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Equal rights for children under the law



Karen Robidoux and Rev. Bob Pardon

Photo by Andrew Dickerman of *The Providence Journal*
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Sect mother convicted of assault in baby's starvation death

On February 3, Karen Robidoux was convicted of assault and battery in Taunton, Massachusetts, for letting her baby Samuel starve to death. She was acquitted of second-degree murder and manslaughter charges. In 2002 her husband Jacques was convicted of first-degree murder in the death and sentenced to life in prison with no chance of parole.

The Robidouxes belonged to a religious sect calling itself The Body of Christ, which opposed all medical care and the government. In 1999 Karen's sister-in-law, Michelle Mingo, said she had gotten a leading from God that Karen was vain and must do penance by consuming only "almond milk" for nourishment and that her 10-month-old baby Samuel

should have only her breast milk. The leading included a threat that God would "take" the baby she was pregnant with if she did not follow the order.

Jacques, now promoted to be the Elder in the group, demanded they carry out the leading, and Karen willingly complied. Every day she tried to drink a gallon of "almond milk," a watery concoction made by boiling almonds. Always thin, she became weak and nauseated. She was nursing another baby, Joey. She could not produce enough milk to keep Samuel alive.

Jacques ordered Karen to nurse baby Samuel for twenty minutes every hour around the clock and to sing songs praising God while doing so. Jacques got her out of bed for nursing sessions and checked on her to monitor her obedience. He would not allow her even to give Samuel water.

51 days of suffering

Within seven days after Karen and Samuel went on their diets, Jacques wrote in a journal that Samuel "was obviously losing much weight and becoming much weaker." Both Jacques and other sect members gave graphic descriptions at trial of the baby's deterioration as he slowly starved over 51 days and died on April 26, 1999. He ground his teeth and bit into Karen's nipples. His eyes rolled back. He cried like a kitten mewling when he still had the strength to cry. His fingernails fell off. His bones protruded. He could not walk or crawl. Karen quit bathing him because she could not stand to look at him.

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Babies secretly buried after months of waiting for resurrection

The sect, however, was trained to deny the significance of his symptoms and look for spiritual messages in everything from a backed-up septic system to the crowing of a rooster. Jacques's father Roland wrote in a journal that God "doesn't care about Samuel at this point. We are being afflicted, but it is to teach us life." (April 17, 1999)

Samuel's body and that of another sect baby Jeremiah Corneau, who died at birth, were placed in homemade coffins and put in a cellar to wait for a resurrection. Five months after Samuel's death, the bodies were buried in Maine's Baxter State Park.

Journal describes deliberate starvation of baby

Later that fall, Mingo's ex-husband Dennis, who had left The Body, returned to see how his children were doing. In a home-schooling classroom, he saw handwritten papers, took them, and left. They were Jacques's journal entries describing the deliberate starvation of Samuel. Mingo turned them over to the police.

The state then began a frustrating ten-month search for the babies' bodies. The group members refused to tell where they were. All of them lost custody of their children and several were jailed for contempt of court.

Finally, Jeremiah's father led investigators to the babies' remains in exchange for immunity from prosecution for himself and his wife.

Battered-woman defense

After Jacques's conviction, Karen's attorney Joseph Krowski asked for extra time to prepare a battered-woman defense. Although she was never physically struck, Krowski said the group's "psychological battery" had made her incapable of saving her son.

At trial two psychiatrists testified for the defense that Karen was so depressed, confused, and exhausted that she was "powerless to aid her son." The sleep deprivation alone would be enough to strip her of free will, they said.

Her husband had previously gotten a revelation that he should quit his job, so the family had to move to a tent. Later Karen's sister, Renee Horton,

took pity on them and let them stay in her basement, which Krowski repeatedly said was like a dungeon.

Mom pressured to become more holy

A witness testified that Karen was only "a baby machine" and "a goat" for the sect. Another said her lack of faith was blamed for her son's death.

She had no outside sources of help, Krowski said. Her parents were sect members and supported the starvation of Samuel.

By the time Karen was fifteen, she was pregnant for the second time out of wedlock. Her father, she later told NBC *Dateline*, called her a whore and a slut.

Her later marriage to Jacques gave her hope for respectability, but, Karen told NBC, "I was always the shamed one. I couldn't possibly ever reach the spiritual level that they did, so they . . . just belittled me."

Mom not "totally unmoored" from maternal role



Brookline pediatrician Dr. Eli Newberger testified that Karen Robidoux "knew perfectly well that the child was dying." Based on a psychologist's evaluation of Karen and on notes by sect leaders, Newberger also concluded that she could have done something to get help for

Samuel.

Newberger conceded that Robidoux was under "sect control" and that people can be controlled in certain settings, "but this does not mean they are totally unmoored from their role as human beings."

Bristol County Assistant District Attorney Walter Shea got testimony from Horton that she and Karen had gone into town more than once on errands by themselves the last week of Samuel's life, that Karen had done the driving, and that there was a phone in her room. Shea also established that people who left the sect were not harmed or threatened.

Parents not responsible only to God

Shea's office was upset by the jury's acquittals on murder and manslaughter. District Attorney Paul Walsh said the verdict was contradictory in that it found Robidoux guilty of assault and battery, but not of the death that resulted from her actions.

"This much is certain: Samuel was systematically starved to death before his first birthday by his father and his mother," Walsh wrote. "There is a time to temper justice with mercy. In my view, this wasn't one of them. Individuals are responsible not only to God. Parents have legal responsibilities; feeding your kids is one of them. People have to stop making excuses. Never before in 14 years as district attorney have I been this disturbed by a verdict."

Prosecutor: "joint venture" not understood

Jury foreman Robert Bartolome said the jury acquitted on manslaughter and second-degree murder because those charges required proof that Robidoux intended to act jointly with her husband to cause the baby's death. If the prosecutor had not brought the case as a joint venture, the verdict might have been different, he said.

Shea later said that the jury was confused about the meaning of a joint venture, and, in hindsight, he wished he had explained it to them better. The charges, he said, simply required proof that the couple shared an intent to deprive the baby of food and knew that he was dying because of their action. The charges did not require that husband and wife have the same motives. Jacques' conviction for first-degree murder required proof that he acted with malice, "extreme atrocity," or "cruelty," but not the charges against Karen.

Rehabilitation center for ex-cultists

Karen Robidoux walked out of the courtroom a free woman. She had already served two years in jail plus time in a state mental hospital, which added up to longer than the maximum sentence for assault. She has been living at Meadow Haven in Lakeville, Massachusetts. Owned and operated by Rev. Robert Pardon's New England Institute of Religious Research, it is a rehabilitation center for former members of destructive groups.

She has lost all her surviving children, three girls and a boy, and can have no contact with them. Her first two children live with their fathers. The others have been adopted and live in the West.

Mingo returns to group after 3 years in jail

Michelle Mingo was charged with assault and battery and as an accessory to the crime of the baby's death for directing the starvation of Samuel. Some legal experts questioned her culpability since she did not have custody of the boy. "I am not sure that words alone can kill," one said.

Walsh, however, likened Mingo's actions to one bank robber exhorting another to kill. "If you have a gun in your hand, and I keep saying 'Shoot him, shoot him,' then I am liable," Walsh said.

Mingo spent more than three years in jail awaiting trial, finally pled guilty, was released, and immediately returned to live with the group. Her ex-husband has full custody of their children. Indeed, no one in the group has custody of children today.

Was mom a helpless victim?

Was Karen Robidoux a helpless victim of brainwashing by a cult? The evidence is mixed. She was certainly under a tremendous amount of stress and the pressure of authority figures. Her upbringing had given her little ego-strength to draw on.

Many outsiders would expect, however, that after her baby died and during her two years in jail, she would have wanted to do some independent thinking. Instead, we have disturbing AP photos of her sitting next to Michelle Mingo, the woman whose vision had brought the tragedy upon her and Samuel, with both women smiling, waving, and laughing at court hearings as the state tried to get information about where the babies were buried.

She was offered immunity from prosecution if she would testify against her husband, but she refused.

In the fall of 2002, more than 3 ½ years after Samuel's death, when her attorney asked for time to prepare a battered woman defense, he said, "I'm trying to break her away from the group." She continued to talk to her husband until October, 2003.

No defense based on lack of free will

For Walter Shea, “brainwashing” and “mind control” are irrelevant. Massachusetts law offers no defense to a crime based on lack of free will, he points out. It does offer a battered-woman defense, which is usually raised when women have been physically beaten.

Taken in part from *The Boston Globe*, Nov. 19, 2000, and June 21, 2002; *Providence Journal* Jan. 23, 24, and 27, 2004; *NBC Dateline*, July 16, 2004; and Rev. Robert Pardon’s “Descent from benign bible study to destructive cult” at www.NEIRR.org.

Minister sentenced in fatal exorcism

On August 17 Ray Hemphill of Milwaukee, Wisconsin, was sentenced to 30 months in prison, a fine, and 7 ½ years of supervised probation for felony child abuse in the death of 8-year-old Terrance Cottrell, Jr.

Spiritual healing for autism sought

Terrance’s mother, Patricia Cooper, came to Hemphill’s Faith Temple Church of the Apostolic Faith in hopes of getting a “spiritual” healing for her autistic child. Convinced that he was demon-possessed, Hemphill held exorcism rituals for him. He and church members held him down while shouting for demons to come out of him.

Mom says Bible orders corporal punishment

Neighbors heard Terrance screech, wail, and cry. They also noticed he had a swollen lip and black eye. One neighbor confronted Cooper for letting church members hit the boy with a belt during a home session. Cooper told her the Bible orders corporal punishment.

The twelfth exorcism session was fatal. On a hot August night in 2003, with no air conditioning in the storefront church, the 157-pound Hemphill lay on the boy and held his head to the floor while others restrained his hands and feet. Members prayed for Terrance’s “violent tendencies” to cease and shouted, “You unclean spirit come out of him.” Hemphill whispered commands in the boy’s ear.

When Hemphill stood up after almost two hours of praying, Terrance was dead.

Suffocation ruled a homicide

The medical examiner ruled the death a homicide and gave the cause as suffocation by sustained chest compression.

Deputy Assistant District Attorney Mark Williams did not charge the case as a homicide because he said he could not prove that Hemphill knew his actions would result in the boy’s death.

Williams told the jury that, like most autistic children, Terrance hated to be touched and had very few words to express his needs. “He fought violently” to have the church members “release their holds,” Williams said.

Hemphill did not testify, but his brother David did. He had ordained Ray and said Ray had “a gift” for healing through exorcism. He pointed out that Jesus commanded his followers to cast out demons and heal the sick and that they were simply responding to a desperate mother’s plea for help for her son. Hemphill used his three weeks of vacation from his job as a school janitor to do the exorcism sessions.

The jury nevertheless convicted Hemphill of felony child abuse on July 9.

Court TV covered the trial live and posted a good discussion of religious exemption laws and CHILD’s work, which can still be seen on its webpage at www.courttv.com by clicking on News, Trials, and Recent Trials. Milwaukee County District Attorney Michael McCann said Wisconsin’s exemption (see Wisc. Stat. 984.03.6) invites religious defenses in child abuse cases and should be repealed.

Several denominations try to exorcise demons

Churches with far more wealth and status than the Hemphills’ storefront teach that demonic possession is a fact and that religious rituals can cure it. The Catholic Archdiocese of Chicago appointed a full-time exorcist from the Vatican in 1999. Williams himself seemed ambivalent, telling the Hemphill jury, “There are other ways of getting a demon out of a child, I suppose.”

Taken in part from *The Chicago Tribune*, Sept. 5, 2003; *The Milwaukee Journal-Sentinel*, July 7-9

and August 18; Court TV coverage; and www.parkridge.org/Page783.

Firstborn parents sent to prison for probation violation

On August 20 Wesley and LaRonda Hamm of Tulare, California, were sentenced to four years in prison for violating their probation. Three months earlier the Hamms had pled guilty to felony child neglect in the death of their daughter Jessica. They were sentenced to four years' probation under strict and elaborate terms for getting their surviving children preventive and therapeutic medical care and for notifying authorities within six hours of onset of a child's illness.

3 siblings die without medical care

The Hamms belong to the Church of the Firstborn, which opposes medical care. They have let three children die without medical attention. Jessica, 10, died of pneumonia and sepsis in 2003. Their son Tyler died at age 11, probably of diabetes complicated by flu and dehydration in 1995. Another son Bradley, 12, died after suffering from pneumonia for two weeks in 1999.

Youngest daughter becomes ill

On July 17 of this year, their five-year-old daughter Nicole (center in photo) fell sick with a fever and sore throat. LaRonda notified her probation officer, Sally Vanciel, who told her to take the girl to a doctor, which she did.

Vanciel visited the family on July 20 and 23. Nicole appeared normal and healthy to her.

On July 27, Nicole became sick again, and the Hamms took her to the doctor that morning. The doctor instructed them to take her temperature every four hours.

Church elder called in to pray

Nicole's condition worsened in the evening and through the night. When Vanciel visited on July 28, she met a man leaving the house who called himself a church elder and said he had come to pray for Nicole.



Hamms Leave the Courthouse

© The Fresno Bee, Photographer Renee Knoeber, 2004

Vanciel saw Nicole lying on the living-room couch. She had been vomiting and had a fever of 103 to 104. "Her cheeks were flushed, her eyes red-rimmed, and she was listless," the probation officer wrote.

Probation violations reported

Vanciel reported to Tulare County Superior Court Judge Elizabeth Krant that the Hamms had violated their probation by not notifying any civil authorities during the 24-hour period in which Nicole's condition got worse, by not taking Nicole's temperature every four hours, not giving the full dose of antibiotics, and by calling in elders to pray before they notified public officials.

Nicole was later diagnosed with an upper respiratory infection and gastroenteritis.

Mrs. Hamm testified that she had not notified authorities July 27 or 28 because she believed Nicole's illness was just a continuation of the earlier illness that she had contacted them about.

No more chances

Judge Krant, however, did not want any more chances taken with the children. She pointed out that the Hamms have let three children die without medical care, and each of their fatal illnesses began with flu-like symptoms.

Assistant District Attorney Bill Yoshimoto said he felt "awful" that the parents were going to prison

and that the family was broken up, but that safety of the children had to come first. “We are here to protect children, and that is what we are doing,” he said.

Krant’s ruling will be appealed.

Longer probation possible in many states

Many states have much longer prison sentences for fatal neglect of children, which in turn makes longer probation time and state supervision possible. In Colorado, for example, parents who let a child die because of their religious beliefs against medical care were sentenced to twenty years’ probation, which gives the state a long period of time to look after the welfare of surviving children.

CS church blocks more severe penalty for neglect

In California the maximum sentence is four years for either manslaughter or felony neglect, according to Yoshimoto. In 1994 a bill was introduced in the California legislature to create the crime of second-degree murder for fatal child abuse and neglect with longer sentences. Because of Christian Science lobbying, neglect was removed from the bill.

Taken in part from *The Fresno Bee*, Aug. 14, 20-21.



Rita Swan presents award to Seth Asser

helpful to the organization and to protecting children from religion-related abuse and neglect. He served on CHILD’s board of directors from 1991 until 2000 and was its first chairman of the board.

Asser conceived of the landmark study, “Child fatalities from religion-motivated medical neglect,” published in *Pediatrics* in 1998. He took an 18-month sabbatical to research it and develop a methodology that had credibility as peer-reviewed scientific research.

Dr. Seth Asser given CHILD’s advocacy award

Dr. Seth Asser, medical consultant to CHILD and to Hasbro Children’s Hospital in Providence, has been awarded CHILD’s Imogene Temple Johnson Friend of Children Award for his legislative work in Rhode Island. Through his leadership, Rhode Island enacted a bill this year that greatly narrowed religious exemptions from child abuse, neglect, and cruelty charges.

Rita Swan, president of CHILD, presented an award designed by Doug Swan to Dr. Asser at a CHILD support-group meeting in Detroit.

Asser has been a member of CHILD since 1987 and has done a tremendous amount that has been

About CHILD Inc.

CHILD is a tax-exempt membership organization dedicated to protecting children from abuse and neglect related to religious belief or cultural traditions. CHILD provides research, public education, amicus briefs, and a support group for ex-Christian Scientists. CHILD lobbies for equal protection of children within its tax-exempt limits.

CHILD has members in 42 states and 4 foreign countries. Membership dues are \$35 a year or \$15 for full-time students and include the newsletter. A membership application form may be obtained at www.childrenshealthcare.org or by contacting CHILD. See the contact information on page 1 of this newsletter.