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Number 1, 1990
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Christopher Converse today

SURGERY SAVED OUR SON

by Mark Converse, Massillon, Ohio

I grew up attending a Christian Science Sunday School and became more active in the religion as a student at Miami University. I married my high school sweetheart, who left her Lutheran beliefs for Christian Science. We had class instruction from a Christian Science teacher.

As the Sunday School superintendent, first reader, and board chairman, I had ample opportunity to promote the virtues of the Christian Science way of life. Many times my wife and I turned to Christian Science for help with illnesses. Relief was sometimes quick and sometimes not. But always, suffering was due to our own decisions and affected only us.

It wasn't until the birth of our son, Christopher, that our decisions began to affect others.

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OHIO REPEALS IMMUNITY LAWS

A seven-year struggle for repeal of Ohio's religious immunity laws ended July 13, 1989, when the Ohio legislature finally passed a repeal bill. It was not all that we wanted, but it was a significant victory.

Repeal efforts began in 1982 when CHILD board member Ford Cauffiel, a Toledo manufacturer, approached the Ohio Civil Liberties Union and asked for their support on this issue. Ford and his wife Phyllis spent several Saturdays in Columbus at OCLU board meetings.

In March, 1983, the OCLU became the first branch of the ACLU to oppose religious shield laws. They voted to work for the repeal of ORC2151.421, which stated:

"Nothing in this section shall be construed to define as an abused or neglected child any child who is under spiritual treatment through prayer in accordance with the tenets and practice of a well-recognized religion in lieu of medical treatment, and no report shall be required as to such child."

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CHILD board member Ford Cauffiel

Ohio had another exemption in the juvenile code, ORC2151.03(e), for members of "a well-recognized religion," and the worst penal code exemption in the country, ORC2919.22(a).

HHS: new position and inaction

In January, 1983, the U. S. Dept. of Health and Human Services (HHS) removed religious immunity from the *Code of Federal Regulations* and required failure to provide medical care to be added to state definitions of child neglect. HHS claimed that all cases of medical neglect, including religiously-based neglect, would now have to be reported to Protective Services agencies.

We inquired as to how HHS would implement such a standard. For a year and a half, HHS reviewed the state statutes and then concluded no action was necessary.

We contacted the regional federal office with jurisdiction over Ohio and asked them to require the removal of such a blatant violation of reporting standards as ORC2151.421. They refused, pointing out that they were the ones who had required Ohio to pass religious immunity laws in the 1970s.

We returned to Washington with some rather intense rhetoric. The feds promised another "review" and finally required removal of the last nine words of ORC2151.421.

Law declared unconstitutional after boy's death

In June, 1984, a Faith Assembly couple in Coshocton, Ohio, were brought to trial for letting their son die without medical care. Judge Richard Evans dismissed the charges, but also ruled Ohio's penal code religious immunity law unconstitutional, both because it establishes religion and strips certain children of civil rights. The decision was not appealed so it is applicable only to Coshocton County. *The Columbus Dispatch* ran a lead editorial declaring that the General Assembly had "a high moral responsibility to act quickly to change the law."

Repeal effort begun by Jones

Rep. Paul Jones, D-Ravenna, decided to sponsor repeal legislation after reading a series about deaths of Faith Assembly children in the *Akron Beacon-Journal*. In the fall of 1984, he added an amendment repealing ORC2151.421 to Sen. Lee Fisher's child abuse bill.

Legislators were quickly deluged with letters from Christian Scientists. Fisher demanded removal of the amendment. The Ohio legislature did the bare minimum to get its federal money by removing the last nine words of ORC2151.421.

In 1985 Jones developed his own bill after months of listening to Bill Evans, lobbyist for the Christian Science church in Ohio. The bill allowed parents to withhold medical care on religious grounds until a child suffered serious physical harm. It went to the Children and Youth Committee. Chairman Francine Panehal set up a subcommittee chaired by freshman Rep. Jane Campbell, D-Cleveland, and reportedly ordered her to work out a compromise with the Christian Science church.

Efforts killed

The subcommittee held elaborate hearings on Jones's bill. They went on all day every Thursday for five weeks. Jones laboriously developed endorsements from many reputable organizations who testified for the bill, while the Christian Science church was the only organization opposing it.

Like Jones, Campbell and her staff spent innumerable hours listening to Christian Science representatives. She tried to work out

compromises that would still protect children. She finally gave up, went with her conscience, and presented a strongly protective bill that passed the subcommittee.

Panehal promptly tabled it, thus preventing the committee from voting on it and killing the bill for the 1985-86 session. Panehal complained that the bill equated Christian Science with "cults" like Faith Assembly. The implication of her argument was that members of cults and the normal population should be required to get medical care for their children, but Christian Scientists should not be.

Wide support for change

In 1987 Jones presented another bill, this one flatly repealing all three religious exemptions from child abuse, neglect, and manslaughter charges. It was assigned to the Health Committee chaired by Jones. Extensive hearings were held. Groups endorsing the bill included: Ohio State Medical Association, Ohio Chapter of the American Academy of Pediatrics, Ohio Nurses Association, Ohio League against Child Abuse, Ohio Children's Trust Fund, Ohio Council of Churches, Ohio Civil Liberties Union, Ohio Prosecuting Attorneys Association, Ohio Federation of Police, Ohio Chapter of the National Association of Social Workers, Ohio Civil Services Employees Association, Ohio Committee for Child Healthcare Rights, Central Ohio Chapter of American Atheists, Children's Services Association, Ohio Association of Child Caring Agencies, Ohio Youth Services Network, CHILD Inc., and two branches of state government, the Ohio Department of Health and Ohio Department of Human Services (ODHS).

These groups represented millions of people. For example, the Ohio Council of Churches represents 12,000 churches.

And another death

The need for the bill should have been obvious too. In 1986, Kimberly Miller, age 23 months, died of pneumonia in Celina, Ohio, because of her parents' beliefs against medical care. That made six Ohio children who had died in five years because of religiously-based medical neglect; a seventh child whose parents withdrew

him from medical treatment for several months on religious grounds died of bone cancer.

Kimberly was the third child to die within a Celina Faith Assembly group of about 25 members. Mercer County Prosecutor Dan Myers had not filed charges in the first two deaths because Ohio's religious immunity law made it an exercise in futility. He assumed the legislature would change the law after the Coshocton County judge ruled it unconstitutional.

Law again declared unconstitutional

Myers could wait no longer. He charged the Millers with child endangerment. Judge Dean James found that they had "recklessly created a substantial risk to [their child's] health and safety . . . by violating a duty of care and protection," but also ruled that they qualified for the religious exemption. He "reluctantly" dismissed the charges. He also ruled the religious immunity law unconstitutional in his jurisdiction of Mercer County and warned all residents that they could in the future be convicted for depriving their children of necessary medical care.

James called upon the legislature to repeal the law. "It is the hope of this Court that these types of cases will not have to be pursued by the prosecution in the remaining eighty-six counties," he said.

Christian Science church again blocks bill

Even that did not impress the Ohio legislators, or at least the majority of them. Rep. Lynn Wachtmann wrote, "I think the judges decision, saying religion exemption is unconstitutional, is nuts."(*sic*) The repeal bill passed Jones's committee, but support rapidly crumbled as legislators began getting 500 letters each from Christian Scientists and as the church retained Ray Sawyer, a former aide to Governor Celeste, and Barry Lubow, a Columbus attorney, to lobby against the bill.

House Speaker Vern Riffe, who is running for Governor, would not allow the bill to go to the floor unless Jones had the votes in hand to pass it. Only 35 of the 100 representatives promised to vote for the bill; many said they were undecided.

HHS now demands change

Then came surprising assistance from the federal government. On May 20, 1987, HHS advised the state of Ohio that they had conducted yet another "review" of Ohio's religious immunity laws and discovered that they violated federal standards because they contained "an implicit reporting (and investigation and protective treatment) exception" for children associated with religious healing sects.

Jones circulated the HHS letter to the legislators, but got little response. Several Ohio doctors, lawyers, and other child advocates wrote letters to all the representatives in support of the bill, but it was impossible to get their attention on a bill that was not scheduled for a floor vote. Most would not tell how they were going to vote.

Church lobbyist misrepresents HHS

In the summer and fall, Christian Science lobbyist Bill Evans went to Washington and met with HHS officials. After each trip, he told Ohio legislators that HHS supported amendments exempting Christian Scientists from duties of care.

On June 24, 1987, HHS notified the ODHS that Evans's proposed amendments would only exacerbate Ohio's compliance problems.

Even that did not cost Evans credibility with the Ohio legislators. The majority continued to look to him to solve their problems with the feds.

After observing this stalemate for several months, the ODHS drafted a bill responding to some of the Christian Science church's concerns, but still solidly protective, I felt. ODHS submitted it to HHS for a compliance review.

Church claims refuted

Early in March, 1988, Evans circulated yet another version of Jones's bill to all state legislators with a cover letter indicating that he and HHS had reached an understanding on it. The ODHS was unable to respond to legislative inquiries because they had received no communication from HHS on it.

On March 18, 1988, HHS advised the ODHS that the concessions to the Christian Scientists in its draft legislation were unacceptable, and in May HHS advised Evans that his proposal was

also unacceptable.

But legislators were still unwilling to buck the Christian Science lobby. We thought Jones's bill should have been put on the floor for a vote, so we could find out where they really stood, but Riffe would not allow that.

Ohio loses \$700,000

Ohio ran out of extensions from the feds and lost about \$700,000 in federal funds during 1988. The ODHS began meeting with Evans, who retained attorneys to draft a bill that would put Ohio in compliance with the federal standards.

The result was a cynical masterpiece. It removed religious exemptions from the juvenile code, as HHS had demanded, but also removed Christian Science practitioners from the list of mandatory reporters. After all, HHS did not say who had to be on the mandatory reporters' list. And, since HHS did not have jurisdiction over the criminal code, Evans put in a new religious exemption that shielded a parent from all possible criminal charges "when, in the practice of his religious beliefs, he provides spiritual treatment in lieu of medical treatment for the child." It would be the law for Mercer and Coshocton Counties as well as the other 86 counties.

In short, Evans had managed to strip children of legal rights and still comply with federal standards. Evans lined up distinguished bipartisan sponsorship of his bill in both houses and announced that both HHS and ODHS supported it.

HHS complains of church misrepresentations

HHS denied his claim and told him to "correct the information you have given the General Assembly and refrain from further comments regarding the federal government's position" until its review was completed. And ODHS protested that they did not want Christian Science practitioners removed from the list of mandatory reporters.

Jones introduced his bill to remove religious exemptions from the juvenile and criminal codes for its third legislative session. It was assigned to the Children and Youth Committee, now chaired by Jane Campbell. (Francine Panehal had retired.) Once again, we trotted out our victims and supporting groups. CHILD member Naomi

Twining had gathered over a thousand signatures on petitions. I flew to Columbus to testify for a third time. Unfortunately, only four of the thirteen committee members were at the hearing because of a conflicting meeting on the budget. We could not get their attention; they were waiting for the feds to rule on the church's bill.



OCLU and CHILD member, Naomi Twining

Compromise passed

In June, 1989, HHS made an official ruling. They could not challenge what Evans proposed doing in the criminal code nor his deletion of church healers from the mandatory reporters' list. But they did require a strong reporting law.

We were very reluctant to give up on the hope of removing the religious shield from the criminal code. The law had been ruled unconstitutional by two county courts. After seven years of work, it would have been nice to have the job done.

But ODHS needed its federal money restored, and the votes to achieve repeal in the criminal code were not there. Those of us who had worked for Jones's bill decided to settle for removal of the shield laws from the juvenile code. It was better to leave the criminal code untouched than to let the Christian Science church rewrite it. At least Ohio's weird status quo required parents in two counties to provide children with medical care.

With that decision Jones was able to get his compromise repeal bill through both houses of the legislature in a few hours.

Today's laws

Ohio's new child neglect law clearly defines failure to provide necessary medical care as child neglect that must be reported. A threat of harm to the child's health must also be reported. And Christian Science practitioners remain on the list of those who must report children in need of medical attention. Furthermore, the law holds them to a reasonable person standard in recognizing the need for medical attention. With religious exemptions removed from the definition of child neglect, reporting requirements are clear.

Parents who belong to certain churches have no legal duty to provide medical care in 86 counties. The lives of their children will be totally dependent upon reporting, investigation, and intervention. It is doubtful that all of these children will be seen by mandatory reporters.

On the one hand, the Ohio legislature once again did only bare minimum to get federal money restored. On the other hand, we were relieved to get the Christian Science church stopped from sabotaging the intentions of child advocates.

Thanks to CHILD supporters

We especially want to thank some tireless workers for repeal: Naomi Twining with her petitions and networking; C. J. Saalman, who put in years of writing and contact work; Paul Michener, who testified three times about his injuries because of Christian Science; and Ford Cauffiel, who wrote, testified, went to meetings, donated his word processing equipment and staff to get out several mailings, and provided financial support to keep CHILD in the Ohio battle for the long haul.

Converse article continued

When he was three months old, he came down with a mild fever and began to vomit. After ten years of marriage, I was a first time parent and for the first time confronted with an emergency facing someone I *loved more than myself*.

After more than thirty years of Christian Science training, I was well versed in denying

physical symptoms. I was certain this "mask" of disease was only hiding a happy, healthy child. I was willing to suffer myself, but could I choose this method for my son?

While the crisis was more than seven years ago, it is like a repeating nightmare. It's a late fall night, dark, cool, and quiet. My wife is going back and forth from our baby's bed to her own, trying her best to subdue her natural instinct of fear. Our Christian Science teacher often described *fear* as "false evidence appearing real."

We retain a Christian Science practitioner and teacher for absent treatment of our son. I call him every hour and then report his words to my wife. He speaks about the "parents' thought" as an obstacle to the healing of "God's" child. He suggests we were not as diligent with our spiritual study as we could have been before our baby was born. I begin to feel that my thoughts are the real cause of the illness.

"What are we doing wrong that is inhibiting the healing?" we ask. What a night. . . a night in *hell*.

Often we heard that we were so lucky to both be Christian Scientists. We could work together in "knowing the truth." But tonight that becomes more of a curse than a blessing. We have to build up each other's morale constantly. We have to press on with the full armor of God. We must prove this Science! The more we try to erase the picture of our baby's illness, the worse he becomes.

Am I "entertaining thoughts of a physician?," the practitioner warns. I do not think so. Then I remember that Chris was born in a hospital; maybe the sinful temptations of medical thinking invaded our consciousness there. More guilt! My son is now vomiting every 15 to 20 minutes. We place him between us in bed. It is now 3:30 or 4:00 a.m.

While the city sleeps, we face a physical picture of illness I can no longer ignore. I feel like I am walking down a hallway that is getting smaller, colder, and darker. The thousands of testimonies I have heard about healing problems at work with the boss, finding a lost ring, finding the way to a motel, and so forth give little comfort.

In desperation I call the practitioner again. I

attempt to describe the seriousness of the "picture," but am rebuffed with the standard request for a "clear calm trust." He also says that now we must "stop and get [our] rest. Put the child back in his bed. The work has been done; the healing has taken place." Did I hear it correctly? Is this what a Christian would do?

I sit on the stairs and cry, "Dear God, what do you want me to do?" I return to our bedroom, still trying to ignore the "physical picture" of our son. I look into my wife's eyes and tell her what the practitioner has told us to do. She looks as if someone is tearing her heart out. As our eyes meet, they seem to say that this is the last straw.

I blurt out, "I'm sorry, but I'm going to call a doctor." Ironically, I have to call the doctor twice. Because of my Christian Science vocabulary and mask-like composure, the doctor does not comprehend the illness is serious. With the second call, the doctor suggests the emergency room.

Filled with Christian Science guilt, I enter the emergency room with my son clinging to his life.

After examination, the surgeon diagnoses his condition as a strangulated hernia and suggests an immediate operation.

I pray. How can this be happening? How can I hope to grow in my understanding of Christian Science if I allow this operation? As the nurse comes to the door to take Christopher, I stand up and tell her that the operation is off. I am determined to prove the efficacy of Christian Science.

The nurse suggests I talk with the surgeon, who is already in the operating room. I pick up the phone and calmly state, "Doctor, I feel this operation is not necessary. I've changed my mind about it."

On the other end is silence. Then come the words cool, calm, but very deliberate, "*Do you want your son to die?*" Then again silence.

These words have come to me over and over through the years. Had I really "progressed" so far in Christian Science that I could sacrifice my son's life to prove a religious system?

That statement like no other went to the heart of my own mental torture. I began to realize that my life as a Christian Scientist always dealt with proving and protecting the religious system. The

well being of myself and those around me were secondary to maintaining the integrity of the Christian Science textbook, its author Mary Baker Eddy, and its rules and regulations as defined by the church's board of directors.

Love and compassion were narrowly defined and most assuredly never included a medical option. Turning to medical care meant loss or leave of absence from church positions and loss of prayerful support from fellow members. A Christian Scientist who turns to medicine turns and walks that path *alone*.

Looking back today I know that our son's hospital stay was the beginning of our exodus from Christian Science. The operation lasted about forty minutes and was successful.

Several Christian Science friends tried to explain away the operation's success and told me to just forget about it and move on in my study of Christian Science.

Well, all I know is that my son is alive and well. He rides his bike. He plays basketball. His kid sister waves pompons to cheer him on. That is what is important to me, and I cannot forget.

* * * *

As this issue goes to press, Christian Science parents Ginger and David Twitchell are on trial in Boston for letting their two-year-old son Robyn die of a bowel obstruction. Their indictment motivated Mark to contact CHILD.

Mark is the first ex-Christian Scientist after us to speak publicly about endangerment of a child one is responsible for. CHILD Inc. is deeply grateful to Mark for his courage and honesty.

CALIFORNIA LEGISLATURE REJECTS CHRISTIAN SCIENCE BILL

The phone rang on Monday, June 5, as I finished a semiliquid breakfast in my room at St. Luke's hospital. It was a Dr. John Bolton from San Francisco, one of those pediatricians who gets up at the crack of dawn. He had just learned of a bill to shield Christian Science parents from prosecution in the California

legislature and was going to testify against it the next day.

Throughout the day there were a steady stream of phone calls back and forth to Sacramento as I learned that the bill had already had its third hearing and the Public Safety Committee would vote on it the next day.

In the afternoon I acquired a roommate from the operating room. My husband, Doug, took me out for my first walk down the corridor. When we got back, my roommate's sister handed us messages on two CHILD Inc. calls that had come in. My roommate decided to move to a private room.

Later Public Safety called and wanted several documents faxed. I spent 45 minutes on the phone with Doug trying to help him locate them in our files. He managed to get them downtown and fax them.

Three doctors testify

Dr. Anthony Shaw, a pediatrician from the Los Angeles area, flew up to Sacramento and spent most of the night writing his speech. He, Bolton, and Dr. Wallace Sampson testified on behalf of the California Medical Association, the California chapter of the American Academy of Pediatrics, and the National Council against Health Fraud.

The California District Attorneys' Association and the Attorney-General's office also testified against the bill. Later the state Parent-Teacher Association voted to oppose it also.

The Christian Science church had lined up distinguished individuals, though not organizations, to support the bill. It was sponsored by Nolan Frizzelle, a conservative Orange County Republican, and supported by top Democratic party fundraisers, such as John Knox and Warren Christopher, an Undersecretary of State for President Carter. A Christian Science judge and attorneys supported it.

Carte blanche exemption proposed

The bill, AB2325, was an outrage. It plainly set out to overturn years of review by the higher courts of California and to give Christian Science parents the right to withhold medical care from children sick with any disease whatsoever. It would have been made retroactive so as to get

the charges dismissed against three sets of Christian Science parents awaiting trial in California for letting their children die. It also exempted religious healers from a duty to report cases of sick children deprived of medical care. Among its paragraphs were the following:

"The Legislature finds and declares that the efficacy of certain . . . nonmedical forms of remedial care have been recognized by public and private health authorities including, among others, health care insurers, and that among the reasonable and generally accepted forms of remedial care is treatment by certain religious methods of healing having a generally accepted record of success. The Legislature further finds and declares that the general physical and emotional health of children who, in lieu of medical attendance, receive other remedial care in the form of treatment by religious methods of healing having a generally accepted record of efficacy is at least as good as that of the general public. . . ."

The bill further declared that a religious method of healing had a "generally accepted record" of success if the bills for its prayers could be deducted from income tax as "medical expenses" or if insurance companies would generally pay such bills. Christian Science would be the only method to qualify, since it is, to our knowledge, the only one that sends bills for prayers. To avoid charges of religious favoritism, the bill added that religious methods could also qualify by presenting "other evidence that the treatment is recognized by a substantial percentage of public or private health authorities as providing a rate of success in maintaining health, treating disease, or injury that is equivalent to that of medical forms of treatment."

Acceptable prayers

In short, to get the exemption, parents had to obtain prayers that either worked as well as medicine or that healers charged for and for which they could get third-party reimbursements and tax deductions.

The church had gotten legislators committed to the bill before we even knew of its existence. Observers told us that the church had the votes to get the bill out of the Public Safety Committee at the June 6th hearing, but Chairman John Burton deferred the vote and proposed a day long interim hearing on the bill instead.

The most interesting information from the

June 6th hearing came when Burton asked if Christian Scientists were forced by their church to avoid medical help. Sponsor Frizzelle responded enthusiastically that indeed they were not. To prove it, he explained that he himself used to be a Christian Scientist and that his son got appendicitis. His son would have died if he hadn't given up on Christian Science treatment and gotten medical care.

Observers said the church officials did not look pleased with Frizzelle's revelation.

A second hearing

The interim hearing was set for Tuesday, October 31st. The weekend before, I went to New Jersey to speak at the Cult Awareness Network conference. I returned to Chicago where Doug had addressed the Bioethics Committee of the American Academy of Pediatrics. We celebrated our older daughter's birthday and then drove the 600 miles home. On Monday I taught four hours of classes and the U. S. Supreme Court declined to review the summary judgment in our civil suit against the church and its practitioners. At 6 a.m., Tuesday, I took off on a six-hour flight to Sacramento, knowing full well that the church would be marketing its victory over us there. I had been told that Burton did not like witnesses reading, so I memorized my half-hour statement by muttering through it several times en route.

Faithful trooper John Bolton was on the other side of the hearing room door. As usual, the room was packed with Christian Scientists, so he and our other physician friends were standing. Bolton told me to "hit the ground running" because my name had already been called to testify.

Stunning testimony by victim

I went to sit by CHILD member Carolyn Hyatt who testified before me. Carolyn was adopted into a Christian Science family. At age seven she became completely deaf because of a series of untreated illnesses.

She has been on *NBC Nightly News* and San Francisco television with us. Off-camera, Christian Science attorney David Mackenroth said to her face that putting her on television was a "cheap shot."



Carolyn Hyatt testified against church bill

Her testimony in sign language is always devastating. "Deaf woman stuns faith-healing panel" read the headline in the *San Francisco Examiner*. "Committee members were stunned," it said, "and one person in the crowded Capitol hearing room broke down sobbing loudly as the woman explained how the pain in her ears had grown day by day, but her parents had told her it was a lack of faith that had led to her illness."

Church counterattacks

The church was ready for Carolyn this time. They followed our testimony with that of a speech pathologist, who was also a Christian Scientist. How she rationalizes her profession with her religion was not explained. She reported that many children are born with hearing impairments that are not discovered until age seven and many become deaf because of medication.

Church officials also announced that she could discredit my claim that their practitioners have only two weeks of training because she had been "striving" for eight years to become a Christian Science practitioner.

From the transcript

Chairman Burton: "That's what I've never been able to find out. What is it--They learn new prayers?"

Carnescioli (church lobbyist): "No. Not new prayers, but--"

Burton: "An intensity of prayer?"

Carnescioli: "To learn how to follow the system of healing that Christian Science teaches."

Burton: "Which is?"

Frizzelle: "It's an organized system."

Burton: "But is it any different--Is there a different prayer that the practitioner would say than the mother would say?"

Carnescioli: "It is in the sense that the practitioner is one who disciplines his or her thought daily and has developed a greater capacity to pray more actively and more conscientiously."

Burton: "Than the mother?"

Carnescioli: "Yes, because of the constant training. . . ."

Burton: "Somebody walk me through this training process because to me a prayer is a prayer is a prayer, and God is God is God, and God answers prayers sometimes in very different ways, but I mean, I cannot conceive that this lady's power of prayer would be greater than the mother's power of prayer."

Beverly DeWindt (a church healer): ". . . The difference is that a Christian Science practitioner devotes full time to this work, doesn't have the distractions. . . , and the mother has a lot to do with her family."

Burton: "But wouldn't it be safe--I'm getting far afield--It would seem to me that God would listen to the mother"

Frizzelle: "A Christian Science practitioner is in a more objective position, as it were, not being separated by distractions of one kind or another, to concentrate on that awareness of the presence of God. That seems to have an efficacy that is not present for a person who is distracted in a variety of ways."

Courtroom vs. statehouse claims

Despite their talk of "constant training," we stand by our statement that one two-week course is the only formal instruction required of a church healer. Church attorneys certainly emphasized that point in our civil suit when they wanted to prove that we had been given no reason to believe their practitioners knew anything about disease. But when the church goes to legislatures for privileges, it claims its healers are highly trained, carefully screened, and supervised.

The church had a meningitis healing account for the legislature. It was 25 years old. Burton asked the healer if she knew what form of meningitis it was; she didn't.

Two medical doctors testified for the church. One talked about how the mind affects the body. Dr. John Hale talked about how reasonable and cooperative his Christian Science obstetrical patients were with him in some 250 deliveries. Large chunks of his testimony repeat verbatim an

anonymous physician's statement in a book promoting Christian Science healing. Significantly, the anonymous statement claims to have seen miraculous healings through Christian Science, but Hale did not make such claims before the committee.

Burton asked why the Christian Scientists wanted to deprive their children of medical care after they were born, but went to a medical doctor for their delivery.

Burton showed outstanding insight and assertiveness in directing the hearing.

Testimony changes mind

Another hero was Rep. Tom McClintock, an Orange County Republican. He had been the first member of the Public Safety Committee to endorse Frizzelle's bill. About one quarter of all American Christian Scientists reportedly live in California, and a knowledgeable journalist has said that Orange County has one of the highest concentrations of Christian Scientists in the country.

After hearing Carolyn's testimony and mine, McClintock renounced his support for the bill in front of the room full of Christian Scientists.

"I entered the hearing thinking the issue was religious tolerance, which is the oldest and most fundamental of American rights [and which includes] the freedom to practice and to instill . . . one's religious beliefs into one's offspring without government interference," he said.

But after the testimony "it was inescapable that a child's right to grow up to make his or her own decisions was ignored in that approach," he concluded.

A weary Burton adjourned the meeting, saying, "This is an issue we've had more hearings on than anything I can remember in my history in the state legislature. It almost rivals the budget."

Church forced to withdraw bill

AB2325 was scheduled for a committee vote January 9th. The week before, Christian Scientists deluged the Public Safety Committee with boxes of letters. But the committee held its ground. Hours before the vote, the church withdrew the bill.

California still has ambiguous religious

exemptions in its child neglect and nonsupport chapters, but the church has failed to get an exemption from the crimes of child endangerment and manslaughter with which its California parents have been charged.

Taken in part from *The San Francisco Examiner*, November 1 and 10, 1989, and *The Los Angeles Times*, December 15, 1988.

SOUTH DAKOTA IS NUMBER 1!

On February 28, 1990, South Dakota Governor George Mickelson signed into law House Bill 1314, which repeals all religious exemptions from duties of care for sick children and disabled adults and from metabolic testing of newborn babies.

South Dakota has become the first state in the country to remove all such exemptions. (South Dakota still has religious exemptions from immunizations.) Forty-three states and the District of Columbia have a religious shield either from child abuse and neglect charges in the juvenile code or from criminal charges or both. An additional six states, Montana, Nebraska, Tennessee, Maryland, North Carolina, and South Carolina, have an exemption for "nonmedical remedial treatment," which the Christian Science church has, in certain contexts, claimed as a reference to its methods.

Prosecutions during the 1980s have, however, demonstrated that many exemptions do not provide an absolute defense against all criminal charges.

End Time Ministries

Like all victories against the Christian Science church, it was the product of hard work. It was also the product of a unique team effort. Sioux Falls, South Dakota, was the home of End Time Ministries, a charismatic group espousing positive confession theology and opposing medical care. Its leader, Rev. Charles Meade, was originally associated with the notorious Faith Assembly in Indiana, whose beliefs against medical care led to more than a hundred unnecessary deaths. Concerned relatives of End Timers organized a sup-

port group in Sioux Falls, which has held regular meetings for many years. After Meade called his members to Lake City, Florida, relatives have been cut off from virtually all means of communicating with their children and grandchildren.

As mentioned in our second 1989 newsletter issue, End Time Ministries lost five babies in Sioux Falls during home deliveries that were not attended by licensed health care providers. The State's Attorney considered prosecuting one case, but decided the religious shield law prevented him from acting.

The parents' support group decided to work for the repeal of South Dakota's religious shield laws. Rep. John Timmer, R-Sioux Falls, and I attended the group's August 1989 meeting to thrash out the issue and lay plans.

Rep. Timmer sponsors bill

An insurance executive, Timmer was a wonderful combination of sensitive listener and tenacious fighter. I told him of the staggering costs of repeal efforts elsewhere. I mentioned the Colorado Senator who had sponsored a repeal bill and lasted about one week through the Christian Science onslaught before recanting in front of the television cameras.

"That won't happen here," Timmer said grimly.



S.D. Rep. John Timmer

South Dakota's legislators are paid \$4,000 a year, but Timmer spent scores of hours before the session even started, laying groundwork for the repeal bill, guiding us on what to do, and attending the support group meetings. In October we held a reception for legislators to inform them about the bill.

Superb preparation

When the session opened in January, Timmer and the prime cosponsor, Rep. Jean Beddow, D-Mitchell, had gotten 32 of the 70 Representatives signed on as cosponsors, while Dr. Belatti, R-Sioux Falls, had gotten 14 of the 35 Senators to cosponsor.

The bill also had endorsements from the South Dakota Association of Christian Churches, the Catholic diocese, Lutheran churches, a right to life organization, the South Dakota chapter of the American Academy of Pediatrics, South Dakota Department of Social Services, and South Dakota Advocacy Services, which supplies guardians ad litem to represent children in the court system.

Rev. Geri Smith obtained endorsements from the church groups. She has donated hundreds of hours to counselling relatives and exmembers of End Time.

We also had the asset of Joni Cooke Eddy, mother of one of the deceased babies. She was willing to go public with her ordeal.

Finally, the Christian Science church has dwindled to two churches and one practitioner in South Dakota.

It certainly looked as though we ought to be able to win in South Dakota. I told the CHILD board that we would give up on all repeal efforts if we couldn't win in South Dakota.

Lobbying in Pierre

Geri, Joni, and I got to Pierre early on January 30. Until 11 a.m. we could "work the floor" as the Christian Science lobbyist was doing. We watched her talk to legislators and then approached them with our position. We soon found out that all our cosponsors were not firm. Some asked us for amendments that would "accommodate" Christian Scientists because their religion had been "recognized" for years. They told us the church's lobbyist had attended every

meeting of the legislature for years. Usually, she sat in the gallery and knitted, but now she was busy talking.

Next morning was the hearing at which each side was given 15 minutes. Three of the spokesmen for the Christian Science position were attorneys. One said the repeal bill was a dangerous step toward a "state church." The lobbyist's son-in-law, Jim Olson, was loaded with credentials. He was president of the Rapid City school board, attorney for the state-owned cement plant, etc. His wife was managing a campaign for Congress. They both told of Christian Science healings, how much they loved their children, how reasonable, responsible, and respectable Christian Science was, etc. Olson presented Colorado's new religious exemption as what South Dakota should adopt.

I managed to find an ancient typewriter and prepare a response to Olson's proposal for the committee. We also met with Jeremiah Murphy, the strongly respected lobbyist for the Catholic diocese, and explained why a parent must have a duty to care for a child. In days to come, Murphy ran circles all over the statehouse explaining the case for repeal to the legislators.

Call for compromise

That night the committee met again. Chairman Jerry Lammers begged both sides for a middle ground. He proposed adding to existing law a clause allowing court-ordered medical treatment of children in spiritual healing sects. The Christian Scientists accepted. We declined. "Duty" became our codeword; we said the religious exemption had to be repealed in order for the parents to have a duty to care for their children. The committee voted against our bill 7-5. Torn by the conflict, Lammers offered to vote again on the bill the following Wednesday.

We were exhausted from rehashing the nightmares of our children's deaths and begging the legislators for understanding. "Those idiots," Joni sobbed. Geri was more philosophical on the 300-mile trek back from Pierre. "You can't expect the legislators to recognize us as the good guys immediately; for years the Christian Science church has been here as the good guys," she reasoned.

The next day we heard that a legislator who had first cosponsored our bill and then voted against it would vote for it next time if half a dozen people from her district called her in support of the bill. She lived in Mud Butte, which was practically in Wyoming. Fortunately, Geri had friends all over the state from her years as a United Church of Christ pastor and got them mobilized. Back in Sioux Falls, the parents' support group spent the weekend calling the committee members.

Governor contacts CHILD

On Monday I got a call from the Governor's office asking for copies of all the religious exemption laws in other states to help the committee members work out a compromise. I faxed them off, but decided I'd better get back to Pierre as quickly as possible. With copies of all the statutes in hand, the lawmakers and the Governor would figure out that we were asking them to be first in the nation.

Sure enough, when I got to the statehouse, one of the committee members came up and thanked me warmly for sending the statutes. "Why, there are states with laws giving the exemption specifically to Christian Science by name," she said. "We didn't think we could do that."

Fortunately, Chairman Lammers had a different idea. He said they had carefully studied all the statutes collected by the Governor and on that basis he proposed to remove all the religious exemptions and add statements providing for court orders of children associated with faith-healing sects. He also said that no-one could possibly object to metabolic testing of newborns because that was not even medical care. We accepted his proposal at once.

Christian Scientist agrees to repeal

Then Jim Olson was invited to the witness stand to give the Christian Science position. He asked for a minor exemption in coroner's duties, swallowed hard, and finally, with the tv cameras clicking away, said he thought they could "live with" the rest of the bill.

We were shocked and at first thought we had been tricked. Olson left the hearing room and told the press they had won because the

Constitution still protected their right to practice their religion. "Move this bill through quickly," one of our proponents said, "before [the Christian Scientists] change their minds."

Senate rejects church's change of position

With both sides ostensibly happy, the bill passed the House 65-0. A few days later, though (probably after talking to church headquarters in Boston), the Christian Science lobbyist was busy asking the Senators to vote against the bill. When our troops caught up with that, they were highly indignant and so were the Senators. The lobbyist was forced to admit before the Senate committee that they had agreed to the bill in the House, and the bill passed the Senate unanimously.



Joni Cooke Eddy, former End Timer

Joni's self-immolation was rewarded. She was praised by the *Sioux Falls Argus-Leader* as a bright star of the session. The Governor wrote her the following:

"I hope you realize you are the primary reason why House Bill 1314 is becoming law.

Your willingness to endure the pain of telling your story in the public hearings of the legislature will be rewarded with saved lives in the future. Because you put yourself through the ordeal of publicly explaining your story, many additional children will be spared unnecessary pain and injury.

I want you to know how much I admire your courage."

The sun dropped slowly out of the biggest sky in the world as I left Pierre one last time and drove across the incredible beauty of Ft. Pierre National Grassland. I thought of Laura Ingalls coming across this vast land in her covered wagon. I felt we were pioneers too. South Dakota--the place where the revolution started. Victory, how sweet it is!

TEXAS ADDS RELIGIOUS EXEMPTIONS

Until last year Texas did not require parents to provide children with medical care. That is probably why Texas had not acquired a religious exemption from parental duties.

In 1989 the legislature created the crime of child endangerment in SB1154. Because of Christian Science lobbying, a religious exemption was added as follows:

"It is an affirmative defense to prosecution under this section that the act or omission was based on treatment in accordance with the tenets and practices of a recognized religious method of healing with a generally accepted record of efficacy."

CHILD Inc. did not become aware of this bill or the exemption until after it was signed into law.

CHRISTIAN SCIENCE CHURCH WINS IN COLORADO

In the summer of 1988, the Colorado chapter of the American Academy of Pediatrics invited us to come to Denver and meet with legislators who wanted to repeal or modify the state's religious exemption. We did this, and Senator Bill Owens subsequently prepared an excellent bill. It defined medical neglect as the failure to provide a child medical care when "accepted and well-documented medical interventions would be clearly efficacious" in preventing harm or ameliorating serious illness. It explicitly allowed parents to rely on prayer alone until the point of

medical neglect was reached.

The bill was supported by the Colorado Council of Churches and several medical associations. Long hearings were held in rooms packed with Christian Scientists.

Dwight Hamilton, a Christian Science attorney in Denver and former state GOP chairman, said, "For the first time in my life I feel the fear of being persecuted wrongfully. You'll make me a criminal if I don't do what I'm absolutely opposed to for my children."

He bragged about delivering his son alone at home. "All I needed was a catcher's mitt and a bushel basket," he said.

He and Miles Cortez, former president of the Denver Bar Association, testified that the law should penalize some kinds of faith healing, but not Christian Science practices.

Owens lasted for about a week under the Christian Science onslaught and then capitulated. "We're not trying to put people in [jail] who pray for their children," he told the press.

Criteria for recognizing religious healing set

The bill as finally passed and signed into law in June, 1989, allows parents to substitute "a recognized method of religious healing" for medical care of children. The method

"shall be presumed to be a recognized method of religious healing if:

(a)(I) fees and expenses incurred in connection with such treatment are permitted to be deducted from taxable income as 'medical expenses' pursuant to regulations or rules promulgated by the United States Internal Revenue Service; and

(II) fees and expenses incurred in connection with such treatment are generally recognized as reimbursable health care expenses under medical policies of insurance issued by insurers licensed by this state; or

(b) such treatment provides a rate of success in maintaining health and treating disease or injury that is equivalent to that of medical treatment.

Christian Science will be the only method to qualify under (a); (b) was likely added to deflect charges of religious favoritism.

The new law applies to both juvenile code and felony child abuse charges. There is no way for a prosecutor to work around it. Colorado has given insurance companies and the IRS the right to determine what a crime is.

Taken in part from *The Rocky Mountain News*, January 19 and *The Denver Post*, January 28, 1989.

COLORADO APPELLATE COURT UPHOLDS CONVICTION

On October 19, 1989, ruling on the immunity law in effect before June, 1989, the Colorado Court of Appeals upheld the second conviction of Jon Lybarger for letting his daughter die without medical treatment. Lybarger and his wife had founded a fellowship group in Estes Park titled Jesus through Jon and Judy, which held that Jesus should be their only doctor. On March 15, 1982, their five-week-old daughter Jessica died after days of struggle against pneumonia.

Lybarger was indicted. The judge ruled Colorado's religious immunity law unconstitutional as a violation of children's rights and would not allow Lybarger to raise a religious defense at trial. He was convicted, but the Colorado Supreme Court overturned the ruling because the judge acted *sua sponte*; that is, he had not been asked by the parties to make it.

Interpretation of exemption law

At his second trial in 1986, the judge construed the shield law to be merely a statement of free exercise rights. The law then read:

"No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected."

The judge held that the defendant could not be charged for praying, but could be charged for endangering his child's life by medical neglect. The prosecution adopted that line of argument during Lybarger's second trial, but also tried to strip Lybarger of a religious defense by arguing that his church was not "recognized" and he was not a "duly accredited practitioner."

In his appeal, Lybarger complained that the immunity law violated the Establishment Clause of the Constitution and violated his religion's right to equal treatment.

Good churches vs. bad churches

The Christian Science church submitted an amicus brief charging the trial court with abusing its authority in essentially nullifying the religious exemption. The church also defended the religious favoritism in the exemption as follows:

"The lawmakers were unwilling to relieve those who rely on prayer for healing from all social responsibility. The reason is logical. They do not want parents to experiment with novel or individual healing methods or capricious or unstable ideologies when their children are sick, even though based on sincere belief. They did not want to encourage the practice of quackery. . . . They decided, therefore, to provide an affirmative defense only for those whose approach to healing is substantiated by empirical evidence accumulated over a period of time and who rely on treatment solely by spiritual means through prayer."

Court of Appeals ruling

Sworn to uphold the laws, the Attorney General defended the favoritism in the statute, but also, of course, supported the trial judge's ruling that it did not permit parents to deprive children of lifesaving medical care.

The Court of Appeals rejected the amicus argument that the exemption allowed parents in certain churches to withhold necessary medical care. The Court made the following ruling on the law and its "for that reason alone" phrase:

"Although treatment through spiritual means does not, in itself, constitute endangerment of a child's health, 18-6-401(6) and 19-3-103 do not provide an absolute defense to the charge of child abuse. If there is another reason to find that a child's health has been endangered, such as the failure to obtain medical care necessary to treat a life-threatening condition, treatment through spiritual means is not a defense."

But with a conservative court's strong reluctance to overturn the wisdom of the legislature, the court refused to respond to Lybarger's complaints about unequal treatment of religions:

"We need not reach the defendant's arguments that the statute authorizing the spiritual-treatment affirmative defense is unconstitutional. . . . [Here], there was evidence from which the jury could find a reason other than spiritual treatment existed to consider the defendant's child endangered. Thus, the affirmative defense is inapplicable, and the constitutionality of 19-3-103 is irrelevant."

Lybarger is appealing to the Colorado Supreme Court.

THE LEGISLATURES: WHERE WE ARE NOW

Colorado is a sorry story. If the state Supreme Court upholds Lybarger's second conviction and the lower courts' construction of the "for that reason alone" phrase, we will, after some ten years of litigation, have established that the old law required parents to provide necessary medical care regardless of their religious beliefs.

Unfortunately, the old law was removed last year and replaced with a new definition of felony child abuse that does not have a "for that reason alone" to use.

Under the new law, a minister of Jesus through Jon and Judy will have to prove that his prayers heal disease as effectively as medicine to defend himself against criminal charges while a Christian Scientist has an absolute right to deprive his child of medical care whether his prayers heal or not (unless, of course, the state discovers the sick child and obtains treatment through court order).

Colorado is a sober warning not to attempt repeal unless there are child advocates skilled at deciphering Christian Science doubletalk and willing to watchdog the legislative process every step of the way. If child advocates are not there, legislators will give this church just about anything.

The church has already attempted to export the Colorado law to Massachusetts, California, and South Dakota. CHILD members and others have blocked those efforts, but who knows where else this law is going?

Dangerous new definition of "health care system"

Recently enacted religious shield laws in Louisiana, Texas, and Colorado are products of the church's current strategy to develop secular criteria for the shield. After nineteen convictions for religiously-based medical neglect in the 1980s, including three of Christian Scientists, the church must be aware that the First Amendment does not allow them to deprive children of necessary medical care. They continue to tell their members that it does, but have a different

approach with legislators.

The church is now asking legislators to designate its methods as a health care system for children on the basis of its record at healing disease. In Louisiana and Texas, the exemption is extended to religious methods with "a reasonable proven record of success" and "a generally accepted record of efficacy" respectively. In Colorado, the law spells out that the success record is determined by IRS regulation and insurance reimbursements.

CHILD Inc.'s position is that legislatures should require the church to present credible evidence that it can heal serious diseases of children before granting prayer status as a legal substitute for medical care. Credible evidence does not consist of testimonials or showing that the majority of Christian Science children make it to adulthood. Credible evidence consists of verified data on the number of children treated by Christian Science for bacterial meningitis, diabetes, etc., and the percentage of cases healed.

FAITH TABERNACLE TWINS DIE

Debra Still, 30, gave birth to twins--her seventh and eighth children--at 12:30 a.m. February 6 in Germantown, Pennsylvania, without the aid of a doctor or midwife because of Faith Tabernacle's beliefs against medical care. At 8:30 a.m., father Charles Still noticed his five-pound infant girl, Sharon Lynn, was not breathing and called a funeral home. The next day police took her three-pound brother, Jeffrey Ryan, to a hospital, where he was pronounced dead.

Police and the Department of Human Services are investigating the deaths of the twins, who were born six weeks premature. Helena Friss, a leading area neonatologist said that 95 percent of babies who are six weeks premature and are treated in a hospital survive.

The Stills and a spokesman for their church declined comment, saying church policy prohibits interviews.

The Faith Tabernacle Congregation was founded in 1897 in Philadelphia at the height of a nationwide religious revival. The church's

theology is summarized in its 19 articles of belief, one of which states that Christ "having cleansed us from sin. . . will also heal our bodies from sickness and diseases" and that the Bible opposes "all medical and surgical practice whatever."

Six earlier deaths in church

The church has about 18,000 members, most of them in Pennsylvania and New Jersey. In 1980 the Winterborne family of suburban Philadelphia got press attention. Between 1971 and 1980, five of the Winterbornes' children died of pneumonia without medical attention. Members of Faith Tabernacle, Roger and Dawn Winterborne even refused to allow medical tests of their surviving children. "When you believe in something, you have to believe in it all the way. If you only believe in it part way, it's not a true belief," the father said. "God knows more than we do."

The state declined to prosecute the Winterbornes, concluding that symptoms of pneumonia could have developed rapidly and the parents might not have comprehended the seriousness of the illness.

In 1983 other Faith Tabernacle members were prosecuted. Linda and William Barnhart of Beaver Valley, Pennsylvania, were convicted of involuntary manslaughter in the death of their two-year-old son, Justin. The little boy had a highly treatable form of cancer called a Wilms' tumor, which grew to more than five pounds in his abdomen and literally starved his body to death. The parents had their pastor perform a healing ritual for him five months before his death. The U. S. Supreme Court declined to review their conviction.

Taken in part from *The Philadelphia Inquirer*, February 8.

CALIFORNIA JUDGE ACQUITS CHRISTIAN SCIENCE COUPLE

On February 16, Superior Court Judge Robert Thomas dismissed endangerment and manslaughter charges against Eliot and Lise Glaser of Culver City, California, in the death of their 17-month-old son, Seth Ian.

As Christian Scientists, the Glasers did not obtain medical care when their son died of hemophilus influenzae meningitis on March 28, 1984.

The state's case in the non-jury trial consisted of submitting grand jury and preliminary hearing transcripts. The judge then ruled that the evidence failed to prove beyond a reasonable doubt that the Glasers willfully and recklessly endangered the life of their son.

Lack of evidence

The acquittal was not based on religious freedom rights, but on lack of evidence that the Glasers knew their son was seriously ill at a point when medical science could have saved his life. No-one saw him during his illness except the Glasers and their Christian Science practitioner.

The Glasers told the police that their son seemed ill and very tired on March 27th, so they requested absent treatments from church healer Virginia Scott. Several times the Glasers believed Seth got better in response to Scott's treatments. During periods when he seemed to relapse, Lise said she called Mrs. Scott about every fifteen minutes.

The symptoms seen by the Glasers on the 27th were a fever (not measured by a thermometer), coughing, a runny nose, lethargy, rapid breathing and heart rate, and a red, swollen eye.

On the 28th, Lise asked Eliot to stay home from work because of the illness. The baby's body had turned blue. They fed him twice, and he vomited the food up each time.

At 11 a.m., they observed Seth to be hot and feverish and decided to request a personal visit from Scott. They arranged to bring the baby to Scott's home at 1 p.m. because they did not want to "inconvenience" Scott during her lunchtime.

Aware of "severe" struggle

While en route, Seth vomited for a third time. They stopped the car, and Glaser felt the baby's limbs and noticed they were cold. Glaser told police he had learned that the coldness was evidence of the body diverting blood from the limbs to vital organs in a "severe" struggle.

Mrs. Glaser also admitted to police that she had learned from her obstetrician and from

growing up in a non-Christian Science home that fevers were very dangerous. She was given a packet of baby care items, including a fever thermometer, when Seth was born at a hospital, but threw it out or lost it.

During the ride over to Scott, Mrs. Glaser observed convulsions lasting about 90 seconds each. His legs and arms would become rigid and then his whole body would go into "thrusting convulsions." He could not hold his head up. Mrs. Glaser said they realized his illness was very serious at that point.

Medical help not considered

Detectives asked both parents if they had considered driving to a doctor's office or hospital instead of to their Christian Science practitioner. They said they did not "seriously" consider getting medical help even at that point.

Virginia Scott put the baby on a mattress outside. Alarmed at the severity of the illness, she immediately called church legal advisor Al Carnescioli. She was aware that the death of Christian Science child Shauntay Walker was then under police investigation in Sacramento. According to a detective who interviewed her, Scott called Carnescioli because "the church wants to be kept informed of any cases where the church may be criticized as a result of their method of taking care of illnesses through prayer, especially when a child is involved, and the church likes to be kept abreast of these things so that they can respond to press or anything else."

Death threatening, church insists on their rights

Carnescioli advised Scott that they had the legal right to withhold medical care from the child.

Scott then brought Seth to her office and placed him on the floor. She asked the parents to leave and take a walk. "It was mutually decided," the detective reported, that the Glasers "should not be present" because of the baby's condition and the parents' concern about it.

As Scott prayed for Seth, his breathing became slow and shallow. His heart rate became slower. Scott believed these changes were occurring because of her prayers. At about 2:45 p.m., however, he stopped breathing.

Resuscitation and resurrection attempted

Scott then attempted mouth-to-mouth resuscitation. She admitted it was not a teaching of Christian Science, but she had learned it in raising her children and "had seen it performed on television."

The Glasers returned and also attempted to resuscitate the baby mouth-to-mouth. Then Scott contacted another Christian Science practitioner who reputedly had succeeded in resurrecting the dead.

Later Scott called a mortuary run by a Christian Scientist. Its personnel came out about 4:30; the Glasers requested more time for spiritual treatment. The mortuary came out a second time at 11 p.m. and picked up the body. In compliance with the law, the mortuary reported the death to the coroner's office.

The police asked Scott if she observed the baby having convulsions. She replied that her husband suffers from grand mal seizures and she "probably wouldn't recognize a seizure unless it took the same characteristics as she saw her husband experience."

Basis of accrediting healer

To get accreditation as a church healer, qualified to treat all diseases of children and adults, Scott had to submit accounts of three healings she had performed. Hers consisted of healing a lump in a woman's mouth, a child's badly sprained ankle, and a woman who was deaf in one ear. None of her healings were clinically diagnosed.

The police asked the Glasers if they were aware of using sponge baths, pain relievers, or fluids to relieve fevers. They said they were aware of them, but declined to use them. When asked why, Mr. Glaser said that illnesses occurring from within the body are mentally caused and should be cured by positive thinking. Using "external" remedies such as sponge baths violates the Christian Science religion. On the other hand, if his son stepped on a rusty nail, Mr. Glaser said he would take the child to a doctor and get a tetanus shot because the accident had "occurred externally."

Severity of illness seen too late

Only the last three hours of Seth's life did the Glasers admit realizing his illness was serious. By then, doctors testified, the chances of saving his life were poor; brain damage would have been extensive even if his life had been saved.

The Glasers and Scott were indicted in June, 1984. The charges against Scott, however, appeared to be based on the fact that she had physical custody of the baby at his death. In February, 1985, Judge Laurence Rubin dismissed the charges against Scott on the basis that medical treatment could not have saved his life by the time she had custody. Rubin said his dismissal did not mean that he condoned her conduct. He advised Scott to mention the death of Seth Glaser when discussing her powers of prayer healing.

Shane Talbot, the homicide detective who investigated the case, expressed disappointment at the disposition of the Glaser case.

"I am upset. It is my contention that any reasonable and prudent person would seek medical care when the child started convulsing and vomiting uncontrollably. It is my belief that if they weren't so heavily involved with the Christian Science religion, they probably would have sought some type of medical treatment and that child would be alive today," Talbot said.

Taken from the preliminary hearing transcript and the *Santa Monica Evening Outlook*, February 28, 1985, and February 17, 1990.

KOOP CRITICIZES FAITH HEALING

Former U. S. Surgeon General Everett Koop denounces faith healing in an essay included in a new book, *The Agony of Deceit: What Some TV Preachers are Really Teaching*. The book, edited by Rev. Michael Horton and published by Moody Press, is a collection of essays by evangelicals accusing some televangelists of heresy.

A Presbyterian, Koop believes that God worked miracles in biblical times, but also says, "When a faith healer commands God to perform a miracle, in the absence of a prayer that says

'Thy will be done,' it is, so far as I am concerned, the most rank form of arrogance. If it were the sovereign will of God that humans be healed of all illness and all afflictions, all humans would be immortal. Isn't death, after all, the ultimate illness?"

MINNESOTA JUDGE DISMISSES CHARGES AGAINST CHRISTIAN SCIENCE COUPLE AND HEALER

On April 2, Hennepin County District Court Judge Eugene Farrell dismissed manslaughter charges against Christian Science parents Kathleen and William McKown and their spiritual healer, Mario Tosto, in the death of Ian Lundman, age 11. The boy died of diabetes May 9, 1989, without medical care because of Christian Science beliefs about the treatment of disease.

From reviewing tapes of the legislators' comments when they created the religious exemptions and the statutory language itself, Farrell concluded that the legislature did intend to exempt Christian Scientists from any responsibility to provide medical care for their children.

Minnesota has a religious exemption in its child abuse and neglect code and also the following proviso in the criminal code's definition of neglect:

"If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is 'health care' as used in clause (a)."

Legislative intent considered

The prosecution argued that the exemption from neglect charges was not intended to carry over into the manslaughter chapter. On the basis of what courts have done elsewhere, we expected the judge to agree.

But the judge cited an exchange which took place fifteen days before Ian's death when Senator Peterson brought up the death of diabetic child Amy Hermanson in Florida. Her

Christian Science parents were convicted for depriving her of medical care on April 18, 1989. The judge quoted as follows:

Senator Spear: "I don't think we want to make a parent who belongs to a religious group and in good faith selects a spiritual means of treatment or care, I don't think we want to make that parent subject to criminal proceedings."

Senator Peterson: "Even though it means the death of their child?"

Senator Spear: "Well, we have other provisions in this bill which make it clear that a child who is denied this kind of medical care, there can be a court order to remove this child from the care of the parent. But again exempting that parent from criminal proceedings. I think criminal proceedings for someone's religious beliefs, for sincerely held religious beliefs, run into some rather strong constitutional problems in our society, Senator Peterson."

Transcript of Minnesota Senate Judiciary Hearing, April 24, 1989

Judge Farrell concluded that allowing criminal prosecution of the defendants "would violate their due process rights. Due process includes fair notice by the state to its citizens of potentially criminal conduct. . . . A statute, in order to meet federal and state due process standards of definiteness must be such as not to leave 'persons of common intelligence. . . to guess at the meaning of a statute nor differ as to its application.'"

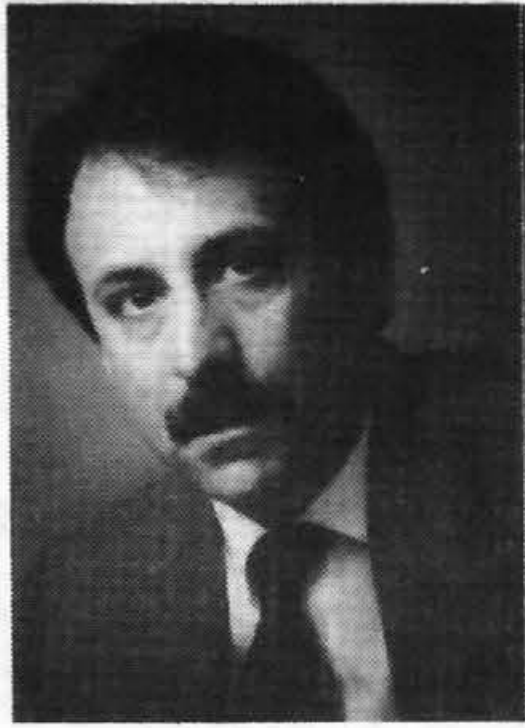
Regardless of Senator Spear's view of the Constitution, it is important to note that Farrell did not base his dismissal on any Constitutional guarantees of religious freedom, but on what the Minnesota legislature did.

Appeal filed

The prosecutor is appealing the dismissal of the charges against Ian's mother and stepfather, but agreed to dismissal of the charges against the spiritual healer.

The Twin Cities public is, temporarily anyway, rather outraged that the Christian Scientists have been allowed to "get away with murder." CHILD member Marie Castle has made several local media appearances and has found legislators who are willing to sponsor a bill repealing the religious shield laws.

CHILD board member Dr. Scott Sokol, a pediatrician in Floral Park, New York, plans to write a regular column for the newsletter. Here he comments on two medical doctors who have publicly supported the right of Christian Science parents to deprive children of medical care. Sokol presented in a workshop on religiously-based medical neglect of children at the national conference of the Cult Awareness Network.



FAITH HEALING: METHODOLOGY OR MYTH?

by Scott Sokol, M.D.

There is an old Chinese proverb, "When a finger is pointed at the moon, the imbecile looks at the finger." It would seem that the philosopher had the emergence of the Christian Science church and its ilk in mind when he made this observation.

Those who advocate miracle cures point the way and their faithful flock blindly follow. They are promised the moon, and it is their children who suffer. Florida pediatrician Dr. Stephen Gyland argues that parents who lose their children because of their faith in divine healing have already suffered enough and prosecution will only "increase the power of a bureaucracy."

I am a physician. The oath I took when I received my degree held that all life is sacred. The loss of one child as a result of withholding medical care is a crime. It is child abuse and neglect. Society must send a clear message to these parents. They must be punished under the law. Someone must speak for the child when parents put their religious beliefs ahead of the health of our children.

Dr. Eugene Robin of California claims that doctors who misdiagnose disease are not charged with crime. He argues that early diagnosis of meningitis is often missed and that medical

treatment is not 100% effective. Medicine is indeed an inexact science. Physicians are, however, subject to codes of professional conduct by medical boards and civil and criminal charges in cases of malpractice or gross negligence.

It is the height of hypocrisy for people who rely on practitioners whose cure rate for an illness such as meningitis is essentially zero to claim exemption from prosecution by comparing themselves to medical doctors.

If this attitude is allowed to continue, the asylum has indeed been taken over by the inmates.

MONOGRAPH PUBLISHED

CHILD Inc. is offering for sale a 68-page monograph entitled "The Law's Response when Religious Beliefs against Medical Care Impact on Children," in which Rita Swan reviews case law and Christian Science lobbying strategy of the twentieth century.

This research was supported by a grant from the National Council against Health Fraud.

The cost of the monograph is \$6 including postage and handling for CHILD members and \$10 for non-members.

