

Children's Healthcare Is a Legal Duty, Inc.

Box 2604, Sioux City IA 51106
Phone 712-948-3500
Web page: www.childrenshealthcare.org

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E-mail: childinc@netins.net
Written and edited by Rita Swan

Equal rights for children under the law



*Kara doing chalk art at a street fair
Photo credit: Wausau Daily Herald*

Reckless homicide charges filed in diabetic girl's death

In April reckless homicide charges were filed against Wisconsin parents who refused, on religious grounds, to obtain medical treatment for their diabetic daughter.

In March 11-year-old Madeline Kara Neumann (she went by "Kara") became pale, weak, and listless. She lost weight.

Kara's grandmother and aunt in California learned of her illness. They heard that she was unable to walk or talk for three or four days. They begged her parents, Dale and Leilani Neumann of Weston, to take her to a doctor or at least give her Pedialyte. The Neumanns refused, reportedly claiming that God would heal her and that the human remedy would take away glory from God.

Instead the Neumanns called upon Rev. David Eells in Pensacola, Florida, for prayer, and asked fellow believers, the Wormgoors, to come to their home and pray with them.

The parents observed that Kara was drinking huge amounts of water and urinating frequently.

They saw that her legs were "skinny and blue." Her breathing became deep and labored. Saturday evening she fell off the toilet and slipped into a coma.

The next morning, Easter Sunday, Dale broke down in tears and suggested taking Kara to a doctor, but Leilani refused, saying the Lord would heal her.

Kara was still unconscious but appeared to be breathing more easily, which the parents took as a sign of divine healing. Leilani gave Kara chicken broth with a syringe. The girl stopped breathing soon afterwards.

The aunt called the Weston police that day and begged them to go to Kara's home with an ambulance. Also the Wormgoors called 911.

When the police arrived, Dale Neumann, a former police officer, was performing CPR on her.

Kara was taken to a hospital where she was pronounced dead. The parents initially denied that, claiming, "She will be alive tomorrow."

The Neumanns at first told the police that their daughter had "not been sick at all," but in separate interviews they admitted knowing she had been weak and tired for about two weeks, and the Wormgoors said they and the parents had known she was sick for three weeks.

Dale denied to the police that his daughter was comatose, but instead said she was "in sleep mode" and her symptoms indicated only "the onset of puberty."

Leilani told the police they never considered medical care because they thought the illness was a spiritual attack.

Kara was home-schooled. She had not been to a doctor since she was three years old.

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The Neumanns had moved from California to Wisconsin in 2006 to establish the Monkey Mo coffeehouse, at which they shared their faith.

What diabetes symptoms mean

A local pediatric endocrinologist told the press that Kara's rapid, deep breathing the day before her death likely signaled ketoacidosis, as her body tried to expel the buildup of acid. Her less labored breathing on Easter morning was not a sign of healing, but rather, he said, evidence that her body was giving up in a losing battle.

Dr. Seth Asser, CHILD's medical consultant, commented that no unconscious person should be given anything by mouth. Food or fluid can aspirate into the lungs or cause the vocal cords to go into spasm, cutting off respiration and then causing cardiac arrest. Anyone with CPR or first-aid training, as Dale Neumann had, should know that, and most people know it just by common sense, he said.

Comatose Christian Science children have also been given "nourishment" and died shortly thereafter. Sometimes Christian Science "nurses" have fed them or directed their parents to do so. The church's nurses have no medical training and do not work under the supervision of state-licensed providers.

Safety for siblings

Kara has three surviving siblings, all teenagers. The Wisconsin Department of Social Services developed a safety plan for them that included visits by social workers and medical attention.

Circuit Court Judge Patrick Brady, however, ruled against the Department's safety plan because of a religious exemption law stating that a child cannot be adjudicated abused or neglected "solely because" the parents rely on spiritual means to heal the child. Wisc. Statutes, Sec. 48.981(3)(c)(4)

Family court proceedings are not made public, but apparently the judge's reasoning is that the state cannot intervene to protect the children until they are sick. The law clearly allows courts to order "medical services" if "the child's health requires it."

Fortunately the Marathon County District Attorney's office went to Judge Vincent Howard, who is handling the criminal case, and asked for safety measures to be ordered as a condition of the parents' bond. Over the parents' objections Howard

ordered bi-weekly medical checkups and a court-appointed overseer for the youths.

Religious exemption to crimes against kids

In addition to the religious exemption in the civil code, enacted under federal pressure, Wisconsin enacted this defense to criminal child abuse in 1987:

A person is not guilty of an offense under this section solely because he or she provides a child with treatment by spiritual means through prayer alone for healing in accordance with the religious method of healing permitted under s.48.981(3)(c)(4) or 448.03(6) in lieu of medical or surgical treatment. Wisc. Stat. 948.03(6)

It applies to a parent who "intentionally causes great bodily harm to a child" and then retains a Christian Science practitioner to pray for the child's healing.

Shockingly, 448.03(6) states that "a person who elects Christian Science treatment in lieu of medical or surgical treatment for the cure of disease may not be compelled to submit to medical or surgical treatment."

In actuality both statutes referenced in the criminal code deal with regulating medical practice. They are intended to give Christian Science practitioners the right to pray for the sick, call their prayers "treatments," and charge money for them without being licensed to practice medicine. All states have such statutes, but Wisconsin's provision that "a person" who wants Christian Science prayers may not be compelled to have medical treatment is unusual.

It surely was not originally intended to prevent the state from ordering medical care for sick children, since the juvenile code clearly states that medical care can be ordered for children over the family's religious objections.

Church lobbies for homicide exemption

In 1993 a bill was introduced to extend the religious defense to abuse into the homicide sections of the code (see following article). CHILD member and then Door County District Attorney Gary Schuster testified against the bill, and it was defeated. This is strong evidence that the legislature did not intend for the religious defense in 948.03(6) to apply to homicide charges.

Parents: law protected their behavior

The parents' brief, however, argues that the legislature "seems to have drastically altered the legal duty parents owe their children with regard to providing medical attention" by enacting the 1987 religious defense to abuse.

The parents state that the charges against them are an "unconstitutional application of statute" and the court should therefore dismiss them. They argue that the prosecution violates their due process/fair notice right. The reckless homicide law under which they were charged does not set forth a parent's duty to a child, the abuse law at 948.03(6) exempts the faith healer from a duty to provide medical care, and any conflict between statutes should be resolved in favor of the defendant, they claim.

Prosecutor: case law requires medical care

In response, Marathon County District Attorney Jill Falstad wrote that 948.03(6) explicitly applies only to that section of the law and that all parents have ample warning from case law that they have a duty to do for their children whatever is necessary for their children's "care, maintenance, and preservation, including medical attendance."

She argued that both the subjective and objective aspects of reckless homicide are clearly set forth in its own statute. It has an objective "reasonable person" standard and also a subjective *mens rea* (state of mind) component requiring the prosecutor to prove that the defendant was aware that he was creating an unreasonable and substantial risk of death for the child.

Using only prayer o.k. for trivial illnesses

She also discussed the "solely because" caveat in the religious defense. "Certainly, this allows for parents to pray that a child's cold symptoms abate in lieu of seeking medical attention," she wrote. The state cannot prosecute devotees of faith healing solely because they relied on prayer, but they do have criminal liability when the child's illness crosses over a threshold of seriousness, she said.

It is also important to note that Wisconsin has a criminal child neglect law at 948.21 with no religious exemption.

Unleavened Bread Ministries

The Unleavened Bread Ministries that the Neumanns called for prayer is a curious mixture of End Times theology, sexism, faith healing, and natural health supplements. Much of its webpage at www.unleavenedbreadministries.org warns that America is now in the Last Days and Armageddon and tribulations will soon occur.

The work is run by Reverend David Eells of Pensacola, Florida. He was reportedly ordained by an online ministry. He posts prophecies on the webpage that Hillary Clinton will take over the government as the U.S. collapses, complete with visions that Hillary is pregnant with a "long, green gangly alien-demon-looking creature" growing inside her and has the "very big head of a wolf."

Eells also posts articles by James Howenstine, a physician who denounces "Big Pharma," claims that abortions cause breast cancer, and claims that CoQ10, a vitamin-like co-enzyme found naturally in the mitochondria of cells, will cure cancer.

Many testimonials for faith healing

According to his webpage Pastor Eells, his wife, and their five children decided "that they would trust the word of God and expect Jesus to heal them. They did not visit doctors and Jesus never failed them. Sometimes fractures took several weeks to slowly bend to perfect alignment but every health issue experienced by this family was resolved by Christ."

There are 66 testimonials of healings on the webpage. No verification of them is mentioned. They have headlines like "Lung Cancer Healed" without offering any evidence that the person ever had a malignancy. Last names, addresses, and dates are not given.

Eells defends the Neumanns

Leilani Neumann twice posted statements of her faith on Eells' webpage. His books and CDs were found in the Neumanns' home.

The Neumanns asked him to "pray and agree with them in prayer" for their daughter's healing. Agreeing in prayer is predicated on Jesus' declaration that "whenever two of you on earth agree about anything you pray for, it will be done for you by my Father in heaven." (Matthew 18: 19)

The Neumanns received an e-mailed prayer in reply, thanking God for giving “Dale and Leilani the faith to hold fast to the confession of their hope that it waver not, for it is Your will Father that Kara was already healed, I Peter 2:24.”

“We. . . command Kara to be healed,” the prayer continued. “We command that spirit of infirmity to loose Kara now, leave her body, leave her home, and go back from where it came and stay there. . . .”

After Kara’s death Eells posted statements online charging that the press and the district attorney were persecuting the Neumanns in “a modern day Roman Coliseum” and threatening to “strike down the Constitution.”

He warns that “if you do not help the Neumanns defend your rights now,” the state will soon force Christians to have microchips in their hands and foreheads.

Death better than missing heaven

The Neumanns believe, he says “that God even used their weakness to take their daughter home and that like many she may not have chosen to stay faithful to the Lord if she had been raised up in this increasingly corrupt society. . . . If I were in their case I would pray that God take any child of mine if He saw they would fall away and miss heaven. . . . Eternal life in paradise is much preferred to this sick mud-ball. The lost think the ultimate is this sorry life because they have no hope for the next. They hypocritically murder almost a million and a half babies in the womb every year in the U.S., but let one couple lose a child to heaven and they will crucify them.”

We’ve seen this movie before

Eells’ theology is a re-run of the Word Faith originated by Kenneth Copeland in Oklahoma and made infamous by Rev. Hobart Freeman in Indiana, whose Faith Assembly followers let 64 children die without medical care.

Like Freeman, Eells claims that medical science is witchcraft. Both point out that the root of the word “pharmacy” is a Greek word meaning “witchcraft” or “sorcery.”

Both use public information about medical errors to claim that it is safer to rely only on Jesus to heal. Eells writes that federal statistics show that

“doctors are approximately 9,000 times more dangerous than gun owners.”

“Trusting in God is far superior and should be legal by any common sense,” he says.

Both Freeman and Eells claim that illness is a test from Satan.

Also like Freeman and Copeland, Eells claims that the crucifixion of Jesus redeemed man from both sin and sickness. Eells cites the diseases listed in Deuteronomy as curses upon fallen man and claims that Jesus removed all curses from believers through his crucifixion.

“I am not condemning those who use doctors or medicine,” Eells writes. “I am offering the good news that Jesus has already healed you almost 2,000 years ago.”

Word Faith prayer becomes, in CHILD’s view, a legalistic ritual arguing that the believer is already healed and that the devil has no right to tempt him with disease symptoms.

Is Word Faith theology dangerous?

Eells emphasizes that he does not discourage people from going to doctors. Everyone should seek the type of healing they have faith in, he says.

It is often forgotten that Freeman said the same thing. He told his followers that healing by “pleading the blood of Jesus” was for those who were ready to repent and walk in the deeper waters as mature Christians. He did not prohibit people from going to doctors, yet 64 children in his church died without medical care.

Why? One reason is social pressure. In the house churches that sprang up from Freeman’s preaching, people judged each other and most people wanted to be “mature Christians.”

There is also social pressure in Eells’ system. Citing Jesus, Eells claims that when two or three people “agree” in prayer, God will for sure give them whatever they pray for. When he and his ministers prayed for Kara, they were “agreeing” that the Neumanns had the faith to receive a healing.

After Kara died, Eells wrote that the Neumanns might have made “a mistake” because they did not have enough faith to get a spiritual healing, but when they begged him for help, he guaranteed a healing.

Another reason people choose to rely on faith is that they’ve had physical healings after praying,

which confirms what they want to believe—that they possess absolute truth and God heals disease.

Eells wrote that when the Neumanns called him to pray for Kara, “They did not seem overly concerned because they had had healings before.” But their composure might have been only an external mask. They had to be serene and trusting in order to get a healing. Any fear or doubt would dishonor an omnipotent being.

Willful misinterpretation of symptoms

A final important factor to both Eells and Freeman is that disease is spiritual warfare, not biochemistry. If you believe that disease is a temptation from the devil and that certain prayers defeat the devil, it makes sense to rely on prayer rather than medicine.

Like Christian Scientists, Word Faith believers and their leaders often willfully misinterpret changes of symptoms as proof that a divine healing is coming. They arrogantly assume that they know more about disease than medical doctors do.

In CHILD’s view Eells is not absolved of moral responsibility for Kara’s death by saying that he allows his followers to go to doctors. He has stoked paranoia, a martyr complex, and superiority in secret knowledge with his sensational interpretation of current events seeing the devil at work everywhere. These attitudes carry over in the fear of supernatural evil, willfulness, and belligerent rituals that buttress charismatic faith healing.

Final thoughts

The religious defense to criminal child abuse should be repealed. It is loaded with weasel-word caveats and may mean next to nothing. On the other hand, it may mean that Christian Scientists are allowed to intentionally cause great bodily harm to a child if they pay a spiritual healer to pray. In either case one has to wonder why the legislature and the Christian Science church wanted such a law.

The religious exemption in the civil code should also be repealed. It is outrageous that it was used to prevent Child Protection Services from monitoring the welfare of Kara’s surviving siblings. Diabetes is strongly hereditary. The parents have expressed no remorse or inclination to get medical care in the future. If the siblings are home-schooled as Kara was, it will be especially difficult for CPS

to become aware of their illnesses in time to save their lives.

The judge’s ruling on the parents’ constitutional claims is expected by November 28.

Sources include the University of Wisconsin’s *Daily Page*, March 25 and Aug. 8; *Wausau Daily Herald*, July 23 and 30; Robert Imrie’s AP articles on April 28 and May 21; court documents; www.HelptheNeumanns.com; and www.UnleavenedBreadMinistries.org.

Church tried to get “license to kill”

In the 1993-94 session of the Wisconsin legislature a bill was introduced to give a defense to homicide for Christian Scientists who withhold lifesaving medical care from their children. Dan Barker, Co-president of the Freedom from Religion Foundation, headquartered in Madison, Wisconsin, testified against it. Below is an excerpt from his account of the public hearing.

A public hearing on the bill was held January 12 [in 1994] before the Wisconsin Senate Health Care Reform Committee at the state capitol. I went to testify, as an individual. I had to wait four hours in a room crowded with well-dressed, smiling Christian Scientists.

Senator Brian Rude, president of the Senate and principal author of Senate Bill 544, appealed to the separation of church and state, saying that all citizens have a “First Amendment right to freedom of religion,” and that “the law is not a good way to address moral issues.” Noting that Christian Scientists are specifically exempt in 27 states, Rude urged the senate to limit this exemption to Christian Scientists so that the state would not have to worry about possible abuses from cults.

Most of the testimony from local believers was anecdotal. A woman from Oshkosh told how God healed her son of a broken collarbone through Christian Science. “Prayer has proved to us that it works,” she told the committee.

George Jeffrey, from the Christian Science Committee on Publication, pointed out that the state is free to step in and rescue suffering children if there appears to be a problem. “Christian Scientists are law-abiding people,” he said. They would not

fight state intervention. But when asked how the state is supposed to learn of these dying children when the religion is very secretive, Jeffrey had no answer.

One of the senators gave Jeffrey a tough time, not objecting to prayer, but wanting assurance that Christian Scientists are doing it right. "I believe in prayer for healing," the senator stated. "Some people live closely to God." How does the state know that Christian Science

Dan Barker

practitioners are truly "gifted by God?" she asked.

Jeffrey responded that "practitioners" (Christian Science medical substitutes who are paid for their services) go through a "two-week intensive training" in spiritual healing, learning the "same method used by Jesus." The senator nodded in approval.

When a committee member asked, "Do Christian Science practitioners ever suggest traditional medical treatment?" Jeffrey responded, "No." They gave him at least 20 minutes to talk.

Margaret Lewis, a former state legislator now lobbying for Christian Science, gave an impassioned plea for "religious freedom." Conceding that practitioners are not always 100% successful, she countered that there are "no guarantees with traditional medicine" either. As evidence of Christian Science effectiveness, she offered the book *Spiritual Healing in a Scientific Age* by Robert Peel, containing, she said, "hundreds of examples" of proof.

Robert Carnes, a fourth-generation Christian Scientist and a practitioner, urged the senate not to set up a "state religion" of medicine. We must let "spiritual values survive," allowing good people to "rekindle moral values."

All of the Christian Scientists appeared educated and polite. They repeatedly stressed how they obey the law and care for their families. The state has allowed Christian Scientists to adopt and take in foster children.

Only three of us spoke in opposition to the bill. Gary Schuster, District Attorney from Door County (a long drive), called SB 544 "an awful bill. . . a license to kill." He pointed out the danger that this exemption could be misused by abusive parents claiming "religious motivation." Schuster said that parents might be free to make martyrs of them-

selves, but they are not free to make martyrs of their children as a test of their faith.

The Assistant D.A. from Milwaukee County also opposed the bill, saying that it would grant certain parents "immunity from prosecutions for homicide" if the child died from neglect.

After much more anecdotal praise for Christian Science, it was finally time for my three minutes. I mentioned a traumatic medical emergency in our family that was successfully handled with 911 and the professional staff of Meriter Hospital. Our doctor told us that Annie Laurie and our baby would have died without swift, capable treatment. "What if, instead of picking up the phone, I had dropped to my knees and started praying?" I asked the committee. "Would you have no problem with that?"

"In my opinion," I continued, "Christian Science is pure quackery." The room crackled with disapproval.

"There has never been a single independent scientific study proving the effectiveness of Christian Science practitioners." Boos, grunts, and hisses from the polite religionists. "If there is such a study, your committee should demand to see it." Although the committee chair had earlier repeatedly asked the crowd to refrain from applause, she neglected to caution the audience when I was speaking.

"What we do have evidence of," I continued, "is that Christian Science children are dying!" I told about little Amy Hermanson, who died an agonizing death from treatable diabetes while her praying parents stood by and did nothing. A jury found the parents guilty of manslaughter, but the conviction was overturned because Florida law contains a specific exemption for Christian Scientists. "Is that what we want in Wisconsin?" I asked. Some states have removed their exemptions. "Should Wisconsin move backwards?"

As my three minutes were running out, I hurriedly mentioned that this bill would be unconstitutional. The Wisconsin constitution states that "no preference shall be given by law" to any religious group (Art. I, Sec. 18).

As I took my seat, a woman handed me a slip of paper with these words: "See Mark chapter 5. What more scientific proof do you need?"

A week after the hearing, I received a copy of *Spiritual Healing in a Scientific Age* at my home, mailed by a Christian Scientist who wanted me to

know “the facts.” It is packed with anecdotal, undocumented “proof” that Christian Science works and that medical science doesn’t. The names of doctors and hospitals have been deleted, and there is no way to check “the facts.”

The bill got out of committee by a 4-3 vote. (They brought in an outsider to break a 3-3 tie.)

Taken from Dan Barker’s “Christian Science Exemptions: a License to Kill,” *Freethought Today*, March, 1994.

The bill was defeated on the Senate floor in March, 1994.

Other court cases

Parents in faith-healing sects currently face criminal charges in four deaths of U.S. children besides the Neumann case (see above). In a long-running Tennessee case, Jacqueline Crank and her pastor Ariel Sherman of the New Life Tabernacle in Lenoir City are charged with misdemeanor child neglect for the 2001 death of Jessica Crank, 15, from Ewing’s sarcoma.

In Cambria County, Pennsylvania, a baby girl was born in a toilet and discarded in 2006. Her mother, Jennifer McKendree, a member of Faith Tabernacle, has been charged with third-degree murder, concealing the death of a child, child endangerment, reckless endangerment, and abuse of a corpse.

In Oregon, Clackamas County prosecutor Greg Horner has filed charges in the cases of two Followers of Christ children who died with no medical care. One was Ava Worthington, who died at 15 months of age in March, 2008. She had pneumonia and a 4”-long cyst on her neck that interfered with her breathing. Her parents are charged with manslaughter and criminal mistreatment.

The other was Neal Beagley, 16, who died in June, 2008, of a urinary tract blockage. He had a congenital kidney condition that likely caused pain for years. His parents are charged with criminally negligent homicide.

Another important legal development is that the Supreme Court of Canada heard its first case on whether adolescents with religious objections to medical care may be allowed to refuse it. The Witness plaintiff is now 17 years old. She has Crohn’s

disease, which is an incurable but manageable condition. The case is *A.C., et al. v. Director of Child and Family Services (Manitoba)*.

CHILD will report on these cases in future newsletter issues.

Survivor recounts life at Christian reform school

Michele Ulriksen’s memoir, *Reform at Victory: a Survivor’s Story*, describes her harrowing experience at Victory Christian Academy in Florida, a locked-down, unlicensed fundamentalist reform school.

Florida allows church-run boarding schools for disturbed teenagers to operate without state licensure. Instead, they are accredited by the Florida Association of Christian Child-Caring Agencies, which has standards that are much less protective than state licensing requirements.

The main purpose of these schools is not education but behavior modification.

A salute to my husband: CHILD’s faithful treasurer

This year CHILD has hired a bookkeeping service. For the past 25 years, however, Doug has been CHILD’s treasurer and bookkeeper. Without compensation he set up bookkeeping programs, recorded all donations and expenses, sent receipts to members, and prepared reports to the state and IRS, mail merges, monthly financial reports, and print-outs of member contact information in several formats for me.

His contributions have gone far beyond those of treasurer. Before we had our mass mailings prepared commercially, getting a newsletter out was a family affair with piles sorted out all over our living and dining rooms. Doug was the expert at sealing ten envelopes with one swipe of the sponge.



*Doug listens to wandering storyteller
Pádraic Ó Conaire*

Before we had desktop publishing software, Doug spent a Sunday tediously wrapping text around photos in our first version of “Cry, the Beloved Children,” so I could give it to legislators in Des Moines on Monday. It was beautiful but did not persuade Iowa legislators to do anything.

Before CHILD had office equipment beyond a computer, Doug took my material into town several times a week to copy, print, fax, and mail. It is hard to believe that in 1988, when the Twitchells had just been indicted in Boston and the national media were calling constantly, we did not have a copying machine, e-mail, or a webpage.

Above and beyond all that, Doug has been my best friend and cheerleader in CHILD’s work. As the saying goes, “a friend is one who knows the words to the song in your heart and sings them back to you when you have forgotten them.”

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