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Equal rights for children under the law



Len Sjogren

United Methodist Church opposes religious exemption in federal child abuse law

United Methodists voted on May 9 to urge the U.S. Congress to remove an exemption in federal law that allows parents to withhold medical care from their children based on religious beliefs. Congress enacted the religious exemption to the federal Child Abuse Prevention and Treatment Act (CAPTA) in 1996.

Eighty-five percent of the 992 delegates to the 2000 General Conference meeting in Cleveland voted in support of the petition. The legislative assembly, which meets every four years, is the only entity that speaks for the United Methodist denomination of more than 9 million members worldwide.

The petition states:

Whereas, the Federal Child Abuse Prevention and Treatment Act requires States participating in the grant program to include the failure to provide needed medical care in their definitions of child neglect; and

Whereas, the US Congress enacted the religious exemption to the requirement in 1996; and

Whereas, the religious exemption discriminates against a class of children, depriving them of protections to which other children are entitled; and

Whereas, many children have died or suffered permanent injury because their parents believed that the law allowed them to withhold medical care on religious grounds,

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Therefore be it resolved that the United Methodist Church calls upon Congress to repeal Section 5106i of Title 42 of the United States Code, which states: "Nothing in this subchapter and subchapter III of this chapter shall be construed as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment against the religious beliefs of the parent or legal guardian. . . ."

The lead sponsor of the petition was Rev. Len Sjogren, pastor of Grace United Methodist Church in Sioux City, Iowa. It was cosigned by 66 United Methodists, including CHILD founders Rita and Doug Swan, CHILD board member Imogene Johnson, and sixteen other CHILD members.

Sjogren laid careful groundwork before the conference opened to build understanding of religion-based medical neglect of children. During the conference he spoke at the subcommittee and committee and on the floor to all the delegates, calling for an end to the discrimination in federal law that allows children in faith-healing sects to be deprived of protections guaranteed to other children.

Exemptions widely criticized

Other organizations that have adopted positions against religious exemptions from medical care of children include the American Academy of Pediatrics, American Medical Association, Prevent Child Abuse America, National District Attorneys Association, and the U.S. Advisory Board on Child Abuse and Neglect.

Congress will consider changes to the Child Abuse Prevention and Treatment Act when it reauthorizes the law in 2001.

Firstborners get probation in baby's death

On February 10, Grand Junction, Colorado, parents were sentenced to 16 years of probation for withholding medical care from their baby.

Warren Glory died February 28, 1999, at 18 days old of pneumonia and meningitis. He suffocated when his lungs filled with pus and fluid.

His parents, Mindy and Joshua Glory, are members of the General Assembly of the Church of the Firstborn, which opposes medical care.

The parents and church elders had spent several days anointing him and praying over him before his death.

Larry and Judi Glory explain their grandson's death as the will of God. "God knows what's best. If a child dies, there may be a reason, some future danger that He is protecting the child from," said Larry.

Mesa County District Attorney Frank Daniels, however, charged them with reckless child abuse, negligent child abuse, manslaughter, and negligent homicide, and the parents pled guilty to criminally negligent child abuse resulting in death, a felony.

Protections for surviving children

As part of their probation, the Glories must get training in basic first aide, submit to random welfare checks by the Department of Human Services, perform 60 hours of community service, and get "appropriate medical treatment" for their daughter and any children they may have in the future if "failure to do so will pose a risk to [the child] of serious illness, serious bodily injury or death." As convicted felons, they will not be allowed to possess firearms or leave the state without permission. A violation of any condition of probation can result in prison terms of up to sixteen years.

Since their daughter is now two years old, the supervised probation will continue until she is "legally competent to make her own decisions," Mesa County District Judge David Bottger pointed out.

Elder predicts more deaths

Bottger said he recognized the right of parents to practice their religion as long as it does not harm a child. He also called the Glories "probably the finest people this court has ever had the duty to sentence."

Elder predicts more deaths

Outside the courtroom, Mrs. Glory's father, Marvin Peterson, was defiant. "The laws of God supersede the laws of this court. This is not going to change our belief any," the Firstborn elder said.

When the Glorys pled guilty in October, 1999, Peterson predicted more deaths. "This is going to happen again. I guarantee it," he said. His prediction has come true: see the next article.

Taken in part from *The Denver Post*, February 11, 2000.

With membership estimates from 6,000 to 20,000 the Church of the Firstborn has had 35 disease-related deaths of U.S. children since 1974 that CHILD has documented. CHILD believes that disease-related child mortality rates in the Church of the Firstborn are many times above the national average.

Another Firstborn child dies in Grand Junction church

The Church of the Firstborn in Grand Junction, Colorado, has lost two children due to untreated illness in the past 17 months. The sect advocates exclusive reliance on prayer and ritual to heal sickness.

Rituals for listless baby

Billy Ray was born at home July 7 without medical attention. His parents, Billy and Barbara Reed, and other church members in their trailer called in elders to pray for the baby early Sunday morning, July 9. He appeared gray and listless. He grunted and moaned as his heart was losing the ability to pump oxygenated blood to his lungs.

The elders anointed him with oil and confessed their own faults as called for in the New Testament book of James (see chapter 5, verses 12-16).

According to the church members, his condition improved and declined during the day, and elders came and went. Shortly after 6 p.m., they called the Firstborn church in Palisade where a service was taking place because the baby was having serious trouble breathing. Church elders rushed to the Reeds' trailer and prayed, but Billy Ray stopped

breathing and turned blue. Someone at the trailer called 911.

In June, the Reeds lost a two-year-old son in a camper when their other children started a fire with a butane lighter in the backyard. The toddler died of smoke inhalation. Mr. Reed was home at the time.

The Mesa County Department of Human Services then investigated the family for neglect. The Department ordered the parents to move their surviving children, ages 1, 3, and 5, because the house was reportedly full of trash. The Reed family moved to the trailer in Clifton where Billy Ray was born and died.

At a Wednesday evening prayer service in the Reeds' church, just after the baby's death, Leland Bruner defended the sect's rejection of medical care before a journalist and about 50 church members. "Thousands of people die because medicine is misapplied," he said. "We raised seven children and I'm 71 now, and we've never turned to as much as an aspirin. . . . We have. . . the best physician here."

Miracles seen

Like other members, Judi Glory, Warren Glory's grandmother (see previous article) can recite a litany of healings, going back generations: fountains of blood that stopped with the laying on of hands, broken ribs healed, etc. She complained that society allows abortion, but punishes parents who rely on God to heal their child.

She also complained that Josh and Mindy Glory's sentence for their baby's death was too harsh. Yet the family and the church vowed to accept such punishment rather than turn their back on Scripture.

Glory insisted that God can heal every physical ailment. "When we pray, God takes the pain away, a lot faster than aspirin. . . . Even when [family members] do end in death, they get great relief before that happens."

Mesa County Coroner Dr. Rob Kurtzman has determined Billy Ray died from respiratory problems caused by a common birth defect of the heart that is rarely fatal if treated. Kurtzman believes the baby would have likely survived if treatment such as supplemental oxygen and nutrition had been given Sunday morning. He has, however, classified the manner of the baby's death as undetermined rather than a homicide.

"All children should be . . . protected the same"

Mesa County District Attorney Frank Daniels is reviewing the case before making a decision on criminal charges. Colorado's religious exemption to child abuse makes his "decision very difficult," Daniels said, and he called for its repeal.

"I strongly believe all children should be treated and protected the same—whether from one church or another church or no church," Daniels said.

"Recognized method" of faith healing

In 1973 Colorado enacted a religious exemption to child neglect charges. In 1989 Governor Bill Owens, then a state senator, sponsored an amendment that gave the exemption to those using "a recognized method of religious healing" and defined it as spiritual treatment that insurance companies will reimburse for and that the Internal Revenue Service recognizes as a tax-deductible expense or that "provides a rate of success in maintaining health and treating disease or injury that is equivalent to that of medical treatment."

Owens readily admits it was a concession to the Christian Scientists. Their prayers are "recognized" by the state of Colorado whether they heal disease or not, while other faith healers must prove that their prayers have a success rate in healing disease equal to that of medical treatment.

Owens repeatedly defended his 1989 amendment as an improvement, though it looks worse than the 1973 law to several observers.

After Billy Reed's death, however, Owens seemed to admit problems with the law when he told the press that authorities often do not learn of a child's illness until it is too late to help.

House Speaker calls for new law

In 1993 a bill making it a crime to withhold standard medical treatment from any child at risk of dying or being disabled passed the Colorado House, but was killed in the Senate by Christian Science lobbying.

"I just really object to what these people are doing to these little children. We need to change the statute," said outgoing House Speaker Russell George, R-Rifle.

Taken from the *Rocky Mountain News*, July 28, 2000; AP wires, August 2, 2000; and the *Denver Post*, August 3, 2000.

California Firstborn parents sentenced in son's death

On February 4, Shawn and Stephanie Curran of Corona, California, were sentenced to five years probation and 100 hours each of community service in the death of their son.

Gasping for air

Myles Matthew Curran and his brother were delivered at home without licensed health care providers present. Born with a hole in his heart, Myles was sickly throughout his 28 days of life. He had not had a bowel movement for days before his death; his parents fed him a mixture of syrup and mint leaves as a laxative. He choked to death after gasping for air and turning blue.

Members of the Church of the Firstborn, the Currans told police they were aware of their baby's illness, but never sought medical treatment or called for emergency help because of their religious beliefs. They said it was "God's will whether the child lived or died."

They were charged with felony child endangerment and pled guilty in 1999. Riverside County Deputy District Attorney Robert Spira prosecuted the case.

Terms of their probation require them to get the medical care that a reasonable parent would provide

for their surviving son and any other children they have in the future

Defect routinely corrected; symptoms obvious

The coroner's report described Myles's heart problem as a patent ductus arteriosus and a high interventricular septal defect. Warren Guntheroth, a professor of pediatric cardiology at the University of Washington, told CHILD that both problems would have been easily detected if the baby had been born in a hospital and are routinely corrected by surgery.

Symptoms that parents could observe include rapid and labored breathing, difficulty eating because of the breathlessness, cold sweat, and failure to gain weight, Guntheroth said.

35 deaths among 6-20,000 members

CHILD has documented 35 disease-related deaths of children in the Church of the Firstborn since 1974. Gordon Melton, director of the Institute for the Study of American Religion in Santa Barbara, estimates that the church has 6,000 members. A church elder estimates 15-20,000 members.

CHILD believes that disease-related child mortality rates in the Church of the Firstborn are many times above the national average.

Lenient sentence in Canadian child's death

On June 26, Steven and Ruth Shippy of Rembey, Alberta, were sentenced to three years probation in the death of their 14-year-old son Calahan in December, 1998, due to untreated diabetes.

Neglect investigated; previous death prosecuted

The Shippys are members of the Followers of Christ, a sect that advocates relying on prayer rather than medical attention for healing disease. An Oregon City, Oregon, congregation of the Followers of Christ has 78 children buried in its cemetery. A Caldwell, Idaho, Followers congregation lost 12 children in twenty years.

In 1984 the Shippys moved to Idaho after Canadian child welfare officials began investigating them for withholding medical treatment from another of their children. They lived there for several years before returning to Canada.

Crown Prosecutor Ian Fraser of Wetaskian filed charges of criminal negligence resulting in death and failing to provide necessities to Calahan. Fraser said the parents were aware that Canadian law required them to get medical care for sick children because the Shippys had moved to Idaho to evade government scrutiny and because his office prosecuted another member of their congregation in a child's death. Followers of Christ parents Phyllis and John Goetz let their one-year-old daughter die of pneumonia without medical care and were convicted in 1986 of failing to provide necessities of life.

Did his parents think Calahan had the flu?

At a bench trial the Shippys testified they were aware of Calahan's illness only during the last two days of his life and thought he had the flu. There were no eye-witnesses to contradict them as the boy was home-schooled. Ordinarily, symptoms of juvenile-onset diabetes are obvious over a period of weeks, including extreme weight loss, lethargy, increased thirst and urination, and a fruity odor.

Ruth Shippy seemed remorseful during the trial, and her brother testified that he believed she would take her children to the doctor if they were sick in the future.

Queen's Bench Justice Douglas Sirrs convicted them on June 7 of failing to provide necessities of life to a dependent, but acquitted them of criminal negligence. Sirrs accused the parents of "willful blindness," pointing out that "Calahan was emaciated to the point where he looked like a starving victim from the Holocaust."

Sirrs also, however, said the Shippys were "caring and responsible parents," in acquitting them of the more serious charge.

After the verdict, Steve Shippy told the press he still thinks he has the right to withhold medical care from his eight children. "I wouldn't change a thing,"

he said. "I believe that God takes someone for a purpose."

Judge rejects conditions for protecting children

Fraser asked for a jail term of six months plus probation or, alternatively, probation with conditions including the requirement that the parents seek medical care when their children are sick, take a course in children's illnesses, buy a fever thermometer, learn how to use it, etc.

Justice Sirrs rejected all those conditions as either intrusive or too difficult to enforce. During the June 26 sentencing hearing, Sirrs asked Mr. Shippy if he still intended to deprive his children of medical care for illnesses; Shippy said he wasn't so sure anymore.

Sirrs gave them a suspended sentence and three years probation. The only condition he set was that, during probation, the Shippys must allow the probation officer and Child Welfare to visit their residence three times a year to observe whether the children are in good health.

Comment

In CHILD's view, the conditions of probation are shockingly poor protection for the eight Shippy children. The court has not required the parents to get medical care for the children even during the skimpy three years of probation. Unless the parents are now committed to providing needed medical care, the only protection these children have is three visits a year from public officials. Juvenile-onset diabetes is strongly hereditary and could certainly kill another Shippy child before the next scheduled visit.

Japanese "shaman" and parents held in boy's death

A woman claiming to have supernatural powers and the parents of a 20-month-old boy who died of severe asthmatic bronchitis were arrested in Japan in May on suspicion of mutilation, police said.

The three suspects, who kept the boy's body in the couple's house for more than a month after his death, told police that cutting the body would revive the boy, Kumamoto prefectural police said.

Chiyoko Miyata, a self-styled shaman who runs a health-food business, Kenji Sugashira, a company employee, and his wife, Haruko, a former nurse, all from Kumamoto, were arrested on suspicion of mutilating a dead body.

The boy, Tetsuya Sugashira, died in early April, according to investigators. Soon afterward, the boy's parents, reportedly acting on instructions from Miyata, allegedly cut the boy's head, chest and abdomen with scissors.

The Sugashiras, who were distressed by their son's disease, were introduced to Miyata in January by an acquaintance. After meeting Miyata, the couple stopped taking their son to a hospital, and when he died, Miyata told the Sugashiras to cut the boy's body, police reported.

Resuscitation promised

"Although the exterior shell of the boy has died, the interior is still alive," Miyata was quoted as telling the Sugashiras. "Therefore, if you cut the skin and allow the ether to enter his body through the cuts, you will be able to resuscitate your son."

According to police notes, the Sugashiras were convinced that their son would come to life again if they followed the shaman's instructions and they still believe in her.

Prosecutors are expected to press charges of negligence resulting in death as the couple failed to obtain medical care for their sick son from January onward.

Taken from the *Daily Yomiuri*, 29 May 2000.

Nebraska lawmakers drop religious exemption

Nebraska enacted a newborn hearing screening bill this year. The bill was introduced with a religious exemption to the hearing test, so CHILD

President Rita Swan testified against it in Lincoln on January 27.

One public official thought the bill had to have a religious exemption because the state has a religious exemption to immunizations. Swan responded that "two wrongs do not make a right" and continued as follows:

No exemption to crimes, neglect, or screening

"In many respects, Nebraska has a good record of requiring parents to provide medical care for their children. Nebraska has no religious exemptions to child abuse and neglect charges. Nebraska has no religious exemptions to crimes against children. It is clear, then, that when children are sick, injured, or disabled, Nebraska intends for parents to provide them with medical care regardless of the parents' religious beliefs.

"Since that is public policy in Nebraska, it only makes sense that you would want a child's problems to be known as early as possible when medical intervention will be most effective.

"It is also important to point out that Nebraska requires screening of all infants for metabolic diseases at Code Section 71-519. There is no religious exemption to the metabolic screening requirement.

"Like metabolic testing, the hearing screen is a simple, noninvasive procedure that could greatly increase a child's quality of life and reduce a burden upon the state to support a disabled person.

Hearing loss from neglect on religious grounds

"About 15% of our members grew up in homes with parents who had religious objections to medical care. Many endured pain and fear because of illnesses and injuries that were not medically treated. Some have permanent disabilities because of medical neglect. Several have hearing loss and one became profoundly deaf at age seven after a series of ear infections for which her Christian Science parents would not get medical treatment.

"Christian Science teaches that all disease is caused by sin. Her mother repeatedly told her that her hearing would be fine if she were just more loving to her little sisters. By lip reading and

borrowing friends' notes, she managed to get through high school and an undergraduate degree program. For all those years, both she and her parents denied that she was deaf because Christian Science teaches that disease and disability are illusions. Finally, she broke with her childhood religion, enrolled in Gallaudet University for a master's degree, and learned sign language.

Children in faith-healing sects need the test

"Surely, we do not want such injustices to happen to Nebraska children. On the basis of our experience, we believe that children who have parents with religious objections to such a simple thing as a hearing screening are the very children who most need the test. If they do not have the hearing test at birth, it may be many years before their problems are noticed by persons mandated to report suspected child abuse and neglect.

"Medical neglect on religious grounds has cost life and quality of life for many children. A pediatrician and I have published a study of child fatalities after medical care was withheld on religious grounds. Of 172 deaths studied, we found that 140 would have had at least a 90% likelihood of survival with medical care.

"We urge the committee to delete the religious exemption at Section 9.2 from LB950."

Exemption dropped quickly

By the time Swan got home from Lincoln, a message was on her answering machine from the bill sponsor's office saying that he would call for the exemption to be removed. The committee deleted it the next day, and the bill was signed into law without an exemption. Nebraska members of CHILD contacted legislators in support of the amended bill.

Iowa legislature votes to keep religious exemptions

This year an Iowa bill rewriting laws on infectious disease included repeal of Iowa's religious

exemptions from immunizations and prophylactic eyedrops for newborns. It passed the Senate, but the House stripped the repeal provisions from the bill, and the Senate concurred in the changes.

CHILD President Rita Swan made several trips to Des Moines to lobby for the bill. The Iowa Medical Society, Iowa Association of Nurse Practitioners, Iowa Parent-Teacher Association, and the Youth Law Center in Des Moines joined CHILD in calling for repeal of the religious exemptions.

Polio, measles, and pertussis in faith-healing sects

Iowa has had outbreaks of vaccine-preventable disease in religiously-exempt groups, Swan pointed out. In 1979 there were several cases of polio among Amish children in Iowa. Early in 1991 the Iowa Department of Public Health stated that 39 laboratory-proven cases of rubeola measles had been reported to it since 1989 and that "almost all of these were among people who claimed religious exemptions and thus had not been immunized." Amish, Old Netherlands Reformed Church, and Christian Science children were among the 39 cases. In 1997 there was an outbreak of pertussis among Iowa Mennonite children whose parents claimed religious exemptions. The number of pertussis cases in Iowa soared from 32 in 1996 to 207 in 1997.

During the 1990s, Iowa, a state of less than 3,000,000 people, had several deaths from vaccine-preventable diseases, including 3 of acute hepatitis B, 2 of HIB diseases, 30 of meningococcal invasive disease, 3 of pertussis, 1 of rubella, 2 of tetanus, and at least 30 of tuberculosis.

Rubella outbreak and syndrome in Iowa

The state has a legitimate interest in requiring immunizations, Swan argued. In 1990 a baby girl was born in Woodbury County, Iowa, with severe deformities due to congenital rubella syndrome, which occurred because her mother had not been vaccinated against rubella. Her care reportedly cost the state between \$800 and \$1000 a day until she died in 1991.

In 1999 Iowa had an outbreak of 29 rubella cases among migrant laborers. While those cases

were not among pregnant women, if they had been, their babies would have been at high risk for severe handicaps.

Unvaccinated children at much higher risk

Those with religious objections to immunizations have no scientific evidence that their methods protect children from vaccine-preventable diseases, Swan said. Children with a religious exemption from immunizations are 35 times more likely to contract rubeola measles than immunized children, Dr. Daniel Salmon reported in "Health consequences of religious and philosophical exemptions from immunization laws," *JAMA* 282 (July 7, 1999):51.

The bill was floor-managed by Senator John Redwine, R-Sioux City, a physician. Redwine spoke forcefully of disabilities he had seen in his practice because of vaccine-preventable disease. "We all have laws that restrict us for the safety of the community," he said. "If people wanted an exemption against restraining a child in a car seat for religious reasons, I can't imagine that this legislature would grant it."

"God gives us the tools"

Sen. Ken Veenstra, R-Orange City, has a district with Old Netherlands Reformed Churches—a very conservative branch of the Dutch Reformed Church that opposes immunizations. Nevertheless, he said publicly that the health of a child and of a community must take precedence over religious objections. While he believes in God's power to heal and direct people's lives, Veenstra added, "I also believe that God gives us the tools to enhance the quality of our lives and our children. To deny those tools seems to me to be a stretch and rather imprudent."

Others who spoke in favor of repeal included Senators Steve Hansen, D-Sioux City; Johnnie Hammond, D-Ames; Eugene Fraise, D-Fort Madison; Mark Shearer, D-Washington; and Mike Sexton, R-Rockwell City.

Spokeswomen for the Christian Science church introduced an amendment to restore the religious exemptions, but the Senate defeated it by 36-13.

When the bill reached the House, opponents of immunizations far beyond the Christian Science church had mobilized. At a town meeting of three Republican legislators, vaccine opponents arrived long before the doors opened and made the meeting a discussion exclusively of vaccines for over an hour.

Internet church

Home schoolers, fundamentalist splinter groups, people convinced that vaccines are dangerous, the Iowa Civil Liberties Union, and chiropractors' families lobbied for the religious exemptions. Many chiropractors oppose immunizations on non-religious grounds, but have joined the Universal Life Church in order to claim a religious exemption. This church basically exists only in cyberspace. It has no church buildings or services in Iowa. It offers forms on its web page for becoming an ordained minister.

A Des Moines radio station had a three-hour program on the bill. It featured a lengthy interview with Kristine Severyn of Dayton, Ohio. Trained as a pharmacist, Severyn despises the pharmaceutical industry. She accused Redwine, whom she has never met, of taking campaign contributions from pharmaceuticals and of being motivated by "greed." She charged that vaccines are dangerous and unnecessary. She also said that vaccines are made from tissue of aborted fetuses.

Fetal tissue research

The facts are rather less sensational. Dr. Stanley Plotkin, a member of the National Vaccine Advisory Council, states that "fetal tissue research was used years ago to develop fully characterized cell strains from fetuses aborted in Europe, which are reconstituted from frozen stock to make vaccines for rabies, rubella, hepatitis A, and varicella. No further fetal tissues are used." Only one of those four vaccines is required for Iowa children.

Chairman takes bill away from supporter

Nevertheless, the charge brought out more opponents of immunizations against the bill. The chairman of the House Human Resources Commit-

tee, Dan Boddicker, R-Tipton, was determined that parents should have a religious right to withhold immunizations and prophylactic eyedrops. He took the bill away from its original House manager, Rep. Gary Blodgett, R-Clear Lake, who supported repeal of religious exemptions, and questioned the "morality" of all repeal supporters.

After Boddicker restored the exemptions in his committee, child advocates quit lobbying for repeal. On the House floor, Rep. Wayne Ford, D-Des Moines, was the only legislator to speak and vote against the exemptions. When the bill returned to the Senate, Mark Shearer was the only Senator to vote against them.

Comment

Lobbying in Des Moines offers the full gamut of unique frustrations. As Winston Churchill said, "Democracy is the worst system of government in the world except for all the other ones." One legislator insisted to me, "We aren't depriving children of immunizations; we're just giving parents a right to practice their religion." When I asked how their children were supposed to get immunized, he walked off without answering.

Psychic seeks business at Statehouse

Another interesting character was Rep. Rebecca Reynolds, D-Bonaparte, a registered medical nurse. She told me that she had miscarried in her first pregnancy because she was exposed to measles. But she also represents the Maharishis, who promote transcendental meditation, levitation, etc. She voted for the religious exemptions with verbal fanfare and, even more exasperating, brought to the hearing a devotee of psychic phenomena as her special guest. The psychic followed me out the door and insisted on talking to me at length about how vaccines are being developed today with genetic engineering and sometimes genes are taken from two different species of animals, which causes monsters and other disasters. She claimed to have done more research on vaccines than anybody else. And finally she said she knew that I had lost my child and offered her services to me as an astrologer.

Lobbyist converts to Christian Science after losing baby

Lucille Gregory, Iowa manager of lobbying and public relations for the Christian Science church, was also eager to talk to me. She even invited me to a church service so I could get a "healing." The press presented us as reverse mirror images, and perhaps the church chose her for that reason. She lost her first baby and then converted to Christian Science. The baby was born prematurely in Puerto Rico about 25 years ago, and the hospital did not have an incubator.

When we won in the Senate, Gregory came up to me, all pretense of friendliness gone, and said, "I wish we could trust medical science; I really do. But I trusted medical science, and I lost my child. Think about it."

The Statehouse, however, does not have a monopoly on myopia. Most callers to the radio program attacked immunizations. A "Christian nurse at an area hospital" said she had personally seen thirteen children in the last two months with diabetes that she knew was caused by the MMR vaccine. She said she had done far more research on this than any physician, but physicians have threatened her with losing her license if she reports these cases as vaccine-related injuries or tells the parents that the diabetes was caused by the vaccine. The host was outraged and said the physicians were guilty of malpractice. (He also several times said he knew nothing about the issue.)

Public education, new delivery system needed

There is considerable fear of vaccines, and public education is sorely needed. Somehow we must move the debate beyond sensational talk shows and irresponsible web pages posted by those on private hobbyhorses. The public needs more respect for the scientific method and conceptual thinking.

For its part, our health delivery system needs to do a better job of communicating the value and the safety of immunizations. It would also help if vaccines were less expensive or were covered by most health insurance policies.

Wyoming court cases on vaccine exemptions

Two cases challenging the Wyoming Health Department's denial of a religious exemption from the Hepatitis B vaccine are now awaiting court rulings. *In the Matter of Exemption from Immunization Requested by Susan LePage, Parent of Lisa LePage, a minor v. State of Wyoming Department of Health* is before the Wyoming Supreme Court. *Kim Cooper v. Wyoming Department of Health* is before the U.S. District Court for Wyoming.

Both cases involve parents who state that, because of their Christian values, their children will never engage in sex outside of marriage or use intravenous drugs, and therefore do not need the vaccine. Indeed, they argue that giving the vaccine would condone and encourage immoral behavior.

In her brief LePage described herself as an evangelical Christian. She believes that God heals physical afflictions, but her faith does not reject medical care and she had her children vaccinated before they entered school.

Vaccine said to encourage immorality

When her daughter Lisa was ready to enter seventh grade, the Hepatitis B vaccine was required. LePage says she was then told by the Holy Spirit that the vaccine was wrong.

"Because of the strong religious beliefs of our family," the LePages wrote to the State Health Office, "we do not believe our daughter will engage in behavior that involves exposure to blood or bodily fluids. We believe that the instituting of mandatory Hepatitis B vaccine is the direct result of our children growing up in a declining moral culture."

They compared vaccinating Lisa against a sexually transmitted disease to providing condoms, which "gives freedom to the users or would-be users to engage in such immoral behavior."

They described the value of their faith to them and cited many Bible verses in support of purity and morality. "No one is safe who does not learn to trust God in everything," they wrote. They asked

for a religious exemption from the Hepatitis B vaccine.

Families disqualified for religious exemption

Dr. Shannon Harrison, the State Health Officer, refused to grant the requests of the LePage and Cooper families. The religious exemption was only for those who rejected all medicine and vaccines on religious grounds, he wrote to LePage on May 11, 1999:

If you indeed rely on faith to heal, you would need to show consistency of action by describing in detail your use of medications and other medical treatments. Please note that vaccinations are preventive medications; therefore, use of other medications would be considered in a similar manner when assessing your reliance on faith as your source for healing.

Harrison ruled that LePage had a philosophical objection to the vaccine rather than a religious one.

Religious beliefs change

On August 5, 1999, Mrs. LePage testified in court that her religious beliefs had changed and she now believed all vaccines sinful: "To vaccinate would be to disobey my creator, my God and my Lord. . . . In some ways God used the State Health Department to help me realize this. Through the denial letters I have received, I have been forced to research, to fast and pray over this vaccine issue."

"Christian Scientists object to cow's blood, and probably Hinduism," said LePage, "but I do not believe the cow is sacred. However, I do know God does not want us to inject or ingest bovine serum mixed with bacteria or viral particles and toxic metals into our bodies. This is sinful, as the book of Leviticus dictates for us." (LePage refers to Leviticus 17:10-14, which prohibit eating "meat with blood still in it.")

First amendment debated

The Hearing Officer still refused to grant her the exemption and questioned the sincerity of her religious conversion.

On appeal, LePage, supported by the Rutherford Institute in Charlottesville, Virginia, and local counsel, argued that the state had no right to question the sincerity of anyone's religious beliefs or to require that s/he have religious beliefs against all medicine in order to obtain a religious exemption from the Hepatitis B vaccine. The state is violating her constitutional right to religious expression and privacy, she contended.

Wyoming Assistant Attorney-General Marci Hoff responded that LePage asked them to scrutinize her religious beliefs when she requested the exemption and that a constitutional right of privacy applies only in abortion cases.

"Beliefs must be religious in nature and sincerely held to rise to First Amendment protection," Hoff said. She claimed that Wyoming's religious exemption from immunizations is a First Amendment right, a representation that CHILD strongly disputes.

Taken from the *Casper Star Tribune*, May 3, 2000, and court records.

Roloff Homes again accused of child abuse

In April, Texas authorities arrested Allen Smith, a supervisor at a home for troubled teenagers and young adults run by the People's Baptist Church near Corpus Christi. The arrest came after several teenagers complained of abuse at the Lighthouse, including frequent beatings and punishments severe enough to require hospitalization.

The Lighthouse is one of many homes run by disciples of the late Rev. Lester Roloff. Texas Governor George W. Bush is widely considered responsible for bringing Roloff Homes back into the state as a faith-based alternative to government social service programs. It was part of his "bold new experiment in welfare reform" to "rally the armies of compassion." The overhaul is central to his image in the presidential campaign as a compassionate conservative.

Christian youth homes not accredited by state

Laws passed in 1997 at Bush's urging allow faith-based child and juvenile care facilities to operate with minimum state involvement. An alternative accrediting agency, in this case the Texas Association for Christian Child Care Agencies (TACCA), acts as a buffer between the state and the Christian youth homes, which receive no state money.

TACCA is supposed to inspect the facilities annually and make sure they meet minimum requirements. But child welfare advocates worry that given Roloff's controversial history, that level of oversight would be insufficient. They were also concerned that Roloff's controversial successor, Rev. Wiley Cameron, was on the boards of directors of both TACCA and Roloff Homes. Cameron resigned from the TACCA board after Smith was arrested.

Sadistic punishment alleged

Justin Simons, an 18-year-old living at the Lighthouse, alleges that Smith roped him to another boy and made them run through the woods barefoot and dig in a sewage pit for almost 12 hours while other boys threw things at him. Simons said a supervisor told him that if he wanted to take a break from digging, he would have to jump over the pit. By then, exhausted, he missed, breaking three toes and spraining his ankles. Several boys have confirmed Simons' story and complained of similar abuse by Smith and other workers at the facility. One resident called the punishments "sadistic."

However, Grant Jones, Smith's lawyer, said his client had reason to believe the boys would run away and was trying to prevent that. He also said state law allows officials who are acting in the same capacity as parents to use force in some situations.

Simons' mother said her son had had a few minor scrapes with the law, so she sent him to the Roloff Home hoping he would "find himself and find God, and learn to be a man." She said she was "sick," when she learned of the abuse he had endured.

The Nueces County Sheriff's office is also investigating several reports of abuse at Roloff Homes

for disturbed people at least 18 years old. Texas requires no inspection or regulation of such homes if they are run by religious organizations.

Salvation by abuse

Popular radio evangelist Lester Roloff founded the homes in Corpus Christi, Texas, in 1957. The Texas attorney-general's office charged that his students were badly beaten, handcuffed to toilets, sometimes for days; and denied meals. In 1978 several girls at Roloff's Rebekah Home tried to stab a fellow student to death, reportedly to bring intervention by state officials. Roloff did not report the incident. When it became public a year later, Roloff said he had paddled the girls, locked them in solitary confinement, and eventually "saved" all of them.

"Better a pink bottom than a black soul," Roloff testified at the legislature. He refused to let Texas inspect the facilities. "We don't need to be accredited by a failing humanistic system that has no Christ, no Bible, no God and no standard. I don't run a state home because I don't take money from the state. No one can license my faith," he told *Christianity Today*.

Roloff Homes left Texas in 1986 and opened in Missouri, which then had no regulation of church-run childcare facilities.

Menstruation police

Within two months after the homes were moved to Kansas City, public officials began meeting teen-aged runaways telling of isolation cells, severe beatings, and medical neglect. Roloff staff had bizarre attitudes about menstruation. Tampons were forbidden; sanitary napkins were dispensed only by staff members. Girls were given handfuls of pills described as vitamins. Five of six girls interviewed by the media said they stopped menstruating almost as soon as they arrived and thought the disruption might be related to the pills. When a staffer found a sanitary napkin left out in a restroom, the girls were made to remove their clothes and examined by a supervisor repeatedly for two weeks until she figured out who was menstruating. Painful yeast infections

were treated only with vitamins and yogurt until a parent demanded medical care for his daughter.

Licks with a wooden paddle were regularly given, the youths said, for talking back, having a less than perfectly clean room, thinking bad thoughts, humming popular music, going out of a room or a line without permission, and not reporting other "sinners."

Parent: abuse and neglect "the Lord's work"

One boy was kicked in the groin. He was in pain and asked to see a doctor. A supervisor refused his request for three days. By then he was badly swollen and half a testicle had to be surgically removed. Yet his mother defended the Roloff Home as "doing the Lord's work."

In 1982 Roloff died in a private plane crash. But fellow preacher Cameron took up the cause of promoting the youth homes. With encouragement from Bush, Cameron lobbied heavily for the 1997 laws and agreed to return to Texas only if they were passed.

Taken from *The Washington Post*, April 11, 2000; *Dallas Morning News*, April 13, 2000; and *Kansas City Times*, July 18, 1987.

Hare Krishna sued for child abuse

On June 12, more than three dozen former students of Hare Krishna boarding schools filed a \$400 million lawsuit against the International Society of Krishna Consciousness (ISKCON) and its leaders, for alleged child abuse and neglect.

Krishna leaders publicly acknowledged two years ago that caretakers and teachers at their boarding schools had sexually and physically abused children. They expressed their remorse and set up a fund to investigate the abuse and aid survivors.

Survivors grow impatient and suspicious

The survivors, however, grew impatient with the slow pace of ISKCON's internal investigations. Half the leaders did not come through with their

personal pledges. Also, Krishna leaders announced plans to build a multimillion-dollar temple in India.

Dallas attorney Windle Turley represents the plaintiffs. In 1997 Turley won a \$120 million judgment against the Catholic Diocese of Dallas for child sexual abuse and settled the case for \$30 million.

Turley said more than a thousand children were victimized in the Krishna boarding schools. Several committed suicide or suffered lifetime emotional trauma, he said.

Parents asked to send children to gurukulas

Swami Prabhupada, who brought the faith to the United States in the 1960s, taught that celibacy was a means to achieve the highest spiritual state, and even married couples were not to have sexual intercourse more than once a month.

He told members to send their children to boarding schools to promote the purity of their faith, liberate them from familial "ropes of affection," and free their parents to work for Krishna.

By the late 1970s, 11 schools, known as gurukulas or houses of the guru, operated in North America with several more in other continents.

The teachers at these schools were often young, untrained, and sent there because they did poorly at proselytizing and fundraising, reported E. Burke Rochford, Jr., a sociology professor at Middlebury College in Vermont.

Celibacy valued over families

Much of the abuse and neglect occurred, Rochford says, because the movement that prized celibacy did not value its children. "Marriage and family life came to represent a sign of spiritual weakness. . . . [Most parents] accepted theological and other justifications offered by the leadership for remaining uninvolved in the lives of their children," he wrote in an article commissioned by Krishna officials for the October 1998 issue of *ISKCON Communications Journal*.

Children were sent to the gurukulas as early as age 3 or 4. Family visits were rare, and letters to parents were censored. Few told their parents of the

sexual abuse, corporal punishment, or neglect they experienced.

There was a mass exodus from the movement in the 1980s as scandals and criminal charges tainted the leadership. Today there is only one Krishna boarding school in the U.S. It is located in Alachua in north-central Florida and has the largest Hare Krishna community in the U.S.

Taken in part from *The New York Times*, October 9, 1998, and AP wires, June 15, 1999, and June 12, 2000.

Utah judge rules polygamist still wed despite divorces

On July 11, a judge ruled that Utah polygamist Tom Green is legally married to more than one wife and must stand trial for bigamy.

Green and his family, who live in a trailer compound in Utah's west desert, have been on national television several times. Green has five wives and 29 children. As is typical of the estimated 30,000 polygamists in Utah, Green obtained a marriage license for some of his marriages, while "sealing" marriages with other women in religious ceremonies that he assumed were not legally binding.

"The defendant devised a systematic scheme wherein he would engage in a religious ceremony with each wife, in some cases seeking a marriage license, and then subsequently seeking a Nevada divorce decree," Fourth District Judge Donald Eyre wrote. "The defendant would then continue to cohabit with each wife, even after the divorce."

The parties love each other and "have undertaken all of the duties and obligations of marriage," Eyre wrote. As such, he found that Green's marriage to Linda Kunz was "a valid marriage without solemnization" and indicated that all of Green's "wives" now living with him could be considered common-law wives.

Governor's brother files charges

Following a year-long investigation, Juab County Attorney David Leavitt, brother of Utah's Governor Mike Leavitt, has filed charges of bigamy, criminal nonsupport for more than \$50,000 in state support for 25 of his 29 children, and rape of a child.

Leavitt contends that Kunz was just 13 years old and Green 38 when he married her. The couple obtained a legal marriage certificate in 1986, the same year their first child was born, and were divorced in 1989. They continued, however, to live together.

When they married, Kunz was Green's step-daughter. Kunz's own mother, Beth Cook, had first married her 65-year-old stepfather at age 12 and then Green.

Girls shepherded into polygamy as children

All of Green's current wives married him when they were below the age of 16. Three women who married him at age 16 or older have left him.

Seven of the women he has married are blood relatives of one or more of the other wives.

Leavitt contends Green's wives are victims, shepherded as children into a polygamous life. "[If you analyze] their opportunities for a different life, they don't have many. The practice that Tom Green engages in damages society," Leavitt said.

Green's family and other polygamists are part of the communal Order of Aaron, a Christian sect modeled after Hutterite communes.

Green and other patriarchs in the commune are former Mormon missionaries. The Mormon church banned the practice of polygamy in 1890 so that Utah could enter the Union as a state. The U.S. Supreme Court had ruled that Congress had the right to prohibit polygamy even though it was a religious practice. *Reynolds v. United States*, 98 U.S. 145 (1878)

Contemporary polygamists see themselves as loyal to early Mormon leader Joseph Smith. They also point out that the *Doctrine and Covenants*, a book of Mormon scripture, still approves of the practice: "as pertaining to the law of the priest-

hood—if any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified.”

Polygamy and procreation a religious mandate

“It takes a while to get over the jealousy and the feelings of being left out,” said one plural wife. “But you can’t live monogamy here and have celestial life [after death] on the other side. You have to buy in totally to the religion to make this work.”

Since 1986, the Green family has produced “teams” of children, purposely born close in age. To date, there are A,B,C,D, and E teams, sets of half-siblings who live, learn, and worship together.

The Green family, however, was celibate from April 6, Joseph Smith’s birthday, in 1999, until April 6, 2000. “It was a sabbatical year—abstinence for building character, physical strength, etc.,” Green said. “I have this problem—I have too many children. I know that, but it happens to be a tenet of my religious belief.”

Green’s current wives strongly defend their lifestyle as happy and rewarding. Kunz said she “was a precocious little girl,” who was ready to marry at age 13. She said she “felt bad” that her birth family had to hide their polygamy. “I was determined when I grew up to stand firm. To be open. To be proud to say, ‘This is my husband.’”

Polygamy defended

Utah anthropologist Janet Bennion says that polygamy gives some women a more meaningful support network than they can get elsewhere. They are drawn to polygamy because they are “marginalized in the mainstream church and the larger society,” Bennion writes in *Women of Principle; Female Networking in Contemporary Mormon Polygyny*.

Other voices in defense of polygamy come from civil libertarians. “The bigamy law should not be used to punish consenting adults who voluntarily enter into a plural lifestyle,” said Sidney Anderson, director of the Women’s Religious Liberties Union. “Declaring cohabitating adults legally married

against their will opens a Pandora’s box of problems.”

Green’s attorney, John Bucher, plans to raise a religious defense to the criminal charges. “When we reach the appeals, the [Mormon] church will have to admit that polygamy is still a doctrine of their church. . . and that it is a religiously protected practice,” he said.

Religious freedom rights given in B.C.

Bucher is studying a decision by the province of British Columbia. After a lengthy police investigation of the Bountiful polygamous commune near Creston, B. C., the government opted against prosecuting its members in 1992. The decision, based on constitutional advice from experts including Richard Anderson, a retired B.C. Appeals Court judge, said the federal Criminal Code’s prohibition of polygamy is in “direct conflict with the freedom of religion guarantees in the Charter of Rights and Freedoms.” The experts have recommended that the federal government scrap the law, but the section remains in the Criminal Code because Ottawa does not agree with B.C.’s position.

In Utah attitudes appear to be hardening against polygamy as Utah politicians have been placed under the national media spotlight and as women have spoken out against its abuses. Last year Utah Governor Mike Leavitt and Utah Senator Orrin Hatch defended polygamy as a sincere religious practice, but later spoke out against it. In June a *Deseret News/KSL-TV* poll of Utahans found that 33% strongly favor aggressive prosecution for polygamy and 25% somewhat favor prosecution.

Previous charges criticized by public

Tom Green is the first person to be indicted in the Southwest for polygamy since 1953 when Arizona law officers staged a midnight raid on a commune called Short Creek (later renamed Colorado City). Hundreds of children were taken from their families, and dozens of men were charged with bigamy and statutory rape. The cases fell apart as the public turned against the state. Governor Howard Pyle later said it cost him re-election.

Tapestry Against Polygamy

Some women who have left polygamous marriages have recently formed an organization called Tapestry Against Polygamy. They have pressed for prosecutions and publicized the hardships and abuses for women and children in polygamous clans.

Arizona's current governor, Jane Hull, has said polygamy should be prosecuted, but also says the decision is up to county prosecutors. Bill Ekstrom, the county attorney for Colorado City, says polygamy would be as impossible to prosecute as sodomy or cohabitation, which are also illegal. He also pointed out that while polygamy is prohibited in the Arizona constitution, it is not prohibited by statute.

Taken in part from *Deseret News*, June 7, 2000; *Salt Lake Tribune*, June 11, 2000; July 12, 2000; July 16, 2000; *U.S. News and World Report*, Aug. 12, 1998; *Vancouver Province*, May 21, 2000; and the Tapestry website <http://www.polygamy.org>. For more information about child abuse, neglect, and exploitation in polygamous clans, see the CHILD newsletter 1998 #4.

Children's issues taken out of religious freedom bill

On July 27, Congress passed a bill promoting religious freedom entitled the Religious Land Use and Institutionalized Persons Act (RLUIPA). It is the federal lawmakers' latest effort to obviate or minimize the impact of the U.S. Supreme Court ruling in *Employment Division v. Smith*, 494 U.S. 872 (1990), that the state has no constitutional obligation to offer a religious exemption to a neutral law of general applicability.

In 1993 Congress passed the Religious Freedom Restoration Act, which gave everyone a federal cause of action when his religious freedom was burdened unless the state could prove it had a compelling interest in restricting such freedom and had used the least restrictive means to effect its interest.

The Supreme Court overturned RFRA in 1997, holding that Congress did not have constitutional

authority to interfere with prerogatives of state and local governments and to overturn a Supreme Court ruling by legislation. CHILD and the American Professional Society on the Abuse of Children filed an amicus brief urging the overturn of RFRA because of potential harms to children.

In 1998 the U.S. House passed the Religious Liberty Protection Act (RLPA), which reinstated the rights given by RFRA, but tied them to Congress's power under the Constitution to regulate interstate commerce.

RLPA meets opposition

A broad coalition of organizations formed to oppose RLPA in the Senate and sent packets with many documents to every Senator complaining of RLPA's "unintended consequences." The National Child Abuse Coalition opposed it. CHILD wrote several letters to Senators about its concerns.

Early this summer Senator Hatch's office drafted a much scaled-down bill dealing only with religious rights of prisoners and of churches involved in local and state land use disputes. No hearings were held on the bill. It passed both the House and Senate by unanimous consent on July 27; the votes were only twenty minutes apart.

Marci Hamilton, who successfully argued the case against RFRA before the Supreme Court, believes that the new RLUIPA does not provide constitutional grounds for the federal government to interfere in local zoning laws. See "Religious Liberty Legislation" on her website at <http://www.marcihamilton.com>.

CHILD is relieved that children's issues were taken out of the final bill. We do not need the federal government expanding the religious rights of parents and caretakers at the expense of children.

Religious exemptions discussed at law schools' conference

The American Association of Law Schools (AALS) held a workshop on religious exemptions

from laws requiring health care for children at its annual meeting in Washington D.C. this January.

Entitled "Children, Spiritual Healing, and Religious Exercise," the workshop was developed by Joanne Brant, a law professor at Ohio Northern University and CHILD honorary member.

Two of the panelists were CHILD members, Terry Gustafson, the prosecutor for Clackamas County, Oregon; and James Dwyer, an assistant professor now at William and Mary School of Law.

Tapes of the AALS workshop may be ordered from Recorded Resources, Box 647, Millersville MD 21108. It is on tapes 205 and 206; the tapes are \$8 each plus a \$3 shipping charge for the order.

Panelist Steffen Johnson, an attorney with Mayer, Brown & Platt in Chicago, asked that his talk not be taped in the interest of protecting the firm's client, the Christian Science church.

Federal appeals court rules against CHILD in split decision

On May 1, in a 2-1 ruling, the Eighth Circuit, U.S. Court of Appeals, upheld summary judgment for the federal government and the Christian Science church in CHILD's lawsuit over Medicare and Medicaid payments for "religious non-medical health care" provided by unlicensed Christian Science nurses. *CHILD et al. v. Min de Parle et al.*, 212 F.3d 1084 (8th circ. 2000)

Christian Science nursing subset of medical care

Chief Judge Roger Wollman wrote the opinion for the majority. Like the district court, they maintain that Christian Science nursing is a subset of medical care. They point out that Congress requires that the patients in Christian Science sanatoria be sick with a condition that would qualify them for inpatient care in a medical hospital, so the patients in these sanatoria are getting only a small and inexpensive fraction of what they are entitled to get from a medical hospital.

By law, a committee of Christian Scientists makes the determination as to whether the church member's illness would be treated in a medical hospital. The court upheld that procedure as appropriate, pointing out that Congress allows the Secretary of Health and Human Services to review the Christian Scientists' admission decisions as a safeguard to prevent misuse of the programs.

Analogy drawn to Amish

The court held that the Medicare and Medicaid programs are a government-imposed burden on religious objectors in forcing them to choose between getting physical care and violating their religious beliefs. Therefore, the court said relieving that burden by paying for religious non-medical health care was acceptable, though not mandated by the Constitution.

The majority also drew an analogy to a law that exempts the Amish from paying social security taxes because of their religious beliefs against accepting government aid.

No burden when objectors freely decline benefits

Judge Donald Lay, a Lyndon Johnson appointee on senior status, wrote an 18-page dissent. He strongly disputed the majority's ruling that the Medicare and Medicaid programs were a burden on religious objectors that government may relieve with alternative benefits. The programs, he pointed out, cover only health care services that are "reasonable and necessary for the diagnosis or treatment of illness or injury." 42 U.S. Code § 1395y(a)(1)(A) They reimburse custodial-level nursing care for the general public only when such care is an integral component of medical care. The religious objector's choice to decline a government benefit is not a burden, Lay said.

"The logic employed by the majority," Lay wrote, "would allow nearly anything to be deemed a burden so as to permit an accommodation. For example, states fund public education. Religious individuals choose not to accept such education for religious reasons. The states' funding of public education includes funds for textbooks which are



13201 Clayton Road
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314-434-2100

May 30, 2000

Dear Upper School Parent,

We can be so grateful for a successful year. As we come down the home stretch, we'd like to alert you to a challenge of contagion which may try to disrupt an otherwise smooth conclusion to the year. Preschool is just finishing up a bout with what the Health Department has termed "chicken pox." At this point, a couple of Upper School Boarding students are in Campus House with what appears to be the same claim.

Our contacts with the Health Department indicate they are not overly concerned. Although they do not consider this claim as aggressive as some, they did suggest that you all might like to be aware of this challenge as students prepare to return to their homes throughout the country and world. Of course, if you have questions about this claim and have the need to obtain additional information, your C.O.P.'s can be helpful in sharing your obligations to your local communities. Also, any Upper School Administrator or our head nurse, Carol Worley, would be happy to talk with you.

There is no reason for any causeless claim to have to "run its course." In *Miscellaneous Writings* our leader sets the tone for our protection of our dear children. She says, "A calm Christian state of mind is a better preventive of contagion than a drug, or than any other possible sanative method; and the 'perfect Love' that 'casteth out fear' is a sure defense." (page 229:24)

Thanks for joining us in this effort to see our children as God does---perfect, whole, uncontaminated, free!

Sincerely,

Hal H. Hoerner
Dean of Students

On chicken pox and other false claims

The preceding letter about cases of chicken pox at a Christian Science boarding and day school illustrates a dangerous lens for looking at more serious diseases.

No matter how much the Christian Science church adds modern trappings, the mindset that lets children and adults die of readily treatable diseases remains part and parcel of its theology.

For the Christian Scientist, disease is never caused by bacteria or viruses. It is always a mental construct: a challenge, a seeming, apparent, false, causeless claim that "may try to disrupt" our self-satisfaction. The church member must make it disappear from his experience by convincing himself of its unreality. He must get rid of his fears by knowing that God is good and therefore the illness is unreal.

The state Health Department's thinking must also be reconstituted to fit the Christian Scientist's mindset. We are told that the Department does "not consider this claim as aggressive as some," but nevertheless "suggested" that Christian Science parents "might" wish to know about this "challenge."

What should the parents do to get information about chicken pox? Dean Hal Hoerner recommends they call the Christian Science school, a Christian Science nurse, or a Christian Science lobbying and public relations manager.

In 1984 there were over 50 cases of rubeola measles at a Christian Science camp in Colorado. The camp was closed, and the children were sent home to many different states. Health Department officials wanted to give the children and their parents information about measles, but church officials and their lawyer insisted they had a religious right not to learn about disease, so the families did not receive the information.

Approximately one hundred children die of chicken pox every year in this country and the disease is now vaccine-preventable. It is usually, however, a minor illness that does no long-term harm.

Unfortunately, Christian Science theology has only one method for treating all diseases, regardless of their etiology, and it does not work so well on diseases more serious than chicken pox.

In 1978 Hoerner and his wife Sandra, then living in Beverly Hills, California, let their daughter Amy die without medical treatment. Amy was seven months old when she died of congenital heart disease (common atrioventricular canal, patent foramen ovale and patent ductus arteriosus).

Mrs. Hoerner had an article entitled "Grief can be healed" in the April, 1980, *Christian Science Journal*. "The loss of a loved one may cause us to feel caught up in the drama of mortal life with its goat song of sadness," she wrote. "Is grief God's will for His beloved children? Certainly not!"

Parent should feel no grief or guilt

Hoerner was determined to feel no guilt. "Perhaps one feels overwhelmed by regret and remorse—by the whys and what ifs. Animal magnetism, the generic name for all evil, would hypnotically pull one's thinking back into the memory of tragic events by recalling sad pictures and by rehearsing the drama of death. These aggressive mental suggestions can be silenced as one accepts the fact that in truth God is our only Mind."

"In the midst of my own battle with grief over losing a loved one," she says, she tried to take a spider outdoors, but "he was suddenly yanked backward." Then she noticed that his spinnaret thread was still attached to a flower, cut the thread, and gave the spider his freedom to go outdoors.

"I began to realize," she continues, "that Christ, Truth, would not only lead me out of the deep waters of grief but also show me how to break the binding thread of personal attachment and thus let go of a material concept of man." Hoerner had gotten her "demonstration" over "possessive attachment, the human longing always to be in the personal presence of those we love."

Mrs. Hoerner was soon a church-accredited practitioner, making money from the methods that had cost her daughter's life.

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integral to the process of public education. Under the majority's reasoning, a religious group with an independent education system could assert that the states' failure to pay for their tuition and textbooks is a burden such that a legislative accommodation would be permissible. Such logic is both strained and unconstitutional."

Programs intended to provide medical care

Lay also attacked the majority's finding that Christian Science nursing is a "subset" of medical care. "The entire nature of Medicare and Medicaid," he wrote, "is to provide medical services in a manner managed by medical criteria and qualifications and governed by the medical profession. RNHCIs [Religious Non-medical Health Care Institutions] and the care they provide are, by definition 'nonmedical.' That which is defined as not being X cannot logically be a subset of X. Admittedly, certain 'nonmedical' care is necessary for the furtherance of medical care; however, reimbursement for such nonmedical care was never intended to be a stand-alone benefit."

Lay found two "pitfalls" in the process for determining that a RNHCI patient had a condition requiring treatment in a medical hospital:

"First, the initial decisions are made by individuals wholly opposed to medical care. In his dissent in *Bowen v. Kendrick*, 487 U.S. 589, 636 (1988), Justice Blackmun noted that, 'asking religious organizations to teach and counsel youngsters on matters of deep religious significance, yet expect[ing] them to refrain from making reference to religion is both foolhardy and unconstitutional.' It is no less foolhardy to ask an individual opposed to medical care on a religious basis to make a medical determination without regard to religion. This case, however, presents an even more outrageous hypothesis. The Christian Science faith not only opposes medical care; it altogether denies the reality of pain and disease. See Mary Baker Eddy, *SCIENCE AND HEALTH WITH KEY TO THE SCRIPTURES*

"That which is defined as not being X cannot logically be a subset of X."

(1991). Thus, the statutes here delegate the initial 'diagnosis' of medical status to untrained laypersons who deny the reality of medical need. This is beyond foolhardy.

Govt. review of church nursing illusory

"Second, while the statutory scheme allows for administrative review of the RNHCI's initial determination, such review is constrained. For example, the statutes provide that the Secretary cannot require 'any patient of [an RNHCI] to undergo medical screening, examination, diagnosis, prognosis, or treatment or to accept any other medical health care service, if such patient. . . objects thereto on reli-

gious grounds,' 42 U.S.C. § 1395x(ss)(3)(A)(i). . . . The majority's reliance on the umbrella provisions of U.S.C. § 1395x

(ss)(3)(A)(ii) and (B)(ii), which allow the Secretary to require 'sufficient information' regarding an individual's condition and to review such information to the extent necessary to determine coverage, is an Olympian leap of faith. Saying both that you cannot require medical analysis and that, despite this, the Secretary can demand sufficient evidence to make a medical determination, seems insincere at best.

"The review provided under the Medicare and Medicaid statutes is illusory."

Both the majority and Lay's opinions are at <http://www.ca8.uscourts.gov/opndir/00/05/983521P.pdf>

CHILD's appeal to the Eighth Circuit was supported in amicus briefs by the American Academy of Pediatrics, American Medical Association, American Nurses Association, Iowa Medical Society, Minnesota Civil Liberties Union, American Humanist Association, Americans for Religious Liberty, and the Council for Secular Humanism.

The National Council of Churches, other Protestant organizations, and Senator Edward Kennedy, D-Massachusetts, filed amicus briefs in support of the government and the Christian Science church.

In June CHILD petitioned the Eighth Circuit for *en banc* review by all the judges.

The long scars of a child's death

Five years after the Generation X political action group Lead or Leave was disbanded, its cofounder Rob Nelson has published his political vision in *Last Call: 10 Commonsense Solutions to America's Biggest Problems*, a Dell paperback.*

The book is dedicated to "Jimmy and Norman, two brothers black and white." "Your sudden deaths defined me. Your lasting memories guide my fight," Nelson says.

Norman was an African-American youth to whom Nelson was a mentor and tutor. Norman's brief life in a DC ghetto was filled with hardship and danger.

Jimmy was Nelson's little brother. Their parents were Christian Scientists, and Jimmy died of scarlet fever in the late 1960s. In the chapter "Blind Faith," Nelson recounts the horror:

"When I was seven years old, I sat in the living room of my parents' house and watched my little brother die. Jimmy died of heart failure, caused by a high temperature brought on by scarlet fever. Not many kids in America died of scarlet fever in the second half of the twentieth century. But in Christian Science families, kids die of everything from untreated infections and broken bones to measles, malaria, and scarlet fever. I didn't visit a doctor, get inoculations, take any medications, or receive any kind of medical treatment until I was in my early twenties. In my childhood I had everything from the chicken pox to the flu, to near-death fevers, infections due to rusty nails, and that particular spring scarlet fever.

"I remember waking up to the sound of my mother's frantic cries in the living room. Wandering downstairs I went from cloudy sleep to wide-awake terror as I saw my father cradling Jimmy in his arms, trying to revive him with mouth-to-mouth resuscitation. I watched in horror as he looked up from his younger son with a face full of fear and helplessness that I have never forgotten. Then my mother's scream; then the sobbing and gasping, and then—and only then—the call for help. When the

ambulance and the paramedics arrived, I sat at the top of the stairs watching my little brother, Jumbo Jim as I called him, disappear in a cluster of big hands and funny machines. But it was too late. He was already dead. I didn't understand why he had died, why my parents and their faith didn't save him. I never understood and no one ever explained. My brother was cremated, his ashes interred in a vault somewhere, and that was pretty much the last anyone said about it.

"The topic was off-limits. The very mention caused my mother to burst into tears. Certainly my parents never intended this to happen, and years later, when I was a teenager, my mother told me she believed that there was nothing more that could have been done to save my brother—that he would have died anyway, even if he had been hospitalized. 'Medicine doesn't always work,' my parents would say. 'Look at all the people who die in hospitals of all kinds of things: from medical malpractice to misdiagnosis,' our church leaders would remind me. It was a standard Christian Science line of reasoning. Look at the medical failures, not ours. . . .

"My parents meant well, and the suffering they experienced—especially my mother—for the rest of their lives was real and, in my view, incalculable. They got their punishment; they had to live with the loss and pay the constantly rising price of relentless denial. But all that still doesn't excuse what they did or didn't do, and it doesn't erase the fact that there was something they could have done, however hard, however much it would have forced them to challenge their preconceptions, question their faith, and risk the support of their friends and community.

As much as I loved them, I could never completely forgive their stubborn adherence to blind faith, however well intentioned. Because maybe they could have saved Jimmy's life. They could have called an ambulance before it was too late. They could have gotten him simple medical attention sooner. They could have inoculated him. None of this may have made a difference. I'll never know. All I know is that one spring morning I watched my little brother die in their arms. I watched them pray and I watched him die. I've never looked at a

doctrine, authority, or institution the same way since. . . .

"[My parents'] faith was premised on deeply held beliefs, passed down for over a century, reinforced by their church and by their religious community, and protected by a society that allowed them to make the choice they did. To my parents, these beliefs were absolute, inviolable, and self-evident—and it would have seemed heretical to counter them. They were unwilling, maybe even afraid, to challenge what they had been taught. Instead, they bought their religion's party line about faith healing hook, line, and sinker—and my baby brother died as a result." (78-81)



Nelson draws an analogy to the public's habit of clinging to familiar beliefs in politics and moves to explaining his ideas for social and political change.

At the end of the book in "Thanksgiving 1988," Nelson tells about the loss of his father, which finally drove him out of Christian Science. Jimmy's death is still very much on his family's mind twenty years later.

"[Dad] lay hunched forward in his chair, eyes rolled up in his head, green bile foaming from his mouth. I stared at him in horror. A Christian Scientist my whole life, I didn't know what was happening, but I knew it was bad.

"I stared at my dying father. Not again, I thought. This can't be happening again. I looked at my mother and my little brother and sister. They sat there as helpless as I. I was no longer a guy in my twenties but a seven-year-old boy who watched his brother die in his father's arms all over again. . . .

"I'm calling an ambulance," I shouted as I ran into the kitchen, grabbing the phone from the wall and dialing 911. "I need an ambulance," I managed

to say to the woman who answered the phone. "My father has had an accident and—

"My mother yelled to me, her voice shaking. "Please, Robert. Hang up the phone. Don't call an ambulance."

"She paused. "That is not what your father would want."

"I was confused. She was right about my father. . . . But what he wanted would kill him. Prayer didn't save my little brother, and it wasn't going to save my father either. It was now or never.

"No. Mom," I shouted back. "I *have* to call an ambulance."

"I redialed. . . . As the phone rang, I heard my father's voice—a hoarse, raspy gurgle that still gives me nightmares ten years later: "Rahberrrt. . . dohnn't kkall."

"The dispatcher answered the phone, I think, but I'm not sure. All I remember is my father's voice—that gurgle—desperate and determined. His last conscious effort. He didn't want an ambulance. He didn't want a doctor. He wanted to rely on prayer.

"I hung up the phone and back to the living room, the good son, willing to put aside my own doubts, my own convictions, and do nothing as my father's life careened off the tracks. We sat there all night praying—me, my mother, my brother and sister—beside my dying father, huddled like lambs being led to the slaughter. We didn't even know whether it was safe to move him, so we left him in a hard-backed chair, wrapped in a blanket with a pillow beneath his neck." (265-66)

Nelson's father suffered permanent brain and nerve damage, but lived another year in a nursing home. At Nelson's last visit, his dad took his hand and pulled him near:

"I'm sorry," he said, forcing the words with difficulty from his mouth.

"For what?" I asked.

"Fffor. . . ffforr lleet. . ."

"Tears filled his eyes. His face contorted. The words wouldn't come. Then it hit me.

"For not seeing though this?" I asked, using Christian Science-speak for having a religious healing.

"A look of shame and anguish covered my father's face as he nodded. I choked back my own emotions. He was dying. I could see that, and he could see that I knew.

"Dad, you didn't let me down," I lied as I pushed him back into the waiting area where a nurse met me.

"I hugged my father good-bye and ran to my car. I turned on the radio as loud as I could and sat there and cried. It was the last time I saw Dad alive.

"The image of that last day has never left me. Here was my dying father, upset that he hadn't demonstrated his faith and that as a result he thought he had cost me mine. Yet all I wished was that he had never clung so hard to his faith in the first place; that he had never indoctrinated me in it; and that he, me, and my whole family had found the courage to open our eyes and change our minds before it was too late. . . .

"I have forgiven my father for his choices, but I have never forgiven myself for hanging up the phone that day. I probably never will. . . . My father's death was the last straw and the end of my life as a Christian Scientist. Unfortunately, I, too, had waited too long. The damage was done." (268-9)

"Because I waited, because I was afraid to break the faith, because I clung to the convictions my parents had taught me just as they clung to those taught them, I lost a father and a brother and years of my life."

Nelson is now the host of *The Full Nelson*, a public affairs talk show on Fox News.

*Excerpts from LAST CALL: 10 COMMON-SENSE SOLUTIONS TO AMERICA'S BIGGEST

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Fraser's book now out in paperback



Caroline Fraser

God's Perfect Child: Living and Dying in the Christian Science Church by Caroline Fraser has just been released in paperback. Published by Henry Holt's Owl Book division, it includes Fraser's afterword about response to the hardbound edition by the church, its members, and dissidents.

The book is, in our view, the gold standard on Christian Science church history and will be for years to come. Fraser skillfully analyzes the church and its founder in relation to American culture over the past 150 years. The book is a strong indictment of a selfish institution, oblivious to the damage it has done to children and adults. It is exhaustively researched with over 1300 footnotes, a glossary, an annotated bibliography, and an index.

Fraser holds the reader's interest in every section, even when one has a good general knowledge of the topic already. She has a poet's eye for the fresh image and revealing detail. The book is en-

riched with quotations from creative writers, vignettes of the artists and celebrities who have been associated with Christian Science, and a short preface on Fraser's own childhood in the religion.

God's Perfect Child is first-rate historical scholarship, but has also been profoundly therapeutic for many ex-Christian Scientists. It has enabled them to see the Catch 22 of the religion's impossible demands to pretend that there is no life in matter, that their brains do not think, etc. Huck Finn's realization, "You can't pray a lie," on Fraser's first page becomes their own epiphany.

Her book has received glowing reviews in the *Los Angeles Times Book Review*, *New York Newsday*, *New Yorker*, *The Boston Globe*, *Library Journal*, *Booklist*, *Publisher's Weekly*, *Village Voice*, *New York Review of Books*, and *Times Literary Supplement* of London. One reviewer called it "the most powerful and persuasive attack on Christian Science to have been written in this century;" another declared it "the most intelligent, humane, and even-handed history" of the religion ever published. *The Los Angeles Times*, *New York Times*, and *Village Voice* listed it as one of the year's best books.

Philip Zaleski, a Smith College religion professor, had a long, basically laudatory review in the *New York Times Book Review* (Aug. 22, 1999), though he also felt the jury was still out on whether Christian Science heals disease and research on its "apparent successes" should be done before we had a right to criticize its failures.

While *The Christian Science Monitor* had a strongly negative review (Sept. 9, 1999), the responses of church members on amazon.com are more interesting. They illustrate the church's familiar effort to quash its critics with amateur psychoanalysis. Fraser's few opening pages of personal recollection become proof to them that she is a bitter, emotionally disturbed woman, who wrote the book purely to exorcise her personal demons.

No-one who has met Fraser and no objective reader of her book will expect her to be distracted by such insults.

Fraser has much information about the book at the website <http://www.godsp perfectchild.com>.

Oregon pediatricians honor Swan



Rita Swan and Michael Gilbert

On June 17 the Oregon Pediatric Society honored CHILD President Rita Swan with a plaque for her work on a bill that repealed five of Oregon's religious exemption laws.

Incoming OPS President Mike Gilbert presented the award in Portland at a CHILD meeting for ex-Christian Scientists. The award includes a check for \$500, which Swan has donated to CHILD.

About CHILD Inc.

CHILD is a national membership organization dedicated to preventing child abuse and neglect related to religion or cultural traditions. For more information on CHILD and a membership application form, visit our web page at <http://www.childrenshealthcare.org>. To reach CHILD by mail, phone, fax, or e-mail, see the contact information on page 1.

Membership in CHILD is by application. Dues are \$25 a year or \$15 a year for full-time students. Dues-paying members receive the newsletter.