

Children's Healthcare Is a Legal Duty, Inc.

Box 2604, Sioux City IA 51106
Phone 712-948-3500; FAX 712-948-3704
e-mail: childinc@netins.net

Number 4, 1999
Rita Swan, Writer and Editor
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Equal rights for children under the law



Oregon Capitol in Salem

Victory in Oregon

On August 16, 1999, Oregon Governor John Kitzhaber signed a bill repealing five of Oregon's religious exemptions from child health care laws. For fifteen months before that, medical neglect in Oregon faith-healing sects had been a prominent concern of the media and the public. For decades before that, however, Oregon public officials and the media had ignored deaths and injuries of sect children.

In the early 1940s a charismatic preacher named Walter White broke with the Followers of Christ leadership in Caldwell, Idaho, and moved his family and loyal followers to Oregon City in Clackamas County, Oregon. In 1953, a California Followers

congregation moved to Oregon City and joined White's church.

The Followers of Christ believe that use of medicine and doctors violates God's will. Many members are young parents with large families. They typically give birth at home without assistance of licensed physicians or midwives.

Preventable deaths of children, babies, and mothers in childbirth occurred time and time again. Elected county coroners did not do autopsies or speak out. Instead, *The Oregonian* reports, they "usually wrote a sentence or two about each death based on information gleaned from parents and other church members. In many cases, the cause of death listed was their best guess, not a known fact."

Dr. John Shilke, a deputy medical examiner in Clackamas County from 1976 to 1988, told the press he couldn't remember a Followers' case he got "excited about" or whether he referred any cases to the district attorney.

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In 1965, Rep. Richard Groener expressed his concern about two Followers' children who died of meningitis in his district. He also told the legislature of Followers' children going to school with poorly set broken bones and of one case of a family removing its child from a hospital after a serious accident. He got a bill passed that allowed courts to order medical treatment for children over their parents' religious objections.

Court orders inadequate

Often, however, the illnesses of Followers' children did not come to the attention of those mandated to report suspected child abuse and neglect.

Oregon lowered standards of protection further in the 1970s when it added a religious exemption to the definition of child neglect in the reporting code at Oregon Revised Statutes 419B(1)(a)(F). Between 1974 and 1983, the federal government required states to enact such religious exemptions as a prerequisite for obtaining federal funds for child abuse prevention and treatment.

Prosecutor refuses to investigate deaths

In 1987 Dr. Larry Lewman became the State Medical Examiner. He reorganized the office and directed that autopsies be performed on all dead children.

His chief deputy in Clackamas County, George Coleman, went many times to then District Attorney James O'Leary with his reports on the deaths of untreated Followers' children, but O'Leary did not consider them a criminal matter and claimed the parents had a constitutional right to withhold medical care.

Even in 1990 when the Followers had an outbreak of 69 cases of rubella, it did not make the news. Few people knew about the deaths and diseases among the congregation, and even fewer people cared.

3 preventable deaths in 7 months

In 1997 Terry Gustafson took office as the Clackamas County District Attorney. Subsequently,

three Followers of Christ children died without medical care.

Holland Cunningham died at age 6 in July, 1997, from a hernia in his small intestine. For more than 30 hours he was in severe pain and was vomiting.

Valarie Shaw, 5 ½ months old, died in January, 1998, of a kidney infection. She had been sickly since birth because of a congenital defect that blocked a kidney.

Bodrick "Bo" Phillips, age 11, died in February, 1998, of diabetes.

All of the deaths were easily preventable with standard medical care.

Shortly after Valarie's death, Gustafson and other Oregon officials attended the San Diego Conference on Responding to Child Maltreatment. CHILD President Rita Swan spoke there and described Oregon's religious exemption laws as among the worst in the nation.

A national problem

Swan's talk and her research, with Seth Asser, the senior author, made them aware that children had been injured in many states by faith healing practices and that many prosecutors had filed charges. [Seth Asser and Rita Swan, "Child fatalities from religion-motivated medical neglect," *Pediatrics* 101(April 1998):625-9] Some Oregon officials alerted the press.

Gustafson studied the Oregon statutes and case law in medical neglect deaths from other states. Oregon had carte blanche religious exemptions to murder by abuse or neglect and first and second-degree manslaughter. It also had a criminally negligent homicide charge without a religious exemption, but the definition of the crime is nearly identical to that of second-degree manslaughter. Gustafson therefore concluded that Oregon's religious exemption laws prevented her from filing any charges when children died because of religious beliefs against medical care.

Gustafson called instead for repeal of the exemptions and pledged to work for it.

Prosecutor's decision controversial

Her decision set off a firestorm of protest. The Oregon District Attorneys Association, which had agreed to the Christian Science church's request for religious exemptions to murder and manslaughter charges, was indignant. ODAA spokesmen told the press that Gustafson could have filed criminally negligent homicide charges. The Attorney General wrote a column echoing their claim and generally defending the current laws as sensible and protective.

The Oregonian ran a lead editorial, "Gustafson washes her hands," attacking her decision, while another newspaper labeled her the "Rogue of the Week."

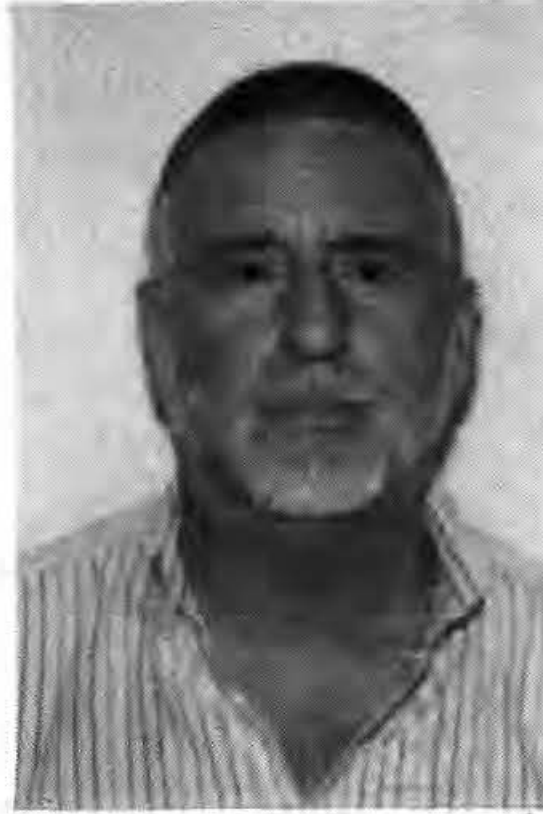
90 deaths of Followers' children

The media also began digging into the deaths of children. KATU television broke the story and ran reports on it for eight days straight. ABC's 20/20 ran a lead story on the Followers and the deaths of their children. *The Oregonian* went to the Carus Cemetery owned by the Followers of Christ and found 78 children buried there since 1955 as well as four women who had died during childbirth between 1986 and 1997. The newspaper also found that 12 children had died in the Followers of Christ church in Idaho since 1980. None of these 90 deaths was known to Asser and Swan when they compiled records on more than 200 child fatalities in faith-healing sects.

The public was outraged. *The Oregonian* ran scores of letters criticizing the Followers and the religious exemption laws. Governor Kitzhaber, an emergency room physician, called for repeal of the exemptions. Local officials reported that adult Followers see optometrists and dentists and many have also been to doctors to verify workman's compensation claims. The Followers did not respond to the criticism and neither did the Christian Science church, which had gotten the laws enacted.

Throughout 1998 *The Oregonian* ran several lengthy articles on the Followers and on medical neglect of children in faith-healing sects around the

country. *Oregonian* reporter Mark Larabee traveled to Iowa, South Dakota, Indiana, Pennsylvania, and Massachusetts to gather information.



CHILD appointed Portland-area member Boulden Griffith as its Oregon coordinator. Though ill with cancer, Boulden poured enormous energy into building support for repeal of Oregon religious exemption laws. He wrote hundreds of letters and two columns in *The Oregonian*. He lectured at conferences, built relationships with

child advocacy organizations, and solicited their endorsements for repeal.

He also contacted the candidates for his district's open seat in the Oregon House. Both the Democrat and Republican promised to work for repeal. After Bruce Starr, R-Aloha, won the election, he reaffirmed his promise.

When the Oregon legislature convened in January, Starr had filed HB2494, a bill repealing 9 religious exemptions dealing with medical care for sick and injured children. Chief cosponsors were House Speaker Lynn Snodgrass, R-Boring, and Senate Minority Leader Kate Brown, D-Portland. Starr's bill and the very similar HB2496 had a total of 37 sponsors from among Oregon's 90 legislators in the House and Senate.

Hearings were held March 4 and 5. Powerful testimony in support of the bill was given over many hours. Detective Jeff Green spoke of going to Bo Phillips' home, surrounded by scores of Followers' cars, to investigate his death.

Parents were aware of boy's suffering

He saw "a boy who had suffered a slow death. [Bo] was lying on a bed, wearing a dark colored t-shirt, adult diapers, and a sock. His body was hot

but stiff with rigor mortis setting in. [His temperature was above 104° three hours after his death.] Bo Phillips' eyes were haunting. His eyes showed more than just lack of life but were deep, dark, and full of pain. His slender body was gaunt, his face obviously showing signs of dehydration."

His father knew Bo was very sick for two weeks. The boy ached all over; he was lethargic. He missed a week of school. During the weekend he vomited several times and had a fever.

Mr. Phillips called his wife home from a trip out of state. He also called church elders to his home to anoint Bo with oil and pray for his recovery. Phillips knew his son was deathly ill, but chose to call church members rather than a doctor or paramedics.

Special treatment for religion endangers children

"Because of adult beliefs, children are dying, not being allowed to grow up and make their own decisions as to treatment or faith," Green concluded.

Wasco County deputy prosecutor Donna Kelly told of prosecuting a man who tortured and killed his baby and also failed to obtain medical care for the baby. The father was sentenced to 25 years in prison.

"I shudder to think what the result might have been," said Kelly, if the father had been quick or clever enough "to claim that he had been praying for baby Jonathan because his religion dictated prayer instead of medical treatment."

John Stratford, a detective with the Washington County Sheriff's Office, testified about Church of the First Born cases in his county. "We believe that current law has established special treatment based on religious beliefs that prevents us from protecting every child's right to life," he said.

Robert Walliker, a detective with the Multnomah County Child Abuse Team and board member of the Oregon Peace Officers Association, testified that "no child should die when medical or other intervention will save their life, and no religious organization or clergyman (or woman) should allow such a thing to happen."

Accountability necessary

"Parents have to be held accountable for their actions," said Dr. James Lace of the Oregon Pediatric Society. "We do not allow parents or religious groups who beat their children to death with electrical cords to get away with murder"—a reference to Eldridge Broussard who ordered Ecclesia elders to beat his daughter Dayna near Sandy, Oregon.

"If I prescribe a drug to treat some condition in a child that has never been shown to work for this condition and knowingly restrict the use of a proven drug to treat this condition, then I am held accountable for the bad outcome in the child. If this child dies from my medical neglect, then I can not only lose my license to practice medicine, but also can be sued in the civil courts for medical malpractice and be prosecuted in the criminal courts for murder. Why should we allow the people who use faith healing any more protection than what is afforded me in these situations?" Lace asked.



Larry Lewman

Dr. Larry Lewman, the Oregon State Medical Examiner, reported that during the past decade there had been 18 deaths of children in the Followers of Christ, a congregation with approximately 1200 members. Most or all of the 18 deaths were prevent-

able with medical intervention, and the mortality rate among their children is an estimated 26 times higher than that of the general population, Lewman testified.

Four-year-old Alex Dale Morris is the bill's "poster child," Lewman said. His illness began with a minor respiratory infection. He became progressively worse over the next 46 days until he died from massive lung and chest infection in 1989. The Followers prayed for him and administered other rituals, but got no medical help for him.

The deaths of some newborns were equally revolting. The Followers of Christ do not obtain professional prenatal care, relying instead on lay midwives with little or no training. In one instance, Lewman reported, "an infant's arm was nearly pulled off and re-insertion of body parts attempted during an abnormal presentation."

Lewman also reminded the House Judiciary Committee that nobody is reporting on the children who survive with disabilities and pain.

From eastern Oregon's high desert country Pat Mahon and her husband Larry drove for hours through mountain passes to get to the hearing. Pat testified from her wheelchair about medical neglect she experienced growing up in a Christian Science home. Untreated rheumatic fever and other childhood infections led to the heart disease that now cripples her.

Boulden Griffith spoke of the pain and fear he experienced when his Christian Science parents would not get medical care for blood poisoning and other childhood illnesses. He also argued that religious exemptions violate the Constitution's Establishment Clause.

CHILD President Rita Swan testified about the loss of her son Matthew to a treatable illness when she and her husband belonged to the Christian Science church.

Others who testified in support of HB2494 were Reps. Bruce Starr, Kathy Lowe, and Kitty Piercy; Lisa Millet, Oregon Child Fatality and Injury Prevention Manager; Victor Congleton of Oregon Services for Children and Families (SCF); Susan

King, Executive Director of the Oregon Nurses Association; Jason Carlyle of the Oregon District Attorneys Association; Dr. Wendy Bourg of Oregon Professional Society on the Abuse of Children; constitutional law professor Arthur LaFrance; and Russell Briggs, who lost his first two babies while a member of Followers of Christ. (See article on p. 13.)

Only three witnesses opposed the bill. Seventh-Day Adventist minister Dan McCullough argued that the state should have no right to interfere with the family. He claimed that doctors are never penalized for their mistakes and the reason is they have "good intentions."

Current laws fine, opponents say

Attorney Robert Moulton and church public relations manager Bruce Fitzwater represented the Christian Science church. They argued that current laws already had a clear requirement that parents should get medical care and the only problem was the Clackamas County prosecutor's refusal to enforce the laws. But they also claimed in the very same testimony that Oregon's religious exemption laws were essential to maintaining the freedom of Christian Scientists to practice their religion, i.e. to deprive their children of necessary medical care. How both those propositions could be true was difficult to comprehend.

Fitzwater claimed that the deaths and injuries of Christian Science children described by Mahon, Griffith, and Swan had nothing to do with Christian Science, but were simply examples of "bad parenting."

Easy win predicted

The next day *The Oregonian* ran a front-page article entitled "Shield-law bills face easy win in House." After hours of powerful testimony in support of the bill, it seemed "virtually assured of easy passage in the House," the newspaper said.

However, Chairman Kevin Mannix, R-Salem, did not schedule the bill for a vote until the end of April. Mannix later said that committee Democrats would not support the original bill even though all of

them had signed on as cosponsors. Republican committee members Juley Gianella and Ron Sunseri also refused to support it.

Mandatory minimum sentences

A key challenge throughout the legislative struggle was mandatory minimum sentences imposed by ballot referendum. Murder by abuse, first-degree manslaughter, and second-degree manslaughter carry mandatory minimum sentences of 300, 120, and 75 months' imprisonment respectively. Judges have no discretion to sentence below the minimums, and juries are not told about the sentences.

Finally, Mannix brought out an amendment that retained the religious defenses to murder and manslaughter and clarified that prosecution for criminally negligent homicide was possible in faith deaths of children. It passed on a straight party-line vote with all Democrats opposed. The amended bill repealed six religious exemptions.

Repeal bill used as leverage against referendum

Democratic committee members Floyd Prozanski and JoAnn Bowman wanted to use the religious exemption bill as a vehicle for changing the mandatory minimum sentencing for all defendants convicted of murder or manslaughter. They thought the specter of sincere, religiously-motivated parents in prison for decades would force the legislature to muster the two-thirds majority needed to overturn a ballot referendum.

In CHILD's view, this was a reckless strategy. Trying to pass a bill that repealed nine religious exemptions was difficult enough without grafting onto it the controversy over mandatory minimums. Prozanski, however, wrote a minority report on the bill which repealed the religious exemptions to murder and manslaughter and to criminal mistreatment of children under 15 years old, while retaining all the other religious exemptions.

We did not understand how Prozanski's report was an improvement over the bill as passed by the committee. We were told by legislative staffers that the Christian Scientists liked it better because their primary concern was state social workers investiga-

ting their families under the civil code. (Church lobbyist Fitzwater had testified that the criminal code already provided penalties if his church members or other believers in faith healing let a child die.)

Usually, minority reports fail on the floor, but Mannix decided he preferred Prozanski's bill and brought in enough Republican votes to pass it.

HB2494 then moved to the Senate Judiciary Committee chaired by Neil Bryant, R-Bend. Legislators soon learned that the Christian Scientists did not like Prozanski's bill after all. Many more Christian Scientists testified at the Senate hearing; some were high achievers in the business and academic worlds. They told of healings and gave examples of medical failures and mistakes. The Christian Science lawyer and public relations manager claimed again that the laws clearly required parents to provide medical care and sick children to be reported to state protective services regardless of religious belief. The only problem, they argued, was the Clackamas County District Attorney's refusal to enforce the laws.

Senator Bryant echoed their claim, saying Gustafson was the only prosecutor who was confused about the laws. He did not call on her to testify though she signed in to do so and was present throughout the hearing.

Christian Scientists part of secret work group

Bryant set up a work group on the bill and invited the Christian Scientists to send attorneys to represent their point of view. The work group met in secret and the names of non-legislators present were not put in the public record.

Not surprisingly, the bill that emerged from the work group and passed the committee was strongly tilted to the Christian Science church. It repealed only three of the nine religious exemptions repealed by the original HB2494: the exemptions to child abuse, criminal nonsupport, and second-degree manslaughter. The Senate bill also added discretionary sentencing for manslaughter in religious cases and changed the definition of child abuse from failure to

provide adequate medical care to failure to provide adequate health care. The Christian Scientists had strongly insisted at the hearing that their methods should be recognized by the state as health care. They claimed that without the religious exemption to child abuse in the civil code, their families would be reported and investigated by SCF just because of their church membership and not because their children were sick.

Broken promises

Many child advocates were outraged, but work group member Senator Kate Brown, D-Portland, defended the emasculated bill even though she was a chief cosponsor of the original bill and had told her constituents she was in "full support" of it.

Another work group member, Senator Peter Courtney, D-Salem, told us candidly that the work group settled upon its version of the bill because the Christian Scientists agreed to it. Later, however, the Christian Science lobbyist went to other Senators and urged them to vote against the work group's bill.

Reps. hold on to meaningful repeal

On the House side, Representatives Kevin Mannix, Bruce Starr, and Kathy Lowe became concerned that the Senate was not going to send HB2494 back to the House and the bill would die. They attached still another version of HB2494 repealing five religious exemptions on to a House bill that protected dogs and cats from fur traders.

A Senate sponsor of the dog and cat fur bill was angry at this maneuver, but HB2494 was swiftly passed by the Senate. Mannix, Starr, and Lowe then persuaded the House to vote not to concur with the Senate version, and a conference committee was set up, which included Representatives Mannix, Starr, and Lowe and Senators Neal Bryant, Peter Courtney, and Verne Duncan. Both Lowe and Duncan represented the district where the Followers of Christ children had died.

Mannix, Lowe, and Starr promised to hang tight to get as much of the original HB2494 as possible, and they must have persuaded at least one

Senator because the bill they developed was better than both the Senate and House versions. It was approved on the floors in the final week of an exhausting seven-month session and sent to the Governor.

Christian Science lobbyist Bruce Fitzwater complained that the bill went to the House floor without his knowledge. Few legislators were inclined to feel sorry for a lobbyist who did not keep up with their own grueling schedule.

Christian Science pleas delay bill signing

The church made one more effort to stop HB2494. They begged Governor Kitzhaber to meet with them before signing the bill. Seventy-five minutes before the scheduled signing ceremony, Kitzhaber called Lowe's office and asked if the signing could be postponed. Fortunately, Lowe could truthfully say that was not possible because doctors, child advocates, and public officials were already in their cars and on the road to Salem to attend the ceremony. Kitzhaber nevertheless talked to the Christian Scientists by phone and was an hour late getting to the event. To the relief of many, Kitzhaber signed the bill into law in the largest signing ceremony for any bill in the session, and it took effect immediately.

Sources include *The Oregonian* of April 22, April 26, June 7, November 29, November 30, December 1, December 3, and December 23 in 1998 and of February 12, March 5, and May 28 in 1999.

The proponents

These organizations, agencies, public officials, and newspapers endorsed HB2494, the bill repealing Oregon's religious exemptions from providing medical care for a sick or injured child:

Oregon Pediatric Society
Oregon Medical Association
Oregon Nurses Association
Oregon Child Fatality and Injury Prevention Unit

Oregon Professional Society on the Abuse of
 Children
 Oregon District Attorneys Association
 Oregon Services for Children and Families
 Children First for Oregon
 Oregon Peace Officers Association Child Abuse and
 Sex Crimes Investigators Subchapter
 Clackamas County Multidisciplinary Team
 Washington County Sheriff's Office
 Western Center on Law and Religious Freedom
 Oregon Center for Family Policy
 Children's Healthcare Is a Legal Duty
 Dr. Larry Lewman, Oregon State Medical Examiner
 Dr. Grant Higginson, Oregon State Health Officer
The Oregonian
The Eugene Register-Guard

The opponents

Followers of Christ

The push to repeal Oregon's religious exemptions was all about the Followers of Christ, who had let so many children die without medical care. Yet the Followers never testified at the legislative hearings to defend their religious practices. They attended the House Judiciary hearing, perhaps to intimidate ex-member Russ Briggs, but did not speak.

Followers President Dale Morris gave one brief interview to KATU television in 1998. He said his church stands for "faith in God" and "God's will be done." Of the children's deaths he said, "I don't expect you to understand. A lot of people won't understand."

When asked if the children's deaths hurt him, he conceded that they did, but added, "It also hurt when Christ hung on the cross, no doubt."

After that he refused to talk to the press.

In 1999, a print reporter called the Followers' church and reached a janitor who refused to give his name, but said he was a church member and was speaking for the group.

He said the Followers believe that medicine does more harm than good. He cited Kip Kinkel, a Springfield, Oregon, boy who killed his parents and classmates. "That kid was brought home from the hospital, according to your news, on drugs. And he was on drugs all his life because he was hyper. Now you don't find that in our people. We believe in God. And we don't have more of a problem than you do out there with [medicine]."

He called Russ Briggs "a liar and a whore-monger." See *Clackamas Review*, Feb. 17, 1999.

Scientology

On July 13, 1999, the Church of Scientology's Portland Celebrity Centre sent a letter to Oregon legislators attacking the bill to repeal religious exemptions.

Scientology professed great alarm about a bill that had been in the public eye for over seven months. Spokeswoman Gwen Barnard claimed to have done "much reading and research" on it. She charged that the bill punished parents for their religious beliefs.

"All of the faith healing legislation that we have been dealing with this session," Barnard wrote, "has been brought to us by an Iowa based group call C.H.I.L.D. and a woman named Rita Swan—an ex-member of the Christian Science who plainly has an ax to grind, as she, herself, allowed her son to die due to lack of medical treatment. I have found that she has been working for many years to find a state that would create legislation against faith healing religious groups. It does not appear to me that she is as interested in saving children as she is on acting out her vengeance on her Church. I have also found that she has worked closely with the Cult Awareness Network, a group made famous for their deprogramming activities in the 70's and 80's who are now bankrupt and closed due to law suits against them for this activity."

It was clear to legislative staffers that the Christian Science church and Scientology were in collusion at that point because Democratic legislators were deluged with calls from Scientologists and

Republican legislators with calls from Christian Scientists.

Christian Science

As is the pattern nationwide, the Christian Science church was the persistent, well-organized foe of repeal efforts throughout the session.

Exemptions given because CS heals

Its lobbyist is Bruce Fitzwater, who has been a church-accredited Christian Science practitioner for over 25 years. He testified that he knew of no Oregon children dying under Christian Science treatment. Religious exemption laws in Oregon and elsewhere are enacted, he said, because many legislators find "the evidence" for "Christian Science healing. . . compelling."

He argued that Christian Scientists should not be punished for what the Followers of Christ have done and presented his church members as much more reasonable and responsible than the Followers.

Christian Science healers cannot recommend medical care, but may give hand signals

A senator asked at the Judiciary Committee hearing, "If you knew a child under your care was dying & you knew medical help was available, you would not advise them to get medical treatment?"

"That's an agonizing question," Fitzwater replied. "I would pray very hard from the very beginning. My office does not really include that option [of advising parents to take a child to a doctor]. But if I felt the family was not really holding to I would say a standard of spirituality that was going to be effective in healing, I would probably step back from that case and I would have to ummmm I don't know if I would give some hand signals that maybe said—I've never had to face that directly. But I am concerned with the life of that child. We're concerned with healing. Now we have a different method of healing. But we're not saying you are not going to go to heaven if you take your child to a doctor. Our parents are relying on the most effective method of healing that we can bring forth.

"We understand that society has 'a default' for allopathic medicine and if situations get to a certain point, these parents will go to a doctor. That's often the way spiritual healing is practiced. Many have non-Christian Science relatives."

The New Oregon Laws

Representatives Bruce Starr and Kathy Lowe began in January, 1999, with a bill to repeal Oregon's religious exemptions to murder by abuse or neglect, first- and second-degree manslaughter, first- and second-degree criminal mistreatment, child abuse, and failure to provide physical care: a total of nine religious exemptions.

The bill that was enacted in August repealed five of the exemptions.

Exemptions to murder and first-degree manslaughter were retained. Oregon law continues to provide that

- It is an affirmative defense to [charges of murder by abuse or neglect and first-degree manslaughter for failure to provide adequate food, clothing, shelter, or medical care] that the child or dependent person was under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or person or the parent or guardian of the child or person.

Thus, a parent can withhold lifesaving food, clothing, shelter, or medical care from a child and will still be shielded from murder by abuse or neglect and first-degree manslaughter charges if the parent "treats" the child by prayer.

However, the religious defense to second-degree manslaughter was repealed. The court is allowed to impose a sentence less than the mandatory minimum sentence of 75 months if the court finds that

- a sentence of probation will better serve to protect society
- the defendant is the mother or father of the victim

- the death of the victim was the result of an injury or illness that was not caused by the defendant
- the defendant treated the injury or illness solely by spiritual treatment in accordance with the religious beliefs or practices of the defendant and based on a good faith belief that spiritual treatment would bring about the victim's recovery from the injury or illness
- no other person previously under the defendant's care has died or sustained significant physical injury as a result of or despite the use of spiritual treatment, regardless of whether the spiritual treatment was used alone or in conjunction with medical care
- the defendant does not have a previous conviction for [felony crimes against children].

By repealing the religious defense to second-degree manslaughter, the legislature also made clear that criminally negligent homicide charges could be filed in faith death cases.

The religious defense to first- and second-degree criminal mistreatment was repealed for children under 15 years of age. The new statute says that charges of criminal mistreatment "do not apply"

- to a person who provides an elderly person or a dependent person who is at least 15 years of age with spiritual treatment through prayer from a duly accredited practitioner of spiritual treatment. . . , in lieu of medical treatment, in accordance with the tenets and practices of a recognized church or religious denomination of which the elderly or dependent person is a member or adherent. ORS 163.206

The previous criminal mistreatment statute allowed caretakers to mistreat dependent persons of all ages and was based upon the caretaker's religious beliefs rather than those of the dependent person.

The religious defense to criminal nonsupport was repealed. Since 1971 Oregon had had a nonsupport law stating that medical treatment could be provided by prayer: "In a prosecution for failing to provide necessary and proper medical attention, it is a defense that the medical attention was provided by

treatment by prayer through spiritual means alone by adherents of a bona fide religious denomination that relies exclusively on this form of treatment in lieu of medical attention." ORS 163.555(2)(b)

The religious exemption to the definition of child neglect was repealed. The statutory definition now includes

- negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child. ORS 419B.005(F)

The Christian Science church attempted to change the standard to "health care," but the final bill kept the standard at medical care and also removed the religious exemption.

In a separate chapter of the juvenile code the following religious exemption was retained

- The practice of a parent who chooses for the parent or the child of the parent treatment by prayer or spiritual means alone shall not be construed as a failure to provide physical care within the meaning of this chapter, but shall not prevent a court of competent jurisdiction from exercising that jurisdiction under subsection (1)(c) of this section. ORS 419B.100

The above religious exemption that remains in the juvenile code is technical guidance for judges and, according to some public officials, merely a semantic distinction that has no bearing on the definition of child neglect, the duty to report it, or the state's investigation and provision of services.

How much protection do Oregon children have now?

"We cannot legislate good parenting," an Oregon legislator gave as his rationale for indifference about Oregon's religious exemptions.

This is true. No laws can completely eliminate child abuse and neglect. But Oregon had laws that made bad, even deadly, parenting legal. "We can," CHILD President Rita Swan told the House Judiciary Committee, "at least remove laws that make it legal to abuse and neglect children. We can at least have standards saying that parents must provide their children with the necessities of life."

Criminal liability established

Oregon's new laws put the children in faith-healing sects light years ahead of where they were before. If a child dies because of religion-based medical neglect, parents can now be charged with second-degree manslaughter, criminally negligent homicide, criminal nonsupport, and (if the child is under 15 years old) criminal mistreatment.

One advantage of the second-degree manslaughter charge is that it has a maximum prison term of ten years whereas criminally negligent homicide had a maximum of only five years. Defendants in faith death cases can be sentenced to ten years probation, which gives the state a much longer time period of time to set conditions for medical care of siblings.

Reporting duty clear

Furthermore, the legislature removed the religious exemption from the civil reporting code so it is now clear that failure to provide needed medical care to a sick or injured child should be reported to Services for Children and Families (SCF) even if the parents have religious beliefs against medical care.

Whether that is clear to all of Oregon's mandatory reporters is doubtful. We have heard that the Clackamas County schools with Followers of Christ children enrolled are now highly vigilant in reporting illnesses to SCF. Under the old laws, the schools were often indifferent about Followers' children. Eleven-year-old Bo Phillips missed a week of school before dying of juvenile-onset diabetes in February, 1998, but the school did not report to SCF. Even in 1999 while the legislature was working on a religious exemption bill, we heard of a Followers' child who collapsed twice at school after

a playground accident and the school sent him home without notifying SCF.

Principal will not report medical neglect

Not all school administrators and teachers are as concerned as those in Oregon City are now. In Linn County, where the Church of the Firstborn has lost children because of its beliefs against medical care, a principal said he had no intention of reporting to SCF when Firstborn children were sick or injured. "I don't have anything against the Firstborners' religious practices," he said. "They're no different than the Christian Scientists or other groups who believe in readings and prayers to heal disease."

He did say he would report a child as truant if the child missed ten consecutive days of school. Even, however, after we told him the religious exemption had been repealed from the reporting law, he said he would not report an untreated illness of children in faith-healing groups.

The legislators representing Linn County voted against repealing religious exemptions, whereas the Clackamas County legislators played a leadership role in getting them repealed.

Oregon's criminal mistreatment conundrum

To discourage non-fatal abuses of children and vulnerable adults, Oregon has a law against criminal mistreatment. The law also had a carte blanche exemption for parents or guardians who believe in using "spiritual treatment" to the exclusion of medical treatment.

In 1999 Representative Bruce Starr, R-Aloha, introduced a bill to repeal religious exemptions to criminal mistreatment and other crimes. The bill as finally enacted retained the exemption to criminal mistreatment, but with two significant conditions: the elderly or dependent person must be at least 15 years old and must be a member or adherent of a church that practices faith healing. The old

exemption was based on the caretaker's beliefs and applied to abuses of all ages of children.

The new criminal mistreatment law, like the old, penalizes a variety of abuses. A person "commits the crime of criminal mistreatment" if s/he "in violation of a legal duty to provide care for another person," or having assumed "care, custody or responsibility for the supervision of another person intentionally or knowingly withholds necessary and adequate food, physical care or medical attention from that other person." A caretaker also commits criminal mistreatment if s/he "causes physical injury" to a dependent or elderly person, "deserts" such a person with the intent to abandon him, leaves him unsupervised in conditions that are "likely to endanger" his health or welfare, hides or misappropriates his money or property, or takes charge of him "for the purposes of fraud." (Oregon Revised Statutes 163.205)

Religious exemption for many abuses

The statute goes on to say, however, that charges of criminal mistreatment "do not apply" to a caretaker who provides "an elderly or dependent person who is at 15 fifteen years old with spiritual treatment through prayer from a duly accredited practitioner of spiritual treatment. . . in lieu of medical treatment," in accord with the practices of "a recognized church or religious denomination" of which "the elderly or dependent person is a member or an adherent." (ORS 163.206)

Thus, Oregon caretakers are allowed to commit all the injuries described in the code as "criminal mistreatment" if they retain a faith healer who has been credentialed by "a recognized church" to pray for elderly or dependent persons who are at least 15 and who belong to or support a faith-healing church.

Only prayers of church-accredited persons qualify

A constitutional law professor testified that the exemption to criminal mistreatment is an unconstitutional violation of the Establishment Clause. It establishes a privilege only for those who retain a faith-healer credentialed by certain churches to pray for a dependent. If the dependent wants to do his

own praying for a healing, the caretaker cannot have the religious exemption. But the legislature ignored the professor's concerns.

Contradictions

Besides being constitutionally suspect, the new religious exemption to criminal mistreatment poses many contradictions in Oregon's own statutory scheme. Some legislators wanted the 15-17 year olds to have the right to refuse medical care because Oregon gives them the right to consent to medical care on their own initiative. Oregon's consent law does not, however, exempt parents in general from providing medical care for 15 to 17 year olds when the youths are at risk of substantial harm. Parents in general simply have a duty to support their children up to the age of 18.

Parents whose 15 to 17 year old believes in faith healing must provide medical care when necessary to save the teenager's life, but not to prevent a teenager from becoming blind, deaf, paralyzed, or maimed, for example. However, if Oregon Services for Children and Families becomes aware that a 15 to 17 year old who believes in faith healing is at risk of substantial harm, SCF can intervene and obtain a court order for medical care over the teenager's and the parent's religious objections. Another strange aspect is that the statute ties the religious exemption to the teenager's belonging to a faith-healing church and not his competence to make a decision about medical care.

Comment

Oregon is the only state in the country with such a law and we certainly hope it does not start a trend. Consent laws are a poor analogy for a law letting some teenagers refuse needed medical care. Consent laws are obviously intended to enhance teenagers' access to medical care not to reduce it. If Oregon's consent law meant that 15-17 year-olds had the right to refuse all medical care, no Oregon parent would be obligated to support them.

Jehovah's Witnesses in particular have expended great effort in the past decade trying to get "mature minors" the right to refuse medical care.

Witness officials argue that laws giving a teenager the right to have an abortion or contraceptives without parental approval establish a right for mature minors to refuse medical care.

We reject that analogy and so do the courts. Courts have ordered medical care for teenagers over their and their parents' religious objections when medical care is necessary to prevent substantial and permanent harm and when medical treatment has a good prospect of success. See for example *In the Matter of Christopher L.*, Los Angeles Cty. Dept. of Children's Services v. Supr. Court 87-86 S002121.

Oregon's unfinished business

Oregon still has a plethora of religious exemptions from preventive and diagnostic measures.

Hearing screenings

Most remarkably, the Oregon legislature included a religious exemption in its newborn hearing screening bill in 1999. At the same time as scores of deaths and injuries in Oregon's faith-healing sects were a major issue in the Oregon legislature, at the same time as legislators voted to repeal religious exemptions to felony and civil child abuse charges, they added a religious exemption from hearing tests for newborns.

The exemption was not on the original bill. There was no discussion of it at the Ways and Means committee hearing, but somehow it was put on the bill by the committee and not mentioned in the bill summary or even in a lengthy paragraph explaining the amendments.

Metabolic testing

Another law gives a religious exemption from metabolic testing of newborns (ORS 433.285). A simple test of a few drops of blood from a baby's heel can detect many treatable disorders. Without treatment the child may suffer physical and mental retardation and other permanent organ damage.

Immunizations

Oregon Revised Statutes 433.102 offers a religious exemption from immunization of children; ORS 433.284 is a religious exemption from immunizations of college students against rubeola measles.

Vitamin K

Oregon also has a religious exemption from vitamin K for newborns (ORS 433.306). Vitamin K prevents spontaneous hemorrhage, which can be life-threatening to infants.

Bicycle helmets

Finally, Oregon is one of two states in the nation with a religious exemption from wearing a bicycle helmet (ORS 814.487).

Bereaved father fought Oregon religious exemptions

Russ Briggs of Beaver Creek was a central figure in the struggle to repeal Oregon's religious exemptions. He was profiled in the CHILD newsletter 1998 #2. Because of his importance, we are repeating some of his story, from that issue and *The Oregonian*, along with updated information.

In June 1970, 20-year-old Russ Briggs stood over his kitchen counter and looked down on the tiny, lace-wrapped body of his firstborn son.

Darren

Darren, born more than a month premature, died four days after birth.

Midwives from his church fed the baby with an eyedropper and prayed for him. Briggs never questioned why they didn't do more. Briggs was raised in the Followers of Christ Church, which prohibits medical treatment for disease and teaches that both life and death are in the hands of God.

Marrying or even socializing with non-members was also prohibited. Those who broke the rules or left the church were shunned and considered dead, even by their own family members.

"I stood there a 20-year-old child, sobbing and hurting and trying to figure out why my child died," Briggs recalled.

Davey

In 1971 Russ and his wife Lorraine lost their second child, Davey, twelve hours after a home birth attended only by church midwives.

When their third child was expected, Russ left the church in terror of another tragedy. Within weeks of his leaving, his father became seriously ill. His mother called and relayed the message that his father wanted to see him, but would not allow Russ to come into her house. She told him he would have to wait until his father was strong enough to go out on the front porch.

Not allowed to see father

That day never came. His father died, and the two never got to say goodbye.

"An uncle and a cousin came to tell me that he passed away and that the family didn't want me at the funeral," Briggs said. Briggs started drinking to numb the pain. He considered suicide.

He also joined the Army and was stationed overseas.

Returns to church, but shunning continues

In 1976 Briggs' mother became seriously ill. Russ went back to the Followers of Christ church so he could have a relationship with her. According to church rules, those who left and then returned were supposed to come to the front of the church and do penance. The elders did not arrange the ceremony, and church members ostracized Russ and his family. Their daughters' playmates would not even sit with them at church.

In 1981 a bad accident on a construction site left Russ unable to work and earn a living.

"I had a family to support so I decided to go to the hospital and have an operation," he said. "The church just expects you to lie on the couch."

When other Followers learned of his surgery, they became more hostile toward Russ and his family. Also, his mother had died by then. Russ left

the Followers of Christ church again and never looked back.

He hasn't spoken with his brothers and sister in twenty years even though they all live in Oregon City. A letter he wrote to his sister was returned unopened, he said.



Russell and Lorraine Briggs

Lorraine left the Followers of Christ with Russ in 1981. They have been married thirty-two years and have three adult daughters.

Russ credits Lorraine with getting him through the depression, grief, and loss. "When I walked away, I assumed I was going to hell," he said.

The deaths of the Followers of Christ children continued until Russ simply could not stand by. He talked to the Clackamas County prosecutor. She asked if he was willing to speak publicly. He and Lorraine considered the cost and decided they were willing to do it in the interest of saving other children.

Russ spent hours taking journalists through the Followers of Christ cemetery and giving interviews. ABC's 20/20 covered the deaths. *Time* magazine had a lengthy article titled "Faith or healing? Why

the law can't do a thing about the infant mortality of an Oregon sect."

NBC asks to film tombstone replacement

Reopening the old wounds of his sons' deaths was painful to him beyond reckoning. And the press added aggravations of its own. As one example, NBC's *Dateline* worked on the story and wanted to film Russ replacing the headstones for his son's graves. Russ was very reluctant to have a national television program intruding into such an intimate and painful activity. He worried about how his motives would come across to the viewers. Finally, he decided he would do it for the good of the issue. By then, however, the *Dateline* producers had abandoned the story and were off on another project.

In 1999 Russ testified before the legislature. Several Followers of Christ members attended the hearings, but did not testify. One Follower threatened to run him off the road. Another told the press he was a "whoremonger."

Russ was highly credible with legislators because he had suffered much and his motives were pure. After attending the Governor's signing ceremony for a bill repealing five of Oregon's religious exemptions, Russ told the press, "I've said all the way along, it doesn't have to do with the parents being punished, it has to do with saving the children. If the law is used, it means a child has suffered. I'd rather people just say, 'The state has spoken; I better listen.'"

Taken in part from *The Oregonian*, April 26, 1998, and August 17, 1999; *Time*, August 31, 1998; and *Clackamas Review*, February 17, 1999.

Imogene Johnson awards given in Oregon

On October 9, CHILD held a reception at a Marriott Courtyard in downtown Portland to present its Friend of Children awards to some of those who worked for repeal of Oregon's religious exemption laws. The awards were established by

Dr. Imogene Johnson of Jackson, Mississippi.

The first award for Oregon work was given to **Russ Briggs** (see preceding article).



A Friend of Children award was also given to **Terry Gustafson**, the Clackamas County District Attorney. During twelve years as an assistant prosecutor, she became aware that children were dying without medical care in the Followers of Christ church in her county. The district attorney did nothing. Soon after she was elected to be district attorney, three more

Followers' children died of readily treatable diseases. By then, however, Oregon had enacted religious defenses to manslaughter and murder by abuse or neglect. When she concluded that she could not file criminal charges because of the laws, she received much public criticism with several prosecutors and other public officials saying in essence that Oregon's laws were fine.

Terry called for legislative remediation. She met with many legislators to build support for repeal of Oregon's religious exemptions. She encouraged Russ and others to go to the press.

She also built relationships with relatives of Followers of Christ who alerted her on several occasions when a new baby or child was at risk. Terry was able to get the state to intervene to protect the children.

In accepting the award, Gustafson said she has written to several Followers of Christ members and informed them of what the new law requires. Some have told her they will obey it and even that they are glad the law was passed. She said she believes the law has changed their behavior so profoundly that she will never have to prosecute them.

Dr. James Lace and the **Oregon Pediatric Society** also received a Friend of Children award. In every state and nationally, pediatricians are always

CHILD's strongest allies. They have a well-deserved reputation for putting the interests of children first and for being willing to advocate for children in the legislature. Dr. Lace testified, wrote many letters, and made rounds of the Statehouse to meet with legislators personally. CHILD President Rita Swan said his uniform good cheer was a tremendous morale booster to her. "Every time I asked for something more, his response was always an upbeat, 'Let's do it,'" she said.

Other pediatricians who did personal legwork for the Oregon repeal bill are Dr. Mary Brown, the Society president, and Dr. Mark Merkens.



CHILD also honored KATU, Channel 2, which broke the story of the Followers of Christ deaths and ran coverage for eight days straight. Reporter **Mark Hass** of Portland accepted the award for KATU.

Hass later left journalism and is now running for state representative. He intends to work for repeal of Oregon's religious exemptions.

A Friend of Children award was presented to honor *The Oregonian* newspaper and editor **Nan Alexander** for their work both in reporting and editorial writing on medical neglect of children in faith healing sects. *The Oregonian* made a great commitment of resources to expose the deaths and injuries to Followers of Christ children. Their reporter Mark Larabee and a photographer traveled throughout the country to interview and gather information on this issue. Larabee went to Idaho, Oklahoma, Iowa, South Dakota, Indiana, Pennsylvania, and Massachusetts and pulled together a wealth of information and pathos that put unforgettable human faces on this issue.

The Oregonian invested more resources and coverage on the issue of religion-based medical

neglect of children than any newspaper in the country with the possible exception of the *Fort Wayne News Sentinel*, which tracked over 100 deaths in Faith Assembly in the 1980's.



Mark Larabee

And in addition to the excellent reporting, there were the editorials goading the legislature to action. "Nan Alexander definitely has a gift for boiling a big issue down to one simple persuasive point," Swan said. "Again and again on this bill's roller coaster ride, she wrote that freedom of religion should not include the right to endanger a child. And legislators paid a lot of attention to *The Oregonian's* position."

Three Oregon legislators were given Friend of Children awards honoring them for "defending the rights of children to equal protection of the laws." The first was **Rep. Kathy Lowe**, D-Milwaukie, who represents the district where the Followers of Christ children died. A freshman legislator, Kathy was a chief co-sponsor of this bill and worked enormously hard to make it a reality. It took great tenacity to stick with the job through all the twists and turns posed by scores of amendments to the bill.



Kathy Lowe

Her legislative aide Suzanne Kunse also worked on the repeal bill with great dedication and skill.



Kevin Mannix

Rep. Kevin Mannix, R-Salem, and chairman of the House Judiciary Committee, Criminal Law Division, was honored for his leadership in the passage of the repeal bill. As a lawyer, Mannix had a keen sense of what the Constitution and effective child protection required.

The last Friend of Children award was given to **Rep. Bruce Starr**, R-Aloha. Bruce was the first legislator to step forward to sponsor the repeal bill. A freshman legislator, he was willing to take on a very challenging task. He had a gift of focus and simplicity, sticking to the idea that children deserve equal protection of the laws. This bill was a major project of his from the day he was elected in November, 1998.



Bruce Starr

The bill seemed to die a dozen deaths over the long grind of the legislative session from early January to the end of July, but Kathy Lowe, Kevin Mannix, and Bruce Starr maintained their dedication to getting a truly protective bill even in the frenetic final weeks of the session.

Swan honored by Oregon police

On November 2, CHILD President Rita Swan was given a plaque by the Oregon Peace Officers Association for her work to repeal Oregon's religious exemption laws. She is the first civilian to be honored by the police organization.



Rita Swan and Attorney General Hardy

The award was announced by Robert Walliker, President of the OPOA's Child Abuse and Sex Crimes Investigators, at a banquet during the state-wide Springfield Child Abuse Response conference. The plaque, presented by Oregon Attorney General Hardy Myers, cites Swan's "tireless, courageous and successful efforts toward legislation which will save the lives of Oregon's children."

Oregon: final thoughts

by Rita Swan

Oregon is an amazing and chilling story. Seventy-eight children lie buried in the cemetery of one congregation. The mortality rates of these children were estimated by the state medical examiner to be 26 times higher than the state average. That is 2600% higher.

These deaths did not happen in a remote wilderness area but in Clackamas County, which includes part of Portland.

Year after year, decade after decade, these deaths were ignored by some public officials. And not coincidentally, the Christian Science church went to the Oregon legislature repeatedly and got religious exemptions galore. Sometimes the church barely had to fight for laws granting the right to let children die: the legislative history shows no discussion when the church got its religious defenses to murder by abuse or neglect and manslaughter.

It is frightening how many people cared so little about the lives of children.

Oregon was our major project for 1999, and it was a tremendous amount of work. I made four trips to Oregon last year and wrote hundreds of letters: 128 in June alone. CHILD members helped by opening their homes to me, and one lent me her car. Many also contacted their legislators, and Mickey Morey, a Portland-area attorney specializing in representing abused and neglected children, had an excellent column in *The Oregonian* ("Freedom of Religion shouldn't endanger children," May 28, 1999).

Over 75 amendments were put on the repeal bill or proposed during the session. Whenever we learned of a new proposal, we had to write lengthy analyses exposing its drawbacks and ask organizations and individuals to contact their legislators about it.

As a tax-exempt organization, CHILD is allowed to spend 20% of its income on lobbying. We spent close to our limit, and feel it was worth every penny.

How children fare in minority religions

Children in New Religions edited by Susan J. Palmer and Charlotte E. Hardman, Rutgers University Press, 1999

Reviewed by Marsha Swan

Children of New Religions is a collection of thirteen essays, edited by Susan J. Palmer and Charlotte E. Hardman, which focus on the children of minority religious movements. The essays are

divided into four sections: *How Children Change Movements: Impact on the Future*, *How Movements Mold Their Children*, *How Society Responds: Legal and Freedom Issues*, and *Hearing the Children*, which examines the moral development of children in New Religious Movements (NRMs). Religions considered include Paganism/Wicca, Hare Krishna, Sullivan Institute/Fourth Wall Community, evangelical Christianity/Word of Life, Osho Ko Hsuan, Sahaja Yoga, In Search of Truth, Damanhur, the Children of God/The Family, a New Age group in Scotland, Transcendental Meditation, Church of Scientology, Jehovah's Witnesses, Mormons, and messianic communities.

The essays on how children change NRMs see children as conservative influences. "Tradition, continuity, and restrained sexuality become more important as children enter the circle," says Helen Berger. (26)

Kids must accept sect's ideology

Simon Coleman presents a particularly straightforward and intelligent critique of evangelical child-rearing in "God's children: physical and spiritual growth among evangelical Christians." Evangelicals believe that chronological age is irrelevant to spiritual maturity and often give their children more respect and independent roles than children have in mainstream religions. However, Coleman concludes, these roles are available to evangelical children only insofar as they conform to the group's ideology. He bases his research on the Swedish Word of Life group, in which he has worked as a "participant-observer" since 1986.

Essays more relevant to CHILD but also less impartial examinations include, from the *Legal and Freedom Issues* section, Susan Palmer's "Frontiers and families: the children of Island Pond," James T. Richardson's "Social control of new religions: from 'brainwashing' claims to child sex abuse accusations," and Michael W. Homer's "The precarious balance between freedom of religion and the best interests of the child."

Palmer examines the messianic communities in a broader context of the folklore of frontiers and families. She presents their idealism as a "nostalgic retreat into the past," but also "an abrupt departure for adventure, a radical rejection of parents and of mainstream American culture." (167) She cites this duality and mainstream society's judgmental suspicion as the causes of the famous 1984 raid at Island Pond, Vermont, when the state took temporary custody of all children in a religious commune.

Palmer mentions corporal punishment in public schools and implies that the state's concern about abuse of commune children was myopic. But she does not examine the types or severity of abuse nor the medical neglect reported to have occurred at the commune.

Collective child abuse accusations: social control

Richardson's essay focuses on the Children of God, now known as The Family, a religious group reported in the 1980s to encourage sexual activity between children and adults and to use sex as a recruiting tool. He summarizes case law in child sex abuse prosecutions of NRM members, and then spends the majority of the essay describing worldwide raids on COG communities in which children were taken into state custody, but later returned by the courts. He gives no credence to reports of child abuse within the COG nor does he mention that some of the court decisions to return children to their parents included restrictions. He speaks of abuse accusations as emerging from "child custody disputes" (178) and ignores other sources.

Richardson's stated aim is to examine "the use of a major new tactic—child abuse allegations—that has become the 'ultimate weapon' to inhibit the growth and prosperity of exotic religious groups." (172) He overlooks the possibility that the state intervention may have motivated the COG to stop abusive practices.

Homer's essay focuses on American custody rulings involving religion. These are normally made on a case-by-case basis, and courts must have evidence that one parent's religion is harmful to the

child in order for religion to be a factor in a ruling. Homer sets forward many general statements that are rather uncontroversial without suggesting ways to remedy the drawbacks of the current system. He complains about "impulsive undercover raids based on hearsay or misinformation." He says that "improved communications and monitoring of possible cases of child abuse would help avoid confrontations like those in Waco." (203)

Overall, the quality of these essays seems to vary drastically, ranging from bad to fairly good. Some of the research may indeed, as the editors claim, fill useful gaps in what is currently available, but I think the book falls far short of a definitive study of the crucial issues that it skirts.

Marsha Swan holds a B.A. degree in English from the University of Iowa and works for Lilliput Press in Ireland.

Has church changed its position on medicine?

The Christian Science church has officially recanted a statement in its periodicals on medical care.

The December, 1999, issue of *The Christian Science Journal* included a statement by the editors entitled "The standpoint of Christian Science treatment." Combining medical care and Christian Science treatment would be "counterproductive" to a patient, the editors assert. "It has not proved helpful to combine Christian Science treatment with material methods of cure," they conclude.

This has been official church policy for decades and is buttressed by the church's prohibition against giving Christian Science treatment to anyone who voluntarily accepts medical care (with a few exceptions that church founder Mary Baker Eddy found expedient).

Journal reprinted with "correction"

Surprisingly, Christian Science headquarters, called by members The Mother Church, decided to

disassociate itself from this longstanding policy. The church took the unprecedented and expensive step of reprinting the December *Journal* without the offensive statement and sending revised copies (about 125 pages long) to all subscribers.

The editor explained: "*We regret that the original December issue of The Christian Science Journal included a statement that might have been taken by readers as policy. It was prepared by the Editors under the title 'The standpoint of Christian Science Treatment.' This was not intended as a policy statement to govern an individual's practice of Christian Science. The piece was not given the required normal review. Hence, it should not have appeared in print.*

Because of the importance of the questions raised by that statement, it has been necessary to reissue this December Journal with a correction. In view of the wide range of human experience, a much fuller and all-embracing consideration of spiritual healing is needed."

Can one have both medical care and spiritual treatment?

The "correction" was entitled "Compassion and healing in the twenty-first century" and signed by the Christian Science Board of Directors. From its tone many readers would assume or hope that the church now allows its practitioners to continue spiritual treatment in support of members who turn to medical care. It says that understanding of Christian Science comes gradually, no one can judge another's path, and "the blessing of Christian Science healing need not be administered by policy."

It also refers to testimonies in the issue in which Christian Scientists got "helpful and practical care by physicians." "The healings that followed," say the Board, "are free from remorse, guilt, or unworthiness over having received such temporary help."

Is this statement a radical new departure for the Christian Science church? We do not think so. The tone is compassionate and may make it easier for Christian Scientists to turn to medical care when they are severely ill. We notice, however, that the

Board's statement nowhere says that a person under medical care may have Christian Science treatment.

The testimonies do not indicate that medical treatment and Christian Science can be combined except for eye problems and childbirth, two exceptions that the church has allowed since Eddy's day. After all, Eddy herself wore glasses and advised Christian Scientists to have state-licensed providers attend childbirth after one of her students was charged with murder for attempting to deliver her grandchild using Eddy's "metaphysical obstetrics."

Only Christian Science heals

One testimony is by a man who got his healing after he decided to rely on Christian Science and threw out his medication. In another a Christian Scientist was taken to an emergency room without her consent. The woman agreed to a few stitches, but refused the surgery and medication recommended by the doctors. She had Christian Science treatment instead and left the hospital after three days.

The board's conciliatory overtures are in reality patronizing. They describe what doctors can accomplish as "temporary help," while Christian Science achieves real "healings."

The most significant aspect of the *Journal* revision is, in our view, why it happened. Why did the church go to such elaborate lengths to wipe out the "Standpoint" statement? The editor says it was not given "the required normal review." It was obviously reviewed by the editors since they wrote it.

Who else needed to review it? The lawyers? Could there be civil liability if the church's official written policy stated that a person getting medical treatment cannot have Christian Science treatment? Could a plaintiff tie the fatal medical neglect of a child to church policy and win a jury award from the church?

The church has not recanted its prohibition against giving Christian Science treatment when a person voluntarily accepts medical treatment. But in 1999 the church does not want it restated in its periodicals.

We asked the church's Iowa public relations manager if the policy had changed. She professed

ignorance of church policies, but said that of course a person cannot have both Christian Science and medical treatment simultaneously because medical science treats physical conditions as real and Christian Science treats them as illusions.

In memoriam

CHILD was saddened by the loss of several dear members in 1999. Henrietta Crampton of Portland was an inveterate letter-writer about abuse of children in cults and faith-healing sects. She contacted Oregon legislators in the early stages of our work for repeal of religious exemptions. Her family and friends came thousands of miles for a glorious reunion a few weeks before her death.

Armolene "Amy" Maxey died in Sioux City at age 80. She was a sociology professor at three Ohio colleges and the sole support of her six children after her divorce. Amy had a modest income, but gave generously to many good causes including CHILD.

Dr. Bill Bartholome, a pediatrics professor at the University of Kansas Medical School, died after a long struggle against esophageal cancer. An endowed chair has been established in his memory.

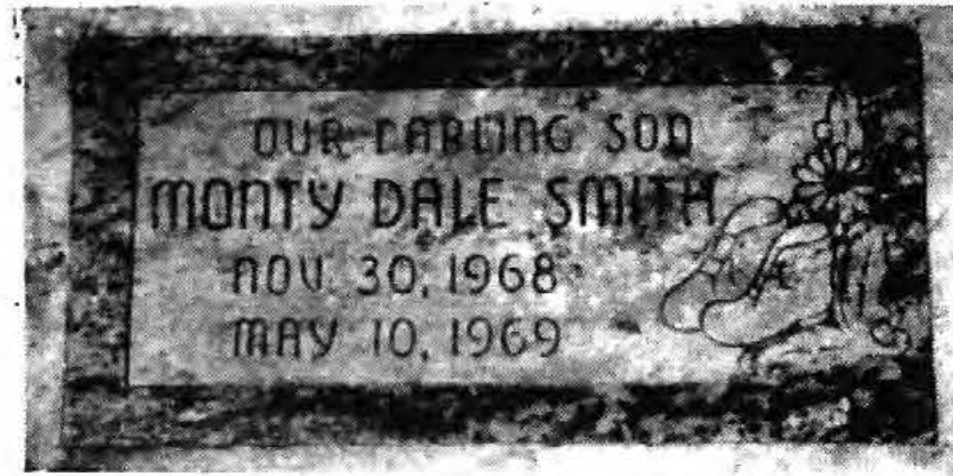
Don Shoning, a retired Iowa legislator, died in Sioux City at age 83. He felt strongly that Iowa children should have equal rights to medical care and led efforts to repeal Iowa's religious exemptions during his eight years at the Statehouse.

About CHILD Inc.

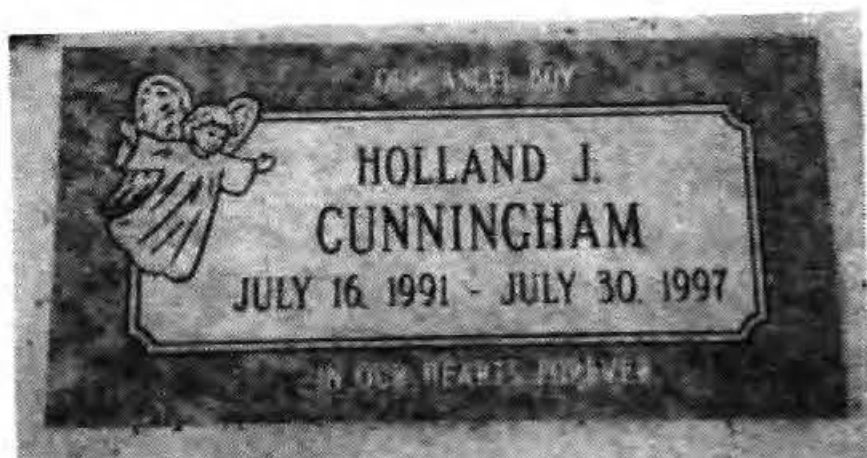
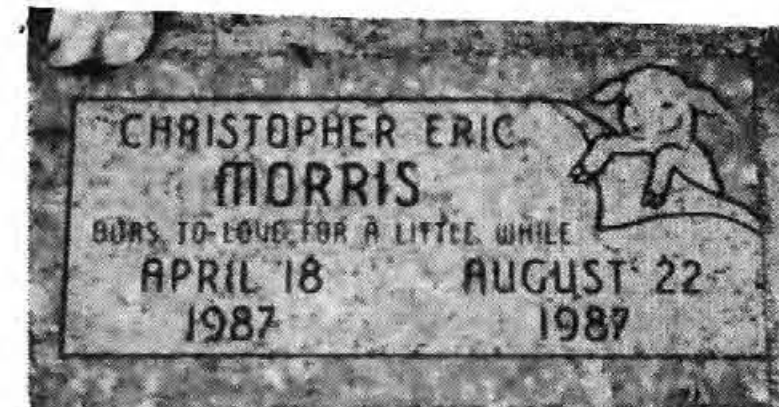
CHILD is a national membership organization dedicated to preventing religion-related child abuse and neglect. For more information on CHILD and a membership application form, visit our web page at <http://www.childrenshealthcare.org> or call us at 712-948-3500. Note that our fax # is now 712-948-3704.

To Be a Child
by Paul Engle

*This is to be a child:
To heighten
Each thing you handle,
To be shyer than rabbit in wide field,
To frighten
Deep dark that scared you,
To fly higher
Than kite or hunting hawk,
To brighten
Daylight, because you are a fire.*



*at Carus Cemetery in
Oregon City, Oregon*



*A simple child,
That lightly draws its breath
And feels its life in every limb,
What should it know of death?
from "We are Seven" by Wordsworth*

