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Equal rights for children under the law

Religion-based abuse claims frustrate states

The difficulties of intervening when child abuse related to religion is alleged are shown in two recent settlements with states and fiascos of decades ago. In August, the Rutherford County Department of Social Services (RCDSS) in Spindale, North Carolina, agreed to pay \$305,000 to Word of Faith Fellowship, Inc., and some of its members to settle a civil lawsuit alleging that the RCDSS had violated their First Amendment rights as well as constitutional rights to care, custody, and control of their children, due process, and freedom from unreasonable search and seizure.

For several years defectors had complained about the church leaders' control over members' personal lives, abusive corporal punishment of children, and "blasting prayer."

After hearings in child custody cases, Judge Randy Pool made findings of facts that blasting prayer involved church members screaming at a person believed to be possessed by demons until the person vomited into plastic trays distributed by the church and that children had been "blasted" for not sitting still and for crying too long after harsh corporal punishment. One defector testified that blasting had been practiced on children under two years old and had lasted for up to an hour.

There was also testimony that children were discouraged from participating in secular activities, such as movies, athletic teams, and trips to the zoo. The RCDSS received reports of suspected abuse and conducted several investigations. The church and some members filed a federal suit against the RCDSS in 2003.

The complaint alleged that the RCDSS harassed the church for its "biblically-based and non-

violent practice of strong or 'blasting' prayer," that it forced parents to sign agreements limiting their use of strong prayer, attacked and ridiculed church beliefs in interviews with children, and tried to lure children away so they could be "deprogrammed" by opponents of their religion.

The plaintiffs charged that an RCDSS worker asked children as young as one year old how they prayed and told them about her own religious beliefs. One county worker allegedly forced a child to listen to "Christian Music," and demanded to know why she did not want to listen to it. Another asked, "Wouldn't you like to go on dates?"

The children were asked whether they were allowed to watch television, listen to music, dance, or wear Nike sneakers and whether they celebrated holidays.

The plaintiffs retained mental health professionals as witnesses who were prepared to testify that they had observed the blasting prayer and that children were not harmed by it. Children who have been told it is a positive experience receive it as positive, these experts said.

State cannot support litigants or anti-cult organizations

In June, 2005, the parties stipulated to an agreement prohibiting RCDSS from investigating church members based on WFF religious beliefs or practices concerning popular culture and holidays. It also prohibited RCDSS from providing any funds or goods to people involved in litigation against WFF and from referring any current or former WFF

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members or their children to Wellspring Retreat in Ohio or any other person or entity that “purports to treat, counsel, or deprogram individuals based on their prior religious affiliation, or that characterizes any religion as a ‘cult.’”

State can investigate if reports allege serious emotional damage

RCDSS was also prohibited from considering “strong or blasting prayer” as grounds for investigation unless a reporter alleged facts that, if true, would constitute abuse or neglect as defined by statute. The definitions require evidence that the prayers “created or allowed to be created serious emotional damage to the juvenile” as “evidenced by the juvenile’s severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others” or cause “physical, mental or emotional impairment” or “substantial risk of such impairment.”

The parties did not reach agreement on everything about blasting prayer. The plaintiffs stated it was unconstitutional to investigate their kind of prayer while the RCDSS maintained that it had the right to investigate this religious practice if factual evidence of abuse or neglect was alleged.

Missouri loses court battle to unlicensed church-run reform school

In December, 2005, Missouri agreed to pay \$775,000 to Heartland Christian Academy near Bethel, Missouri, for complaints stemming from the state’s removal of all its students in 2002. State juvenile officer Mike Waddle ordered the removal because of several reports of abuse he had received from runaway students.

Mass removal illegal

Complaining that the removal was without notice and hearing in the absence of exigency, Heartland sued Waddle and the state and won an injunction against another such removal. U.S. District Judge Webber’s 167-page ruling had scathing, sensational accusations against Waddle. Webber called him a “conspiratorial government predator,” who was trying to close the school because of prejudice against its religious beliefs. Webber held that Waddle had removed many students with no order at all and had given “stale or

misleading information” to obtain an *ex parte* order for removal of others when there was “no reasonable suspicion of child abuse” at the school.

The ruling was upheld by the U.S. Court of Appeals in October, 2005. Waddle resigned.

Vermont: no reports of abuse, neglect, births, or deaths

Vermont also failed with a raid on the Northeast Kingdom Community Church commune near Island Pond in 1984. State officials received several reports of abuse and medical neglect of commune children. Most sensational was the story of Darlynn Church, who had 89 welts on her body after punishment by church elder Eddie Wiseman. Child Protection Services repeatedly asked commune leaders to report suspected abuse and neglect to the state, but were rebuffed. The commune was not even filing birth and death certificates with the state.

Judge prohibits mass removal

After two years of planning, the state got a warrant to seize all 112 children and did so. However, the state had to get another warrant from a different judge to detain the children and have them examined by court-appointed doctors. Judge Frank Mahady refused to grant it because the state had not limited the seizures to children suspected of being abused and did not have names of individual children. Mahady called the raid “a grossly negligent misuse of state power.”

All the children were returned to their parents that day.

Red Sea moment

The victory has assumed mythological proportions for the church. Years later, elder Eddie Wiseman said, “Getting our children back was a Red Sea moment for us. It showed us that God favored us and what we were doing.”

Criminal assault charges against Wiseman had to be dropped because Darlynn Church’s father recanted and refused to testify. Charges for physical abuse of other sect children have also been dropped after witnesses refused to testify.

In 1984, church had about 350 members. Later renamed Twelve Tribes, it now claims about 4,000 members in nine countries. It has been fined for

child labor violations and has lost some children and newborns who were not given medical care.

Comment

Our Constitution clearly protects a right to pray. The state should not have the right to prohibit any kind of prayer, nor should state employees be denigrating religious beliefs, recommending their own, or referring children to organizations promoting a particular theology as part of their treatment.

Only if the state could show a causal link between a religious practice and what its statutes define as abuse or neglect would the state have grounds for taking action. Furthermore, state agents should attempt to protect the child without criticizing or promoting any religious beliefs.

The failed raids in Vermont and Missouri illustrate the general principle that the state cannot remove a child without reason to suspect that the child is at risk of harm. It cannot remove all the children in a camp, school, or commune because it has evidence that one or a few are endangered.

State licensure essential

That limitation upon the state, however, also illustrates the importance of state licensure and regulation. Missouri allows religious organizations to run behavior-modification boarding schools with no state oversight. The state does not have a list of these schools nor of the students in them. It does not know how many children are in the schools. It does not know the staff's qualifications or disciplinary methods. It does not even require inspections for sanitation, health, or fire safety.

High stakes

Missouri may intervene only when it receives a report that an individual child is being abused or neglected. Given the ideology driving some of these schools, it is highly unlikely the state will receive such a report in time to prevent harm.

The stakes are high. Failed interventions bolster the belief systems of isolationist groups, increasing self-justification and paranoia and slowing mediation with the outside world. Failure to intervene, however, may result in death of a child.

Sources include *Forest City Daily Courier*, Aug. 4 and Dec. 3, 2005; *Kansas City Star* Dec. 22,

2005; *Boston Globe*, Oct. 23, 2005; *Burlington Free Press*, June 18, 2000; *Boston Herald*, Sep. 4, 2001.

Some Polygamy Abuses Exposed

Perhaps the state raid with the most unfortunate, long-term consequences was on the Fundamentalist Latter-Day Saints polygamous community popularly known as Short Creek, which sprawls across the Arizona-Utah border and is officially incorporated as Colorado City, Arizona, and Hildale, Utah. In 1953 state and federal agents raided Short Creek. They jailed the men and separated the children from their mothers.

Polygamy has long been against the law in all states, but public sympathy turned strongly against the government, charges were dropped, family members were returned, and Arizona Governor Howard Pyle was turned out of office.

Abuses ignored for decades

For decades afterwards, Utah and Arizona ignored the practice of polygamy and its abuses. These include forced marriages of minors, sex with under-aged minors, incest, child abuse, medical neglect, child abandonment, and child labor law violations.

According to historian John Llewellyn, the ranks of fundamentalist, polygamous splinter groups swelled after 1978 when the mainstream Latter-Day Saints Church allowed African-Americans to be priests. (In the LDS church all male members of "moral worthiness" may become priests at age 12.) The fundamentalists continue to insist that Blacks are cursed with the "mark of Cain."

Not until the dawn of the 21st century with the Winter Olympics in Salt Lake City fast approaching did the media and state government show concern for the endemic abuses in polygamous enclaves.

Incest victim reports

The catalyst was horrible enough. In 1998 a sixteen-year-old girl was ordered by her father to marry an uncle twice her age. Twice she tried to run away, but was caught. She went for help to her mother for help, who promptly returned her to her

father. The father then took her to a remote ranch, beat her savagely, and left.

The girl limped five miles down a dirt road until she reached a truck stop and dialed 911. Juab County Attorney David Leavitt, brother of the governor, filed charges and won convictions of the uncle for incest and unlawful sexual conduct with a minor and of the father for abuse.

Mom shares 13-year-old with husband

The next year Utah polygamist Tom Green had a religious vision that he should proclaim his lifestyle to the world. Breaking with the secrecy of most polygamists, he and his wives went on many national talk shows. He openly bragged that he had married all ten of his wives when they were minors. One was only thirteen when he, at age 37, got her pregnant.

The girl's mother was then married to Green. The mother encouraged and defends the arrangement. She says her daughter (by her first husband, who had died) sat on Green's lap and wanted to marry him, so the mother was "happy" to share Green with her.

Victims of polygamy and Utah

Since polygamy is illegal, most polygamists have only one civil marriage; the others are dubbed "celestial marriages." Many of the celestial wives register with the state as single mothers and draw welfare for their huge families. In one decade Tom Green and his dependents received more than \$647,000 in public assistance.

To Leavitt, Green was a pedophile. These little girls were raised "from the cradle" to marry as children and knew only a life of polygamy, Leavitt declared. They are "victims of pedophiles, and they are victims of the state of Utah, which turned its back on polygamy for sixty years," he said.

Leavitt filed charges against Green and won convictions for bigamy, criminal non-support, and child rape. But the judge imposed a lenient sentence in 2002; Green will serve only six years in prison, total.

Even more startling, the voters turned Leavitt out of office later that year with many saying the publicity was distasteful to them.

Exposure of polygamy abuses continues

Nevertheless, polygamy has not sunk back to the obscurity it enjoyed before the courageous girl reached a pay phone and called for help. Several women who have escaped polygamy speak out publicly about the abuses and provide material assistance for some who are trying to leave.

Civil suits have been filed by a few victims of sexual abuse. Two have won judgments and are attempting to get their money from the United Effort Plan, a communal property trust held by the Fundamentalist Latter-Day Saints. A judge has removed the UEP trustees and appointed new ones. Police officers have been forced to resign for practicing polygamy and refusing to enforce state laws against FLDS members. A polygamist judge was also forced out of office.

While law enforcement officials and judges are now expected to obey laws against polygamy, Utah authorities have reportedly signaled that they will not challenge sexual relationships between other consenting adults. But Utah and Arizona are now cracking down on some of the other abuses found in polygamous communities.

Fugitive prophet charged for sex abuse

Washington County, Utah, prosecutor Brock Belnap has charged fugitive prophet Warren Jeffs with facilitating rape of a minor. According to the victim, Jeffs demanded that she marry a much older man and "replenish the earth" when she was a young teenager. She protested, but Jeffs said her salvation depended on it.

In 2002, the Mohave County, Arizona, prosecutor got a guilty verdict against Colorado City mayor Daniel Barlow for child sexual abuse, but the judge sentenced him only to supervised probation and community service because of letters from his victims and other FLDS members asking for leniency.

God endorses "bleeding the beast"

Undeterred, the prosecutor charged eight more men for sexual conduct with underage girls in 2005.

The states have also tried to crack down on the endemic welfare fraud in polygamous groups. The fraud is even institutionalized as "bleeding the beast," by which church members mean taking from

federal and state governments because the government has persecuted them or their Mormon ancestors.

Two listeners paraphrased polygamous priest James Harmston as preaching that God “wants” them to take from every government program possible. God “doesn’t expect you to wallow in turkey manure. In another lifetime, we were persecuted and thrown out of Jackson County by the government. We’re entitled to everything we can get,” he said.

The reference is to Jackson County, Missouri, where Mormons were persecuted, murdered, and driven out in the 1830s, both by vigilantes and by Governor Boggs’s orders to the Missouri Militia.

Public funds support polygamous towns

With God ordering fraud, as argued by modern-day polygamists, there is plenty of it. Many plural wives claim they don’t know the whereabouts of their children’s father. As many as 50% of Hildale residents were on public assistance in 2001; 33% were on food stamps in 1998 compared to Utah’s statewide average of 4.7%. In 1997 every school-age child in Colorado City was living below the poverty level.

The twin towns have received millions of dollars from the federal government for housing and street improvements. Colorado City got \$2.8 million for an airport, which prophet Jeffs has used for his chartered Lear jet.

In 2005, Colorado City’s tiny fire department received \$350,000 in Homeland Security funds—the state’s third largest Homeland Security grant.

Arizona has taken over the Colorado City school system because of gross mismanagement of public funds.

In March, 2006, the federal government did fine a contractor over \$10,000 in child labor law violations for using FLDS boys.

The response of state and federal government to the abuses of FLDS boys has, however, been severely inadequate in CHILD’s view.

Lost boys expelled as surplus

Most of the world first heard of the “lost boys” in 2004 when dozens came to the Utah Capitol and spoke. All said they were forced out by the current

prophet, Warren Jeffs. They said more than 400 males, ages 13 and older, have been banished from the FLDS community since Jeffs became supreme ruler in 2002.

They were banished for such infractions as watching movies, ogling girls, wearing short-sleeved shirts, or listening to popular music. Their real sin, most critics say, was being surplus males in a polygamous community.

Many of the boys are taken out of school before they reach eighth grade and forced to do hard labor in the sect’s construction and other businesses on the promise that the prophet will give them the three wives they need to get into heaven.

They are taught from the cradle up that the prophet must be obeyed as God’s representative, that the outside world is evil, and that anyone leaving the FLDS will be ground to dust on earth and damned in the after-life.

Then after years of work for little or no compensation, they are expelled from the only community they have ever known. Several have been dumped out on the side of the road by their own fathers or church elders.

Several of the lost boys have committed suicide. Many are homeless. Many use drugs or steal.

“They live every day like it’s their last day and they don’t care about anything. They’re told they won’t have three wives, and they’re doomed. But they all want to go back to their mums,” said Dave Bills, who runs a foundation to help the boys.

Lost boy Gideon Barlow told of trying to give his mother a Mother’s Day present, but she ordered him to stay away. When he tried to obtain a Medicaid card, he learned that his 73-year-old father was drawing Social Security funds in Gideon’s name. Social Security allows retirement-age parents to collect money to help support children ages 16 or younger who are living at home.

Why no criminal charges?

These are shocking abuses of hundreds of children, and some legislators have asked why parents have not been charged with child abandonment or neglect. Utah Attorney General Mark Shurtleff says the boys do not want to testify against their parents.

He points out that child abandonment is only a misdemeanor in Utah. He feels that prosecution for a misdemeanor would not change the behavior of parents who are willing to cast out their own children on orders from a man they regard as God's representative on earth.

There are also practical considerations. "If I charge one, do I charge 800? Do I have the resources?" Shurtleff asked.

Safety net and court-supervised probation

With a \$700,000 federal grant, his office has formed a "Safety Net Committee," which tries to help the lost boys get an education, provides other resources for those escaping abuses in polygamous groups, and discusses ways to inform those in polygamous groups of available services. Some women in more "moderate" polygamous groups are on the committee, and Shurtleff praises the fact that the state is now talking "to" polygamists not just "about" them. His office has produced "a primer" about the beliefs and practices of different polygamous groups and how distressed members can get services from public and private organizations.

Brock Belnap tries to help the lost boys function in society by getting those who commit crimes sentenced to court-supervised probation with counseling instead of jail.

Utah Child and Family Services seemed befuddled about what to do. Its spokesman Adam Trupp said his agency works to reunite parents and children, which may not be appropriate for the lost boys. He also wondered whether the state should intervene at all in cases where "kind-hearted volunteers" were taking care of a boy's needs.

Emancipation bill passed

The legislature's only response to the plight of the lost boys was to pass a law allowing children to petition for emancipation at age 16, so the boys can enter into contracts, enroll in school, rent an apartment, get medical care, or even stay in a shelter without their parents' permission. Utah's unemancipated minors cannot stay in a shelter for more than eight hours without parental permission.

Like most states, Utah already had a law providing for emancipation, but the law passed in 2006,

HB30, describes conditions for obtaining it in greater detail.

Even this modest effort was controversial. Eagle Forum and some legislators stewed over alleged government interference in family privacy. Some feared teenagers would seek emancipation to get out of a few household chores. Others claimed it would be used to get abortions.

The bill's supporters pointed out that a petitioner had to be able to prove he was able to support himself and manage his own finances. Few teenagers could qualify, they said.

Thus, by their own admission, HB30 was an inadequate solution for the 16- and 17-year-olds and no help at all for the 12- to 15-year-olds.

Lost boys file civil suit

The greater hope for change in a barbaric religious practice lies with a civil suit filed by six lost boys in 2004 against the FLDS. They seek money for the psychological and economic damages inflicted on them. An FLDS attorney says the suit is without merit because churches have a constitutional right to set their own standards for excommunication.

The lost boys are represented by Joanne Suder, a Baltimore, Maryland, attorney. Suder also represents Brent Jeffs, who seeks damages for alleged child sexual abuse by his uncle, Warren Jeffs.

The child fatality rates in the FLDS also raise concern and questions. In 2005, Flora Jessop and Linda Walker, director of the Child Protection Project at www.childpro.org, went to the Isaac Carling and "Babyland" cemeteries in Hildale and Colorado City, videotaped all marked and unmarked graves, and compiled all available information about the deaths. Children are buried in both, but Babyland is exclusively for babies.

Among the 324 marked graves were 180 of children under the age of eighteen. In addition, there were 58 unmarked graves of babies.

Jessop and Walker also list 74 FLDS members who they know have died, but whose headstones are not in the Carling or Babyland cemeteries. Among them are 18 minor children plus eight stillbirths. Some of these children may be in the unmarked graves, they note.



Babyland Cemetery
Photo by Scott Rettberg

Many deaths and birth defects

Jessop says she saw and heard of many deaths of children while she was growing up in the FLDS towns. After she and her grandmother went to the police and reported that Jessop's father was sexually abusing her, Jessop was held in solitary confinement from age 13 to 16. Her room was next to the sect's birthing center, which her uncle was in charge of; Jessop says she became aware during that period that many babies died and were buried in the backyard of the birthing center.

She also has seen many children with severe birth defects. Two of her siblings have cleft palates. Another sister was born with dislocated hips. Nothing was done about it until the baby was about 18 months old. Then both of her hips had to be broken, and she was put in a body cast for months.

Two defectors claim that some FLDS women pray to have Down's syndrome children because such children have docile temperaments and because the mothers get \$500/month in public assistance for a handicapped child.

Are causes of death recorded?

CHILD wrote to the Utah Attorney General asking if there were death certificates and causes of death recorded for all the children buried in the FLDS cemeteries. If not, we asked, "shouldn't criminal charges be filed for improper disposal of remains? And if some of the babies died from abuse or neglect, shouldn't that also be a criminal matter?"

The Attorney General's office replied that they did not have the resources to investigate those concerns, but there is no statute of limitations on homicide, so if we have evidence of homicide, we should bring it to their attention.

Washington County prosecutor Brock Belnap says his office is investigating the deaths.

Jessop charges that the Mohave County, Arizona, coroner signed off on many FLDS deaths without even seeing the bodies.

Jessop says that until about seventeen years ago the FLDS opposed medical care. Today they have their own pharmacy as well as state-licensed physicians and nurses who are church members and live in Short Creek. Indeed, some women get far too much medication today, Jessop and others charge. They say that women are put on high doses of psychotropic drugs to keep them subservient.

Improper civil commitments alleged

Jessop also believes many FLDS girls are improperly committed to mental institutions to keep them from acting on independent ideas. Jessop says she was threatened with commitment to a mental institution if she refused to marry the man chosen for her.

In Utah and Arizona, children can be committed to mental institutions on school counselors' signatures, Jessop says. She knows of 15 FLDS women committed to the Guidance Center, a state-accredited psychiatric hospital in Flagstaff, Arizona. A hospital record for one woman stated she was being discharged from her fourth commitment because she "atoned" for her bad behavior toward her husband, Jessop says.

Jessop charges authorities with a double standard on rescuing girls from polygamy. While massive effort was put into finding 14-year-old Elizabeth Smart, who was kidnapped by a Mormon fundamentalist to be his plural wife, law enforcement has not tried to find Jessop's sister, Ruby, who has disappeared after being forced into a plural marriage at age 14 and nearly hemorrhaging to death on her "wedding night," Jessop charges.

Comment

Utah and Arizona looked the other way for nearly half a century after the failure of the Short

Creek raid to stamp out polygamy in 1953. Now they seem to be walking a fine line of letting consenting adults practice polygamy, but filing criminal charges for some other violations of law.

The other violations are massive. In Utah, sex with 14- and 15-year-olds is illegal if one partner is seven years older than the other. Sex with 16- and 17-year olds is illegal if one partner is ten years older. Arizona prohibits all sexual intercourse with persons under eighteen years old. Unlawful sexual conduct with minors is the norm in the FLDS and some other polygamous clans, yet to our knowledge Utah has prosecuted only one case of unlawful sexual conduct in the past decade—that of the girl who called from the truck stop in 1998.

One case each of the more serious crimes of rape, facilitating rape, and incest have been charged in Utah since then, but there must be many more sexual abuses that are not.

No federal charges for sex trafficking

The federal government should be prosecuting the trafficking of under-aged girls between the polygamous communities in the American Southwest and Canada and across state lines.

Authorities complain that victims will not come forward nor willingly testify. Those aspects add to the state's challenges, but they are not an insurmountable barrier to prosecution. David Leavitt won a conviction of Tom Green even though his wives would not testify against him, and a plural wife was recently compelled to testify under subpoena in Mohave County.

Are providers reporting abuse and neglect?

If FLDS does indeed now have state-licensed health care providers caring for its members, why aren't they reporting abused children to state child protection services? Doctors and nurses are state-mandated abuse and neglect reporters. They can do the math to count backwards nine months and figure out that girls are victims of sexual abuse. If the state began prosecuting health care providers for failure to report child abuse, their attitudes might change in a hurry.

It is unbelievable that hundreds of boys have been expelled from their homes and no criminal charges have been filed. Utah Attorney General

Shurtleff says the boys do not want their parents prosecuted, but many sexual abuse victims do not want their perpetrators prosecuted either. Indeed, most abused and neglected children may not "want" their parents prosecuted, but there are times when the benefits of prosecution outweigh the child's emotional conflict.

Prosecution would at least send a message that child abandonment is a crime, and without it there will likely be hundreds more boys wandering around the Southwest. Utah's new law clarifying their right to emancipation at age 16 is a severely inadequate tool for preventing the pain and suffering the lost boys experience.

Utah ought to make dumping a 12-year-old boy off in the desert more than a misdemeanor. Utah has a law at Utah Code 76-5-110 making it a felony to neglect a disabled child (unless the caregiver has religious objections to medical care), but it is not a felony to neglect a "normal" child.

Is polygamy a constitutional right?

Some expect that the U.S. Supreme Court will soon rule that polygamy per se is a constitutional right because of the High Court's ruling against sodomy laws in *Lawrence v. Texas*, 539 U.S. 58 (2003). Law professor Marci Hamilton points out, however, that the Court explicitly declined to endorse same-sex marriage in that ruling. There is a difference between the state allowing sexual behavior between consenting adults and the state giving it formal recognition in a civil marriage contract.

The state has a compelling interest in protecting inheritance and property rights of women and children and the legitimacy of children. It has an interest in preventing the birth defects caused by incest.

As a democracy, it has an interest in fostering the participation of all citizens in government. Political science professor Thomas Flanagan points out that constitutional democracies have arisen only from monogamous societies and argues that polygamous societies are inherently unequal and anti-democratic.

For all these reasons and more, polygamy should remain illegal.

Sources include John Llewellyn, *Polygamy Under Attack* (Agreka Books, 2004); Jon Krakauer,

Under the Banner of Heaven: a Story of Violent Faith (NY: Doubleday, 2003); *Salt Lake Tribune*, March 13 and Aug. 23, 2005; Feb. 11, 14, and 19, 2006; and March 2, 13, 26, and 28, 2006; *Tri-State News Network*, Aug. 1, Aug. 3, and Aug. 15-18, 2005; *Arizona Republic*, Aug. 1, 2004; and KSL-TV, Aug. 28, 2004.

Severe birth defect common in polygamous community

More than half the world's cases of a severe birth defect called fumarase deficiency have been found in the twin towns of Hildale, Utah, and Colorado City, Arizona, controlled by the polygamous Fundamentalist Latter-Day Saints Church.

The towns have a total population of under 10,000, yet Dr. Theodore Tarby has seen twenty children with fumarase deficiency in these towns since 1990. By comparison, only thirteen cases have been reported elsewhere in the entire world.

The actual total in the FLDS may be much higher than twenty since babies may have died before they were diagnosed with the condition by a medical doctor.

None of the FLDS children with fumarase deficiency has an IQ above 25. Many cannot sit up. Some can barely even move their head and eyes. Frequent and powerful seizures are common. Portions of brain matter are replaced by water. An MRI of the brain of one fumarase-deficient child showed that more than half the brain was missing.

Geneticists agree that the high rate of this birth defect is due to the in-breeding in FLDS with most of the population descended from two patriarchs and with a self-proclaimed prophet arranging all the marriages within the group. It is a simple matter of a 25% likelihood of giving birth to a child with fumarase deficiency when two carriers of the recessive gene for it marry.

Tarby believes the number of FLDS children with fumarase deficiency could rise into the hundreds within a couple of generations.

Birth defects irrelevant in divine mandate

Tarby has explained the science at a meeting of about 150 FLDS members and to many parents individually, but they do not appear to care. "They consider these children to be their responsibility from God and their duty is to produce as many children as possible," he said. "Sister-wives" often help each other care for handicapped children.

Tarby told one father that his child was handicapped because the father and mother were related. The father replied, "Up there, we're all related."

Tarby wasn't sure whether the man meant "up there in Colorado City" or "up there in heaven."

Prophet can't use science to arrange marriages

Another physician doubted the current prophet, Warren Jeffs, could find any outsiders who would want to marry into his church even if he looked for them. Furthermore, a former FLDS member said, Jeffs claims to be carrying out God's orders when he picks marriage partners. If FLDS members found out he was using science to arrange marriages, they might doubt his status as God's representative on earth.

Arizona gives more than \$12 million a year to help indigent residents of Colorado City pay for health-insurance premiums. The Arizona Departments of Health Services and of Economic Security have been providing services for fumarase-deficient victims and their caregivers for fifteen years, but say federal law prohibits them from disclosing the costs.

Taken from *The Phoenix New Times*, Dec. 29, 2005; *Deseret News*, Feb. 9, 2006; and *Salt Lake City Tribune*, Feb. 11, 2006.

Florida to ban "pain compliance"

The Florida legislature is passing a bill to protect youths in its boot camps after three boys have died in them since 2000. SB1748, the Martin Lee Anderson act, bans stun guns, pepper spray, pressure points, mechanical restraints, corporal punishment, and psychological intimidation unless a child is a threat to himself or others.

In 2000 Michael Wiltsie, 12, died of asphyxiation after a 320-pound counselor restrained him on the ground for nearly 30 minutes. The state placed

the boy in a camp for delinquent youths despite evidence that his real problem was mental illness. He had to be taken off his psychiatric medications in order to be admitted to the boot camp near Ocala.

In 2003 Omar Paisley, 17, died of a ruptured appendix at the Miami-Dade juvenile lockup after medical staff allegedly ignored his pleas for help.

The death arousing the most outrage is that of 14-year-old Martin Anderson at the Bay County Sheriff's boot camp in Panama City. Martin took his grandmother's car without permission. Though she did not want to press charges, he was put in the boot camp. Eight officers punched and kneed him. He was comatose within a few hours after admission to the camp and died January 6, 2006.

Nurse ignores boy's plea for help

Kristin Schmidt, a nurse assigned to monitor the boy's condition at the camp, looked on passively during the beating. When Schmidt checked his heart rate, Martin told her he could not do the required exercise drill or even breathe, but she took no action. Fifteen or twenty minutes later, seeing the boy limp on the ground, she checked him again. Paramedics arrived within four minutes, but could not save his life.

The medical examiner fanned public outrage by reporting that the boy had died because of sickle cell anemia and not because of the beatings. A second autopsy by a different examiner was ordered. It found that the boy did not die of natural causes, but the actual cause of death was not released.

In February Governor Jeb Bush defended the boot camps as "part of the strategy that has reduced juvenile crime" and "yielded what people want."

In April about 1,500 demonstrators marched on the Capitol accusing authorities of a cover-up. Bush finally met with Martin's parents the next day and later announced his support for the bill.

The Martin Lee Anderson Act gives children in detention facilities the right to report abuse and call 911. It also repeals a reporting exemption. While other caregivers are required to report child abuse and neglect to the Dept. of Children and Families, current Florida law exempts police, sheriffs, and employees of government detention facilities or

Dept. of Corrections from reporting to the DCF or from being investigated by the DCF for abuse and neglect when "acting in an official capacity."

CHILD applauds these reforms and also calls upon the Florida legislature to repeal the exemption allowing religious denominations to operate day-cares and residential treatment facilities for children without state licensure or the higher standards that go with it. See the CHILD newsletter 2004 #4 for a comparison of standards for state licensure and for accreditation by Christian child-caring facilities.

Both the exemptions for boot camp officers and for church-run facilities caring for children are wrong. Neither state licensure, reporting laws, or any other laws will protect all children, but exemptions from laws increase the likelihood of harm.

Sources include *Miami Herald-Tribune*, Feb. 10 and 22, March 7 and 15, and April 21 and 27, and a statement by Senator Rod Smith, D-Alachua.

About CHILD Inc.

CHILD is a national membership organization dedicated to stopping child abuse and neglect related to religion or cultural tradition. 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 is a member of the National Child Abuse Coalition.

For more information on CHILD and a membership application form, visit our web page at www.childrenshealthcare.org. To reach CHILD by mail, phone, fax, or e-mail, see the contact information on page 1.