

# Children's Healthcare Is a Legal Duty, Inc.

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*Susan and Mark Rippberger  
and their Attorney David Mackenroth  
Photo credit: The Santa Rosa Press-Democrat*

## CHRISTIAN SCIENTISTS GUILTY IN DAUGHTER'S DEATH

The noisy prop plane swept low over the brown hills north of San Francisco. It was May 25, 1989, and I was going to Santa Rosa to meet with David Dunn, the new prosecutor on the Rippberger case.

Natalie Rippberger had died at eight months old December 9, 1984, after a two-week struggle against hemophilus influenzae meningitis. Her parents, Mark Rippberger and Susan Middleton-Rippberger, had retained Christian Science practitioners for spiritual "treatment," but would not get medical care.

The Rippbergers, both of whom have master's degrees, told the press then that they had no regrets and would continue to rely on spiritual healing for their children.

The case against them almost did not get filed. They had convinced the first investigators that their religion gave them the legal right to withhold medical care from their baby. The

prosecutors' office was about to close the investigation when Sonoma County District Attorney Gene Tunney returned from vacation. Tunney believed the baby's death was a crime.

### Prosecution upheld

On March 6, 1985, charges of involuntary manslaughter and child endangerment were filed against the Rippbergers. Their attorney David Mackenroth, a Christian Scientist, had tried to get the charges dismissed on grounds that California's religious exemptions gave Christian Scientists the right to withhold lifesaving medical care from children. In November, 1988, the California Supreme Court had ruled against them in a companion case, *People v. Walker*. The Rippbergers decided to go to trial without waiting for the outcome of Walker's appeal to the U. S. Supreme Court.

Peter Bumerts had been the first prosecutor on the Rippberger case. He was a tough fighter for Natalie's interests; she reminded him of his own blond daughter. He had been on national television twice with us. He had flown clear across the country to be on *Donahue* only to have the flamboyant Phil use him as a bogeyman. Peter had been taken off the Rippberger case to handle a multiple murder case.

I waited in David Dunn's office. Hauntingly beautiful photographs of Vietnamese children hung on one wall. I learned that David had been a Marine Corps lieutenant in Vietnam. The war disrupted his academic program. In Vietnam, however, he had rethought his career goals and decided that his real calling was to represent the victims of crime in the courtroom.



## Contrast in community reactions

How long ago Natalie had died! And there were so few witnesses to her illness. Amy Hermanson, whose death led to conviction of her Christian Science parents in Sarasota, Florida, had been seen by dozens of non-Christian Scientists during her illness. The Sarasota community had grieved deeply over Amy's death. Nine neighbors joined CHILD Inc. A steady flow of letters to the newspaper defended Amy's rights through the years. Polly Perino's beautiful photographs brought Amy alive in our hearts. Six newspapers called for the repeal of Florida's religious immunity law.

Santa Rosa, California, was strangely silent by comparison. No-one from the area had contacted me about Natalie's death. Natalie was a baby, perhaps seen only by Christian Scientists. The family lived in a home on the property of the maternal grandparents. The home was the second floor of a barnlike structure with no plumbing or cooking facilities. The four children slept in a 15'x20' room.

Yes, a Sarasota jury had held the upscale Hermansons to community standards of responsibility, but how would Santa Rosa deal with the death of this isolated baby? Would her parents be excused as leftover hippies practicing another eccentric religion? I was not sure.

## Contrast in procedures

I also learned that in California names of the state's witnesses and statements given by them must be turned over to the defense before trial, while the defense has no obligation to disclose its witnesses. One prosecutor called the procedure "trial by ambush."

Natalie and our own son had died of the same disease. I felt the church would use an acquittal as proof of their "right" to deprive children of medical treatment for this terrible disease. The stakes were high.

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## THE TRIAL

The case of *People v. Rippberger* opened July 12 with Judge Lloyd von der Mehden presiding. The jury consisted of nine women and three men. They were a highly educated group, including

several teachers, an engineer, and a veterinarian.

During jury selection, the veterinarian, Laurelle Danton, was asked about her knowledge of Christian Science. She told of a woman bringing Lab dogs to her clinic with ear infections. When Danton prescribed antibiotics, the woman refused, saying she was a Christian Scientist, and asked Danton to just wash their ears out. She reportedly brought the dogs back a few more times with the same problem until Danton persuaded her to let them have antibiotics on grounds that the dogs were not Christian Scientists.

## Opening arguments

Dunn told the jurors he would give them "a short story. . . about a little girl who had a short life."

"This is a case of child abuse. Natalie wasn't beaten to death or starved to death, but she is just as dead as if she had been," he said.

Defense attorney David Mackenroth said there was "no assurance that Natalie would've survived with optimal medical care." They loved their daughter and "thought their prayers were being answered." The Rippbergers have had two children since they lost Natalie and family is the center of their lives, Mackenroth said. Natalie "died in her father's arms," he said.

## Former church nurse testifies

The leadoff witness was Therese Miller, who had attended Natalie from December 2 through 6 as a Christian Science nurse. She testified under a grant of immunity from prosecution.

Miller had been a state-licensed medical nurse before her conversion to Christian Science. After Natalie's death she left Christian Science and returned to studies in medical nursing. She said at the trial that she left the church because church rules required her to be, in essence, "a minister" and prevented her from practicing what she considered appropriate nursing.

According to Miller's testimony, Natalie's eyes were unfocused. They rolled upwards and from side to side. Natalie was "warm to the touch," though the Christian Science religion forbids taking a temperature with a thermometer. Her back was stiff and arched, and her limbs were rigid. Miller observed numerous convulsions.



Miller's "nursing" care for her consisted of bathing her, feeding her, and changing her diapers.

The following is taken from a court recorder's transcript. (A transcript of the defense's case is not yet available.)

#### **Nurse describes Natalie's condition**

Q (by Dunn). . . . Would you tell us what kind of condition Natalie was in on December the 4th?

A. (by Miller) Well, the baby was going through periods where there appeared to be a rolling or jerking of the eyes, and the tongue kind of tended to roll up a little bit. The child was still semiresponsive.

I noted that the child was unable to bend legs at the knees; there was a certain rigidity. But the baby was taking nourishment. And at that time the mother did remark that the baby had lost some weight.

And the baby was given a bath because she had been rather diaphoretic, sweating a lot. . . .

Q. Now, how rigid did you characterize her legs?

A. I just have in my notes "very rigid." And I don't recall on a scale of one to ten what that would be.

Q. In your experience as a Christian Science nurse had you ever seen a baby with this particular set of symptoms before?

A. No.

#### **Nurse gives days of care**

Q. What care, if any, did you provide for Natalie on that day of December the 4th?

A. I helped the mother bathe her. . . .

Q. How long were you with Natalie on the 5th of December?

A. One hour again.

Q. And when was your next contact with Natalie?

A. On December the 6th, 1984, at 12:00 o'clock p.m., noon. . . .

Q. And how long were you with Natalie on December the 6th?

A. Well, for the whole day. I don't have the hours added up here. I spent a long time off and on with the child and the parents.

Q. Now, you say you spent the whole day. Did you also spend the night there?

A. Yes, I did. I believe so, I did. . . .

#### **Nurse sees worsening condition**

Q. What was Natalie's condition when you first observed her on December the 6th?

A. There was a change in condition. The baby apparently was in what appeared to be heavy convulsions.

Q. Would you describe these heavy convulsions, if you can, please?

A. Well, heavy convulsions. She was very rigid. The eyes were really rolling back and she appeared not responsive.

Q. And do you recall anything about her limbs on that particular day, December the 6th, arms or legs?

A. Well, when people--when persons go into convulsions their limbs tend to be stiff. . . .

#### **Nurse reads to baby**

Q. Did you provide any care for Natalie on December the 6th?

A. Yes. I changed the diaper. I gave a sponge bath. I changed the sheets. And I gave silent reading, which is also something Christian Science nurses do.

Q. Now, what is involved in silent reading?

A. Well, we read from the Bible and the Scriptures just to kind of keep the atmosphere uplifted. . . .

Q. Did you have any discussions with the parents that day about Natalie's condition?

A. Well, I talked to them and said the situation was serious.

Q. Did you call for any medical care for Natalie?

A. No, I didn't. . . .

Q. What was Natalie's condition when you returned at 8:30 p.m.?

A. The baby had awakened to heavy convulsions and she felt very hot to touch.

Q. Did you do anything at that point in time to care for Natalie?

A. Other than once again [pray] myself. And I have here voicing [truths] to the baby, which would be just saying comforting things out of the Scripture.



### **Nurse can't call for medical aid**

Q. Did you call for medical treatment from a medical doctor at that time?

A. No, I didn't.

Q. Did you ever call for a medical doctor to come and assist Natalie?

A. No, I didn't.

Q. Is there any reason why you didn't?

A. That wasn't within [the] scope of. . . my job. I was a Christian Science nurse.

Q. Did you spend the night there with Natalie?

A. Yes, I did. . . .

Q. When was the next time you made note of Natalie's condition. . . ?

A. At 10:30. I wrote that the baby was resting and I was spending the night.

### **Nurse sees convulsions again**

Q. Was there a change in Natalie's condition at sometime after that?

A. At 5:00 o'clock a.m. I have noted that the baby was into convulsions and that I called the practitioner.

Q. The baby was into convulsions?

A. Yes, the baby was into convulsions again.

Q. This is at 5:00 a.m. on December the 7th?

A. Yes, it was.

### **Nurse changes bedding**

Q. Did you do anything for her care at that time?

A. Other than calling the practitioner and doing my own praying. And then at 5:50 a.m. on that morning I -- the baby was given a sponge bath and the clothes were changed and the bedding was changed.

Q. Why did you need to change the clothes and the bedding?

A. Because the clothes were wet with sweating.

Q. And why did you need to change the bedding?

A. That too was wet.

Q. Her clothing and bedding were wet from her sweating?

A. Hm-hm. Yes.

### **Nurse goes home**

Q. When was your next noted observations of Natalie's condition?

A. At 7:00 o'clock in the morning, of that morning, of December the 7th.

Q. What was her condition at that time?

A. The baby was resting.

Q. Did you then leave Natalie's home at some point after that?

A. Yes, I did. At that point, as--since the baby was resting I went home. . . .

### **Nurse sees dead baby**

Q. And when did you next see the person of Natalie, if you did?

A. I next saw the person of Natalie on December the 9th.

Q. What time?

A. At 9:30.

Q. Where was Natalie when you saw her?

A. She was in her room with her mother.

Q. What was her condition at that time?

A. Well, she appeared to be dead.

Mr. Dunn: No further questions, your Honor.

### **Parents' reaction**

The Court: Cross-examination.

Mr. Mackenroth: Q. Mrs. Miller, if I may just start where he left off there. On December 9th when you observed Natalie's condition did you give advice to the parents what to do at that point?

A. That they needed to call the coroner.

Q. And did they seem to be shaken and confused at that time?

A. Very shaken. Almost in shock. . . .

### **Denial of symptoms**

Q. During the course of [your] time as a Christian Science nurse [were] you repeating or trying to tell [the parents] about the symptomology that you're observing?

A. No, I wouldn't have been.

Q. Why wouldn't a Christian Science nurse be telling the parents about the symptomology that Mr. Dunn just had you recite here that's in your notes?

A. Because of the unique way of Christian



Science healing, because they try to look away from the disease, turn to the higher power. And I wouldn't have wanted to keep repeating that to make it so firm in their minds.

Q. So . . . by virtue of Christian Science practice. . . that you were attempting to effect at that point. . . , you're looking to not see the reality--I guess you might use that term--of the physical symptoms, but are trying to see the reality of the child being healed and well through the prayers?

A. As far as I can recall, that would be it. . . .

### Parents prayed

Q. During the course of the time that you were visiting did you see [the parents] praying and trying to help the situation?

A. I do remember them praying.

Q. And in order to pray, as you understand it in Christian Science are you trying to see that the child is healthy and whole as a child of God?

A. As far as I can recall.

### Nurses' training described

In redirect examination, Miller admitted that her two years in a Christian Science nurses' training program had given her no training in how to take the temperature of a sick child, how to take blood pressure, how to take a pulse, how to give medications, how to recognize when a child has a fever, or how to relieve pain of a sick child. Redirect examination by Dunn from the transcript continues below.

Q. Had you received any training that would enable you to do anything for Natalie beyond bathing her, changing her diapers, changing the bedding and feeding her?

A. No, I wouldn't have received any training other than that.

Q. So, you were not capable of providing any more than that for Natalie's care?

A. No, just the basic physical supportive-type care.

Q. You mentioned that it was important to keep Natalie warm?

A. Yes.

Q. Why was there a need to keep her warm?

A. Well, with anyone who is sick, you wouldn't want them in drafts. That's common

sense.

Q. So that didn't come from your Christian Science training?

A. Well, part of it did.

Q. Had you been taught to keep a sick person warm?

A. Well, that's common practical knowledge.

Q. As a human being?

A. As a human being.

### "to relieve her fever"

Q. Did you do anything to relieve her fever?

A. No, I didn't. . . .

Q. Now, you mentioned during cross-examination that at one point in time Natalie's symptoms seemed to lift. Do you recall that?

A. Would it have been the morning of the 7th, the baby resting? I wrote "baby resting."

Q. Did you have any training as a Christian Science nurse to enable you to tell whether or not her symptoms had lifted or she had gone on to some worse condition?

A. I had no training there. . . .

Q. So when that change occurred, you didn't know whether she had gotten better or worse?

A. No, she just appeared to be resting peacefully at that point.

### Medical testimony on meningitis

The next witness called was Dr. Michael Witwer, a Santa Rosa family practice physician, who also teaches at the University of California. Witwer described meningitis as "the most serious infectious disease" afflicting little children and "a true medical emergency." Every medical student is given extensive training on the diagnosis and treatment of meningitis, he said.

Meningitis is a life-threatening inflammation of delicate, protective membranes lining the brain, he said. "Bacteria may get into the blood stream, and they transgress to the so-called blood brain barrier. There is an anatomical barrier that exists between the brain and. . . the area outside the brain itself, a sanctified area, arena in the body.

"Bacteria are designed to be kept out by the body's anatomy. However, certain bacteria are mean enough, and are present in sufficient quantity, or they may be present in an abscess under pressure in the sinus or mastoid gland,



[that they] gain access through this so-called barrier, blood brain barrier, [and] get into the space where they don't belong, which is between the membranes that line the brain.

"Once they have reached that important barrier, they multiply usually quite quickly because there are very few resources of defense inside that particular compartment. And the brain compartment has little defense. . . . There are no white blood cells in that particular space, or in the spinal fluid that suspends the brain. And the spinal cord is free of white blood cells. So there is very little protection and defense. Bacteria have free rein to grow.

"When they reach certain levels, the body, through very sophisticated biochemical mechanisms, begins to make defenses, pouring pus cells into the spinal fluid. By this time, the patient is quite symptomatic and in trouble."

"The very little ones," said Witwer, "do not have resistance against this bacteria" and are basically "defenseless."

### **Pain described**

Witwer gave the following explanation for the extreme pain accompanying meningitis. When bacteria multiply, they form chemicals that are "an incredible insult to the body." The immune system breaks down the blood brain barrier so it can rush white cells, pus cells, into the spinal fluid. This in turn causes inflammation, swelling, and expansion, but the brain has no room to expand. The brain gets "burned" by the war between the bacteria and the white cells. When the brain swells and cannot expand beneath the skull, it seals off its blood vessels. More and more of the brain is killed over time.

Adults who have had meningitis describe the pain as "excruciating." "Fortunately, they have a lot of amnesia," Witwer said.

Dunn asked if h-flu meningitis would affect a baby's eyes. Witwer said the eyes are commonly unable to focus because the infection is "eating away" at the cranial nerves. The tongue is also controlled by cranial nerves. The tongue may, therefore, be "flapping around and out of control," and the baby will be unable "to swallow or even breathe properly."

### **Success of antibiotic treatments**

Witwer said there were at least twenty highly effective antibiotics available for treating h-flu meningitis in 1984. He said the earlier medical treatment is initiated the better, but that a doctor does not decline to treat meningitis because of a poor prognosis. He said medical science has about a 92% success rate in treating the disease.

### **Autopsy challenged**

The last witness for the state was the county pathologist, Dr. Jay Chapman. Mackenroth moved to quash the details of the autopsy, arguing that they were unnecessary and "inflammatory." Dunn argued that the condition of Natalie's brain at death was important to proving the length of her illness. "How can the condition of the brain be any more prejudicial than the fact that this child is dead?" Dunn asked.

After the judge allowed testimony on the autopsy findings, Chapman testified that he found "copious" pus on the brain, indicating the presence of white blood corpuscles trying to destroy the bacteria. He said the infection was "well established" and must have started about two weeks before the baby's death.

Dunn rested the People's case about 9:30 a.m. on July 13th.

### **Defense calls nurse accomplice**

The defense argued that the Christian Science nurse was an accomplice in the alleged crime and that her testimony therefore had to be corroborated by other witnesses. The judge ruled, however, that the nurse was providing only the care and services of her profession to the Rippbergers and was under no legal obligation to obtain medical care or notify authorities. The parents had the legal responsibility for Natalie's care, he said.

### **Defense witnesses on status of Christian Science**

The defense called many witnesses. A Sacramento accountant testified that the IRS allows Christian Science practitioners' bills for their prayers to be deducted as medical expenses on state and federal income taxes.



A religion professor, Dr. Sam Hill, came from Florida to testify about the history of Christian Science. He said that interest in religious healing was growing in many mainstream denominations.

Dunn objected to the introduction of Hill's testimony, arguing that it took the focus away from how the parents dealt with their baby's illness and required the jury to evaluate the respectability of the church. But the testimony was allowed.

Dunn asked Hill how Christian Science practitioners were trained. Hill did not know.

### **Susan's obstetrician testifies**

An obstetrician, Dr. Ralph Green, testified he had delivered five of the Rippberger children. Green said he first saw Susan when she turned up, already in advanced labor, at a hospital where he was on duty. She signed out four hours later, after the birth of her first baby, he said.

He applied a few sutures to repair torn tissue resulting from the delivery, a procedure that did not violate her religious beliefs because it was "surgical," he said. Blood samples were taken as required by the hospital, but Susan refused to sign a consent form allowing medical treatment.

Green insisted she come for prenatal care with future pregnancies. He visited the Rippbergers five to ten times over the next five years because he was concerned about their unwillingness to take their children to doctors.

Green paid Susan to make several baby garments, and Mark did work on his vehicles as partial payment for his medical services.

### **Defense calls pediatrician to stand**

Arkansas pediatrician Dr. Russell Steele testified. He is one of ten doctors on the American Academy of Pediatrics' Red Book Committee on Infectious Diseases as well as a publishing scholar. Steele said he could not tell from the state's medical records whether Natalie would have survived with timely medical treatment. Because the pathologist did not do sensitivity tests on the bacteria, the state could not prove what type of h-flu meningitis Natalie had (95% of the cases are Type B, however). Steele said she might have had some type of h-flu meningitis that would not have responded to the drug of choice for treating the Type B. He

also said she might have had AIDS or some other disease that would have lowered her immunity level. He also discussed permanent neurological damage that some children are left with even after optimal medical treatment of meningitis.

In cross-examination Steele said the disease was always fatal without antibiotic therapy and that it was "unethical" for the Rippbergers to withhold medical treatment from their baby.

### **Quality of pathology challenged**

Dr. Cyril Wecht, a forensic pathologist from Pennsylvania, testified an entire day about the deficiencies in Dr. Chapman's autopsy. Wecht was a consulting pathologist in the Sharon Tate murder case and in forensic investigations into the deaths of Robert and John F. Kennedy.

Wecht complained that the baby's height and weight were not recorded and that sensitivity tests on the bacteria and "normally routine" examinations of her thymus, lymph nodes, and bone marrow were not done.

### **Two witnesses disallowed**

A lawyer from Los Angeles took the stand to present a 186-page compilation she had prepared of 437 state and federal statutes granting some kind of "recognition" to Christian Science. The judge initially allowed her to read some of them, but later reversed his position and instructed the jury to disregard her citations. The judge said he was not convinced that the statutes established "a standard of community care in treating illness."

A psychiatrist from Syracuse, Dr. Thomas Szasz, author of 18 books and more than 500 articles, testified outside of the jury's presence that a person's perception of illness is influenced by education, past experience, religion and access to health care. After interviewing the Rippbergers, Szasz concluded that they perceive illness very differently from how he or a physician would.

Dunn argued for the exclusion of his testimony, pointing out that it was hearsay and that the defendants themselves could take the stand and explain how they perceived illness. The judge asked Mackenroth if the Rippbergers would testify; Mackenroth said he still hadn't decided. The judge excluded Szasz's testimony.



## **Father testifies of death**

Finally, Mark Rippberger took the stand. He broke down in tears during his heart-rending account of Natalie's illness and death. He told of her fever and clenching of her tiny fists. He and Susan took turns holding their baby, praying and singing hymns through the night. By December 8, her condition "seemed to improve slightly. She was resting in a much more peaceful state." At about 3 a.m., December 9, he lay down with his baby sleeping in bed "with no sign of pain or anguish."

At about 5 a.m., the baby "was making gulping sounds; she sounded like she wanted to swallow. I was praying. She was cradled in my arms. She stopped breathing. She died."

"She was a real sweet little girl. During the whole ordeal I don't remember her crying at all."

Not until 10:30 a.m. did he notify public authorities of her death.

## **Testifies to healings**

He said he and his wife were both third-generation Christian Scientists and that Christian Science had healed every illness in their families until Natalie's death. His older daughter, Annalisa, was healed by Christian Science "treatment" after stepping on a furnace grate and "burning the grid work onto the soles of her feet." A son was healed of a bad burn from grabbing a hot exhaust pipe. Christian Science has also healed the children of chicken pox, colds, etc.

Mark believes that he would have died at birth because of a prolapsed umbilical cord without Christian Science treatment. He also said Christian Science healed him of polio when he was about six. After the conviction, however, a psychologist examined him and reported that he was still impaired by childhood paralysis.

## **Children's care vs. parents'**

The Rippbergers' five children have not been immunized. They have never been to a dentist though Mark has three fillings in his own teeth. The children have never had their vision tested, but Susan wore glasses in the courtroom. The children have been excused from school classes dealing with symptoms or descriptions of disease.

Mark has had two physical exams from medical doctors. One allowed him to join the wrestling team at the University of California, Santa Barbara; the other was required when he applied for a job as an engineer with General Electric. He also took a first aid class required by another employer.

"So, in order to keep your job, you were willing to take this course?" Dunn asked.

"No," Rippberger replied.

"Then why did you take it?"

"As a courtesy to my employer."

## **No knowledge of meningitis**

Mark said he had no information about meningitis when Natalie died. Dunn asked if he had heard of any other Christian Science children dying of meningitis. "No," Mark replied.

Dunn asked if he had ever heard of Matthew Swan. "No," Mark replied. The defense strenuously objected to the question, and the judge sustained the objection.

## **Denies knowledge of practitioner's training**

Dunn asked about the training of Christian Science practitioners. Rippberger professed to have no knowledge of how they are trained, what the training consists of, or who trains them. His own father, however, is a church practitioner and teacher of practitioners. Mark and Susan have themselves taken the only course authorized by the church for the training of practitioners.

## **Never saw serious symptoms**

During Natalie's illness the Rippbergers sent the other children to live with their grandparents to protect them from infection. Nevertheless, Mark claimed that they basically thought Natalie had a minor illness such as flu. He said he never saw her eyes out of focus or her stiff, arched back, and, as for convulsions, he didn't know what those were. He said he never considered Natalie's illness serious enough to abandon his religious beliefs and rush her to a hospital. He also, however, never set a deadline for her cure after which he would call a doctor.

"We felt that she needed to be healed at all points along the illness," he said, apparently referring to being healed by Christian Science.



## 23 phone calls in one day

For weeks, meanwhile, David had been struggling to obtain the Rippbergers' telephone records. The telephone company had protested, but finally turned them over to the judge after Mark took the stand. The grisly ordeal of Natalie's fight for life was there in black and white: 23 phone calls to practitioner Patricia Holmstrom plus three calls to practitioner Donald Rippberger all on December 6th, the day the nurse had stayed virtually around the clock observing "heavy convulsions."

David gave the records to Mark and made him read each and every call while David wrote them on a poster.

## Plans for future care

With regard to the crucial question of how they would handle a serious illness among their children in the future, Mark seemed to want to have it both ways. On the one hand, he said his faith in the power of Christian Science to heal disease was just as strong today as when his daughter died. "I've had no call to change my course of action in the past five years," he said, claiming that Christian Science has again resumed healing every disease in his family. On the other hand, he said, "Based on knowing the evidence I can recognize meningitis as a medical emergency and would want to contact the authorities and do what I can for the child."

Rippberger pointed out that he and his wife had consulted two Christian Science practitioners, two church nurses, and a church legal advisor, Al Carnescioli, and that none of them had suggested getting medical treatment for Natalie.

## Role of church official

In the spring of 1984, two sets of Christian Science parents had been indicted in California for letting their children die of h-flu meningitis without medical treatment. Knowing that the death of the first child, Shauntay Walker, was under police investigation, Virginia Scott, the practitioner for the second child, Seth Glaser, had called Carnescioli for advice on March 28. Carnescioli assured her that the laws of California gave them the right to withhold medical treatment from the near-comatose baby.

Both she and the Glasers were indicted. (In 1985, charges against Scott were dropped.)

In December, the Rippbergers called Carnescioli for advice about their desperately sick baby. Judging from Rippberger's testimony, Carnescioli must have given them the same advice he gave Scott.

## Book on legal rights

After much argument, Mackenroth got a handbook called *Legal Rights and Obligations of Christian Scientists in California* introduced into evidence. The handbook quotes selectively from state laws to give Christian Science parents the impression that they have the legal right to deprive their children of medical care. The defense used it as evidence that the Rippbergers intended to be law-abiding.

Dunn pointed out that the Rippbergers' handbook was published in 1980 and they had not updated it.

The defense rested its case. The state put on no rebuttal.

## Closing defense arguments

The courtroom was again filled to capacity for closing arguments, with ten people allowed to stand against each wall.

Mackenroth said the state had the burden of proving that the Rippbergers "had complete indifference to whether Natalie lived or died." He said a pluralistic society cannot hold parents liable for their child's death simply because they hold unusual beliefs on the treatment of illness. The failure of their religious practices to cure in one case is not grounds to condemn the religion or its followers. By that logic, he said, "conventional medicine would have been scrapped long ago."

He also claimed that his prestigious medical experts would "save this case" for his clients.

Referring to Natalie's death as an "incident," Mackenroth said it had been "a learning experience" for the Rippbergers.

The Rippbergers loved their daughter deeply and followed their religious beliefs in attempting to get her healed. The case was obviously "important," Mackenroth told the jury, because of all the spectators.





*Prosecutor David Dunn*

### **"Who speaks for Natalie?"**

"Who speaks for Natalie?" wrote David Dunn on a poster. Yes, the case was important, he said--for the Natalies of the world.

He noted that the defense called four physicians from three states. "Isn't that ironic? If they'd just have taken Natalie to one doctor we wouldn't have been here."

With testimony indicating the couple rushed to a hospital for the birth of their children, Dunn said they were willing "to use a doctor to bring her into the world, but not when she needed one in the worst way. If they dashed to the hospital to birth Natalie, why didn't they dash to the hospital when she was dying?" he asked.

He brought up the denial methods of Christian Science. "These people stick their heads in the sand so they won't know when their children are dying," he charged.

He had tried unsuccessfully to get into evidence information about the training of church practitioners. Defense witnesses had denied knowledge of it. Nevertheless, David raised the issue as a question for the jury. Would reasonable parents trust their child's life to people whose training and qualifications they had no knowledge of?, he asked.

### **Doctors' proper role**

David said he was shocked by Mackenroth's claim that the medical doctors would "save this case."

"I could not believe it when he said that. It is the medical doctors that could have saved Natalie," David said.

"Natalie was born in the 20th century and died under 19th century treatment," he said.

While the Rippbergers may have followed their religion, he said, their actions must be judged by the standard of the "ordinarily prudent, careful person," as established by law. "If not, anybody can just say, 'I'm gonna do it my way.'"

### **Jury finds for guilt**

The jury was sent out with 63 pages of instructions at 3 p.m., August 2nd. Just before 4 p.m., August 4th, they returned a verdict of guilty of felony child endangerment and not guilty of involuntary manslaughter.

### **Prosecutor's statement**

"The jury spoke for Natalie," David said. "That 'ordinarily prudent, careful person' was the 12 people on the jury."

"I really feel for that little girl," he said. "In all the homicide cases I've prosecuted, this was the worst. And I don't mean to take away from the other victims. But to present this evidence and get this verdict and know that nothing will be changed by it. . . ."

"This case is important to the church. That's why church leaders have been sitting here every day throughout the trial. The defendants are nothing but pawns, if you will."

"If a verdict like this could set a precedent, the church's practice would have been stopped a long time ago. A woman was convicted of similar charges in Massachusetts 20 years ago, but the church hasn't changed its ways."

### **Defense's view**

Mackenroth called the verdict "an absolute victory" for his clients, claiming that the involuntary manslaughter charge was much more serious and that the jurors were simply "confused"



about the definition of felony child endangerment.

### **Church's reaction**

Church spokesman Nathan Talbot said the decision was a blow to the church, but the trial also might help the public learn to accept that some people believe spiritual healing is a responsible approach to curing the sick. Christian Science treatment, he said, "is not a medieval approach."

Talbot, California church lobbyist Victor Westberg, and three attorneys defending Christian Science parents in deaths elsewhere attended nearly the entire trial. One of those attorneys, Rikki Kliemen from Boston, reportedly charges \$200 an hour for her time.

### **Recommended sentence**

The Rippbergers took psychological tests and were interviewed by a psychologist in order to present exculpatory evidence at the sentencing hearing. The psychologist reported that both parents were "obsessive-compulsive." In particular, he spoke of Susan's insecurity and need to please authority figures. While an obsessive-compulsive personality may lead to obesity and "a limited behavioral repertoire," it is an asset in raising five children, he claimed, because of such a mother's obsession with details. He also stated his belief that the Rippbergers would not allow another child to die without medical care.

Following recommendations of David Dunn, a probation officer laid down many conditions for sentencing. Both recommended five years of supervised probation in lieu of jail. Other recommendations included the following: that the Rippbergers be required to get complete physical examinations for their five children from a medical doctor, get them immunized, take them to a dentist, have their vision checked, allow them to have the school's instruction on disease, take a parent education course, read a book on diseases of children, report promptly to a probation officer when their children become sick, obtain medical care as needed, pay a fine, and do several hundred hours of community service work.

### **Should religious beliefs be ignored?**

Mackenroth was indignant, claiming that the Constitutional rights of both parents and children were being violated. He said the children were entitled to be represented by their own lawyers. In briefs, he argued that the state should take no account of the parents' religious beliefs.

David Dunn was fed up. If the state is to take no account of their religious beliefs, then the state should treat them like anybody else who has killed an eight-month-old baby, he said. At the second sentencing hearing, he argued for prison time because of their unwillingness to comply with probation recommendations.

### **Sentence given**

Mackenroth and the Rippbergers quickly voiced their willingness to comply with probation terms. The judge then laid them down. He ruled against requiring the Rippbergers to get medical attention for their children until they are sick. But they must report to the state any time they call a Christian Science practitioner to treat one of their children, report to the state any illness of a child that lasts longer than 24 hours, authorize emergency medical care for school age children, read *Good Housekeeping's Family Health and Medical Guide*, take a family health or first aid course at a community college, buy a fever thermometer, pay a \$10,000 fine, and do 300 hours each of community service work.

### **Reduction to misdemeanor denied**

Mackenroth argued for the conviction to be reduced to a misdemeanor because of the impact of a felony conviction on Mark's professional future. He is currently the director of an environmental engineering firm. The judge, however, let the convictions of both parents stand as felonies.

Mackenroth then announced his intention to appeal not only the conviction but the order of the probation terms. Dunn said he was "dumbfounded," but that the tactic demonstrated his fear that the Rippbergers would not provide even minimal medical care for their children.

Mark and Susan Rippberger are the first Christian Science parents in California to be convicted for depriving their children of



necessary medical care. The only other case to come to trial was that of Merrill Reed and his wife in Los Angeles in 1902. They were acquitted of letting their daughter die of diphtheria without medical care.

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## WHERE WAS THEIR CHURCH?

As in Florida, the Christian Science church took the initiative with the media. Nathan Talbot and other church spokesmen contacted broadcast and print media in northern California cities weeks in advance of the Rippberger trial. They left press packets explaining their beliefs and claiming thousands of healings.

Indeed, Talbot told several newspapers that the church now has data proving that Christian Science is more than twice as effective as medical care at healing children.

Talbot's desire to meet the press did not extend to facing me. He promptly refused to appear on a television program if I were invited.

More significantly, he did not take the witness stand. In two trials of Christian Science parents, the only Christian Scientist who has testified for the defense is Mark Rippberger.

A church official has written a whole book about their healings of children, including their "typical" healings of meningitis. Why didn't the church introduce these healings into evidence and help out their fellow church members? Why didn't the Rippbergers' practitioners show up to help them at trial? If Talbot has any data that would stand up to a prosecutor's cross-examination for two minutes, why doesn't he introduce it in court?

Talbot sat through the whole trial. He even stayed in the hall for two days making small talk with the press while the jury deliberated. One reporter called it "commitment," but it looked more like betrayal to me.

On August 17, *The Christian Science Monitor* ran a lead editorial, "Speaking for Children." It called Dunn's question, "Who Speaks for Natalie?," on the poster "manipulative courtroom theatrics." It said the right to speak for children must be earned by the "hard work of healing and caring from day to day."

It claimed that Dunn turned the case into a "heresy trial" and asked: "is religion simply a kind of obsolete cultural window dressing, to be

tolerated only insofar as it isn't taken too seriously?"

The editorial always missed the point that Natalie's death was unnecessary.

At the end, it called upon Christian Scientists "to earn public tolerance by virtue of their wisdom, love, and healing works." One of the Monitor's editors is married to Patricia Holmstrom who "treated" Natalie for the last week of her life. Are the editors telling Holmstrom to do better next time? Somehow, I doubt she lies awake at night worrying about it.

As in Florida, the church ran a full-page ad in the local newspaper after the conviction asking for tolerance of "your Christian Science neighbors." It claimed that "over 50,000 children are lost from various diseases each year under the best medical care society can provide" and that Christian Science losses are "extraordinarily rare." It said, "No evidence was presented in this prosecution to suggest that Christian Science treatment has had a less effective record of healing meningitis than conventional medicine." Actually, though, defense witness Dr. Steele admitted that Christian Science treatment had, to his knowledge, no record at all on healing meningitis.

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## WHO IS DAVID MACKENROTH?

I first met David Mackenroth on a Seattle talk show in November, 1988. His aggressive defense of his clients was impressive. Head of a 17-person law firm in Sacramento, he said that much of his practice consisted of defending medical doctors and his data proved that medical treatment did not always heal meningitis. He argued that Christian Science practitioners should never be liable for their actions or counsel. In short, he thought Christian Science should be a legal substitute for medical care of children, but that its health care providers should have no responsibility to anybody.

Even more curious was his determination not to tell what his religion was despite repeated questions. One person in the audience accused him of "laughing all the way to the bank."

After the Rippberger trial, Mackenroth was profiled in the *San Francisco Banner*. "Don't ask David Mackenroth if he is a Christian Scientist," the *Banner* began. "I never answer that question.



It should be irrelevant,' said Mackenroth. 'I'm just an advocate doing my job.'"

Unfortunately for Mackenroth's wishes, Christian Science national spokesman Nathan Talbot told a reporter that Mackenroth was a Christian Scientist.

In the 1970s he defended members of the Church of the First Born whose 18-month-old child was scalded by boiling water. The parents relied on prayer rather than medical treatment, and the child died. The parents were charged with child neglect, but Mackenroth got the case dismissed on the first day of trial.

More recently, he represented Church of the First Born midwives who were convicted of unlicensed medical practice in the delivery of two stillborn infants. An appellate court overturned the convictions because of California's religious exemption from licensing.

Mackenroth describes himself as "a very broad-minded individual" with a deep commitment to the Bible. The *Banner* spoke of Mackenroth's "passion," which drives him to defend members of minority religions even though such practice is "less than lucrative." Defense of the midwives cost \$10,000 to \$15,000, only half of which the church was able to pay. Mackenroth predicted that some of his work on the Rippberger case would also end up being pro bono.

However, his bills on the Rippberger case total hundreds of thousands of dollars and to date have all been paid by the Middleton-Rippberger defense fund. A fund trustee testified at the sentencing hearing November 2nd that the fund still has about \$10,000.

Mackenroth should see that his clients were victims of his church. It is outrageous that the Christian Science legal advisor would encourage the Rippbergers to continue withholding medical care from a desperately sick baby after two sets of Christian Science parents had already been indicted in California for doing just that.

Mackenroth argues that Therese Miller, who has left Christian Science nursing, is an accomplice to the crime of Natalie's death. What about the other Christian Science nurse, two church practitioners, and church legal advisor? Were they accomplices in Natalie's death? Mackenroth has nothing to say on this issue.

Taken in part from the *San Francisco Banner*, August 22, 1989.

The following is a letter soliciting funds for the Rippbergers' defense. We have reformatted the letter and omitted some material to save space.

## MIDDLETON-RIPPBERGER DEFENSE FUND

P. O. Box 11648  
Santa Rosa, CA 95406

June 13, 1989

Dear Friends:

Four years have passed since we last wrote to tell you of the tragic passing of Mark and Susan's eight-month-old daughter Natalie while under treatment through prayer by a listed Christian Science practitioner and the care of a Christian Science nurse.

Subsequently the young parents were arrested and criminally charged. . . .

Mark and Susan were raised in Christian Science, are class taught, and have relied on Christian Science exclusively for every need. They continue today to hold firmly to the standards of their faith. It is this commitment and effort to follow in the footsteps of Christ Jesus rather than materia medica that has put them within the shadow of a possible prison sentence.

Notwithstanding the loss of their daughter and the personal injustice which Mark and Susan are enduring, the larger issue touches each one of us. The outcome of this case may clarify the California law so that Christian Scientists and those of other religions who practice healing through spiritual means may be assured of their freedom to do so without risk of arrest, prosecution, and imprisonment. Conversely, if not carefully and thoroughly defended, this case could establish a precedent for the courts which might limit the practice of spiritual healing.

During the last four years this case has been reviewed on several different levels of court jurisdiction. . . . Unfortunately all legal appeals have been denied and the State of California First District Court of Appeals has returned the case to the Sonoma County Superior Court



where a trial date has been set for June 19, 1989. All but a small portion of the money collected thus far has been spent on preparation or efforts for dismissal. It is anticipated that the cost of trial for this case will be approximately \$125,000 or more because of the many expert witnesses who will be needed, and the possibility of a three to four-week trial. . . .

Four years ago we asked for your prayerful and financial support. Your response demonstrated Love's unlimited care. Once again we must ask for this support. Please send your contribution as soon as possible as the case preparation expenses continue, leading to the June 19th trial date. . .

Our Leader writes that "Certain elements in human nature would undermine the civic, social, and religious rights and laws of nations and peoples, striking at liberty, human rights, and self-government--and this, too, in the name of God, justice, and humanity! These elements assail even the new-old doctrines of the prophets and of Jesus and his disciples. History shows that error repeats itself until it is exterminated. . . . Here our hope anchors in God who reigns, and justice and judgment are the habitation of His throne forever." (*Message to The Mother Church, June, 1900*, p. 10)

Thank you for your loving consideration and prayerful support. We would appreciate your sharing this letter and the call for assistance among the members of your church and association.

Signed by Judith Maize,  
a Trustee of the Defense Fund

Enclosure: Open letter from Mark and Susan

Our family wishes to take this opportunity to thank all of you at the fund and each contributor for your efforts in our defense. The generosity of one and all, from the small gift sent by a Sunday School pupil to large contributions from individuals, churches, or associations, to the metaphysical gems that people have gleaned from their study and shared with us--all of these are greatly appreciated and remind us of the love and support that back us up.

Although being indicted on criminal charges for your conscientious choice of a method of care you have always found to be without equal is not a circumstance we would wish on anyone, still we have found this to be a strengthening experience. God's love and direction have been evident at every turn. God does not send us through a "fiery furnace" from which we may breathe a sigh of relief only after we emerge (albeit without the smell of smoke) on the other side. The three Hebrew boys in the Bible narrative were supported, buoyed up and joyous during the entire experience: the Christ was with them--how could they be otherwise. . . ?

Signed by the Middleton-Rippbergers

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## LOVE IS NOT ENOUGH

"She was a real sweet little girl. During the whole ordeal I don't remember her crying at all," said Mark Rippberger on the stand.

Was Natalie a brave baby? What was really going on? Her brain was being blown apart as it swelled beneath her tiny skull. Infection ate away at her cranial nerves while her eyes rolled helplessly around. Her body shook with convulsions. In fact, she was in so much pain that she could not cry.

Children are the most precious and beautiful of God's gifts. But those who believe there is no life in matter will miss some of their beauty. They will also miss the point that their bodies are fragile.

Christian Scientists love their children as much as any parents do, but love is not enough.

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## CORRECTION

The CHILD newsletter #2, 1989, reported that Cynthia Sutter, a member of End Time Ministries, is in charge of making decisions on foster care applications and implied that members of End Time might be taking in foster children. This information was misleading, and we would like to correct it. A subordinate in Ms. Sutter's department has advised us that Sutter does not personally make decisions on placement and that no children in Lake City, Florida, have been placed in End Time members' homes.