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DEBUNKING THE HUMAN RIGHTS CAMPAIGN'S STATEMENTS ABOUT LIBERTY COUNSEL POSTED IN THE ARTICLE "10 Things You Should Know About The Liberty Counsel"

The Human Rights Campaign (HRC) has grossly misrepresented Liberty Counsel in the recent article on its website titled above. The response below is to HRC's misrepresentations.

Misrepresentation 1: "Liberty Counsel Chairman Mat Staver says LGBT young people have "confusion because of 'the likes of a Jerry Sandusky abuser,' so they need to be cured by dangerous attempts to change their sexual orientation—a practice that has been condemned by every major medical and mental health organization in the country."

False. Staver never said Jerry Sandusky caused gay people to be confused. He said when a young boy is sexually abused by "the likes of a Jerry Sandusky" it is not uncommon that the young boy blames himself, may develop unwanted same-sex sexual attractions, and sometimes tries to abuse other boys in the way he was abused.

Facts:

- Liberty Counsel has represented minors who have experienced *unwanted* same-sex sexual attractions, some as the result of having been sexually abused by an adult, similar to the abuse for which Jerry Sandusky was convicted. These clients have *asked* for help in addressing unwanted attractions which have caused them emotional distress. They have benefited from licensed mental health counselors. When California and New Jersey banned their counselors from providing such counsel, the counselors, counseling associations, and the clients of counselors asked Liberty Counsel to help them challenge the law that denies them freedom of choice in the provision or selection of their counselors and the viewpoint of the counsel.
- California and New Jersey passed unprecedented laws that, for the first time in history, prevented counselors from offering and clients from receiving a particular counseling objective and viewpoint. The laws banning change therapy ("SOCE") are based solely upon an incomplete study which found that:
 - the sexual orientation issues in children are virtually unexamined;
 - none of the research meets standards that permit conclusions regarding efficacy or safety;

- there is a dearth of scientifically sound research on the safety of SOCE;
- the amount of research on children and adolescents is “limited;”
- “[t]here is no research demonstrating that providing SOCE to children or adolescents has an impact on adult sexual orientation;”
- “Research on SOCE (psychotherapy, mutual self-help groups, religious techniques) has not answered basic questions of whether it is safe or effective and for whom. . . . [R]esearch into harm and safety is essential.”

Misrepresentation 2: “Liberty Counsel actively and aggressively defended exporter of hate Scott Lively in U.S. District Court when he was defending himself against charges of ‘crimes against humanity’ for his involvement pushing Uganda’s odious anti-LGBT law, which promises life in prison for Ugandans convicted of being gay. Lively told Ugandans that ‘predatory gays’ are ‘looking for other people to be able to prey upon’ and bragged that ‘our campaign was like a nuclear bomb against the ‘gay agenda in Uganda.’ Liberty Counsel called the suit an attempt by the ‘intolerant homosexual lobby.’”

False. Liberty Counsel is representing Christian pastor Scott Lively, who has been sued for accepting an invitation to speak to family leaders in Uganda many years ago regarding homosexual sexual activity and abortion. This suit alleges “crimes against humanity” for mere speech. Moreover, Lively publically spoke against the Ugandan law, which, by the way, was never passed anyway.

Facts:

- Liberty Counsel did not make the statements mentioned above.
- Mr. Lively did not say nor brag about his “campaign was like a nuclear bomb against the gay agenda in Uganda.” This statement had nothing to do with Liberty Counsel and, at any rate, was made by a third party in Uganda.

Misrepresentation 3: “Liberty Counsel supports and defends archaic laws criminalizing homosexuality with harsh punishments around the world, and has condemned President Obama and the U.S. government for speaking out against such laws, saying America should not be trying to make that country act in an immoral way.”

False: Liberty Counsel has not supported such laws. Liberty Counsel has criticized the Obama administration for using the State Department to force some countries to change their laws on abortion and marriage.

Misrepresentation 4: “Liberty Counsel says that judges and magistrates in marriage equality states who go rogue and refuse to marry same-sex couples are basically like Dr. Martin Luther King, Jr., and Rosa Parks.”

False: Liberty Counsel supports the right for religious accommodations where those accommodations are possible.

Facts:

- Liberty Counsel is represented Kim Davis, who is a county clerk in the

Commonwealth of Kentucky, in which she asked for an accommodation of her deeply held religious convictions.

- Liberty Counsel filed suit in North Carolina on behalf of Magistrates, seeking a religious accommodation. The legislature passed an accommodation law and Liberty Counsel dismissed its suit.

Misrepresentation 5: “Even better—Liberty Counsel compared marriage equality to slavery and forced sterilization. ‘Enter Mat Staver: It’s shameful for the Supreme Court for what they have done to marriage as it has been shameful in the history of the court with regards to the *Dred Scott* decision and the *Buck v. Bell* decision, where they said that the state of Virginia can forcibly sterilize her because of this eugenics idea that they want to eliminate the undesirables of the world. That was the shameful day that we ultimately look back with shame upon and I think this is going to one of those same kind of situations.’”

False: Liberty Counsel did not compare “marriage equality to slavery and forced sterilization,” but mentioned two Supreme Court cases involving slavery and forced sterilization that lacked constitutional or historical support.

Facts:

Staver said that the 5-4 opinion issued by the Supreme Court in *Obergefell* will be regarded to be poorly reasoned, and lacking in Constitutional support. Referring to this opinion, Chief Justice John Roberts said it was not based on the Constitution or on the Court’s precedents. The Chief Justice himself compared *Obergefell* to *Dred Scott* because of the lack of constitutional support. The Chief Justice went on to state that the marriage opinion was made by “five lawyers,” who “imposed their will, not a legal judgment,” and “not based on the Constitution or the Court’s precedents.”

Misrepresentation 6: “Liberty Counsel’s Matt Barber attacked U.S. Sen. Rob Portman’s son for living an ‘abhorrent lifestyle’ (being gay). Liberty Counsel’s Mat Staver referred to Portman as being one of ‘the cockroaches within the Republican Party’ for standing with his son and supporting marriage equality.”

False: No one associated with Liberty Counsel made those statements. Matt Barber is not employed by Liberty Counsel; nor does he speak for Liberty Counsel. Matt Barber own website describes himself as “founder and editor-in chief of BarbWire.com. He is an author, columnist, cultural analyst and an attorney concentrating in constitutional law.” (See <http://barbwire.com/author/mattbarber/>)

Staver did not call Portman a “cockroach” for standing with his son.

Facts:

- Matt Barber is not an employee of or a spokesperson for Liberty Counsel and is not expressing a position for Liberty Counsel.
- Mat Staver did not call Portman a “cockroach” or criticize him for standing with his son. Whether parents agree or disagree with the beliefs or actions of their children, parents can

and should support them. Support does not mean that parents need to change their views, but parents should continue to love and respect their children even if they have sharp disagreements. In referencing cockroaches “that start running,” Staver was criticizing manner in which certain Republicans who have started running away from conservative values (like cockroaches when the lights are turned on) and towards same-sex “marriage,” alienating the conservative base. Staver’s statements do not question Portman’s support for his son.

Misrepresentation 7: “Liberty Counsel thinks being LGBT is not only a health hazard, but is also just like being a drug addict, which justifies legal discrimination. They actually said, ‘Both are about protecting children and society. Laws that single out those who want to engage in a harmful behavior, like drug laws that discriminate against heroin users, are not unlawful discrimination but rather compassionate public policy.’”

False: Liberty Counsel has not said that “being LGBT” is a health hazard and has not said that discrimination against those who are “LGBT” should be legal.

Facts:

- The sexual act of anal intercourse, as distinguished from “being LGBT,” is a health hazard as set forth in numerous studies regarding men who have sex with men (MSM), and these studies are readily available on the website for the United States Center for Disease Control, a federal agency.
 - On May 9, 2014, the Centers for Disease Control and Prevention published a report documenting significant increases in sexually transmitted diseases in homosexual men for the period 2005-2013, calling the trend a “major public health concern.”
 - The Centers for Disease Control and Prevention report that the rate of new HIV diagnoses among men who have sex with men is more than 44 times that of other men, while the rate of primary and secondary syphilis among men who have sex with men is more than 46 times that of other men.
 - Similarly, the CDC reports that women who have sex with women have higher rates of some cancers and other diseases.
- LGBT advocates acknowledge that the nature of the sexual acts in which same-sex couples engage carries health risks that are not as prevalent, or in some cases, not present at all, in others:
 - In Canada, advocates have filed a complaint against the Canadian health service, alleging that the organization discriminates against homosexuals because it does not provide proper treatment for conditions which uniquely affect them. The homosexual-specific health issues that are the subject of the complaint include lower life expectancy, suicide, higher rates of substance abuse, depression, inadequate access to care and HIV/AIDS. One of the claimants was quoted as saying, “[t]here are all kinds of health issues that are endemic to our community.... We have higher rates of anal cancer in the gay male community, lesbians have higher rates of breast cancer. These are all issues that need to be addressed.”
 - A survey of members of the Gay and Lesbian Medical Association (GLMA)

reported on “10 health care concerns men who have sex with men (MSM) should include in discussions with their physicians or other health care providers,” including higher rates of substance abuse, depression, HIV/AIDS, sexually transmitted diseases, certain cancers and eating disorders.

Misrepresentation 8: “Liberty Counsel advocated on behalf of a woman named Lisa Miller, who claims to have ‘renounced homosexuality’ thanks to her religion and then kidnapped and fled the country with her child in order to avoid her same-sex former partner-the child’s other parent- from seeing her. She fled after she was found in contempt of court for denying a Vermont court order that she grant the child’s other mother visitation. Coincidentally, it was reported in 2011 that Miller and her child were living in Nicaragua in a home owned by Mat Staver’s administrative assistant’s father.”

False. Liberty Counsel represented Lisa Miller in a dispute regarding custody of her child. Liberty Counsel has had no contact with Ms. Miller since 2009, when she suddenly and without warning disappeared.

Facts:

- Liberty Counsel represented Lisa Miller.
- Lisa Miller was ordered to grant visitation and custody to Janet Jenkins, whom a Vermont Court deemed to be a second parent.
- Lisa Miller provided visitation and later asked the court for supervised visitation due to the emotional stress her daughter experienced (nightmares, bed wetting, and more) following visits with Jane Jenkins.
- The week before Lisa Miller disappeared, she was searching for a new job and preparing for an interview near her home.
- Liberty Counsel lost contact with Lisa Miller in September 2009, with no warning from Lisa that she was leaving. Liberty Counsel sought to find her and, when she could not be found, informed the court.
- A court case brought by Janet Jenkins against Lisa Miller claimed that she was living in a home owned by the father of a student who attended college in Virginia, but this person was not Staver’s administrative assistant and Staver never spoke to this student about Lisa Miller. This student did not and has never worked for Liberty Counsel. Moreover, the suit filed by Jenkins did not name Staver or Liberty Counsel, and when the case was dismissed against most defendants, the federal court wrote that there was no evidence Lisa Miller’s attorneys did anything wrong or had anything to do with her disappearance, stating, “**there is no factual support for the assertion that the attorneys committed a tortious act—or conspired to commit a tortious act—that caused injury to Janet Jenkins. There is no suggestion that the attorneys committed a tort by representing their client or publicly voicing their opinions concerning the issues.**” *Jenkins v. Miller, et al.*, 983 F. Supp. 2d 423, 446 (D. Vt. 2013).

Misrepresentation 9: “Liberty Counsel has claimed that LGBT hate crimes protections are part of the ‘radical homosexual anarchist agenda.’ Laws aimed at preventing anti-LGBT bias motivated crimes ‘trample the free exercise of religion,’ according to Mat Saver [sic]. ‘Pedophiles find refuge in this so-called hate crimes bill, while veterans and grandmas are left to

fend for themselves.’”

False: Liberty Counsel has opposed all hate crimes legislation, even those that include religion, because of the potential infringement on speech and the fact that the underlying substantive penalties already available are sufficient.

Facts:

- The “hate crimes” bill does not define the terms “sexual orientation” or “gender identity,” which means that the definitions will be left to the discretion of those seeking to enforce the laws.
- The fact that the law does not define the terms “sexual orientation,” or “gender identity” means that the terms can be utilized by those who want to claim that they are the subject of a “hate crime” for engaging in pedophilia or similar acts that they regard as an “orientation.”
- Liberty Counsel has expressed opinions on the possible effects of a law with undefined terms and inadequate protections for freedom of religion and free speech.

Misrepresentation 10: “Liberty Counsel calls a bill that would protect LGBT people from workplace discrimination, ‘one of the most dangerous and discriminatory pieces of legislation in modern times.’ According to them, prohibiting employers from discriminating against an employee for being LGBT is actually forcing them to ‘abandon the biblical and traditional values’ in order to protect ‘those who openly flaunt expressly sinful and demonstrably self-destructive sexual behavior.’ AKA Tim Cook.”

False: Liberty Counsel has spoken against poorly worded laws that fail to sufficiently define terms so as to protect the religious freedom and free speech rights of all citizens. Even HRC now opposes this bill because HRC does not want any religious accommodations.

Facts:

- The bill in question was broadly worded so that it could be interpreted to prohibit faith-based businesses from expressing Biblical viewpoints on human sexuality or supporting marriage as the union of one man and one woman and thereby subject faith-based employers to liability for merely maintaining standards consistent with their core values.
- EEOC member Chai Feldblum, who would be one of the people enforcing the legislation if passed, has stated publicly that when religious liberty and sexual liberty conflict, “I’m having a hard time coming up with any case in which religious liberty should win.”¹

Serious news sources and journalists should ignore HRC and similar groups that continue to post and repeat false information about Liberty Counsel. As this response clearly shows, HRC has posted misquoted, inflammatory and misleading information about Liberty Counsel, and deserves to be discredited.

¹ Feldblum, Chai R., "Moral Conflict and Liberty: Gay Rights and Religion" (2006). *Georgetown Law Faculty Publications and Other Works*. Paper 80. (Last visited 9/16/15 at: <http://scholarship.law.georgetown.edu/facpub/80>).