



Written by [Bob Adelman](#) on August 29, 2023

City Repeals Ban on “Identity Change Efforts”

[A letter from Liberty Counsel](#), the public-interest law firm defending the First Amendment, was all it took to change the minds of three of the seven members of the Waterloo, Iowa, City Council.

In May, six of those seven members decided to adopt an ordinance that Liberty Counsel had already successfully gotten repealed in Florida. After receiving the letter, and the clear threat of expensive litigation, followed by a court ruling that its ordinance is unconstitutional, three of the recalcitrant six changed their votes, and the ordinance was repealed.



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At issue is what the ordinance referred to as “sexual orientation or gender identity change efforts,” declaring that “it is a violation for any medical or mental health professional to provide such services to a minor.”

It was okay for public schools to confuse their students deliberately and intentionally about their sexual identity or their gender. There was nothing in the ordinance about that. As the press release from Liberty Counsel noted:

A counselor could encourage a client to take life-altering hormone drugs or even undergo invasive surgery to remove healthy body parts but [he or she] could not help a client who sought to overcome unwanted same-sex attractions, behavior, or confusion.

Such restrictions could not stand, as the attorney noted in his letter to the City Council:

I therefore write on behalf of Liberty Counsel and on behalf of a client whose First Amendment rights are even now being violated by this speech ban.

I hereby request that the Waterloo City Council repeal the Ordinance. The Ordinance is offensive to the First Amendment.

The Ordinance bans verbal counseling (erroneously called “conversion therapy” or “sexual orientation change efforts”) based on the viewpoint of that counseling.

The Ordinance constitutes a ban on protected speech and further imposes a penalty upon those who wish to exercise their First Amendment rights in their professional practice.

This speech ban is unconstitutional and should be repealed.

The recent Supreme Court ruling in *303 Creative LLC v. Elenis* (where a website developer’s rights were upheld) was quoted:

The First Amendment protects an individual’s right to speak his mind regardless of whether



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the government considers his speech sensible and well intentioned or deeply “misguided” and likely to cause “anguish” or “incalculable grief.”

The Waterloo ordinance grievously offended the First Amendment:

In violation of the First Amendment, the Waterloo Ordinance states, “It is a violation [of the Ordinance] for any medical or mental health professional to provide or advertise sexual orientation or gender identity change efforts to a minor,” which include “efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.”

The Ordinance permits the City to send an “advisory letter” to an alleged violator that “provision of conversion therapy or sexual orientation or gender identity change efforts is prohibited.”

Yet, the act of sending an “advisory” letter “does not preclude any other enforcement power of the Commission or other body.”

Liberty Counsel then recounted its recent court victories in Florida over the identical issue: *Otto v. City of Boca Raton* and *Vazzo v. City of Tampa*. The attorney reminded the city council that the ordinances that were struck down in those cases were similar to the ordinance recently passed by [you]” and cost the cities of Boca Raton and Tampa hundreds of thousands of dollars in legal fees.

The attorney from Liberty First recounted:

In sum, Otto and Vazzo resulted in awards of attorney’s fees [\$175,000 in *Otto* and \$950,000 in *Vazzo*] to Liberty Counsel for our work in vindicating our clients’ First Amendment rights.

He also reminded the City Council members of the settlement Liberty First obtained in *Shurtleff v. City of Boston*:

Shurtleff resulted in the City of Boston paying more than \$2.125 million in attorney’s fees to Liberty Counsel for the City’s violation of our client’s rights.

The City of Boston received a letter much like this one, from the undersigned, prior to the commencement of litigation that lasted five years before final judgment.

Had the City of Boston heeded that request, it would have saved the taxpayers considerable resources.

Hearts might not have been changed on Waterloo’s City Council, but the strong and persuasive letter from Liberty Counsel changed their votes, winning another victory for the First Amendment to the U.S. Constitution.



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