

No. 24-539

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IN THE  
**Supreme Court of the United States**

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KALEY CHILES,

*Petitioner,*

*v.*

PATTY SALAZAR, IN HER OFFICIAL CAPACITY AS  
EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT  
OF REGULATORY AGENCIES, ET AL.,

*Respondents.*

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ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE TENTH CIRCUIT

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**BRIEF OF *AMICI CURIAE* 27+ LAY ROMAN  
CATHOLICS IN SUPPORT OF RESPONDENTS**

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## INTERESTS OF THE AMICI CURIAE

The amici, 27+ Lay Roman Catholic men and women who are practicing members of the Roman Catholic Church, support the actions of the respondent State of Colorado. The decision below which affirmed legislation prohibiting conversion therapy directed towards individuals age 18 years and under should now be affirmed. 27+ Lay Roman Catholics have submitted briefs *amicus curiae* to this Court previously in support of LGBTQIA+ persons in *Fulton v. City of Philadelphia*, 141 S.Ct. 1868 (2021) and *303 Creative v. Elenis*, 600 U.S. 570 (2023).<sup>1</sup>

## SUMMARY OF THE ARGUMENT

The legislation banning licensed medical professionals from utilizing conversion therapy for individuals aged 18 and under should not be set aside on First Amendment grounds. Such treatment regimens are inherently injurious to all, including adults, and fail to accept LGBTQIA+ individuals with closeness, compassion and tenderness in accord with the teachings of Jesus Christ and the welcoming to all “big tent” accompanying approaches to Christianity of Pope Francis I.

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<sup>1</sup> Pursuant to Supreme Court Rule 37.6, counsel for *amici curiae* states that no counsel for a party authored this brief in whole or in part and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief.

## ARGUMENT

### I.

#### **“Conversion ‘therapy’ is not therapy, it is abuse” Vicky Brett**

The *amici* are lay Roman Catholics with grave concerns about serious adverse consequences from “conversion therapy” (sometimes referred to as “reparative therapy”) directed to persons of any age, but especially to those age 18 years and under who should never be demonized nor judged as “perverted” or “inadequate”. Such damning words are regularly employed destructively in conversion therapy sessions often with adverse impacts including self-condemnatory ideation and compelled impressions of worthlessness.

The *amici* contend that conversion therapy should not be utilized even in the guise of religion, or by religious counselors but, even more so it should never be employed by medical practitioners or therapists in secular settings. The Colorado legislation exempts a person engaged in the practice of religious ministry; it is aimed only at conversion therapy delivered as purported medical treatment by licensed therapists.

The *amici* support legislative prohibitions applicable to licensed medical professionals against conversion therapy for persons under age 18. *Amici*, recognizing the risks of harm that accompany such measures, also support such prohibitions with regard to adult patients.

One must exercise great caution when countenancing actions under religious beliefs when there is significant risk that harm may result; religion may be practiced but should not be in a weaponized manner under the guise of scientifically based medical practice by licensed professionals . That would be the case here if licensed therapists are authorized to institute conversion therapy. The risks that have been identified in the scientific literature are compelling—including risks of derogation of self-esteem, self-harm and suicide. If such approaches are countenanced as free speech, no governmental “guard-rails” would be available to protect individuals from abuses.

One compelling anecdotal description (used with permission) criticizing conversion therapy, was presented by Vicky Brett, who is a Church of England Lay Synod member and Lay Pioneer serving the LGBTQIA+ community, with regard to the experiences of her own child:

*“The conversion therapy sometimes urged on gay people by conservative Christians is a very different matter from the kind of listening and exploratory counselling that should surely be the norm...”*

*She continues:*

“A trained therapist does not tell you what to think or what to do or who you are – they allow you the freedom to explore and question and understand yourself and your situation. They do not force or coerce you to transition or to not transition. In contrast, the ‘Christian’

conversion practices we experienced held not one jot of freedom or exploration – we were told repeatedly that we were evil and going to hell, that being transgender or supporting someone was wrong, that my child was a sexual pervert, that we were bad parents, subjected to yelling and prayer to remove demons...During this time my child took an overdose, but by God’s grace they were resuscitated.... Conversion ‘therapy’ is not therapy, it is abuse.”

“Is the Conversion Therapy Ban a Muddle? A Response to Angela Tilby” by Vicky Brett, a member of the House of Laity at General Synod and a Lay Pioneer with the Church of England serving the LGBTQIA+ community in Peterborough. <https://viamedia.news/2022/04/13/is-the-conversion-therapy-ban-a-muddle-a-response-to-angela-tilby/>

## II.

**“...a sustained journey through Christian history over the last two centuries reveals that there is no such thing as a Christian theology of sex.” Diarmaid MacCulloch**

Diarmaid MacCulloch, a fellow at St. Cross College and Campion Hall, University of Oxford and an emeritus professor of the history of the Church, as well as an ordained deacon of the Church of England, has recently completed an exhaustive work “Lower Than The Angels A History of Sex and Christianity” (New York: 2024). It stands as an important contribution in continuing discussion concerning the

relationship between sex and gender and religion, in particular of course Christianity. McCulloch concludes in his closing chapter:

“Christian theology is not just a matter of opening the Bible and reeling off a text or learning Church dogma. It is dependent on countless echoes of the past, back to Greeks, Jews, even Hindus or Buddhists. The consequence is that contrary to many assertions over the last two centuries, a sustained journey through Christian history reveals that there is no such thing as a Christian theology of sex. There are multiple Christian theologies of sex, many of which have over two millennia been downright contradictions of each other. That shows no signs of changing...”

McCulloch, “Lower Than The Angels”, pp.492-493.

### III.

**“To save people for their own good, whether they know it or not.” Justice Antonin Scalia**

In religious based efforts involving conversion therapy, including those described by Vicky Brett and crusading against homosexuality as described in McCulloch’s work, the zealousness of well-intentioned believers can have devastatingly negative results. This approximates the concerns about religious zealousness which Antonin Scalia in his 1989 address “Church and State” to the Pontifical North American College in Rome, cautioned against:

“If one is a skeptic, or not entirely convinced of the truth of one’s own religious beliefs, it is quite easy to agree that those beliefs should not be imposed, and indeed should not even be fostered, by the state. After all, they might be wrong. But for the Ayatollah Khomeini—or, for that matter, for devout Christians of the sort who managed the Inquisition, the doctrine is more difficult. If one truly believes that the hereafter is all important, that the pleasures and griefs of our 80 years or so in this world are insignificant except as a means of entering the next, then the temptation is to take whatever action is necessary, including coercive action by the state, to save people for their own good, whether they know it or not [Emphasis by underline added].”

Scalia Speaks Reflections on Law, Faith, and Life Well Lived (2017)

#### IV.

##### **Both Houses of Parliament of Canada By Unanimous Actions Voted to Ban Conversion Therapy For Adults As Well As Children**

Canada, in 2022 by unanimous action of both chambers of its Houses of Parliament criminalized conversion therapy for persons of any age. Canada’s prohibition received royal assent on December 8, 2021 and thus became the law of the nation of 30 days thereafter—“Statutes of Canada

2021—An Act To Amend the Criminal Code (conversion therapy)” [www.ourcommons.ca](http://www.ourcommons.ca). This Court’s jurisprudence should include consideration of international legislation especially when apropos and compelling as with Canada’s action, here unanimously undertaken, by a nation so closely aligned both culturally and historically with our own. It is also noteworthy that Canada regularly employs the contraction or acronym “LGBTQIA2”; the Arabic number “2” is incorporated to recognize historic sex and gender fluidity among indigenous peoples which has not been recognized to a similar extent to date in the United States.

A significant number of other nations have also passed prohibitions against conversion therapy as medical treatment—often directed at all persons—both adults and adolescents. To repeat, in those measures the prohibition lies against such treatment for adults –not just for vulnerable adolescents. Further, unlike the Colorado state law now being considered, many of the prohibitions passed internationally include criminal penalties. Wikipedia, National bans of conversion therapy. <https://share.google./rYsRw1SgDr6T1C3QY>

*Amici* must now respectfully inquire:—under what premise would the Nation of Canada, and other nations also, enact legislation prohibiting conversion or reparative therapy for adults as well as adolescents (often with criminal sanctions) while state legislatures in the United States would be barred from enacting civil licensing prohibitions (even without criminal sanctions) directed exclusively at secular licensed medical practitioners relating only to the identified

vulnerable population of individuals aged 18 and under?

### **CONCLUSION**

For all reasons set forth herein, the decision below should be affirmed.

Respectfully submitted,

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August 2025

# APPENDIX

**LIST OF *AMICI CURIAE***

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