



Written by [Alex Newman](#) on February 18, 2014

Ohio Parents Stop Coercive Medicine Aimed at Daughter

After battling Ohio state officials and even going into hiding to stop authorities from forcing their young daughter to receive controversial chemotherapy, a cancer treatment that the parents said was killing her, an Amish family is one “big step” closer to victory. Last week, in a ruling that is being celebrated as a small win for parental rights and healthcare freedom, a judge ruled that the court-mandated “guardian” assigned to make decisions for the girl could drop the bid to coerce 11-year-old Sarah Hershberger into receiving chemo against the family’s will.



The family’s saga, which has made headlines around the world, first attracted public scrutiny after the devout Hershberger parents decided in July to stop chemotherapy for their daughter, who suffers from leukemia. The Hershbergers believed the therapy was having a devastating and potentially fatal impact on their child and chose to try other options such as natural medicines instead. The Akron Children’s Hospital disagreed with the parents’ decision and contacted authorities in an effort to have the social services remove the girl from her home and force the treatment on her at gunpoint.

When county officials found the Hershbergers to be fit parents and refused to rip the girl away from her family, the hospital went to court in an effort to enforce its will. Eventually, an Ohio appeals court ruled against the parents, claiming that their rights, beliefs, and convictions could not interfere with the government’s notion of what is supposedly in the [“best interest”](#) of the girl. The court then appointed a “guardian,” Maria Schimer, to make decisions for the family while seeking to remove the girl from her loving parents’ care.

Out of options, the Hershbergers fled their farm in Medina County to protect the young girl from “medicine at gunpoint.” Chemotherapy has potential side effects that include infections, infertility, heart disease, damage to internal organs, heightened risk of contracting other cancers, and even death. The family eventually left the country for Latin America to pursue alternative treatments and prevent authorities from seizing the girl. The hospital had claimed she would die within six months to a year without the treatment it sought to impose by force.

As opposed to dying from a lack of chemo, which was reportedly making the cancer-stricken girl extremely ill, she responded very well to less-risky medical treatments, her family members told reporters, adding that the cancer was receding. In fact, her grandfather, citing the results of blood and imaging tests, told the *Akron Beacon Journal* in November that she was cancer-free after having recently celebrated her 11th birthday. “She’s a vibrant, healthy girl,” said Isaac Keim, the grandfather, noting that his granddaughter did not want chemo either.

Executive Director Maurice Thompson with the 1851 Center for Constitutional Law in Ohio, which represented the family in its legal battles, highlighted multiple problems with the actions of state officials in the case. Aside from the myriad violations of the parents’ unalienable rights guaranteed in



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the U.S. Constitution, the effort to rip the family apart and force the young girl to receive coerced medical treatment also runs afoul of the Ohio Constitution and various court rulings.

“This case touches upon the very role of government in a free society: our Constitutions do not empower state government to rip a child from her admittedly competent parents and loving home, and force her to submit to unneeded treatment that may kill or sterilize her, when other courses of treatment are being pursued, and are working,” said Thompson, an attorney who leads the freedom-oriented 1851 Center.

Among the arguments made by the family and its legal counsel is that forced medical treatment is a violation of the Ohio Healthcare Freedom Amendment, a constitutional amendment approved by more than two-thirds of voters in 2011. The measure, which was also [intended to nullify ObamaCare’s mandate that individuals purchase health insurance](#), states that no federal, state, or local rule can compel a person to “participate in a health care system.”

“This is amongst the very things that the 2011 Health Care Freedom Amendment was passed to guard against — a state that can force health care upon you or deprive you of it can control every aspect of life,” explained Thompson, whose organization helped draft the measure. Even before the constitutional amendment protecting citizens from coercive healthcare was overwhelmingly approved by voters, the Ohio Supreme Court had already ruled that the state constitution protects the “inherent” rights of individuals to refuse medical treatment.

Meanwhile, the U.S. Supreme Court has held on multiple occasions that the U.S. Constitution protects the unalienable rights of parents to direct the upbringing of their children. “We made it clear to our opponents that they were in for a protracted battle over fundamental principles and constitutional rights; and that on each, they were on the wrong side,” continued Thompson, calling the whole ordeal “one of the darkest moments for parental rights and health care freedom in the state’s history.”

In briefs filed at the Ohio Supreme Court and a state appeals court in support of the family and individual rights, Thompson argued that authorities’ ability to substitute their judgment for that of competent parents should be limited to be consistent with constitutionally protected rights. “Allowing an uninterested third-party, one that has never even met the family or the child, to assert an interest in an exceedingly important parental decision will completely undermine the parent-child relationship,” he wrote. The “guardian” eventually asked to be dropped from the case after the family fled.

The battle is not yet completely over, but last week’s ruling by Medina County Probate Judge Kevin Dunn to accept the court-appointed guardian’s resignation was described as a “big step” in ending the dispute. For now, it has allowed the family members to return to their farm and community without fear of being ripped apart or subjected to coerced and potentially dangerous medical treatments. The family, which rejected chemo due to health concerns rather than religious beliefs, may still decide to resume the conventional treatment if the girl’s condition worsens, according to news reports.

Thompson, the family’s attorney, is still working to have the initial appeals court ruling overturned by the state Supreme Court to protect the rights of parents in Ohio to oversee their children’s healthcare. “As long as that ruling is on the books, every parent has a threat of losing their child-rearing ability,” he was quoted as saying in a local newspaper. “It’s a dangerous precedent.”

The nationwide and even global fight for healthcare freedom and parental rights, meanwhile, continues to rage on. The United Nations and its allies including the Obama administration, for instance, are still trying to foist a series of deeply controversial treaties on the United States. Among the most dangerous



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for parental rights, critics say, are the [UN Convention on the Rights of the Child](#) and a [disabilities treaty](#) purporting to infringe on the rights of parents whose children suffer from a disability.

So far, opposition has [remained strong](#), but more than a few senators are still hoping to ram the treaties through at the earliest possible opportunity. Experts and lawmakers say the agreements would have drastic implications for U.S. sovereignty and the unalienable rights of parents to direct the upbringing of their children, going far beyond medical decisions. With overwhelming public support for both healthcare freedom and parental rights, however, government efforts to trample those rights will undoubtedly continue to meet strong resistance.

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