

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

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Writer and editor Rita Swan
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Harrison and His Friend Megan

Anatomy of an Acquittal

This issue of the CHILD newsletter is an in-depth study of a court case on a child's death that ended in a jury's acquittal on August 3, 2000. For many of us, the verdict was surprising, and we therefore spent considerable time gathering information about the trial. Our work included obtaining much of the trial transcript and going to the courthouse in Tampa, Florida.

On September 28, 1998, two-year-old Harrison Johnson was attacked by a type of wasp popularly called yellow jackets while his family was visiting friends in Tampa. The wasps swarmed out from an underground nest and stung him 432 times. His

parents, Kelly and Wylie Johnson, of Melbourne, Florida, and their hosts, Nicole and Glen Vandevore, asked neighborhood children and friends to pray for him, but did not call for medical help until 7 ½ hours later when the boy was probably dead.

Mr. Johnson, a computer consultant, was the leader of a sect of about five families, which opposes both the government and the medical profession. Members deliver babies at home, refuse to get birth and death certificates, and have called doctors "sorcerers." The press has variously identified the sect as "The Fellowship" and the "Bible Readers' Fellowship."

Another Fellowship family had lost a 33-day-old baby without calling for medical help. Robert and Rachael Aitcheson of Palm Bay told police their baby Alexis choked to death on regurgitated milk in 1996.

When they found their baby cold and not breathing, they called their fellow sect members for prayer. Aitcheson said he tried to resuscitate her for seven hours. The Johnsons were in his home praying for Alexis during that time.

The baby was apparently cremated during a private ceremony at a relative's farm. The remains have not been found.

The Aitchesons were charged with felony child abuse, abuse of a dead body, and failure to report a death. Their case has still not come to trial.

Johnson told a detective, "Jesus Christ always, when people came to him, he healed them. He never

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sent them to anyone, let alone a doctor.” He also refused to say whether he would call for medical help if his own child were dying.

The Johnsons were charged with failure to report child abuse, but were acquitted in March, 1998, by Brevard County Judge Harry Stein because “no one is sure when [the baby’s death] occurred.”

Religion could not be mentioned

In May, 1999, the Johnsons were charged with aggravated child abuse in their own son’s death. The case was prosecuted by Hillsborough County Assistant State’s Attorney Christopher Moody.

The parents were not charged with manslaughter, likely because the state could not prove that they had caused his death. Some physicians had publicly stated that such a small child might have died from 432 stings even with optimal medical treatment.

Rather than raising religion as their defense, the parents moved to prevent mention of their religious beliefs at trial, and the judge granted their motion. Perhaps they did not feel their fellowship of about ten adults would qualify as a “well-recognized church.” Perhaps they feared some of their beliefs and practices would sound so bizarre that the jury would convict regardless of the religious exemption statute.

The parents retained George Tragos of Clearwater as their attorney. He took depositions of the state’s witnesses. We did not see depositions of defense witnesses in the court files.

What Harrison felt

The state’s medical witnesses were Dr. Laleh Bahar-Posey, medical director for the county child protection team; forensic pathologist Dr. Scott Kornman, and emergency room physician Dr. Dennis Hernandez, who tried to revive Harrison.

They testified that the wasp attack would cause the toddler to be in “a significant amount of pain.” The boy would manifest a slight fever. There would be inflammation caused by tissue damage from the stings. The inflamed areas would be hot, tender, and swollen. The boy would be agitated and irritable.

Why and when he died

More ominously, protein enzymes in the venom cause leakage from the capillaries throughout the body. Inflammation takes place throughout the blood vessels. This can cause cerebral edema and renal failure. The victim becomes lethargic. His blood pressure rises. He lacks “normal mentation or consciousness.”

Even though, according to the parents, Harrison had drunk juice repeatedly through the evening, his bladder was empty—a sign of kidney failure and shock, physicians said. The autopsy also showed cerebral edema.

There was much evidence that Harrison was dead well before his parents called 911. When the EMTs arrived six minutes after the call, the boy had no vital signs, his pupils were fixed and dilated, and the father admitted he had been unresponsive and not breathing for 30-45 minutes.

In the emergency room, tests showed his blood pH to be much more acidic than that of a normal living person. Blood gas analysis showed very little oxygen in the blood and a level of carbon dioxide many times higher than normal.

“Clearly,” Dr. Posey testified, “he wasn’t moving air for a certain period of time, which again indicates that he had been dead for awhile.”

The prosecutor, however, did not ask the witnesses to give a medical opinion as to the time of death.

How medical care would have helped

The medical witnesses testified that much could have been done to help Harrison if he had been brought in soon after the attack. No anti-venom for wasp stings is available, but doctors could have put icepacks on the stings and administered steroids and antihistamines to reduce inflammation. Diuretics and hyperventilation by intubation would have also reduced the brain swelling. The child’s vital signs would have been continuously monitored so that doctors could support the heart, kidneys, or other organs if they started to fail.

Defense emphasizes unknowns

Defense attorney Tragos hammered away upon the unknowables. Pain is subjective; everyone experiences it differently. Doctors cannot measure pain. The pediatricians could not see the cerebral edema. An empty bladder does not always indicate kidney failure. Laboratory tests were unable to establish the amount of venom in the child's body. There is no medical literature about what to do when a 2-year-old is stung 432 times by yellow jackets.

Tragos always objected when witnesses referred to the insects as wasps. "Yellow jackets" is a colloquial term for one type of wasps; their venom was mentioned in a poison index, but nothing else in medical literature was specific to them.

Tragos raised questions about reported cases of people appearing well after insect attacks and then dying suddenly. The physicians said those were allergic reactions, which did not happen in Harrison's case.

Judge prohibits testimony on pain and value of medical care

The judge suppressed the state's presentation of the medical testimony at several points. He would not allow the ER physician to answer whether he would expect "to a reasonable degree of medical probability" a person stung hundreds of times to experience a low or high amount of pain. He would not allow the pathologist to answer any of these questions:

"As a physician would you recommend that anybody seek medical attention [for 432 stings]?"

"Would [Harrison] have had a better chance had he gotten medical attention?"

"What kind of responses will the body make after being injected by yellow jacket venom?"

Objection to opinions based on "common sense"

The last question was prohibited because the doctor's expertise was not established as to yellow jacket venom.

In pretrial motions Tragos attempted to get Dr. Posey's testimony disqualified on the basis that her opinions were based on "common sense" and not on the "special knowledge" that an expert must have. The pretrial judge rejected his motion, but the trial judge seemed to be influenced by it.

In Posey's deposition, Tragos had the following interchange with her:

Q. So, you are saying that you can base your medical opinion [that the parents should have sought medical care] strictly. . . on common sense without any literature to back it up?

A. Yes.

Q. Okay. You have no literature to back this common sense opinion up, do you?

A. No. But I think if you took a poll of anybody on the street and ask[ed]. . . them if they would seek medical attention, I think the answer would not be surprising to you.

Q. How many stings would you say a reasonable parent should see on a child before that reasonable parent were to take the child to see medical attention?

A. Like I said, there isn't a specific number, but there is a number beyond which this becomes bizarre and I think 400 would range in that area.

Q. Any medical literature to support that?

A. No.

Hillsborough County Circuit Court Judge Rogers Padgett did not allow Moody to ask the physicians those questions in the courtroom.

Toddler's appearance disputed

Perhaps the state's strongest piece of evidence was the photos of Harrison's tiny body. Except for the diaper area, his body was covered with dark marks. The parents and their friends testified that they saw only dots the size of a pen point. The paramedics testified that the child was extremely "discolored" and had blotches the size of pencil erasers when they arrived at the home six minutes after the 911 call. Another witness saw blotches the size of quarters when Harrison was in the hospital.

The pathologist testified that the sites of the stings would enlarge and darken after death because blood would pool to those areas.

Ex-nurse testifies as state's witness

In our view the state hurt its case greatly by calling Carol Balizet as its witness. Balizet was a registered medical nurse until 1983, but later turned against the medical profession. She promotes "Christian" home births without medical attention in her book *Born in Zion*, which has been through several editions and has influenced behavior of religious sects in other states. She regards medicine as demonic and doctors as the agents of Satan. Like other devotees of faith healing, she sees disease and other bodily conditions as moral issues. The correct remedy is always to get rid of channels for evil and draw closer to God rather than to seek medical help. She has attended some eight hundred home births. Indeed, Harrison Johnson was born in her home and Nicole and Glen Vandevere had relocated to Tampa so that Nicole could serve in Balizet's Home in Zion ministry.

It would have been easy to expose Balizet's advice as dangerous except for the fact that the judge prohibited mention of the parents' religious beliefs, which were also Balizet's beliefs.

In the courtroom, Balizet concealed her role in home births, saying only that the Johnsons had come to her Tampa home "to talk about childbirth" because she "[knew] some things about it" though she certainly was not "a childbirth educator."

Moody asked if she participated in Harrison's delivery, but the defense objected to the question as irrelevant, and the judge sustained the objection.

Harrison was fine, ex-nurse says

She testified that she was called to Nicole and Glen Vandevere's mobile home soon after Harrison was stung and stayed for an hour. There she found Harrison, Wylie, and Glen had all been stung.

Harrison was eating, drinking, talking, walking, breathing, and "having no problem," she said.

He was not crying, Balizet said. She admitted he was "fretful" and "irritable," but flippantly point-

ed out that she had been "fretful" herself waiting outside the courtroom door on "that little bench."

Around 10:30 p.m. the Vandeveres called her to come over again. She found Harrison on the floor and Vandevere doing CPR on him. She made "an evaluation" that the toddler still had a pulse and a heartbeat, and CPR continued until 12:20 a.m. when Wylie called 911 and the EMT's arrived.

In Tragos's cross-examination, Balizet said that Harrison did not appear to be in need of any medical attention when she first left the Vandevere's home around 7 p.m.

In redirect examination, Moody asked her if she thought that someone who has been stung 432 times should get medical care.

"Since you asked for my opinion," Balizet replied, "I don't think anything that could have been done in any emergency room. . . would have changed this outcome. He was not in pain, he was not feverish, he was not sick until he died."

Since there is no anti-venom for yellow jacket stings, Balizet argued on the stand, all the doctors could have done is "keep him comfortable until whatever happened, happened, but he was already as comfortable as he could be."

Later she said the only thing the doctors would have accomplished was to take custody of the child away from his parents—a recurring theme in her book *Born in Zion*.

The interchange between Moody and Balizet continued as follows:

Q. "Are you aware of supportive treatment such as anti-inflammatory?"

A. "He wasn't inflamed. He wasn't nauseated. He didn't have the things they would have treated."

Q. What about providing fluid?

A. He was drinking. If a child is taking fluids, you don't hook them up to an IV. . . . I know this sounds so bizarre, but what you treat symptomatically for a child in that condition didn't exist with Harrison. He didn't have swelling, he didn't have loss of fluid, he wasn't vomiting. He was fussy.

Q. So with someone who is stung hundreds of times you wouldn't recommend medical treatment?

A. It depends on the person. . . . If you don't have symptoms, why go?

Q. And you from an external assessment, can you assess whether or not someone's brain is swelling?

A. You can tell if they're not talking well, not seeing well, not thinking well. You can't have too much cerebral edema without it coming into your functioning.

Balizet's testimony was a disaster for the state. Only qualified experts are allowed to give opinions in court, yet Moody repeatedly solicited her opinion, thus adding to her credibility.

Parents' friends had religious beliefs against medical care

With no mention of her religious belief system, which included strident hostility to medical science, Balizet came off as a neighbor with medical training who made an informed determination that Harrison did not need medical care.

Moody also asked other friends of the family if they ever considered that medical attention should be called, and they said "no." Not brought out was that the friends had the same religious beliefs against medicine as the Johnsons.

Moody attempted damage control by showing that they were friends of the Johnsons and didn't "want to see them get in trouble." But this tactic was countered by Tragos who established that the witnesses would not lie to help the Johnsons.

Even so, the jury's suspicions might have been raised by "friends" such as Lillian Collier with whom Moody had the following dialogue:

Q. At any time during the evening did you consider that medical help should be summoned?

A. It didn't really come into my mind.

Q. And why is that?

A. It's not my child.

Collier was in the Vandevere home for five hours after the attack, but claimed she was there just to help Kelly and was not "overly concerned" about the boy.

Harrison's father gave him a bath; later his mother gave him an oatmeal bath. Someone rubbed slices of onion on him. No one looked in first aid books for other ideas. No one, according to the testimony, thought of calling a doctor's office or hospital for advice.

How Harrison looked and acted

Wylie testified that he and Glen Vandevere hit at the boy to get rid of the wasps and therefore Harrison's initial crying might have been due as much to fear as to pain. Wylie gave him a bath immediately after the wasp attack and within ten minutes the boy had "calmed down." The rest of the evening he asked for a lot of juice, he got up from the bed to watch videos, and everyone in the trailer thought he was doing great until Mrs. Vandevere yelled for Wylie to come into the living room. Harrison had vomited and become unresponsive. Mr. Vandevere began doing CPR on him.

Kelly testified that Harrison "might have been" crying when he was first stung, but she didn't "remember any hysterical screaming of any sort." After Wylie brought the boy out from the first bath, Kelly held him. He "was still kind of quiet," she said, but "alert" and contented. Friends suggested the oatmeal bath, so she and Harrison had that. Then the two of them laid down on the bed.

Harrison, however, "was kind of fidgety" and "didn't want to sleep." He asked to go join the group in the living room, so Kelly "picked him up" and took him out there. Then he voiced the first of his many requests for something to drink.

When her attorney asked her what happened next, Kelly replied: "At this point I started to lose track of what happened, when and where, and all of that kind of stuff."

She was, however, sure that her son was "quite calm" throughout the evening and not in pain. He "would scream if he was in pain," she said.

She had asked him: "Do you hurt? Does your tummy hurt. . .?" And he didn't respond, he didn't answer my questions, so I said okay."

Hours later, things suddenly changed, she testified. The boy vomited dark fluid. She heard “a rattle in his throat.” She called his name, and “he jumped and started to breathe again.” But then he stopped breathing again, and she couldn’t get him to respond.

She put her finger down his throat to clear obstructions and then helped put him on the floor so that Vandevere could do CPR. Of course, “what was going on” was “a blur” to her because she was “focused on [her] son and taking care of him and what he needed.”

Balizet and Vandevere had great confidence in his performance of CPR. Vandevere testified: “I resuscitated my daughters who had drowned in the yard and took them off the bottom of the pool, and I had had training [in CPR] and between my wife and I we saved them.”

Finally, however, Wylie called 911 at 12:20 a.m. with Balizet’s permission.

Both Kelly and Wylie testified that they would have gotten medical care for their son earlier if he had needed it. This was Kelly’s testimony in response to questioning by her attorney:

Q. Why didn’t you take Harrison to the emergency that day?

A. Because he was acting normal. He was fine. I mean, I’m normal now; would you just walk into a doctor’s office to say check me out?

Q. You didn’t see him exhibit any physical problems or any problems that would indicate to you that he needed medical attention?

A. No, sir, I did not.

Q. Okay. Now, he had a lot—and I realize you probably didn’t count them, but he had a lot of yellow jacket stings, didn’t he?

A. Yes, sir, he did.

Q. Okay. But even with that you didn’t feel like there was a need to take him for medical treatment?

A. My focus was not on counting all these little dots on his body but to look at his face, his eyes and how was he responding. . . and from all indications

he was fine. . . . His speech was as clear as any day, and he was giving directions.

Q. If you knew he was in distress would you have had any hesitation to take him to the emergency?

A. No.

Every square inch of his face was covered with “those little dots,” the paramedics described as the size of pencil erasers and “discolored real bad.” Yet Mrs. Johnson self-righteously claimed she was too intent on looking at her son’s face to count the stings.

Moody asked her how she could claim her son was as “fine and normal” as she was in court when he had been stung 432 times. She said he was “as normal as if he had bumped his head”—“a little subdued,” but “fine.”

Moody’s questions pointed out that she and her husband did not call 911 right away even when their son stopped breathing:

Q. When you can’t breathe are you in need?

A. Yeah, that’s why we were trying to make sure that he was breathing and take care of his heart.

Q. And you still didn’t call 911?

A. I was focused on my son.

Q. Did you know that he was having trouble breathing and—

A. I had no idea what kind of time was passing.

Adults say they were hurt more than Harrison

Perhaps the most offensive feature of the trial testimony was the insistence of the Johnsons and several of their friends that the adults who got stung were hurt far more badly than baby Harrison. One witness said he had seen Wylie “writhing” on the bed in pain from the comparatively few stings he got. Another said Wylie was “shaky” and staggering around in pain more than an hour after he was stung. Kelly said Wylie “was acting a whole lot worse than my son was.”

Wylie testified that Nicole Vandevere “kept coming” into the bedroom where he was lying and saying, “Wylie, Wylie, your son is doing fantastic.

He's not going through anything you're going through."

When his attorney asked why he didn't take his son to the emergency room, Johnson replied:

"For the same reason I didn't go. Everybody is talking about 400 stings and that's an after the fact. I had no idea of a number. I didn't count anything. There were dots all over his face and . . . arms and there were dots all over me and my wife had some, and all over my face and on my arms, and it never occurred to me that he needed medical attention.

"He was acting as a little boy who hadn't had a nap and had gone through a traumatic situation, but frankly I thought that he was doing much better than I was doing."

Clarence Collier was stung once around 5:30 and it hurt for nine hours. It felt like "an electric shock."

Moody can't expose lies by his witness

Lillian Collier testified at trial that Harrison's stings were the size of a pen point and got smaller during the evening. In her deposition, she had testified that they were much bigger than that and had drawn a picture to show their size.

Moody was startled at her trial statement and asked, "Have you ever said anything different?"

Moody, however, had called her as his witness and was not allowed to impeach the credibility of his own witness. The judge said that was not a proper question.

Moody tried a different tack, asking if it would "refresh [her] recollection to look at" the picture she drew during her deposition.

"Not really," she replied, "because I looked at it last night." So the picture was not introduced into evidence.

Collier also testified during Tragos's cross-examination that Harrison had "less of a reaction" to his stings than the adults did. Her testimony continued as follows:

Q. What do you mean by that?

A. My husband got stung and it seemed to have swelled and it was very, very painful.

Q. Did Harrison's stings swell?

A. No.

Q. I think you said that they even looked like they were getting a little bit smaller.

A. Yes.

Q. Have your children ever been stung?

A. Yes.

Q. Compared to Harrison's reaction, what was your children's reaction?

A. Much more dramatic.

Much was made of allergic reactions to insect stings, and the defense tried to have it both ways. On the one hand, Tragos asked the medical witnesses about people dying suddenly without warning after being stung. The physicians said those were cases of allergic reaction, but there was no evidence of that in Harrison's case.

Carol Balizet, however, had advised the parents that Harrison did not need to have medical care because the area around the stings was not swollen and therefore, she claimed, there was no allergic reaction.

What would a reasonable parent do?

The prosecutor initiated a line of questioning with Johnson to show that, regardless of the symptoms, a reasonable parent would have taken a child to medical attention after multiple insect stings:

Q. Have you ever heard about anyone dying from an allergic reaction to a bee sting?

A. Probably, yes.

Q. Well, is it yes or probably?

A. If you told me that people have died from an allergic reaction to a bee sting, that wouldn't surprise me.

Q. You've heard that before.

A. Yeah.

Q. Before your son got stung?

A. I may have.

Q. Well, do you know?

A. No, I don't.

Q. You're saying that you never thought that your son needed medical attention until you called 911?

A. That's correct.

Q. You never thought about an allergic reaction?

A. No. In fact I was told there wasn't one.

Q. You never thought about a possibility of that during that whole time, that six or seven hours?

A. That's correct because there was no swelling. . . .

Q. Why didn't you just take him in as a precaution, Mr. Johnson?

A. It didn't occur to me because he acted like he was doing fine and he wasn't in any pain and he was responding to us and he wanted stuff to drink, and Carol said that he was doing well or there was no allergic reaction, there was nothing that could be done for him anyway. . . .

Earlier in his testimony Johnson had said "another thing" that "was a comfort" to him was that "Carol, who is an ex-nurse, said that he was doing fantastic."

Moody asked if he "had ever told anybody that the medical field doesn't hold the breath of life," but the judge ruled the question improper.

Ex-nurse's advice was wrong

Balizet's advice to the parents was massively wrong. In the first place, Harrison did have swelling and inflammation. It was not easily visible, but could be felt. Furthermore, lack of swelling does not rule out allergic reactions nor are allergic reactions necessarily more painful than what Harrison was experiencing.

Balizet and the others present in the trailer were delighted that Harrison was drinking so much juice. Balizet insisted that he didn't need medical care because he was drinking. But his thirst was a sign of the lack of fluid in his blood vessels and impending shock. The lack of urine in his bladder, despite all his intake of fluids, was because his body was holding on to the fluids to keep blood flowing to vital organs such as the brain.

His excessive drinking was, in fact, exacerbating the cerebral edema, and Dr. Bahar-Posey testified that doctors would have given diuretics to reduce the swelling.

The parents and their friends were also cheered by how calm Harrison was. What was really happening, though, was that his whole body was shutting down because of the poison. Over hours he was growing more and more lethargic as his brain swelled and his muscles became necrotic. He did not writhe in pain like his dad because he was dying.

The defendants claimed that Harrison walked, talked, and was "fine and normal" in every way for many hours, but they also claimed that time was a blur.

Questions the prosecutor could have asked

In our view, the prosecutor should have tried to pin down the defendants and their friends more precisely. When was the last time anyone saw Harrison walk? When was the last time he raised or extended his arms? What were his last words? When did he say them? No one claimed that Harrison answered anything said to him. His mother testified that she asked him if he was in pain and he didn't answer, so she concluded he was "okay." How many times did such one-way conversations happen? They should have set off warning bells to somebody.

Computer consultant Johnson had been to college. Had he ever been exposed to any information that wasp stings contain toxin? Did he and his friends ever think that a toddler's body might be more vulnerable to the toxin from hundreds of stings than an adult's body would be? After Harrison's two baths and his rubdown with onion, how was Harrison dressed? What parts of his body were visible? Did anybody check on his appearance under the clothes or towel?

The time frame of the CPR deserved more emphasis. From the testimony of Balizet and Lillian Collier as to when they were called to come back and when they got there, one could infer that Vandevere attempted CPR on Harrison for over an hour. The parents and Mr. Vandevere testified that they

gave up on the CPR within a few minutes and called 911, but also said they had no cognizance of time.

Judge requires proof that parents intended harm to baby

Judge Padgett's jury instructions were a severe blow to the state. Issued just before closing arguments, they required the state to prove that the parents had intended the harm to their child.

The charge required the state to prove that the Johnsons "willfully or by culpable negligence neglected Harrison Johnson" and "in so doing" caused him "great bodily harm." The judge wrote that "willfully" means "knowingly, intentionally and purposely." As for "culpable negligence," the judge wrote that it "must be gross and flagrant" negligence "committed with an utter disregard for the safety of others." It was "consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury."

"Specific intent to cause great bodily harm"

To that point, his instructions set a high, but reasonable standard for the state to meet. Next, however, the judge added that "negligent omissions" are not "culpable negligence" because "they are committed without the requisite specific intent to cause great bodily harm, permanent disability, or permanent disfigurement."

The judge began with intent to do the act or omission that was likely to harm the child, a common feature of criminal negligence laws, and ended with requiring proof of intent to harm the child, an atypical standard.

Judges' rulings cannot be appealed in Florida after the jury is seated, and there was no way Moody could prove that Kelly and Wylie Johnson had pushed their son into the wasp nest and wanted him to suffer and die.

Though allowed 45 minutes for his closing argument, Moody spoke for only 2 ½ minutes, telling the jury he would "come back and talk with [them]" to "go over the evidence" and review the instructions "in detail" after the defense spoke. But Tragos

declined to give a closing argument and thereby prevented Moody from speaking to the jury again.

A jury of six men acquitted the parents after the two-day trial.

Summing up: reasons for the verdict

Months after the trial, Moody spoke of the jury instructions as an insurmountable barrier that forced an acquittal.

Jury foreman Thomas Shaw told the press, however, that what made him reject the state's argument was testimony by the state's own witnesses that the boy never appeared to need medical help. Moody should not have called so many witnesses who were sympathetic to the parents and shared their religious beliefs.

Not being able to say anything about those beliefs in court was a handicap for the state. We could not find evidence in the court files that the state contested the defense motion to exclude testimony about religion, and Moody told us he thought such testimony would have been "a mixed bag."

Carol Balizet, however, was allowed to come off as a medically trained person competent to advise the parents that their baby was doing fine at home and medical care was not needed. If her attacks on the medical profession and her supernatural explanations for diseases and accidents had come into evidence, she would have had far less credibility.

Finally, the state should have presented its medical testimony more systematically and coherently. Moody probably intended to pull it all together and review it in detail after Tragos's closing argument, but Tragos fooled him by not giving one.

The defense repeatedly brought out the unknowns about a massive attack by yellow jackets. The state should have countered with what is well known in medical literature about shock.

Another way to counter the defense line might have been to show how other parents usually respond. What do they do when their children are stung once, twice, or more times by bees or wasps? Do they bring children into medical attention right away? Do they at least call for medical advice about

what symptoms to be concerned about? Perhaps there was data that could have been introduced for all the cases in the state or the nation.

Certainly the defense would have objected that the data was not specific to yellow jackets, and Judge Padgett might not have allowed it.

The state let Balizet ramble on with her wrong advice and speculation, but the judge would not allow the physicians called by the state to give their recommendations and expectations. If Balizet had been a defense witness, the state could have impeached her credibility.

Florida laws fail to protect children; legislature has been indifferent

There is no such thing as perfect justice. Poor outcomes happen in courts as elsewhere. What is of paramount importance now is to raise awareness among Florida policymakers and the legal community of Padgett's interpretation of the culpable negligence statute. Intention to cause harm to the child should not be an element of culpable negligence. Florida children have no protection from neglect if other judges interpret the statute in that way.

In 1992 the Florida Supreme Court overturned on due process grounds the conviction of Christian Science parents who let their daughter die of untreated diabetes. The Court ruled that Florida's religious exemption law creates a "trap that the legislature should address." *Hermanson v. State*, 604 So. 2d 775 (Fla. 1992). Nine years later the legislature still has not done so. That is bad enough, but now we have a circuit court's ruling that would allow all parents to neglect their children as long as they do not intend for them to suffer and die.

Zion births: husbands in charge, but demons everywhere

Carol Balizet was a registered medical nurse until 1983, but then turned against the medical profession as pagan and anti-Christian. She advocates home births without the help of licensed

professionals and has attended around eight hundred of them.

The Tampa resident has published fiction based on her religious vision of what the end times will be like. She has also written *Born in Zion*, her manifesto promoting "Zion births." The book has been through several editions. Her website at <http://users2.fdn.com/~homeinzn/> also explains her theology.

Husbands have spiritual authority over wives

Husbands are the priests of the household and must be in charge of childbirth. *Born in Zion* has frightening accounts of husbands prohibiting their wives from getting medical help:

Ginny got out of bed and began dressing. Greg tried to hold her and comfort her and she sort of pushed him away. "I'm going to the hospital. If you won't take me, I'll go by myself." She started down the hall. . . .

[Greg] was now forced to choose between his wife—his affection for her and his desire to honor her wishes—and his commitment to God. . . .

Greg finally spoke. "No, honey. We're going to have the baby at home. Come on back now, get back in bed." The whole room breathed a sigh of relief and triumph. (9-11)

Other husbands put their hands on their wife's hips and belligerently order God to enlarge them so the baby can be delivered. (147)

"The husband is God's choice as a channel of spiritual authority for the wife," Balizet says. A husband's prayers have more power than those of a wife. Women should "uncover their nakedness" only to their husbands. Doctors strip husbands of their God-ordained priesthood by touching their wives and babies. (10-11, 25, 87, 166)

Medical system a satanic "route of death"

"The medical system is the route of death most often employed by Satan to kill God's sons," her website says, with reference to abortion. The Hippocratic oath requires physicians to swear allegiance to four pagan gods, she claims. The

medical profession is part of witchcraft; the Greek word "pharmakia" means not only medicine and drugs, but also sorcery and witchcraft, according to Balizet. (59, 62, 169-70)

Words: channels for God and Satan

Balizet is part of the Word Faith movement started by Kenneth Hagin and Kenneth Copeland in Oklahoma. Their critics say they think that their words have more power than God. Words are "containers of spiritual power," Balizet says, quoting Copeland. (79) "Life and death are in the power of the tongue." (62)

If you go to a doctor, you may be cursed with negative words. "A diagnosis can be like a curse: it comes out of somebody's mouth, people believe it, and it comes to pass," she says. (145)

Nudists, owls, and statues of Caesar must go

Balizet sees Satan and demonic spirits at work everywhere to defeat God's control of childbirth. At one home she and her helpers got a message from a picture on the wall of winter trees. Bare trees—well, that's the spirit of nudity, the doorway for all the spirits of uncleanness and lust, and there was a large nudist camp just north of Tampa less than a mile away. Hours later one helper confessed that she used to go to the nudist camp. Balizet organized a ritual of confession and repentance for the group, and then a healthy baby was born. (33-36)

Another couple had owl figurines in their home. The Bible says that owls are unclean, so she had them throw their owls out. Another had a statue of Julius Caesar. Legend has it that he was the first baby born by abdominal surgery; he was also murdered by a knife and later worshipped as a god. Having a baby by Cesarean section gives children a lifelong fear of masked men with knives and makes parents render unto Caesar instead of God, so the statue had to be thrown out. (46-49)

God protects homes, not public buildings

It matters to God where His people are born, she says. "The Blood of the Lamb, which held back the Angel of Death from harming God's people in

Egypt, was applied to the door of their HOMES, not to the door of some public building. We are certainly safer in our own sanctified homes, where God has been given dominion, than in some worldly hospital." (119, 144)

Balizet offers many statistics, with no dates or sources, to show that home births are safer than hospital births. (140-45)

Medical procedures tie baby to evil forces

She sees the procedures surrounding childbirth in hospitals as spiritual warfare against God. Weighing and measuring the baby become "a ritual of dedication" to the secular world. The prophylactic eye-drops "[anoint] the baby to see life from the world's point of view." The verse in Genesis about Satan's bruising the heel of the woman's seed refers to the heel stick for metabolic testing of the newborn. Vitamin K injections "alter the makeup" of the baby's blood, presuming that physicians can improve on God's work. The name bracelet on the baby's wrist marks his bondage to the dominion of the material world. Putting the baby in an Isolette takes him "from his mother's arms to be nourished by electricity within an invention of man. He is being bonded to technology." "A Christian baby" does not need any drugs, vitamins, or health screenings, she says. (144 of her book; see her website also)

Spirit and flesh war—Christians can't have both

As with Christian Science theology, Balizet sees flesh and spirit as two opposing realms between which a Christian must choose: "The flesh is never anointed, never pleasing to God or able to glory in His presence. It can't receive grace, exercise dominion over the enemy, or bear spiritual fruit." (149)

"We won't always be allowed to seek help from both the spirit and the flesh at the same time," she warns. "The same God who warned against sowing two kinds of seed in the same field and against wearing wool and linen at the same time; the same God who said, 'No man can serve two masters'; the same God who deplored the double mind and advocated a single eye, this same God is letting His people know never artificially." (62)

Willful denial of alarming symptoms

Single-mindedness includes willful denial of alarming symptoms. When a young husband called Balizet to report that the umbilical cord seemed to be coming out during his wife's labor, she knew that a prolapsed cord was "a genuine emergency," but she did not tell him that. As she drove over to his home, she "hit the devil with a torrent":

"Satan, you are a liar and a defeated foe, and the Lord Jesus Christ has spoiled you and destroyed all your works. I don't care what [the husband] saw; I'm not moved by what I see. I'm moved by the Word of God. . . . It is written that children are a gift from God." (134)

Husband's authority absolves Balizet of responsibility

Another husband, Chuck, called Balizet and reported that their baby was "having a lot of trouble breathing" and "spitting up blood." He asked her if that was normal. To her credit, she said it was not.

When he asked for her advice, she told him he needed to get help either from God or a doctor. She writes that she never tells people to avoid doctors.

A few hours later Chuck called back. "If I decided to take the baby to the hospital, it would nullify everything I've already done. And so I decided to trust God. . . . I anointed [the baby] with oil like it says in the Bible and I prayed for her. All of a sudden she coughed up a great big wad of bloody mucous [sic] and she's been perfectly fine ever since," he reported. (84)

Balizet was thrilled not only with the baby's healing, but with Chuck's taking charge: "I noticed he kept saying 'I': 'I decided,' 'I prayed,' 'the things I've done.' None of it was 'we.'" (84)

Chuck was "taking priesthood of the family." (84) He was also saving Balizet from influencing his decision not to get medical care for his baby.

Midwifery defined by contracts and fees

Criminal charges have been filed against Balizet, but they were later dismissed. Balizet says she cannot be prosecuted as an unlicensed midwife because

Florida law defines midwifery to include a contract and a fee for performing services. She does not charge for her services. (162-4)

Her advice has led to deaths of babies

She bears moral, if not legal responsibility for several deaths of babies, however. A Massachusetts faith-healing sect let two babies die without medical care in 1999 after adopting her teachings. (See the CHILD newsletter, 2000 #3.)

She also told Harrison Johnson's parents the boy was doing fine and did not need medical care after he received hundreds of wasp stings. (See preceding article.)

Some of Balizet's rhetoric is broadly attractive: God invented childbirth and therefore He should be in charge of it. It is a natural process not a disease. The birth of a child is a time when many families feel especially close to God. Giving husbands power in childbirth may encourage them to take more responsibility for their families up the road.

And because childbirth is a natural process many babies will be delivered safely without medical help. For Balizet, every good outcome is proof that she has fought off demons and God is on her side.

Her book gives data on her first 250 deliveries, reporting Rh incompatibility overcome seven times, nine breech presentations, retained placenta once, and one baby "very dark gray and cold," who did not draw a breath until thirty minutes after birth. It further reports that there have been no infections, perineal tears, or birthweights under five pounds. (Apparently, she weighs babies though she criticizes hospitals for doing so.)

Balizet acknowledges no failures, but an internet search turns up dozens of statements about her from detractors and anguished relatives, as well as her fervent disciples.

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For more information on CHILD Inc., visit our web page at <http://www.childrenshealthcare.org>.