April 2, 2015

The Honorable Michael R. Pence
Governor, State of Indiana
200 W. Washington St., Rm. 206
Indianapolis, IN 46204

Dear Governor Pence,

On behalf of the 55,000 members of the American Counseling Association (ACA), I write to you about Senate Enrolled Act No. 101, which you recently signed into law. Our association represents professional counselors who each day work with millions of children, adolescents, adults, couples, and families. ACA believes that this new law creates a dangerous precedent that endangers civil rights and essential human services for the entire community.

The legislative language that was enacted is troubling as it allows someone to claim that they may be harmed before any event would actually occur. ACA believes that the law violates a central tenant of our legal system by allowing a person to use it as justification to claim a grievance before anything would occur. We ask for language clarifying that the law will not allow discrimination of any kind against any segment of the population.

As an organization that is supportive of social justice, as well as diversity and inclusion practices, we believe that laws permitting discrimination sends a harmful message that fairness and equality are secondary to personal prejudice. The American Counseling Association is especially concerned with the possible impact on clients and students seeking mental health counseling who may be denied services.

Given these considerations, the American Counseling Association strongly urges you and the legislature to take immediate steps to rectify what we believe to be the unintended consequences of this new law. We ask that you take two specific steps that would preserve the constitutional rights of all citizens in the state.

First, the law must be amended to clearly state that it does not override civil rights protections for persons. Second, members of the LGBT community must be added as a protected class under Indiana law to ensure that their constitutional rights and liberties will not be infringed upon. Both of those steps should be taken immediately and if not then the Legislature should repeal the law in its entirety.

Sincerely,

Richard Yep, CAE, FASAE
Chief Executive Officer
American Counseling Association

cc: President Pro Tempore of the Senate David C. Long
Senate Majority Leader Brandt Hershman
Senate Minority Leader Timothy Lanane
Speaker of the House Brian C. Bosma
House Majority Leader Judson McMillin,
House Minority Leader Scott Pelath