



DR. MICHAEL MOATES
MENTAL HEALTH PROVIDER | FELLOW | POLICY ADVOCATE

Statement by Michael Moates, Ed.D. on Chiles v. Salazar Before the Supreme Court of the United States

I am issuing this statement today to denounce the unethical and dangerous behavior of Kaley Chiles, a therapist who is actively seeking to engage in conversion therapy, a discredited and abusive practice, especially harmful to children. This is not a matter of religious or political disagreement. It is a matter of medical ethics, child protection, and constitutional boundaries.

Conversion Therapy Is Child Abuse, Not Protected Speech

Conversion therapy has been condemned by the American Psychiatric Association, American Psychological Association, American Academy of Pediatrics, and the American Medical Association. These organizations are clear: there is no scientific basis for trying to change a person's sexual orientation, and attempts to do so, especially with minors, are inherently coercive, traumatic, and psychologically harmful.

To frame conversion therapy as “free speech” or “religious practice” is to weaponize constitutional rights to justify abuse. But constitutional rights are not absolute. As established in *Schenck v. United States*, 249 U.S. 47 (1919), “the most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.” Similarly, a therapist cannot hide behind the First Amendment to justify inflicting documented psychological harm on children.

Just as teachers cannot scream profanity at students, and doctors cannot deny treatment based on religion, mental health professionals cannot engage in practices that violate the duty of care under the pretense of “free expression.”



The Legal Standard: Informed Consent and Professional Duty

The case of Chiles v. Salazar, now before the U.S. Supreme Court, raises a vital question: Can a licensed therapist override medical ethics and patient rights under the guise of personal belief? **The answer must be a resounding no.**

Medical professionals, when acting in an occupational capacity, are bound by a legal duty to practice within the standard of care and to obtain informed consent. This principle was upheld in Canterbury v. Spence, 464 F.2d 772 (D.C. Cir. 1972), which ruled that physicians must disclose all risks that a reasonable patient would find material. Forcing a child into conversion therapy, without valid consent or evidence-based justification, is a violation of informed consent and constitutes malpractice.

The Court must affirm that the state has a compelling interest in protecting children from unscientific, harmful interventions, just as it does in preventing child neglect, medical fraud, and other forms of abuse even if those actions are claimed to be religious or expressive in nature.

Comparison to Clergy Sexual Abuse and the Judge Rotenberg Center

Kaley Chiles' actions are not isolated. They echo institutional abuses that our society has repeatedly failed to stop until it was too late:

At the Judge Rotenberg Center, children with disabilities were subjected to electric shock therapy as behavior modification. In 2020, the FDA banned such devices, calling them



“inhumane” and noting the severe trauma inflicted. This was justified as “treatment” just as Chiles frames her actions, but ultimately recognized as torture.

In the Catholic Church abuse scandal, clergy used their authority and religious privilege to sexually abuse children, shielded by silence and institutional protection. Like Chiles, they operated under a veil of moral superiority, yet their actions left lasting scars. Courts have consistently ruled that religion does not excuse abuse, as seen in *Employment Division v. Smith*, 494 U.S. 872 (1990), which held that religious belief does not excuse individuals from compliance with valid and neutral laws of general applicability.

Kaley Chiles, like abusive clergy, is abusing her position of trust and authority. But instead of physical violation, she proposes a psychological violation that tells children they are “broken” for who they are. That is not therapy. **That is institutionalized emotional abuse.**

Final Appeal to the Court

The Supreme Court must make clear that therapists are not prophets, and the therapy room is not a pulpit. When you hang a professional license on your wall, you accept limitations on your personal beliefs for the sake of ethical, evidence-based care.

Freedom of speech does not permit shouting “bomb” in a theater. And it should never permit a licensed therapist to mentally torture LGBTQ youth under the false flag of “help.”

Chiles v. Salazar presents the Court with an opportunity to stand on the side of medical integrity, child welfare, and constitutional clarity. Let us hope they do.



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Cited Authorities:

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- *Canterbury v. Spence*, 464 F.2d 772 (D.C. Cir. 1972)
- *Employment Division v. Smith*, 494 U.S. 872 (1990)
- FDA Ban on Electrical Stimulation Devices at Judge Rotenberg Center (2020)
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- United Nations Human Rights Council. (2013). *Report of the Special Rapporteur on Torture*