Olson-Kennedy, J and Forcier, M. (November 4, 2015). “Overview of the management of gender nonconformity in children and adolescents.” UpToDate. [http://www.uptodate.com/contents/overview-of-the-management-of-gender-nonconformity-in-children-and-adolescents?source=search\\_result&search=overview+of+the+management-of-gender-nonconformity-in-children+and&selectedTitle=1%7E150](http://www.uptodate.com/contents/overview-of-the-management-of-gender-nonconformity-in-children-and-adolescents?source=search_result&search=overview+of+the+management-of-gender-nonconformity-in-children+and&selectedTitle=1%7E150); Hembree, W. C., et al. (2009) Endocrine treatment of transsexual persons: An Endocrine Society clinical practice guideline. *J Clinical Endocrinology and Metabolism*, 94: 3132-3154. <http://press.endocrine.org/doi/pdf/10.1210/jc.2009-0345>; Moore, E. Wisniewski, A. & Dobs, A. (2003). Endocrine treatment of transsexual people: A review of treatment regimens, outcomes, and adverse effects. *The Journal of Clinical Endocrinology & Metabolism* 88(9):3467-3473. doi: 10.1210/jc.2002-021967. <http://press.endocrine.org/doi/pdf/10.1210/jc.2002-021967>.

*Many minors who actually do have same-sex attraction or gender distress think their experience is something they are born with that can never be otherwise, potentially leading to depression, anxiety, and suicidal thoughts for some minors, excessive distress for their parents and families. These beliefs also lead to depression and anxiety for some adults, and excessive distress for the spouses and children of same-sex attracted adults who may fear marriage and family breakdown as a result. Attacks on therapy add to these harms.*

perceive that they have chosen some choice in their same-sex sexuality are more numerous than most people think.”<sup>206</sup>

What we know is that sexual orientation ordinarily changes, some individuals change by choosing to change, and same-sex sexuality is potentially causally linked to childhood molestation, parent absence, or other psychoanalytic factors that are treatable. Since we know these things, it makes little sense to say the only place where sexual orientation does not change is in therapy. We also know childhood gender dysphoria usually resolves toward the child accepting the chromosomal sex by adulthood if allowed to, and the condition may be due to pathology. Childhood gender dysphoria, too, should be changeable in therapy.

All have a right to know that therapy that is open to a goal of change is an option by which some, though not all, make a significant and meaningful shift in their sexual orientation or gender identity. A research review of “600 reports of clinicians, researchers, and former clients—primarily from professional and peer-reviewed scientific journals” conducted over “125 years of clinical and scientific reports...documents[s] that professional-assisted and other attempts at volitional change from homosexuality toward heterosexuality has been successful for many and that such change continues to be possible for those who are motivated to try.”<sup>207</sup>

## VI. CONCLUSION

The HRC, SPLC, and NCLR have been documented in this report to be actively promoting harmful, dangerous, deceptive, and misleading campaigns to mislead and deceive the public and shut down licensed therapists who are helping clients distressed by unwanted same-sex attractions and gender identity confusion. The National Task Force for Therapy Equality respectfully asks the Federal Trade Commission to review their hate campaigns and immediately order them to cease operating.

The SPLC, HRC, NCLR, and others are continually portraying that same-sex attractions comes in two types, gay and straight, that are fixed at birth and never change, like skin color. Their portrayals also create the impression that the probability of being LGBT is far higher than it actually is. Gallop polls indicate these organizations, along with other willing organizations and individuals, have successfully convinced a majority of the American public to believe these deceptions.

A Gallop poll also shows the public has believed that the large numbers of LGBT displayed to them in the media accurately indicate how many people of LGBT. Gallop reported: “The American public estimates on average that 23% of Americans are gay or lesbian, little changed from Americans’ 25% estimate in 2011, and only slightly higher than separate 2002 estimates of the gay and lesbian population. These estimates are many times higher than the 3.8% of the adult population who identified themselves as lesbian, gay, bisexual or transgender in Gallup Daily tracking in the first four months of this year.

There is anecdotal evidence that many adolescents think there is a high probability they could be LGBT, and they are worried over it. Teens are straining to detect whether they might be same-sex attracted based on very little evidence. They are wondering, if they admire another teen of their own sex that does mean they are gay? If there is any indication of any degree of potential same-sex attraction, that would mean they are gay, and only if there is none would it mean they are straight, with no in-between.

Whichever it is will be permanent and determine their future. Parents are hearing from their children that their children are confused, worried, and even downright panicked. Many youths are wondering whether they are transgender. Not only is the extreme and false message of sexual variations being delivered, but there is anecdotal evidence it is being concerningly overdone. Research evidence indicates that unsure youth turn out to be heterosexual, but for many of them, worrying over what their sexual orientation or gender identity is has

<sup>206</sup> Rosik, 2016, p. 11, quoting Diamond & Rosky, 2016, p. 20.

<sup>207</sup> What Research Shows: NARTH’s Response to the APA Claims on Homosexuality (Summary), p. 1, Family Watch International, [http://www.familywatchinternational.org/fwi/NARTH\\_what\\_research\\_shows.pdf](http://www.familywatchinternational.org/fwi/NARTH_what_research_shows.pdf); The summary was of a full article, J. Phelan, N. Whitehead, & P.M. Sutton, What research shows: NARTH’s response to the APA claims on homosexuality: A report of the scientific advisory committee of the National Association for Research and Therapy of Homosexuality, 2009, Journal of Human Sexuality, 1: 1-121. Available at [https://media.wix.com/ugd/ec16e9\\_04d4fd-5fb7e044289cc8e47dbaf13632.pdf](https://media.wix.com/ugd/ec16e9_04d4fd-5fb7e044289cc8e47dbaf13632.pdf)



become one more thing adolescents are having to worry about without good reason, and their parents and teachers do not have the accurate knowledge to help them through it either.

Many minors who actually do have same-sex attraction or gender distress think their experience is something they are born with that can never be otherwise, potentially leading to depression, anxiety, and suicidal thoughts for some minors, excessive distress for their parents and families. These beliefs also lead to depression and anxiety for some adults, and excessive distress for the spouses and children of same-sex attracted adults who may fear marriage and family breakdown as a result. Attacks on therapy add to these harms.

The public should have a right to know that no one is born with a same-sex sexual orientation or transgender or nonconforming identity. Adolescents and adults should have access to accurate scientific knowledge that same-sex attraction, behavior, and self-label identity as well as childhood gender distress change for most, mostly toward or to the norm of heterosexuality and identity with one's chromosomal sex.

Individuals should have the right to know that many, though not all, make a significant and meaningful shift in their same-sex attraction or gender identity variation, some of them assisted by therapy that is open to their goal of change. In the best study on adolescents, 89 percent of same-sex attracted boys changed, and in just one year. Only 11 percent did not change. The SPLC, HRC, and NCLR make a claim (which has poor empirical support) that “reorientation therapy may harm the self-esteem of those who do not change”—the 11% in this study. But it makes no sense to address that theoretical harm by hiding the truth from, and denying help to, the 89% of teens who may lose, or overcome, their same-sex attractions,” explains Peter Sprigg, senior fellow for policy studies at Family Research Council.<sup>208</sup>

For those who do not change in therapy, not all regret that they tried. Therapy has many benefits. Laws that ban therapy privilege those who do not experience sexual orientation or gender identity change over those who do and who are the majority.

There are other harmful results of the “can’t change” deception being perpetrated by the SPLC, HRC, and NCLR. Individuals with same-sex attractions who change, the majority, are left to feel there is something wrong with them and that they are alone in their experience.<sup>209</sup> Another harm of the “can’t change” falsehood is that children with a gender identity variation who believe they are born that way and can never change may pursue hasty social transitioning of gender identity or even premature chemical or surgical gender transitioning contrary to the advice of the *APA Handbook of Sexuality and Psychology*.<sup>210</sup> It is tragic that minors may permanently remove healthy parts of their own bodies and render their bodies forever infertile when, if allowed, they more than likely would come to accept their chromosomal sex.

The SPLC, HRC, and NCLR conspire to keep from the public the knowledge that some children had same-sex attraction forced on them because a pedophile or older adolescent sexually abused them. For some children, absence or loss of a biological parent, especially a parent of the same sex as the child, affected the development of the child’s sexual orientation. Other psychoanalytic or social environmental factors may also have diverted a child’s sexual orientation.<sup>211</sup>

Some of these children do not experience their sexual variation as normal or authentic for them. They are marginalized by the generalization that sexual variation is always normal. They desire therapy to help them change their unwanted sexual attraction or behavior. Treatment for links between their sexual variation and childhood sexual molestation, the effects of an absent parent—especially the parent of the same-sex as the child, or other social environmental factors could lead to a significant and meaningful shift in that variation for some. The SPLC, HRC, and NCLR seek to make helping these children change their sexual attraction or behavior illegal. Banning therapy for children whose sexual orientation or gender identity may have been injured also bans speech about such realities from therapy.

*Some individuals who have changed through therapy have regretted that these political organizations, some professional organizations, their culture, or their family led them to believe they could not and should not try to change their sexual attraction or behavior through therapy. They feel they have lost years of their lives that could have been lived the way they are now able to live because they finally did have therapy.*

<sup>208</sup> Sprigg, P. (February 26, 2016). Testimony delivered against S. 132. Retrieved online from: <http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/Senate%20Health%20and%20Welfare/Bills/S.132/S.132--Peter%20Sprigg%20-%20Family%20Research%20Council-Written%20Testimony%20-%20Opposition%20to%20the%20Bill-3-11-2016.pdf>

<sup>209</sup> Diamond, 2008, pp. 256-257.

<sup>210</sup> Bockting, 2014, 1:744, 750, in *APA Handbook*.

<sup>211</sup> Rosario & Schrimshaw, 1:583, in *APA Handbook*; Bockting, 2014, 1:743, in *APA Handbook*.

*Coercing any goal of therapy on a client is unethical, because it violates the client's right to self-determine the goal of therapy and risks being ineffective and harmful.*

Therapy bans for these children are cruel and unjust. In effect these children are victimized twice, first by their sexual abuser or other life injuries, and second by these organizations that deprive them of therapy. Heterosexual-affirming therapy is more appropriate for them than gay affirmative therapy, but opponents want them only to have a choice of gay-affirmative therapy or therapy that will not lift a finger to try to help them change their attractions and behaviors to match who they feel themselves most authentically to be.

Some individuals who have changed through therapy have regretted that these political organizations, some professional organizations, their culture, or their family led them to believe they could not and should not try to change their sexual attraction or behavior through therapy. They feel they have lost years of their lives that could have been lived the way they are now able to live because they finally did have therapy.

A small minority of states has banned therapy that is open to sexual variation change. Lawmakers in these states failed to foresee that individuals who are distressed by their unwanted sexual orientation or unwanted gender identity are not going to go to a gay-affirmative or gender-variant-affirmative therapist or a therapist who does not share their values and whom they do not trust. They are now being sent to unlicensed counselors or getting no help at all. These minors are not being served. Some have been victims of sexual abuse and are suicidal. Some aspire to live according to their chromosomal gender or to be faithful in a heterosexual relationship with family, as do most individuals.

Therapists should not have to abandon such individuals under threat of being thrown out of their professional organizations, losing their licenses, or being bankrupted. Banning sexual orientation or gender identity change efforts for individuals who desire it has been harmful and ineffective.

It should not be missed that laws banning openness to sexual variation change place all therapists in a dangerous trap — regardless of their view on sexual orientation, gender identity, or therapy that is open to change. If a client desires help to change sexual attraction or behavior, it is unethical for any therapist to provide gay- or gender-variant-affirmative therapy, because the client does not want it. Coercing any goal of therapy on a client is unethical, because it violates the client's right to self-determine the goal of therapy and risks being ineffective and harmful.

The therapist cannot provide or refer the client for therapy that is open to change, because doing so is against the law. Ethically, the therapist cannot abandon the client. If the therapist agrees to treat the client for other concerns though not for the goal of changing sexual attraction or gender identity, there is the real possibility that fluidity, fluctuation, or change in the client's sexual orientation or gender identity will occur, and then it is an open question as to whether the therapist may be in violation of the law. At least, the therapist is opened up to liability.

Some therapists are afraid of treating adolescents who want therapy that is open to sexual orientation or gender identity change, and at the same time, they are afraid of discriminating against taking some adolescents as clients based on unwanted sexual orientation, unwanted gender identity, or goal of therapy. An unintended consequence of the laws passed already in a handful of states has been that some therapists are discerning that their only protection is to stop treating all adolescents or all adolescents who have unwanted same-sex attraction or unwanted gender variation, and most especially if they want therapy to explore their potential for sexual variant change.

Some sexually variant minors are already being turned away from professional mental health services. For example, the California Board of Behavioral Science has been asked more than once to clarify the law on this very liability question and has declined. All banned providers and their sexually variant minor clients are endangered. Bans on sexual orientation or gender identity change efforts are not safe or effective, and the work of HRC, SPLC, and NCLR are actively putting minors, and their families, in danger of not receiving competent, qualified mental healthcare while deceiving consumers and the general public. We respectfully ask you to put an end to these dangerous and deceptive hate campaigns so that future lives can be saved.

## SIGNATORIES

American College of Pediatricians

Christian Medical and Dental Associations

Alliance for Adolescent Health

Family Watch International

Voice of the Voiceless

Center for Family and Human Rights

Alliance for Therapeutic Choice and Scientific Integrity

Jewish Institute for Global Awareness

# **EXHIBIT 11**


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## Who We Are

Funding Morality is a mission of the Jewish Institute for Global Awareness. (JIFGA; [www.JIFGA.org](http://www.JIFGA.org))

JIFGA is a nonprofit 501 (c) (3) tax exempt entity.

We began as a result of the denial by other "crowd funding" platforms to profile persons of faith who would not compromise their moral and biblical convictions and in turn have been persecuted by those who are intolerant of a Judeo-Christian worldview. These crowd-funding platforms (which are mostly for-profit businesses) have often denied services to individuals who have lost their jobs, been harassed or persecuted for their politically incorrect views.

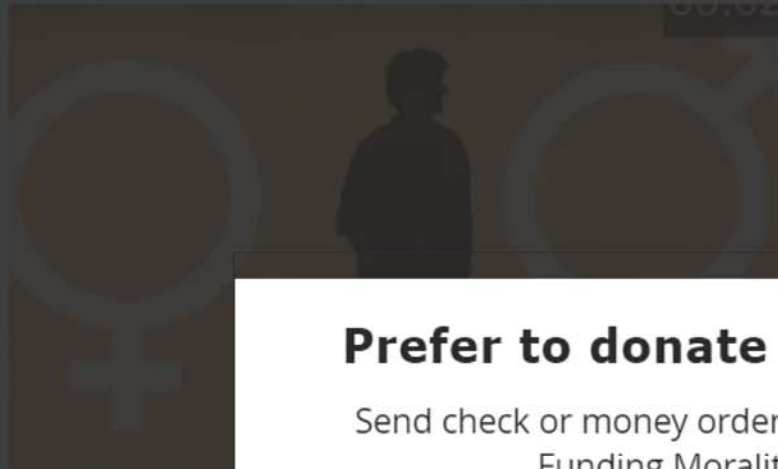
We've expanded out focus to also permit projects consistent with the Noahide Laws (Judeo-Christian worldview) to appeal for funding.

### ABOUT US

*Funding Morality, a project of JIFGA, a not-for-profit 501 (c) 3 organization, began as a result of the denial by other "crowd funding" platforms to profile persons of faith who would not compromise their moral and biblical convictions and in turn have been persecuted by those who are intolerant of a Judeo-Christian worldview. These crowd-funding platforms (which are mostly for-profit businesses) have often denied services to individuals who have lost their jobs, been harassed or persecuted for their politically incorrect views. We have expanded our focus to also permit projects consistent with the Noahide Laws (Judeo-Christian worldview) to appeal for funding.*

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## The Legacy

"Explainer animation video person's understanding media and gay activists essential to present acco

The National Task Force psychiatrists, physicians, same-sex attractions and gender identity conflicts, are grateful for the intellectual contributions of Dr. Joseph Nicolosi and have determined that one effective way to honor his legacy is to develop a series of short explainer animation videos. These videos are intended to help overcome misinformation currently out there both about the underlying causes and the available strategies available to assist those with unwanted same-sex attractions.

Dr Nicolosi's approach to helping clients deal with their unwanted same-sex attraction included examining pivotal points in their development, so each of the 5 videos will be designed to powerfully and succinctly address many of the most common misunderstandings concerning questions surrounding reduction of unwanted SSA as well as exploration and development of heterosexuality. Each 5 to 6-minute animation will focus on a different aspect of the issues surrounding same-sex attraction and present a verbal and visual approach to understanding them.

The following is a sample rough draft of the first video to be released.

## Prefer to donate by mail?

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### Reparative Therapy Animation Series

Help fund a series of animated videos designed to help understand unwanted SSA and the development of heterosexuality.

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## The Legacy of Dr Joseph Nicolosi, Sr: Video Series

"Explainer animation videos" are the latest trend on the web to get out a message in a fun and memorable way. They help reframe a person's understanding of an issue by showing the material in a different context and from a different perspective. Because mainstream media and gay activists have so effectively misrepresented sexual orientation change efforts and the work of Dr. Joseph Nicolosi, it is essential to present accurate information on the subject in a different way

The National Task Force for Therapy Equality (NTFTE), a coalition of psychotherapists, psychiatrists, physicians, public policy organizations, and clients who experience unwanted same-sex attractions and gender identity conflicts, are grateful for the intellectual contributions of Dr. Joseph Nicolosi and have determined that one effective way to honor his legacy is to develop a series of short explainer animation videos. These videos are intended to help overcome misinformation currently out there both about the underlying causes and the available strategies available to assist those with unwanted same-sex attractions.



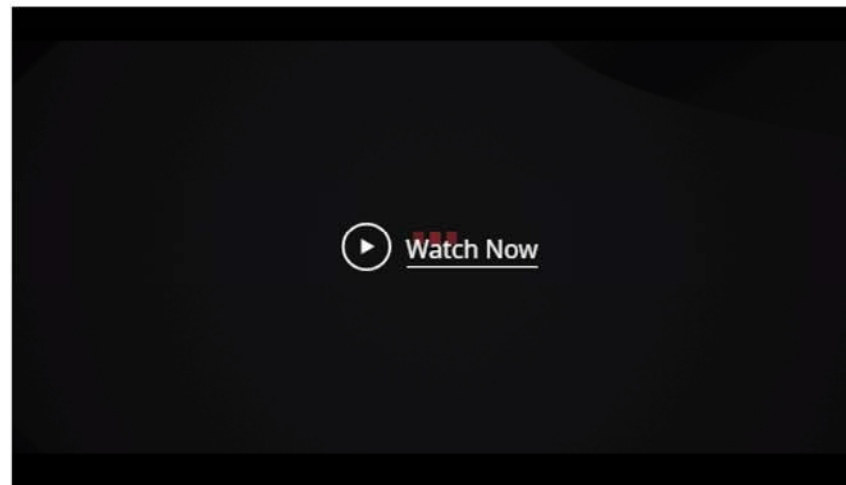
Dr Nicolosi's approach to helping clients deal with their unwanted same-sex attraction included examining pivotal points in their development, so each of the 5 videos will be designed to powerfully and succinctly address many of the most common misunderstandings concerning questions surrounding reduction of unwanted SSA as well as exploration and development of heterosexuality. Each 5 to 6-minute animation will focus on a different aspect of the issues surrounding same-sex attraction and present a verbal and visual approach to understanding them.

The following is a sample rough draft of the first video to be released.





The following is a sample rough draft of the first video to be released.



The five planned videos will discuss and animate the following:

- (1) The causes of homosexuality
- (2) What does sexual orientation change mean?
- (3) Ten celebrities who have gone from gay relationships to straight relationships
- (4) The difference between conversion therapy and reparative [reintegrative] therapy
- (5) A quick summary of the science of sexual orientation change

While illustrating the complex issues around same-sex attraction, these animations will do so briefly, sharply, and simply. They are intended to engage viewers' attention by presenting information widely available but showing it from a fresh perspective. It is hoped that this fresh perspective will broaden the viewers understanding of the issues.

Expert professional animators have agreed to create these short videos as a way to honor the memory of Dr. Joseph Nicolosi, a pioneer in treating those with unwanted same-sex attraction. They are intended to engage viewers' minds quickly and break through the misinformation disseminated by the mainstream media. By creating such original content, the producers are able to leap frog over the traditional gatekeepers of information (the media elites and politicians) in order to get the message out directly to the public.

The goal is \$15,000.00 for the series. Each video will cost approximately \$3,000.00.

All donors of \$50.00 or more will receive a digital copy of each of the 5 animated videos once they are released.

#### ABOUT US

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Nicolosi Documentary

Please help create a powerful documentary honoring the work of Dr Joseph Nicolosi, a pioneer in the field of reparative therapy

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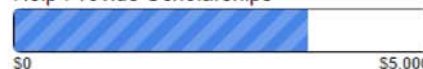

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## Scholarships for International Course in Bangkok, Thailand

The Catholic Order of St. Camillus, Thailand, is hosting the third annual 3 day International Education Course, "Understanding Same-Sex Attraction". It will be held at the Camillian Pastoral Center in Bangkok from January 31, 2018 to February 2, 2018. The course has been gaining in popularity and is one of very few venues in Asia providing an educational program on SSA. Many individuals have applied to attend but several need help to pay the registration fee of \$188 and need a subsidy to cover their travel expenses in getting to Bangkok. Therefore, we seek scholarship money to help them attend this important and unique educational program.

Participants include religious leaders such as pastors, priests, nuns, seminarians, and youth ministry leaders and missionaries from all over as well as lay leaders, care-givers, social workers, and especially those who struggle with the issue and their families and friends. They typically come from Malaysia, Singapore, Thailand, and the Philippines. The course explains the psychological factors contributing to gender identity development and provides Scriptural understandings that are relevant to such gender issues. As one past participant, the Head of a Diocesan Family Life Ministry, reflected, The course is an excellent way to understand same-sex attraction in a way that is consistent with both the teachings of any religious faith and sound psychological principles."

The course is led by lay missionary and professional counsellor Bryan Shen and bible scholar Fr. David Reegon, Order of Friars Minor Capuchin (OFM, Cap.). Father Reegon also conducts daily masses for those who are Catholic and provides spiritual direction for those who request it.

The Order of St. Camillus is an international religious community of men, both brothers and priests, who are dedicated to caring for the sick, dying, marginalized, and poor. The Order officially came into being on the Feast of the Immaculate Conception 1591 when St. Camillus de Lellis and his first followers took their vows and were given the status of an Order by Pope Gregory XIV with the name of "Order of the Ministers of the Sick." Known today as the Camillians, the Order chose a simple red cross to be worn on their

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We seek to raise a minimum of \$5,000 which will enable us to provide full or partial scholarships for up to 20 attendees.

### UPDATE:

Thanks to your generosity, our initial goal of \$2,500 was exceeded. However, due to increased interest and demand we have felt it necessary to raise that goal to help even more people attend.

A total of 16 people so far will be sponsored to attend the Course and As of now, 37 total will be attending. Registration still remains open. There are currently 3 more people expressing interest but we may not be able to sponsor anymore people for this Course. We have stretched the donations as much as we could. As of now 11 of the 16 people will be paying 10% of the Course fees as well as their own travel expenses and 5 are fully sponsored with partial travel expenses covered.

We have priests, nuns, a seminarian, counselors, ministry members, pastors, Master of Theology students, parents and individuals, from Malaysia (states of Sabah, Penang, KL), Singapore, Philippines, India (states of Kerala, Manipur, Nagaland), Nepal, and missionaries working in Thailand & Cambodia from USA, Switzerland & Brazil all in attendance.

With your continued support we may be able to help even more take part in this wonderful educational opportunity.

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*Funding Morality, a project of JIFGA, a not-for-profit 501 (c) 3 organization, began as a result of the denial by other "crowd funding" platforms to profile persons of faith who would not compromise their moral and biblical convictions and in turn have been persecuted by those who are intolerant of a Judeo-Christian worldview. These crowd-funding platforms (which are mostly for-profit businesses) have often denied services to individuals who have lost their jobs, been harassed or persecuted for their politically incorrect views. We have expanded our focus to also permit projects consistent with the Noahide Laws (Judeo-Christian worldview) to appeal for funding.*

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# ALL PROJECTS

## PRESS



"Do former homosexuals really exist?"

Thus begins David's story. He worked hard and prayed harder to liberate himself from the addictions that bound him to the gay lifestyle. He has been free for nearly a decade and this is his personal account of his journey. Click link to read more...

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### ABOUT US

Funding Morality is a project of IFMGA, a not-for-profit 501 (c) 3 organization, begun as a result of the demand by other "faithful funding" platforms to provide persons of faith who would not cater to the new liberal and secular world view as they have been.

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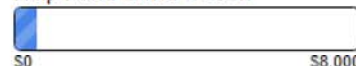
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Contributors

\$1,280.10

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## “Do former homosexuals really exist? Yes. Am I a Novelty? No.”

Thus begins David DeJacommo's story. He worked hard through a combination of spiritual and psychological counseling to liberate himself from the addictions that bound him to the gay lifestyle. He was assisted by Catholic priests and a reparative therapist schooled in Joseph Nicolosi's methodologies. He has been free for nearly a decade and has written a personal account of his journey.

It is very important to bring stories of successful change in sexual orientation like David's to the public conversation. David testified before the Colorado State legislature against the legalization of same sex marriage and shared his story as part of the defense of JONAH in New Jersey. He decided to tell his story to focus on the facts of specific life experiences that may push a man towards a gay lifestyle and to be clear about how therapy combined with his strong religious convictions enabled him to change his sexual orientation and identity from "gay" to "straight".

Here in David's own words is his motive for writing this memoir --

*I am proud to say that I, in a court of law, stood up to today's political correctness and testified about my own successful change in sexual orientation. The case in question was Michael Ferguson, et al vs JONAH, et al, which centered on whether those who provide resources for individuals with unwanted homosexual feelings, behavior, or identity violate the New Jersey Consumer Fraud Act. After the counsel for the defendants showed the court a video of my testimony, I was astounded to learn that the Superior Court Judge ... said that he did not "understand what the accomplishment was there" and went on further to say, "I'm not even sure how it's [referring to my testimony] a success story witness, based on his testimony."*

*I was dismayed and deeply saddened that a Judge who is supposed to be fair minded could possibly make such a statement. By doing so, he denied the many years of effort on my part to transform my life from that of a homosexual sex addict to that of a God fearing man who lives a life consistent with Biblical principles. Mine is certainly a story of successful change.*

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David tells his story with wit, heart and deeply felt experience reflected in his own distinctive voice. The draft is now complete; however, he needs a professional editor to make his story more accessible to the broad audience of people interested in understanding how a person can transform his life to one consistent with Biblical values through a combination of strong motivation based on his faith and the therapy that helped him discover the underlying forces that pushed him into a difficult lifestyle.

Today, David is active with the Knights of Columbus in Denver, where he is deeply committed to their charitable work. He is also deeply involved in a prison ministry to help incarcerated men overcome personal issues.

**Goal \$8000 to hire a professional editor to ready David's story for publication and sale to a commercial publisher**

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Last Revised: February 17, 2017

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### 3. What We Do



### 3. What We Do

FundingMorality.com is a website that provides online fundraising tools (the "Services") to individuals and nonprofit organizations to raise money for personal and charitable causes and projects that are consistent with the moral ethical values of the Noahide Laws. We focus on compassionate crowdfunding, providing fundraising and support to causes consistent with morality principles handed down to us from G-d Almighty, and to help people deal with personal hardships and other life situations. We encourage our users to demonstrate compassion and share their love for their cause with others.

We allow fundraisers for the following categories: Pro-Life, Pro-family, Adoption, Kids & Family, Neighbors & Community, Education & Schools, Volunteer & Service Projects, Nonprofits, Mission Trips, Veterans, Legal Defense, and creative projects (e.g. films, books, technology...)

We do not allow legal fundraisers for divorce or custody issues; nor do we allow fundraisers involving military conflicts; and reserve the right to remove any Fundraiser that you create that falls into one of these areas or any area inconsistent with the Noahide Laws, at any time and with no notice to you.

### 4. Creating a Campaign

Once you submit a project to FundingMorality, we will be in contact to discuss creating a campaign for the causes or project you care about (each, a "Campaign"). For each Campaign created, you agree: (1) to provide complete, accurate and truthful information and that all content in your Campaign is accurate and truthful, (2) that, if you are raising money to benefit a specific person or people other than yourself, you have expressly received the right and permission to publish information about the beneficiary, including any photographs and health-related information, and you have provided all information about the beneficiary that we indicate is required, (3) that, if you are raising money to benefit a specific child, that you are the parent or guardian of the child or you have received express permission from the parent or guardian of the child to publish information about and photographs or other depictions of the child, and (4) that, if your Campaign is intended to raise money to benefit an organization, you have that organization's authorization and permission to do so, including any rights to use that organization's name, logo, trademarks, or other identifying marks, and 5) that you will not post your Campaign's URL in the comments section or any other area of other Campaigns on the Site. You are solely responsible for all content published for or posted to your Campaign. You are solely responsible for any and all tax implications from contributions received through your Campaign. You agree and guarantee that all money raised through your Campaign will be given for the purposes described in your Campaign and that no other person or entity besides the advertised beneficiary will receive any of the funds raised through your Campaign.

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You agree that all donations you submit on the Site through the payment processor associated with the Campaign are given voluntarily by you. You understand that while FundingMorality does investigate Campaigns from time to time, that FundingMorality does not verify all information published in any Campaign and cannot and does not represent or warrant the truthfulness of any Campaign. FundingMorality does not verify whether any beneficiary organization advertised as a nonprofit actually has tax-exempt status by the U.S. Internal Revenue Service or any state agency. We encourage you to double-check on the tax-exempt status of any organization claiming to be a nonprofit before donating to a Campaign. Donations are made through the third-party payment processor associated with each particular Campaign, and FundingMorality may not refund your donation to a Campaign; however, if you contact us, we will put you in touch with the payment processor for the Campaign for which you seek a refund. Any refunds will be given in the third party payment processor's discretion and in accordance with their terms of service. We encourage you to read the terms of service of the applicable payment processor regarding refunds before donating to a Campaign. When you donate to a Campaign, you also have the opportunity to support FundingMorality by donating to FundingMorality. If you would like a refund, in whole or in part, of your donation to FundingMorality, please contact us within 180 days after your donation. You are responsible for maintaining copies of documentation related to any donation you make for your own tax and other financial records.

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We suggest that donors donate to Funding Morality to help keep the site open, but it is not mandatory.

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Questions or comments about the Site may be directed to Funding Morality at [FundingMorality@JIFGA.ORG](mailto:FundingMorality@JIFGA.ORG).

### ABOUT US

*Funding Morality, a project of JIFGA, a not-for-profit 501 (c) 3 organization, began as a result of the denial by other "crowd funding" platforms to profile persons of faith who would not compromise their moral and biblical convictions and in turn have been persecuted by those who are intolerant of a Judeo-Christian worldview. These crowd-funding platforms (which are mostly for-profit businesses) have often denied services to individuals who have lost their jobs, been harassed or persecuted for their politically incorrect views. We have expanded our focus to also permit projects consistent with the Noahide Laws (Judeo-Christian worldview) to appeal for funding.*

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# **EXHIBIT 12**



**From:** Sarah Miller <[sarahjofen@gmail.com](mailto:sarahjofen@gmail.com)>  
**Date:** 23 May 2016 at 02:11:41 GMT+3  
**To:** Arthur Goldberg <[jonahhelp@aol.com](mailto:jonahhelp@aol.com)>  
**Cc:** [cneu67@gmail.com](mailto:cneu67@gmail.com), [nefeshint@list.nefesh.org](mailto:nefeshint@list.nefesh.org)  
**Subject:** Re: [Nefeshint] Conference on reparative therapy is it true?

Sincerest apologies if I've offended, or if I've misrepresented events. I spoke from my understanding of them, and with the intention of promoting thoughtful and ethical practices with respect to this very challenging, sensitive topic.

Best, Sarah

Sent from my iPhone

On May 22, 2016, at 6:38 PM, Arthur Goldberg  
<[jonahhelp@aol.com](mailto:jonahhelp@aol.com)> wrote:

Dear Sarah Miller,

*I felt it important to comment on part of your email in which you stated, "Now though, especially given the JONAH debacle, I worry very much about religious coercion. I am all for psychodynamic exploration of any issue, but I have difficulty with parameters that only allow for one acceptable outcome. If one is going to undertake this work, certainly from a psychodynamic perspective, you have to be free to follow it wherever it takes you, even if that means an acceptance of an "undesired" outcome."*

As the former co-director of JONAH, please be advised that JONAH was never involved in "religious coercion" and indeed the counselors to whom we referred clients went wherever the client determined was in his/her best interests. In fact, during the trial, we offered to put on the witness stand two rebuttal witnesses, both of whom were living active gay lifestyles, but were nevertheless most grateful for the assistance provided by JONAH and its referral counselors. Alas, the Judge refused to allow them to testify. They would have clearly testified that there was not only one acceptable outcome to the therapeutic treatments to which we referred them and that we supported them in their freely determined choice.

I was pleased to read that you wrote *"a position paper arguing for the ethicality of therapy for pp with unwanted SSA, assuming informed consent."* Please be advised that each client (and the plaintiffs obviously) were specifically informed about the pros and cons of the therapy and the plaintiffs (as well as any client) signed documents with "informed consents" and no guarantee of outcomes -- which were ignored by the Court.

Unfortunately, most of the rulings of the court were "politically correct" rather than "just" and the publicity surrounding the case by the mainstream media was most biased. To provide you with a further idea of just a few of the rulings in the case that produced a travesty of justice in the case, please review the following two articles: The first is by Charles LiMandri and Dr. Laura Haynes. Mr LiMandri was the lead counsel in the case and Dr. Haynes is a licensed psychologist who closely followed the case. <http://www.wnd.com/2016/02/sexual-orientation-change-efforts-under-attack>. See also the text of an interview of Charles LiMandri on [Gloria.TV Exclusive - JONAH case: "This agenda-driven show trial made a mockery of justice"](#) If you or anyone reading this email are interested in learning more about the reality and specifics of the issues, I would be more than

happy to either speak with you or to send you some additional materials to review.

It is a tragedy that so many lies and misrepresentations were accepted by the Judge as "facts" and then reported as such in the press. For example, the Judge barred six defense experts who were psychiatrists, psychologists and other licensed mental health professionals from testifying as to the ability of therapy for unwanted same-sex attraction to be helpful for those whose feelings, behavior, or identity was ego-dystonic. The proposed experts all had first-hand experience in helping men (or women) overcome the developmental causes of their homosexuality. At least two of them were not only licensed mental health professionals but also "ex-gays." The Judge also denied us the ability to put a well-known Orthodox Rabbi with experience with these issues on the stand to talk about the religious implications of these issues and how we were exercising our First Amendment rights of freedom of religion. On what basis could he possibly have barred these experts?

According to one of the Judge's written opinions, he mistakenly said that anyone holding the view that sexual orientation can change is behind the times. He compared these experts to folks who believe the earth is flat by suggesting that theories about overcoming homosexuality "like the notion that the earth is flat" is "outdated and refuted." By the way, one of these expert witnesses was Nefesh member, Dr. Joseph Berger of Toronto, Canada who also evaluated the mental state of each of the plaintiffs and another was Dr. Joseph Nicolosi who is generally acknowledged as a major expert in the field (and who conducted a Nefesh training many years ago). The Judge also chose to ignore a sworn affidavit from Dr. Nicholas Cummings, former APA president, who likewise supported our position and successfully assisted innumerable individuals in sexual orientation change efforts.

If anyone desires to learn more about the reality (as opposed to the myths) of the JONAH case and wishes to call me at 201 433 3444 or to email me back, I would be happy to continue the dialog.

Most sincerely,  
Arthur Goldberg

# **EXHIBIT 13**

- WND - <http://www.wnd.com> -

## Sexual orientation change efforts under attack

Posted By -NO AUTHOR- On 02/01/2016 @ 7:32 pm In Opinion | [No Comments](#)

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**By Laura A. Haynes, Ph.D., and Charles S. LiMandri, Esq.**

As of the end of January 2016, Jews Offering New Alternatives for Healing (JONAH) is being forced by a court of law to close its doors. JONAH was a small religious nonprofit dedicated to the education of the worldwide Jewish community on the Torah-based view of homosexuality. Its two leaders and an independent life coach (not a professional licensed therapist) were punished. In addition, an independent professional psychotherapist suffered attacks on his reputation, though the plaintiffs chose not to sue him because he was licensed in a state other than New Jersey where the lawsuit took place. These individuals were honored by God to be martyrs – sounding the urgent call for legal protection of religious freedom and therapeutic choice for individuals suffering from unwanted same-sex attraction.

They are the latest victims in the culture war against religious freedom that is attempting to intimidate and silence not only bakers, florists and county clerks who stand for traditional marriage, and Christian organizations and medical professionals who suffer for the right to life, but also all who provide resources for individuals struggling with unwanted same-sex attraction. The battle against sexual orientation change efforts (SOCE) is as old as the battles against marriage and the right to life, but it has not gained the same attention. The tragic loss in the JONAH case is putting this issue squarely before the American public.

The megalithic, far-left Southern Poverty Law Center (SPLC) sued JONAH on behalf of four men JONAH referred for sexual orientation change therapy and mothers of two of the men (Ferguson v. JONAH, No. L-5473-12 [N.J. Super. Ct., L. Div., 2015]). The plaintiffs charged JONAH with consumer fraud. The plaintiffs claimed JONAH guaranteed them their sexual orientation would change through counseling, even though the plaintiffs signed several forms acknowledging JONAH made no outcome guarantee. The outcome for sexual orientation change efforts varies widely among individuals, as is true of efforts to change other feelings or behaviors generally. One of the plaintiffs quit counseling after attending only four times, then complained it didn't work.

The real fraud was that the court allowed the New Jersey Consumer Fraud Act (CFA) to be applied to a religious organization and a nonprofit organization for the first time ever, and allowed recovery for non-economic damages, even though the New Jersey CFA specifically disallows such recovery. (Elaboration upon, and citations for, all of the legal arguments mentioned here can be found in JONAH's [legal filings](#).) In retrospect, this was the first sign that the lawsuit had a pre-determined outcome.

JONAH's religious and nonprofit services consisted of referring callers to a network of therapists, psychologists and life coaches. Sometimes JONAH would receive compensation from some of its referral therapists, but it never received payment from the men and women who called in. JONAH's two leaders never received any salary from JONAH as a result of their work; rather, the money received from referral therapists was used to maintain the JONAH office and offer scholarships to callers who could not afford to pay their therapists. JONAH even offered a scholarship to one of the plaintiffs. As a nonprofit, JONAH simply engaged in no commercial activity, a requirement to be covered by the CFA.

### **How JONAH lost: The court's ruling that homosexuality is 'normal'**

The plaintiffs won the case as a result of an absurd ruling that homosexuality was "normal," with little to no explanation of what that meant. First, the court ignored the New Jersey Supreme Court jurisprudence holding that New Jersey courts are not competent to adjudicate great questions of scientific, philosophical and theological dispute that have divided American society for decades, such as when life begins. Anyone who is alive and awake in America knows homosexuality is such an area of dispute. The leaders in a majority of left-of-center mental health organizations take a position that same-sex attraction is a normal variant of human sexuality, but not all their members are in agreement about that. "Normal" in the sense of positive is a value statement. Science can provide objective data, but data interpretations and values are subjective. Organizational positions are worldview statements. Some individuals would like to decide for themselves whether their same-sex attraction is positive for them. Many religions see same-sex attraction as a *religious* disorder. JONAH held that "homosexuality is against Torah (biblical) law, and since G-d gave humans free will, they retain the ability to change sexual orientation." The plaintiffs were asking a court of law to resolve, not only a *religious belief*, but a *scientific debate* as well, by shutting it down.

The court took sides in this debate. It based the case on the theory that homosexuality is "a normal variant of human sexuality" as a matter of law, and any contrary representation by an organization selling goods or services is fraudulent. The court did not explain all the contours of this ruling, but did provide some parameters in later rulings concerning what the plaintiffs' and the defendants' experts could say in court. For example, the court ruled that it is fraudulent to describe homosexuality as a mental disorder, illness or disease. The court did rightly exclude from trial the scientific theory that same-sex attraction is inborn – an outdated theory even rejected by the liberal American Psychological Association. (See page 2: "There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, gay, or lesbian orientation.") The court, however, did not exclude the plaintiffs' experts from testifying, who all held to that theory, while at the same time excluding defendants' experts who held to theories on the origins of homosexuality that did not view it as "normal." In retrospect, if defendants' experts simply held the view that homosexuality was "developmental" but not a "developmental problem," they probably would have been able to testify.

The defendants' experts would have testified to the various psychological origins of homosexuality and the potential to change same-sex attraction. But as a result of their absence, the plaintiffs were



able to twist JONAH's leaders' lay descriptions of homosexuality as developmental into an indictment that JONAH's leaders were essentially selling (for free) a cure (with no promises) to a mental disorder (although they never called it that).

### **The evidence shows SOCE is effective**

At trial, all but one of the plaintiffs' expert witnesses testified that sexual orientation is fluid and can change. Even though all of JONAH's experts were barred, JONAH was allowed to cross-examine the plaintiffs' experts with research, if the expert would admit on the stand that the research was well-regarded in the scientific community. Thus, through one of the plaintiffs' experts, JONAH brought to the court's attention the conclusion of Dr. Lisa Diamond, co-editor-in-chief of the "APA Handbook on Sexuality and Psychology," who certainly cannot be dismissed as biased in favor of sexual orientation change efforts. Dr. Diamond says that one of the best-documented phenomena in highly regarded research is that sexual orientation – including attraction, behavior and orientation identity, all three – is fluid for *both* teens and adults and for *both* genders, and the number of exceptions is tiny. She says "born that way" and "can't change" are not true.

JONAH also brought forward, through the plaintiffs' experts, the testimony of the former president of the American Psychological Association, Dr. Nicholas Cummings, who initiated the APA resolution in 1975 that homosexuality is not a mental illness. As Kaiser psychology chief in San Francisco, Cummings saw "hundreds" of homosexuals "change and live very happy heterosexual lives." Of note, the late Dr. Robert Spitzer, famous for his parallel resolution to remove homosexuality from the list of mental disorders in the American Psychiatric Association, published research showing change therapy is effective for those who seek it. Rebutting controversy, the editor of the prestigious journal that published the study confirmed that the research was sound.

This lawsuit arose because four young men wanted to change their same-sex attractions, but ultimately failed in that regard. The lawsuit was brought to prove that sexual orientation change therapy can never work, but it would appear that it only won on the grounds that homosexuality is "normal."

### **Why SOCE must be taken out of the hands of the judiciary**

The Southern Poverty Law Center is the legal nonprofit that targeted Christian organizations on a hate map leading to a gunman opening fire at the Family Research Council, a conservative Christian organization. With the SPLC's assets of over \$340,000,000, their strategy is to spend as much money as necessary to bankrupt small religious organizations like JONAH that hold religious beliefs that homosexuality is not natural and can be changed, therapists who are open to a client's goal of change and Christian law firms that represent them, like Freedom of Conscience Defense Fund, a small nonprofit law firm that sacrificially provided pro bono counsel for JONAH. In fact, two plaintiffs testified in depositions that their target was specifically to shut down all change therapy for everybody who seeks it.

The elephant in the room is the question of whether JONAH was actually acting fraudulently. There are fraudsters in every field – mental health providers can be fraudsters, and so can religious leaders. But when the JONAH case is examined closely, it becomes clear that JONAH was a model example of a small religious organization serving the most helpless and defenseless, and that it was only taken down due to a concerted effort to undermine its ability to defend itself.

The court barred almost all of JONAH's expert witnesses. Defendants were not permitted to testify about or enter into evidence customer surveys or studies (even one that included subjects recruited from JONAH) showing SOCE's effectiveness. On the other hand, the court allowed an expert witness for the plaintiffs to assert that JONAH's program used cult-like thought reform, a grotesque misrepresentation based on a theory not accepted in the scientific community or by courts.

Dr. Lee Beckstead, one expert witness for the plaintiffs, testified that efforts to alter homosexuality are almost always inevitably harmful, although he co-authored the American Psychological Association's review of the scientific literature that stated, "Thus, we cannot conclude how likely it is that harm will occur from SOCE." As noted above, JONAH was allowed to present before the court evidence that contradicted Dr. Beckstead so long as he admitted that it was reliable and beyond reproach – he was under oath. However, Dr. Beckstead quickly figured out, presumably with the aid of counsel, that he could simply refuse to admit as much, and that the cross-examination would come to a halt. The court did nothing while Dr. Beckstead repeatedly testified that articles published by some of the most prestigious psychiatrists and psychologists, in some of the most prestigious academic journals, were simply not reliable.

Nor was JONAH allowed to bring in its rebuttal witnesses. The plaintiffs testified that JONAH told them all sorts of lies about the health risks of homosexual sex to try to scare clients into trying to change, but when JONAH tried to bring in a medical expert to testify that the health risks were real, the court barred him. The court held that the truth of the health risks was immaterial. JONAH asked the court to instruct the jury that JONAH's alleged lies were not actual lies, but merely "scare tactics," but it would not do so.

The court also regularly dismissed JONAH's attempts to assert its religious rights per the Constitution. The court dismissed these arguments with the simple explanation that religious organizations do not have the right to speak (i.e., lie) on issues that are secular. And in line with its understanding that religions should have nothing to say on homosexuality, the court barred JONAH's expert rabbi from testifying as to JONAH's religious understanding of human sexuality. In the closing argument, the court would not even permit JONAH's attorneys to mention religious liberty as a defense to the jury. The court also refused to instruct the jury about religious liberty as a defense generally, and refused to use the jury instructions for fraud claims brought against entities asserting their religious rights.

The court further refused to instruct the jury that opinions cannot form the basis for a violation of the CFA, only facts, because, ostensibly, it had already determined that its views on homosexuality were not opinions, but facts. To top it off, the court actually allowed the plaintiffs to state their complaints in the jury instructions – not once, but twice – and then sent the written jury

instructions into the jury room while the jury was in deliberation – an unheard of practice in New Jersey.

### **Not only judicial – but legislative assaults as well**

The SPLC's inquisition is not the only threat. A legislative war is also being directed against religious organizations like JONAH, life coaches and licensed professional psychotherapists. There is a campaign to pass so-called consumer fraud laws forbidding SOCE. So far, four states, Washington, D.C., and the city of Cincinnati have passed laws against SOCE for adolescents. The good news is that 16 states have rejected such laws, and U.S. House of Representatives let die a comprehensive ban against all SOCE in all states for all ages by any provider – including licensed psychotherapists and pastoral counselors – who receive remuneration for providing SOCE. But advocates for SOCE are continuing to fight these legal challenges. Religious freedom and therapeutic choice are under threat.

Individuals who are distressed by their unwanted same-sex attractions are not going to go to a gay-affirmative religious organization, life coach, or therapist. If not allowed to turn to religious organizations or professional therapists who share their faith, they will likely be left with no help for their distress at all. Some have been victims of sexual abuse, and some desire to save their marriage and family. Religious organizations and professional therapists should not have to abandon such individuals under threat of being bankrupted, having their organizations closed, or losing their licenses. Banning sexual orientation change therapy for individuals who desire it is harmful and ineffective and is religious discrimination perpetrated for political purposes.

It should not be missed that laws banning SOCE place *all* therapists in a dangerous trap – regardless of their view on homosexuality or sexual orientation change therapy. If a client desires SOCE, it would be unethical for the therapist to provide gay-affirmative therapy, because the client does not want it, and providing it would violate the client's right to self-determine the goal of therapy. The therapist cannot provide or refer the client for change therapy, because doing so would be against the law. Ethically, the therapist cannot abandon the client. If the therapist agrees to treat the client for other concerns though not for the goal of changing sexual attraction, change – fluidity – in the client's sexual orientation may occur, and then it is an open question as to whether the therapist is in violation of the law. At least, the therapist is opened up to liability. An unintended consequence is that therapists may decide their only protection is to avoid treating *all* clients of the banned age who have same-sex attraction, and especially if such clients want SOCE. There is a danger that some same-sex attracted individuals may not be served. The California Board of Behavioral Science (BBS) has been asked more than once to clarify the law on this very question and has declined. All banned providers and their same-sex attracted clients are endangered. Bans on sexual orientation change efforts are not safe or effective.

### **Act now to protect SOCE by law**

JONAH was a David and Goliath case, only Goliath won and intends to attack some 70 other religious organizations and individuals next. Or *did* the giant win? The martyrdom of JONAH's

leaders and an independent life coach will not be in vain if good comes from evil. Martyrs prove the need for legal protections for sexual orientation change efforts (SOCE), and that need is *now*. Many have feared to step forward and fight for the right of access to services from religious organizations, professional psychotherapists and other providers for distress over unwanted same-sex attraction. Let these martyrs inspire and awaken politicians in city, state and federal legislatures, church leaders at all levels, and citizens of faith to initiate strong and unequivocal legal protections for the religious liberty and personal rights of individuals who have unwanted same-sex attraction and behavior to have the religious support and professional therapy they so deeply desire. Resources below will help you start.

#### RESOURCES TO PROTECT SOCE UNDER LAW:

To initiate legislative action or defend legislative attacks: [www.EqualityandJusticeforAll.org](http://www.EqualityandJusticeforAll.org).

"10 Myths and Facts about Sexual Orientation Change" – [www.TherapistsEmbracingFreedom.org](http://www.TherapistsEmbracingFreedom.org).

"My Conversation With a Typical Opponent of Professional Therapies That Include Change," by Christopher Rosik, Ph.D. This article can be shared with everyone including legislators. Available on [www.TherapistsEmbracingFreedom.org](http://www.TherapistsEmbracingFreedom.org).

Testimonies of change: [www.Voice-of-Change.org](http://www.Voice-of-Change.org).

Accurate scientific information about professional change therapy:

#### National Association of Research and Therapy for Homosexuality Institute (NARTH Institute)

*Laura A. Haynes, Ph.D., clinical psychologist, author, and speaker, practices in Tustin, California, with over 40 years experience. Dr. Haynes is a former president of the Christian Association for Psychological Studies – Western Region. She has published and presented professional papers and served as guest reviewer for peer-reviewed journals. Contact: [www.LauraHaynesPhD.com](http://www.LauraHaynesPhD.com).*

*Charles LiMandri, president and chief counsel of Freedom of Conscience Defense Fund. Mr. LiMandri is double Board Certified in Pre-Trial Litigation and Trial Advocacy by the National Board of Trial Advocacy. He is also a member of the American Board of Trial Advocates and is admitted to practice law in California, New York, Washington, D.C., and before the United States Supreme Court. As an accomplished trial advocate with a national reputation, leading a team of FCDF attorneys, Mr. LiMandri is well qualified to handle cases involving religious-liberty issues. Contact: [www.ConscienceDefense.org](http://www.ConscienceDefense.org).*

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# **EXHIBIT 14**



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JEFFREY A. ROSENTHAL  
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MICHAEL D. DAYAN

CARMINE D. BOCCUZZI, JR.  
JEFFREY D. KAPFF  
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BUNG K. KANG  
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SANDRA L. FLOW  
FRANCISCO L. CESTERO  
FRANCESCA L. ODELL  
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JASON FACTOR  
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CHARTAL E. KOROLIA  
BENET J. O'REILLY  
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LUKE A. BAREFOOT  
PAMELA L. MARCOGLIESE  
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MEYER N. FEDIDA  
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ELIZABETH VICENS  
ADAM J. BRENNEMAN  
ARI D. MACKINNON  
JAMES E. LANGSTON

JARED CERBER  
COLIN D. LLOYD  
COREY M. GOODMAN  
RISHI ZUTSHI  
JANE VANLARE  
DAVID H. HERRINGTON  
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ANDREA M. BASHAM  
LAURA BAGARELLA  
SHIRLEY M. LO  
RESIDENT COUNSEL  
LOUISE M. PARENT  
OF COUNSEL

January 19, 2018

## BY EMAIL AND FEDEX

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Teresa L. Mendoza, Esq.  
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Freedom of Conscience Defense Fund  
16236 San Dieguito Road, Suite 3-15  
Rancho Santa Fe, CA 92067

Michael P. Laffey, Esq.  
Messina Law Firm, P.C.  
961 Holmdel Road  
Holmdel, N.J. 07733-2103

Re: Ferguson v. JONAH, Docket No. L-5473-12 (N.J. Sup. Ct.)

Dear Counsel:

As you know, under the terms of the December 18, 2015 *Order Granting Permanent Injunctive Relief and Awarding Attorneys' Fees* (the "Permanent Injunction"),<sup>1</sup> Defendants, including Arthur Goldberg, are prohibited 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 . . . ." Permanent Injunction ¶ 3.

<sup>1</sup> All capitalized terms used but not defined herein shall have the meaning ascribed to them in the Permanent Injunction.

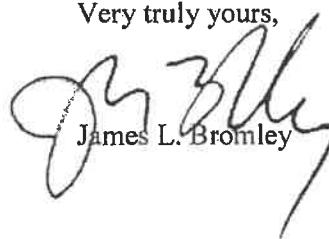
Charles S. LiMandri, Esq.  
Michael P. Laffey, Esq., p. 2

In its 2016 Form 990 the Jewish Institute for Global Awareness ("JIFGA") lists Arthur Goldberg as a full-time trustee and co-director. The Form 990 also reveals that JIFGA paid \$42,549 in "professional fees and other payments to independent contractors" through Forms 1099. JIFGA also reported \$29,618 in "gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose." In order to enable us to evaluate Defendants' compliance with the Permanent Injunction, please provide, within 10 business days, the name and contact information of each independent contractor to whom JIFGA made payments in 2016 along with a copy of each Form 1099 issued to such contractor(s) and documents sufficient to identify source(s) of JIFGA's \$29,618 in gross receipts, including what admissions, merchandise, services or facilities it sold or furnished.

While we expect that Defendants will voluntarily provide this information, Plaintiffs continue to reserve their rights with respect to the Permanent Injunction and the December 17, 2015 settlement agreement, including the right to seek appropriate relief to verify and enforce Defendants' compliance. We also remind Defendants that New Jersey law imposes a duty to preserve documents where a party is aware of the probability of future litigation and levies strict penalties on parties who engage in spoliation, whether intentionally or through negligence. *See, e.g., Aetna Life & Cas. Co. v. Imet Mason Contractors*, 309 N.J. Super. 358, 366, 707 A.2d 180, 184 (App. Div. 1998).

We look forward to your response.

Very truly yours,



James L. Bromley

Enclosure

cc: Arthur Goldberg (via FedEx)  
David C. Dinielli, Esq. (via email)  
Scott D. McCoy, Esq. (via email)  
Bruce D. Greenberg, Esq. (via email)

# **EXHIBIT 15**

# MESSINA LAW FIRM

A Professional Corporation

961 Holmdel Road  
Holmdel, New Jersey 07733

Michael P. Laffey

Email: [mlaffey@messinalawfirm.com](mailto:mlaffey@messinalawfirm.com)

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Phone 732.332.9300  
Direct 732.642.6784  
Fax 732.332.9301

January 30, 2018

James Bromely Esq.  
Cleary, Gottlieb, Steen & Hamilton  
One Liberty Plaza  
New York NY 1006

RE: *Ferguson et al. v. JONAH et al.*

Dear Jim,

I am in receipt of your letter of January 19, 2018, regarding the above referenced matter.

I am not aware of any legal authority that would permit you to demand information from an organization that was not part of either the litigation or the settlement agreement. Further there is nothing in the confidential settlement agreement that entitles you to demand information from the parties to that agreement. Finally the request is broad enough that it could be construed as requesting the confidential information of third parties and my client will not produce such confidential information.

That being said, subject to my client's reservation of all rights to refuse to cooperate with any future demands of this nature, in order to avoid further litigation I will, on behalf of my client, provide the following information.

The \$29,618 in gross receipts is broken down as follows:

\$ 11.22- Verizon Settlement Refund  
\$ 214.46- *Light In The Closet* Book Sales  
\$ 1,181.58- Bank of America refund from closed JONAH account  
\$ 28,210.74- received from clients of Robert Vazzo from Robert Morgan.

Mr. Vazzo and Mr. Morgan provide counselling and had referral agreements with JONAH. When JONAH was dissolved these agreements were assigned to JIFGA. These payments were made pursuant to those agreements. Neither of these gentlemen reside in New Jersey nor provide services in New Jersey. None of the referrals are from people who reside in New Jersey and all of the referrals were made prior to the settlement agreement being entered into. While not all of the referrals are for people seeking assistance with "same sex attraction" some most likely are. However these referrals clearly do not fall within the activity prohibited by the settlement agreement as they have no connection with New Jersey and the actual referrals

LAW OFFICES  
**MESSINA LAW FIRM**

James L. Bromely  
January 25, 2018  
Page 2

pre-date the agreement.

With regards to the payments made by JIFGA, payments in the total amount of \$42,549 were made to the following people and entities:

RAIDO Communications \$7,902.26  
Robert Morgan- \$7,513.38  
Robert Vazzo- \$5,710.00  
Steven Olmeda- \$21,428.50

Mr. Olmeda provides bookkeeping services and computer related services to JIFGA. The payments to Mr. Morgan and Mr. Vazzo are related to the above mentioned referral agreements. Some clients send payments to JIFGA (as assignee of JONAH) who then forwards a portion of the payments to Mr. Morgan or Mr. Vazzo as the case may be. The amount of the payments reflect set offs that are owed JIFGA for referral fees on clients who paid Morgan and Vazzo directly. Once again, none of the individuals are in any way connected with New Jersey and these payments pertain to referrals that pre-date the settlement agreement. I have enclosed copies of the 1099's for both Mr. Morgan and Mr. Vazzo. Tax ID numbers have been redacted.

This information should satisfy you that my client has not violated the settlement agreement. Should you have any further questions please feel free to telephone me.

Sincerely



Michael P. Laffey

MPL/hs  
cc: clients



☐ VOID ☐ CORRECTED

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. <b>Jewish Institute for Global Awareness</b> <b>80 Grand St.</b> <b>Jersey City, NJ 07302</b> <b>201-946-9933</b>		1 Rents \$	OMB No. 1545-0115 <b>2016</b> Form 1099-MISC		Miscellaneous Income
		2 Royalties \$			
PAYER'S federal identification number <b>810-950-956</b>		RECIPIENT'S identification number <b>[REDACTED]</b>		3 Other income \$	Copy C For Payer
RECIPIENT'S name <b>Robert Vazzo</b> Street address (including apt. no.) <b>1063 Spotted Saddle St.</b> City or town, state or province, country, and ZIP or foreign postal code <b>Henderson, NV 89105</b>		5 Fishing boat proceeds \$		4 Federal income tax withheld \$	
Account number (see instructions)		FATCA filing requirement <input type="checkbox"/>	2nd TIN not. <input type="checkbox"/>	6 Medical and health care payments \$	For Privacy Act and Paperwork Reduction Act Notice, see the <b>2016 General Instructions for Certain Information Returns.</b>
15a Section 409A deferrals \$		15b Section 409A income \$		7 Nonemployee compensation \$ <b>5710-</b>	
				8 Substitute payments in lieu of dividends or interest \$	
				9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/> \$	
				10 Crop insurance proceeds \$	
				11	
				12	
				13 Excess golden parachute payments \$	
				14 Gross proceeds paid to an attorney \$	
				16 State tax withheld \$	
				17 State/Payer's state no. \$	
				18 State income \$	

Form 1099-MISC

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

☐ VOID ☐ CORRECTED

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. <b>Jewish Institute for Global Awareness</b> <b>80 Grand St.</b> <b>Jersey City, NJ 07302</b> <b>201-946-9933</b>		1 Rents \$	OMB No. 1545-0115 <b>2016</b> Form 1099-MISC		Miscellaneous Income
		2 Royalties \$			
PAYER'S federal identification number <b>810-950-956</b>		RECIPIENT'S identification number <b>[REDACTED]</b>		3 Other income \$	Copy C For Payer
RECIPIENT'S name <b>Robert Morgan</b> Street address (including apt. no.) <b>7635 Westwind Lane</b> City or town, state or province, country, and ZIP or foreign postal code <b>Houston, TX 77071</b>		5 Fishing boat proceeds \$		4 Federal income tax withheld \$	
Account number (see instructions)		FATCA filing requirement <input type="checkbox"/>	2nd TIN not. <input type="checkbox"/>	6 Medical and health care payments \$	For Privacy Act and Paperwork Reduction Act Notice, see the <b>2016 General Instructions for Certain Information Returns.</b>
15a Section 409A deferrals \$		15b Section 409A income \$		7 Nonemployee compensation \$ <b>7513.38</b>	
				8 Substitute payments in lieu of dividends or interest \$	
				9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/> \$	
				10 Crop insurance proceeds \$	
				11	
				12	
				13 Excess golden parachute payments \$	
				14 Gross proceeds paid to an attorney \$	
				16 State tax withheld \$	
				17 State/Payer's state no. \$	
				18 State income \$	

Form 1099-MISC

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service