



In Chiles v. Salazar, the Supreme Court is blind

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Last Tuesday, the Supreme Court proved that justice is blind: not free of bias, but ignorant of its own ramifications. Concluding its *Chiles v. Salazar* case, the Supreme Court ruled in favor of Kaley Chiles in an 8-1 vote. Chiles, an evangelical Christian, had sued the state of Colorado for its law banning any medical practice that seeks to “eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex.” As a therapist, Chiles argued the law prevented her from working with patients who want to live a life “consistent with their faith.” She claimed it prevented her from practicing “conversion therapy” — a universally discredited medical practice that seeks to “cure” a patient of any sexual impulses deemed to deviate from an imaginary norm. Despite the widespread discreditation and recognized harm of

conversion therapy, the court declared that banning such a practice was a violation of free speech and prevented the doctor’s right to practice their profession. This decision was not only ignorant of the harm it implicated but was in disagreement with the court’s previous rulings.

The Supreme Court chiefly retained the false notion that a therapist’s “free speech” is critical to a patient’s treatment and must be protected at all costs. This assumption was as ignorant as it was false. A surgeon that unnecessarily amputates an arm would be reasonably found guilty of medical malpractice, having irrevocably harmed a person’s ability to function. Just the same, a therapist, whose words are as surgical as any scalpel, endangers a patient when they teach them to suppress a part of themselves. For instance, therapists practicing conversion therapy teach that their patients are in denial of their biological reality: that they are wrong for sex-



The current U.S. Supreme Court Justices. The Supreme Court recently came to a ruling in the case *Chiles vs. Salazar*.
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ually identifying the way they do. These therapists tell their patients that they are mentally diseased for identifying as LGBTQ+; a scientifically false and bigoted world view. By promoting this outlook, therapists such as Chiles create an unattainable goal for patients: that they must somehow shirk off a core aspect of themselves in the pursuit of an imaginary cure.

This rhetoric is what makes conversion therapy so dangerous — and is why Colorado sought to limit it. Patients who undergo conversion therapy have been shown to face depression and suicide rates three times higher than the average person as a result of the practice’s harmful language. The identity suppression it creates also harms an individual’s success: victims of conversion therapy have been found to struggle in both academic and professional landscapes and earn less on average. A study by the American Medical Association found that when the associated harms, substance misuse and suicide attempt costs were considered, the cost of conversion therapy amounted to an annual economic burden of \$9.23 billion.

The danger posed by refusing to regulate this medical practice is severe — which is exactly why the court ruled

100 years ago that states retain the right to create limitations on what a doctor may do in the name of a patient’s safety. In the Supreme Court’s 1926 *Lambert v. Yellowley* decision, it was found that there is “no right to practice medicine which is not subordinate to the states.” As talk therapy is a medical practice, it should be, according to the court, policed the same as any other form of healthcare. Despite this, the court’s new decision has incidentally also weakened states’ ability to prevent further dangerous practices — even outside of conversion therapy. By disavowing state’s rights to legislate medical practices, the Supreme Court has opened the door to other discredited medical practices that target the LGBTQ+ community — including the notoriously inhumane “electroshock” treatment, which has historically been applied alongside conversion therapy.

Besides ignoring the established legal precedent of the 1926 case, the court also violated its own rulings surrounding free speech. Free speech’s long held exception of clear and present danger — officially established in 1919’s *Schneck v. United States* — holds that speech that leads to immediate or direct harm to an individual is not protected by The

Constitution. Falsely shouting “fire!” in a crowded theater, for instance, cannot be defined as free speech. Instead, the agitator would be held liable for the needless panic they created, and any injuries they may have caused.

As a psychologically harming practice, conversion therapy holds a similar “clear and present danger” to patients. This alone should have discredited the argument that Chiles could practice conversion therapy without consequence.

It is ludicrous to believe that the imagined right for a therapist to upend a patient’s life should be in any way protected under Constitutional law. We would be abhorred to learn a doctor would suggest lobotomy in the modern day. Why should we permit a similar medical professional to offer conversion therapy — an equally outdated and invasive practice? As the final arbiter of the Constitution, the Supreme Court is charged with ensuring the American people retain the promise of equal justice and protection under the law. In this duty, it has failed. Hope may remain that a future court may revisit this decision and overturn it. Until then, the Supreme Court justices have opened the doors for a new era of bigotry, hate and harm in America.



Protesting outside of the United States Supreme Court building, Washington D.C. The court recently ruled states could not prohibit conversion therapy from being offered.
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