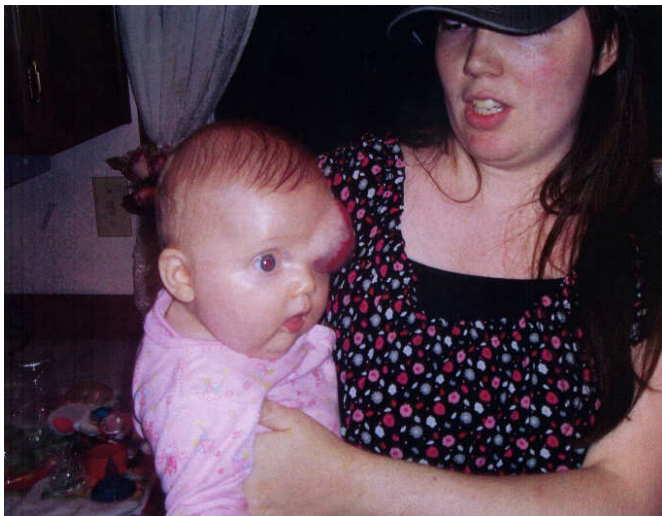


# Children's Healthcare Is a Legal Duty, Inc.

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*Equal rights for children under the law*



*Rebecca Wyland and Baby Alayna*

Photo courtesy of Clackamas County Sheriff's office

## Yet another Followers' child harmed by medical neglect

On July 30 Timothy and Rebecca Wyland of Beavercreek, Oregon, were charged with first-degree criminal mistreatment for withholding medical care from their eight-month-old daughter Alayna.

*The Oregonian* reports, "Alayna had a small mark over her left eye at birth. The area started swelling, and the fast-growing mass of blood vessels, known as a hemangioma, eventually caused her eye to swell shut and pushed the eyeball down and outward and started eroding the eye socket bone around the eye."

The Wylands belong to the Followers of Christ, which has let scores of children die without medical care. The Followers believe in healing disease through prayer, anointing with oil, and laying on of hands.

According to court documents Mrs. Wyland anointed Alayna with oil whenever she changed the

baby's diaper and wiped a yellow discharge from her eye each day.

Someone reported the baby's condition to the Oregon Department of Human Services, and on July 1st Clackamas County Circuit Court Judge Douglas Van Dyk gave the state temporary custody of the baby and ordered medical treatment for her.

A Clackamas County detective's search warrant affidavit stated, "Alayna's left eyeball was completely obstructed, and you could not see any of it. The growth was multiple shades of red and maroon and appeared to me to be between the size of a golf ball and a tennis ball."

Doctors testified that most parents recognize a hemangioma as needing medical attention long before it reaches the size of Alayna's growth.

The Wylands said they never considered getting medical care for their baby and would not have if DHS had not intervened. When asked why not, Rebecca Wyland replied, "Because I believe in God and put my faith in him."

Timothy Wyland expressed a similar faith and said it was God's will if the baby was not healed through prayer and ritual.

The Wylands promised the court that they will comply with anything the state requires and pleaded for return of their only child.

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## Parents to share baby's care with foster parent

Clackamas County Circuit Court Judge Douglas Van Dyk approved a plan that allows the Wylands to take care of Alayna for most of the day at least five days a week before returning her to a foster parent. The plan includes three dosages of medicine for her condition, two of which will be given by the foster parents. A state worker must monitor the administration of the drugs. The Wylands agreed to contact a doctor whenever Alayna looks ill.

“Separation from parents is a calamity in the life of a child, and it’s a calamity in the life of this child,” Van Dyk said. “The trauma associated with these court proceedings could have life-affecting consequences, so I believe that is why the law focuses on reasonable efforts to eliminate the need for separation from this family.”

## Baby may lose sight in one eye

But Van Dyk said the first and foremost concern would be for Alayna’s well-being. She may still be in danger of blindness in her left eye.

Rebecca’s attorney noted that one doctor had reported the baby’s eye was “tracking,” but the prosecutor countered that another doctor had informed the state that “tracking isn’t necessarily indicative of sight.”

In April Clackamas County District Attorney John Foote sent a letter to 415 Followers of Christ families hoping to start a dialogue with them about getting medical care for their children. He got few responses and none that led to dialogue.

In 2006 Wyland’s first wife died of untreated breast cancer. He married Rebecca in 2008.

Information taken from *The Oregonian*, July 2, 15, 22, 24, and 30.

## Followers charged in infant's death

On July 30 Followers of Christ parents Dale and Shannon Hickman of Oregon City, Oregon, were charged with second-degree manslaughter in the death of their son.

It is the fourth time in the past two years that church members have been indicted for withholding medical care from a child.

More than 80 Followers’ children are buried in the church cemetery near Oregon City. Many died from medically-treatable illnesses, but until 2008 no criminal charges had been filed against Followers of Christ parents.

Shannon Hickman reportedly had complications during labor, and church members prayed over her during the night. Her son was born on Sept. 27 about six weeks premature and weighing 3 pounds 5 ounces. The baby lived only nine hours. He died of staph pneumonia and complications from prematurity including underdeveloped lungs.

No one with medical training attended the birth, and no one called a doctor or ambulance.

## Four moms died in childbirth

Dr. Larry Lewman in the state medical examiner’s office commented that not only have many Followers’ babies died in unattended home deliveries, but mothers have also died in childbirth. In the 1990’s, Lewman said, there were “four perfectly healthy mothers, pregnant, who died during childbirth from puerperal sepsis. That’s an infection that doesn’t even occur today. You read about it in the textbooks from the 1910s—the pre-antibiotic era. None of these women should have died. Three of their children died. It was all perfectly treatable, and they literally suffered for days.”

Sources: *The Oregonian*, July 31, 2010, and *Oregon Faith Report*, Oct. 2, 2009.

## Faith and medical neglect in Alabama

An Alabama baby’s death may be a case of religion-based medical neglect.

The medical examiner has found that 16-month-old Justin Stockton died of severe malnutrition in April. The examiner ruled the death a homicide.

## Sect of relatives living in compound

The parents, Jeff and Becky Stockton, and their children lived with other relatives in a compound in Gardendale, Alabama, and formed their own sect called “The Family.” According to defector Pamela Stockton the residents participate “in a cult environment” and “one of the cult rules prohibits medical treatment.”

The Alabama Department of Human Resources has removed Jeff and Becky Stockton's surviving eight children and placed them in foster care.

### **Bereaved parents cite beliefs against medical care**

Pamela Stockton said her own 4-year-old son, Reginald Lee Stockton, Jr., died in 1989 due to the sect's strictures against medical care.

Bill Yates, a Jefferson County deputy coroner, said his office has reviewed Reginald's death and three stillborn deaths as part of the ongoing Justin Stockton homicide investigation. All of the deaths occurred at a private residence and none was attended by a physician, he said.

"When we pulled the files, in every case, the family told investigators that the child does not have a physician and the family does not seek treatment from doctors," Yates said.

Yates said Pamela Stockton's son died of congenital heart disease and the death was ruled as due to "natural causes" in 1989.

Source: *Birmingham News*, June 23 and July 30, 2010.

### **Deaths and injuries linked to fundamentalist discipline**

In February Kevin and Elizabeth Schatz of Paradise, California, were charged with murder, torture, and abuse in the death of their adopted daughter, Lydia, age 7, and injuries to her 11-year-old sister Zariah.

Lydia was reportedly hit for hours for mispronouncing a word during a reading lesson.

Zariah was hospitalized for two weeks with kidney failure because of beatings, but recovered.

The Schatzes have six biological children. They adopted Lydia, Zariah, and a baby from an orphanage in Liberia about three years ago.

Their other children told investigators the parents frequently hit all of them with plastic tubing, but that Lydia and Zariah received the harshest beatings.

Neighbors said the Schatzes were deeply religious and private parents who home-schooled all their children and seemed to "regiment" their behavior.

### **No Greater Joy Ministries**

Evidence indicates that the Schatzes followed the discipline recommendations of Michael and Debi Pearl, who run No Greater Joy Ministries in Pleasantville, Tennessee. The Pearls glorify corporal punishment as a parent's Christian duty.

The Pearls have no degrees in child development. Indeed, the only degree between them is Mr. Pearl's from Mid-South Bible College in Memphis, which we believe was an unaccredited institution.

### **\$2200 a month state subsidy; child suffocates in attic**

In 2006 a follower of the Pearls in North Carolina caused the death of an adopted child. Lynn Paddock of rural Smithfield was charged with murder and felony abuse for the death of 4-year-old Sean and injuries to other children. All the children were malnourished. Sean and two others had welts from being hit. Sean actually died of suffocation after Paddock wrapped him tightly in blankets and put him in the attic.

The Paddocks adopted six children and received a subsidy of \$2,200 a month from the state because several of the children had behavioral problems.

### **Strict punishment and control**

As her adopted children became more and more difficult for her to handle, she turned to the Pearls' materials for guidance. They claim that corporal punishment is necessary and that it enhances a child's self-esteem rather than demeans him.

Although the Paddocks had signed a statement for the adoption agency that they would never hit the children, Mrs. Paddock was soon hitting them with plastic tubing and other implements.

She later testified that her chemically-dependent mother had regularly beaten her with PVC pipe and that the state eventually placed her in a foster home.

The children testified that Paddock hit them almost daily. She also forced them to exercise or sit facing a wall for hours and controlled what they ate, when they went to the bathroom and with whom they could have contact. She often shut their mouths with duct tape that wrapped around their heads multiple times. She wrapped the younger ones in blankets and cinched them tighter and

tighter as the children exhaled. Sometimes she put furniture on top of a blanketed child.

### **“Ritualized torture”**

The children also testified that she forced them to eat feces. She denied that, but did admit that she forced three of the children to eat vomit because she thought they were choosing to vomit out of spite.

Forensic pediatrician Dr. Sharon Cooper of Fayetteville, North Carolina, testified the children were subjected to “ritualized torture” because of Mrs. Paddock’s obsessive need for control.

In 2008 Paddock was convicted of first-degree murder and sentenced to life without parole because the jury concluded the death was the result of torture. Defense witnesses testified that she did not intend to harm the children, but rather had poor decision-making skills and was subservient to others. Malicious intent, however, is not necessary to prove first-degree murder in North Carolina if there is torture.

In June of this year the conviction was upheld by the North Carolina Supreme Court.

### **Father claims ignorance of punishments**

Mr. Paddock was not charged as an accessory to the crimes though he bought the tubing used to hit the children and cut it into sections so there was a plastic whip in every room of the house per Pearl’s recommendation.

He claimed he knew nothing about the abuse, offered to testify against his wife, and divorced her while she was awaiting trial. The judge found his ignorance unbelievable, but Assistant District Attorney Paul Jackson said the children all regarded their adoptive father as their protector and none said Mr. Paddock was aware of the abuses.

Over a million copies of Michael Pearl’s books have been distributed, and there are naturally many people who believe in his methods and have found them very helpful in raising their children.

### **Pearl sets limits on corporal punishment**

Pearl opposes hitting children to the point of causing serious physical injury. He claims his recommended “spanking implements,” such as plastic plumbing tubes about ¼-inch in diameter and willow switches, will not cause serious injury. He insists that parents must never hit in anger. He

recommends extensively that parents “delight” in their children and share many enjoyable activities with them so that children will be cheerful and happy and have a close bond with both parents.

### **How advice leads to death and injury**

So how do we get from delight to murder and torture with the same parenting books? Paddock had been severely abused by her own mother. Like many another abuser, she found it easy to act out the patterning she had seen and felt as a child and Pearl’s book gave her a biblical justification for doing it. Pearl told her to whip them with plastic tubing and keep a whip on display in every room. Her other discipline tactics were not in Pearl’s book, but in our view, come out of the same insistence that children must be absolutely controlled and admit their defeat.

The Schatzes’ biological children had been raised from birth with corporal punishment and were, at least superficially, submissive. Lydia and Zariah were not babies when they were adopted from Liberia, and the Schatzes were having a harder time breaking their will. The Schatzes may not have hit in anger, but they were hitting out of equally deadly frustration.

After reading the Pearls’ book, *To Train Up a Child*, I have the following observations of it. Page numbers are from the 2004 edition.

### **Mule-training techniques used on infants**

Pearl says his book is about “training” or “conditioning” rather than “discipline.”<sup>4</sup> He advocates “the same principles the Amish use to train their stubborn mules, the same technique God uses to train his children.” (introduction)

Pearl emphasizes beginning with the infant. Hit the infant once with a switch on a bare leg to create an association between the undesired behavior and pain. If the parent is “consistent” and always hits every time the behavior occurs, the child will learn to “consistently obey.”<sup>5, 8</sup>

### **Tempt babies to do wrong, then hit them**

Pearl says God put the tree with the forbidden fruit in the Garden of Eden as a temptation and therefore parents should tempt their children to do wrong and then punish them for it. As one example Pearl recommends setting out the child’s favorite

food, and, when the child reaches for it, saying no and enforcing the command with a switch. 5-8

The child is supposed to perceive the parent's hand as loving, so all hitting must be done with an implement. 50

### **Parents must win**

Like many fundamentalists, Pearl has a strong loathing of rebellion. He insists that the parent must achieve absolute, total, immediate submission from the child and not bargain. He says that when a child sees corporal punishment coming, he "will panic and rush to demonstrate obedience," but the parent should still hit the child because s/he did not obey promptly. 62, 49

Pearl warns that infants will grow to become terrors and tyrants if not trained by parents' hitting them and winning "the battle for control." 8 They are born with lusts of the flesh, especially selfishness. If they cry or whine after their physical needs are met, then they are willfully trying "to manipulate others into constant servitude" and should be switched. 9, 63

### **Magic rod absolves kids of guilt and sin**

Of course Pearl cites the verses from Proverbs recommending "the rod," but he also ties it to the salvation promised by Christianity:

God has provided parents with a tool to cleanse their children of guilt—the rod of correction. . . . Parents hold in their hands (in the form of a little switch) the power to absolve the child of guilt, cleanse his soul, instruct his spirit, strengthen his resolve, and give him a fresh start through a confidence that all indebtedness is paid in full.

Father, as high priest of the family, you can reconcile your child to newness of life. Guilt gives Satan a just calling card and a door of access to your child. In conjunction with teaching, the properly administered spanking is restorative as nothing else can be.

A spanking (whipping, paddling, switching, or belting) is indispensable to the removal of guilt in your child. . . .

Picture a child of any age who is miserable, complaining, and a bully to other kids. . . . Fail to use the rod on this child, and you are creating a modern-day "Nazi." After a short explanation

about bad attitudes and the need to love, patiently and calmly apply the rod to his backside. Somehow, after eight or ten licks, the poison is transformed into gushing love and contentment. The world becomes a beautiful place. A brand new child emerges. It makes an adult stare at the rod in wonder, trying to see what magic is contained therein. 45, 46, 47

Many Christians might regard attributing the atonement to a stick as blasphemy, but in fairness Pearl says that this is only because the child is not old enough to reason and acknowledge Christ as his real savior. With corporal punishment the parents are "stage-playing" for the child a scenario that is like what he will get from God and Jesus later. 45, 53

### **Unfaithful cowards**

Pearl condemns parents who do not use corporal punishment as unfaithful Christians and "emotional coward[s]":

The God who made little children, and therefore knows what is best for them, has provided them parents to employ the rod in training up their children. To refrain from doing so, based on a claim of love, is an indictment against God himself. Your actions declare that either God does not desire what is best for your child or you know better than him. 38

### **Moms concerned about child's pain are selfish**

Pearl is especially contemptuous of mothers who are emotionally torn when their children cry because of corporal punishment. Such mothers, he says, selfishly "crave the gratification of being needed." 10

Pearl's book has several anecdotes about children who enjoy corporal punishment and understand the benefits they get from it. 41, 45 He recommends letting older siblings use corporal punishment on younger ones and praises three-year-olds who repeatedly hit their dolls. 56-57, 65

He says that his wife was so possessive about their first-born child that men in his church grabbed the baby out of her arms and ran away with him for two hours before giving him back to his mother as a miraculously-trained, happy toddler who enjoyed

“men’s company.”<sup>65</sup> Kidnapping charges could have been filed, but Mr. Pearl praises them for it.

### **Kids must be hit until they show right attitude**

Often Pearl prescribes a single blow—once should be enough to get the message across. But because of his insistence on “voluntary submission” and the child having a proper “attitude,” he also describes many more blows. If a child “screams louder and gets madder” when hit, Pearl advises:

Don’t be bullied. Give him more of the same. Switch him eight or ten times on his bare legs or bottom. Then, while waiting for the pain to subside, speak calm words of rebuke. If his crying turns to a true, wounded, submissive whimper, you have conquered; he has submitted his will. But if his crying is still defiant, protesting, and other than a response to pain, spank him again. . . . If you stop before the child is voluntarily submissive, you have confirmed to him the value and effectiveness of a screaming protest.<sup>84</sup>

Pearl’s writing is heavily self-referential. He promotes his marriage and children as proof of the success of his methods. He describes his teachings as unique though many of his ideas and strategies are in other fundamentalist child-rearing manuals.

When asked about the deaths, Pearl replied that about one-sixth of the nation’s estimated three million home-schoolers use his materials and “the chances of one of them committing a crime is pretty good.” (*sic*)

### **Laughter and joy**

Pearl emphasizes happiness as the goal. Parents should take joy in training their children. Once trained, the children should be joyful. His webpage describes his children and their families as happy all the time. Among his grandchildren are Elijah Music, Ryshoni Joy, and Hannah Sunshine. But some of the elder Pearls’ happiness is cynical. Mr. Pearl recently posted on Facebook:

I laugh at my caustic critics, for our properly spanked and trained children grow to maturity in great peace and love. Numbered in the millions, these kids become the models of self-control and discipline, highly educated and creative—entrepreneurs that pay the taxes your

children will receive in entitlements. . . . When your children apply for a job it will be at a company our children founded. When they go to a doctor, it will be one of our Christian children that heals them with cutting edge innovation. . .

My five grown children are laughing at your foolish, uninformed criticism of God’s method of child training, for their kids—my 17 grandkids—are laughing. . . because that is what they do most of the time. . . . My granddaughters laugh with joy after giving their baby dolls a spanking for “being naughty” because they know their dolls will grow up to be the best mamas and daddies in the world—just like them. . . .

Even my chickens are laughing. . . because they just laid another organic egg for my breakfast and they know that it was that same piece of ¼-inch plastic supply line that trained the dogs not to eat chicken.

Many testimonials indicate children become models of good behavior and cheer from the type of corporal punishment Pearl advocates. For CHILD, however, it is easy to see how some parents go from his teachings to fatal injuries.

Sources include *Raleigh News and Observer*, May 6, 2006; WRAL TV, June 9 and 12, 2008; *Chico Enterprise Record*, Feb. 12, 2010; KHSL TV, Feb. 12, 2010.

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## **Some fundamentalist parenting advice is medically wrong**

The Pearls (see above) and their supporters say that a child cannot be seriously harmed by their type of corporal punishment. Pearl recommends hitting a child with a thin flexible “rod” and cites a length of plastic plumbing supply line about ¼” in diameter as a specific example. He claims it will impact nerves just under the skin, but not break the skin and is safer than hitting with your hand.

In our view Pearl is advocating this plastic whip as causing maximum pain but leaving minimum evidence to alarm Child Protection Services. (He warns not to do corporal punishment in public even where fellow church members can see it.)

The only way a child could get hurt by such an implement is by swallowing it, one Pearl defender posted online.

Yet 7-year-old Lydia Schatz was beaten to death with plastic plumbing supply line and her 11-year-old sister was hospitalized with kidney failure from similar beatings.

Hitting with an implement increases the danger of abuse because the parent does not feel the impact. And, of course, quantity matters. The Schatzes' "discipline sessions" reportedly went on for hours—hitting interspersed with pauses to check if the child was completely submissive.

### **Muscle damage causes shock, kidney failure**

The medical examiner reported that the children had "a breakdown of muscle tissue." The MedlinePlus medical encyclopedia reports that when muscle is damaged, a protein pigment called myoglobin is released into the bloodstream and breaks down into potentially harmful compounds that may cause kidney failure. Also, dead muscle tissue may cause a large amount of fluid to move from the blood into the muscle, reducing fluid volume in the body and thereby causing shock and kidney failure.

It is thus possible to beat a child to death without breaking the skin.

### **Babies endangered by Ezzos' advice**

Like the Pearls, Gary and Anne Marie Ezzo claim millions of true believers in their Christian parenting program, Growing Families International. The Ezzos have much the same advice as the Pearls on discipline and subjugation of children, but their detailed instruction on infant feeding has been especially controversial. Parents following it have caused many cases of malnutrition, dehydration, failure to thrive, involuntary early weaning, developmental delay, and breast milk supply failure.

The Ezzos insist that babies from birth should be fed on the parent's schedule rather than the baby's. They claim that babies should be able to sleep for twelve hours at night when only a few weeks old.

They say that parent-directed feeding establishes "a rhythmic structure suited for metabolic stabilization" and that a newborn needs the "outward

structure" provided by parent-directed feeding "until his central nervous system is fully developed."

### **Unsubstantiated medical claims**

No scientific evidence supports this claim though the Ezzos list a medical advisory board. Statements from some of the health care providers endorsing Ezzo materials show that their faith has influenced their support.

The American Academy of Pediatrics has warned that their advice on infant feeding and child development can be dangerous. Dr. Matthew Aney prepared a packet listing many unsubstantiated medical claims made by the Ezzos.

The packet and many other materials raising concerns about the Ezzos' teachings can be accessed at [www.ezzo.info](http://www.ezzo.info).

In 2000 Gary Ezzo was excommunicated by the Living Hope Evangelical Fellowship. The Ezzos' two daughters and their husbands reportedly cut off contact with the Ezzos several years ago. But their webpage describes an active, prosperous ministry.

### **Fake Indians cause harms**

In February, the self-help guru and multi-millionaire James Ray was charged with manslaughter for the 2009 deaths of three adults on a "vision quest" in his fake sweat lodge. Eighteen others were hospitalized; people had suffered broken bones and other serious injuries during Ray's vision quests in previous years.

Ray charges nearly \$10,000 for the experience. His best-selling book, *The Secret*, teaches how to "attract" unlimited "harmonic wealth" (of the financial kind) by cleansing oneself of limitations and fears.

The Lakota Hills Sioux Nation has filed a lawsuit against Ray for impersonating an Indian and expropriating their purification ceremony in violation of the 1868 Treaty of Fort Laramie. The Sioux say the purification ceremony is their property protected by U.S. law and United Nations declaration and should only be conducted by tribe members.

In 2009 fake Indians endangered the life of 13-year-old Daniel Hauser of Sleepy Eye, Minnesota. Daniel was diagnosed with Hodgkin's lymphoma, a highly curable form of cancer when treated with



chemotherapy and radiation. But the family rejected chemo after a single treatment.

### **Family joins tribe, uses its non-medical remedies**

His mother Colleen Hauser said that putting toxic substances in the body violated the family's religious convictions. Though they are Roman Catholic and not Native Americans, they joined the Nemenhah Band, and began using its remedies to treat Daniel's cancer.

### **Native American heritage and marketing claims disputed**

Based in Stockton, Missouri, the band claims to be a Native American tribe with about 7,000 members, but is not recognized as a tribe by the federal government. Its "Elected Principle Medicine Chief," Philip Cloudpilar Landis, claims to be a descendant of a woman who was ritually adopted by Nez Perce Chief Joseph. The Nez Perce say his claim is fraudulent.

Chief Cloudpilar has been convicted of grand theft and theft by deceptive practices in two states for his marketing of "alternative medicine." Raised a Mormon, he discovered his Native American heritage while serving prison time. After his release he formed the Nemenhah Band. Its motto is "Our religion is our medicine."

Cloudpilar charges \$250 for a person to be spiritually adopted into his band plus \$100 a year membership fee. His webpage has many natural remedies and craft items for sale, which are described as "sacraments." See [www.nemenhah.org](http://www.nemenhah.org).

Dr. Bruce Bostrom, Daniel's treating oncologist, was in touch with the family nearly every day for ten weeks trying to persuade them to return for more chemotherapy. After a chest x-ray showed that the tumor was growing, Bostrom reported the boy as a neglected child to Child Protection Services.

### **Starving cancer by nutrition**

Mrs. Hauser testified that they had been treating their son's cancer with herbal supplements, vitamins, ionized water, and a sugar-free diet.

"We're starving the cancer," she said. She disputed the x-ray, claiming that the image might be only of scar tissue or was a different view than the previous one.

### **13-year-old medicine man cannot read**

Hauser said Daniel has become a medicine man of the Nemenhah Band. She said his personal religious beliefs require its remedies. A teacher, however, testified that the home-schooled boy cannot read or write. Indeed, he could not even read the word "the."

As Bostrom left the courtroom, a Hauser supporter told him, "Go to hell." The doctor replied wearily, "I'm already in hell." It was the first time in decades of pediatric oncology practice that he had to report parents for medical neglect, he said.

After Daniel testified privately before the judge, his court-appointed attorney said he no longer believed the boy's religious beliefs were genuine.



*Colleen and Daniel Hauser return to court*

*Credit: John Cross/Mankato Free Press*

The judge ordered the Hausers to promptly choose an oncologist and promptly follow his recommendations. By then, however, Mrs. Hauser and Danny had fled to California.

Landis supported the Hausers' rejection of chemotherapy though not their escape. He said doctors "may be the high priests of the medical religion, but. . . are spiritually bankrupt."

### **Boy now cancer-free**

A warrant was issued for Hauser's arrest, but she and Danny soon returned voluntarily. The parents then allowed Danny to have a full course of chemotherapy and radiation, which he finished in November. He remains cancer-free today.

Sadly, Mr. Hauser has recently been diagnosed with leukemia. He is using a dietary therapy similar to his son's and also getting blood transfusions.

The Hausers now say that Danny benefited from the court-ordered medical treatment but also



claim that it might not have worked without the Nemenhah Band's diet.

Danny continues to "diligently" stay on "a very high nutrition diet, more alkaline than most people would dare to follow," a fellow Nemenhah Band member reported.

The Hausers report severe financial hardships with the husband unable to work. They recently had their ninth child.

### **Minn. law: alt-med not substitute for necessary medical care of children**

A state law cited by the court in ordering chemotherapy for Danny stipulates that "a parent who obtains complementary and alternative health care for the parent's minor child is not relieved of the duty to seek necessary medical care" and that providers of "complementary or alternative health care" to "a child who is not receiving necessary medical care" must report the case to Child Protection Services. Minn. Stat. 146A.025

### **Bill lets parents rely on unproven remedies**

"Alternative medicine" proponents have retaliated with the introduction of SF3419 now in the Minnesota Senate. The bill "protect[s] a person's right to seek health care of the person's choice," including "healing methods. . . that have not been generally adopted by a profession, or that are not generally considered to be within the prevailing minimum standards of care of a profession, or that are not standard practices of a profession. . . ."

The bill also provides that "no action may be taken regarding the maltreatment of minors. . . based solely on a parent, guardian, or conservator's decision to refuse chemotherapy, surgery, or radiation for the treatment of cancer on behalf of their minor child. . . ."

CHILD urges its Minnesota members to voice their opposition to SF3419.

Taken in part from *Mankato Free Press*, May 8 and 9, 2009; *Minneapolis Star-Tribune*, May 12 and 20, 2009; AP, May 22, 2010; *Sioux City Journal*, May 21, 2010; CBS News, Oct. 12, 2009; ABC News, Feb. 3, 2010.

## **Native Americans protest exploitation**

Many Native American leaders are speaking out against the exploitation of their ceremonies and traditions for financial gain. One is Al Carroll, a Mescalero Apache, who holds a Ph.D. and was a Fulbright scholar. He maintains a website at [www.newagefraud.org](http://www.newagefraud.org) that monitors fraudulent use of Native culture.



*Al Carroll*

Carroll said the Nemenhah Band's webpage suggests they are "alt-medicine types who hide behind a laughable pseudo-native façade."

The Native American Rights Fund in Boulder, Colorado, labeled Band leader Philip Landis a "sham artist" who insults Native culture.

### **"Bastardization" of Native culture for profit**

D'Shane Barnett, special projects officer of the Native American Health Center in California, called the Nemenhah Band webpage a "pyramid scheme" that profits "from the bastardization and tokening of Native American people and practices."

The deaths in James Ray's pseudo-sweat lodges prompted a Navajo state legislator Senator Albert Hale, to introduce a bill in Arizona requiring state regulation of "any individual or business that charges people to participate in what the individual or business claims are traditional and authentic Native American practices" held off of tribal land.

"The dominant society has taken all that we have: our land, our water, our language," Hale said. "And now they are trying to take our way of life." His bill, however, died in committee.

Carroll's webpage is an eye-opener. It is appalling how many charlatans are making money by claiming to offer Native American rituals or artifacts.

As one blogger wrote, "Have not the Native people suffered enough without having their spiritual traditions appropriated and bastardized?"

Sources include the *Minneapolis Star-Tribune*, May 12, 2009 and the Cronkite News Service, Jan. 21, 2010

## **Court denies mother's bid for religious exemption to vaccinations**

A pantheist who objected to immunizing her daughter because it would inject "disease" into her "perfect" and "divine" human form was denied a religious exemption by a federal judge in New York in April, 2010.

Martina Caviezel sought an injunction allowing her to enroll her 4-year-old daughter in a Great Neck, N.Y., pre-kindergarten without getting the required immunizations.

New York state exempts children from the shots if their parents "hold genuine and sincere religious beliefs" against vaccinations. However, Eastern District Judge Arthur D. Spatt denied the injunction, ruling that Caviezel had not established that her beliefs against vaccinations were religious.

### **Hypnobirthing practitioner ordained as minister**

The Caviezels had their first three children vaccinated. But Mrs. Caviezel testified that her religious beliefs had changed by the time her fourth child was born. She became a "hypnobirthing practitioner," which made her aware of the miraculous nature of the human body.

Also, she was ordained as a minister after taking a one-day seminar at a Buffalo, N.Y., church called "Sanctuary of the Beloved." She admitted, however, that the church had not expressed any beliefs against vaccination.

### **Practices religion mostly by breathing**

Her religion of pantheism, she said, was not the doctrine of any denomination, but her personal belief to see "God in everything" around her. She said she practices her religion "mostly" by breathing,

because it enables her to "be present to the presence of God." It could be called "breathing meditation," she said. It involves stopping to notice flowers and people.

Caviezel admitted that she and her children take medicines for ailments, but she distinguished taking medicine from "injecting disease into the body."

She said immunizations were "not necessary" because the human body is "divine" in its "design."

She also complained that immunizations leave scarring "marks" on the divine body, but admitted in cross-examination that both she and her youngest child have their ears pierced.

### **"Selective personal beliefs"**

Judge Spatt found that the Caviezels' beliefs were genuine and sincere, but were also "selective personal beliefs" motivated by her fear that vaccines cause autism. The exemption is limited to those with religious objections and not offered to those whose views are "founded upon medical, personal, philosophical, or even moral considerations," Spatt wrote.

Patricia Finn of Piermont, N.Y., represented Caviezel. She said her client plans to litigate the case before a jury. Finn's law firm has a specialty of expanding access to religious exemptions from immunizations. Finn also represents a mom seeking a religious exemption in West Virginia (see below).

Source: *New York Law Journal*, April 7, 2010.

## **CHILD files amicus brief in West Virginia immunization case**

West Virginia mother Jennifer Workman has taken her effort to get a religious exemption from immunizations to the Fourth Circuit, U.S. Court of Appeals. West Virginia is one of two states that require immunizations of all schoolchildren without exception for personal beliefs.

### **Immunization law upheld**

In November the U.S. District Court, Southern District of West Virginia, granted summary judgment for the Mingo County Department of Education, which had refused to let Workman's daughter enroll in kindergarten without immunizations.

CHILD filed *amicus curiae* briefs in the initial case and in the appeal to the Fourth Circuit. Our Fourth Circuit brief argues that Ms. Workman has no grounds for a free exercise or equal protection claim, that a rational basis review would apply if she adequately stated a free exercise claim, and that even if heightened scrutiny applied to the immunization law, the state could show that it had a compelling interest in requiring immunizations and had used the least restrictive means to achieve that interest.



*Jim Dwyer*

This information is posted on our webpage and was referenced in the defendants' own briefing as well. See "Many disease outbreaks tied to belief exemptions" at [www.childrenshealthcare.org](http://www.childrenshealthcare.org).

CHILD also argues that the individual child has a constitutional right to the equal protection provided by immunizations. The Fourteenth Amendment rights of children to equal protection have rarely been litigated, but CHILD takes every opportunity to raise the argument that religious exemptions from child health and safety laws discriminate against the exempted children by depriving them of protections the state extends to others.

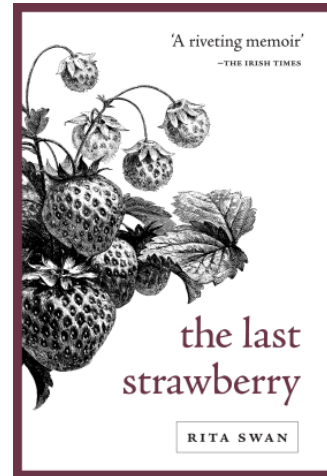
CHILD's *amicus curiae* brief to the Fourth Circuit was written by the prolific and respected legal scholar James Dwyer, Professor of Law at William and Mary. It was cosigned by the West Virginia Chapter of the American Academy of Pediatrics, Center for Rural Health Development, West Virginia Association of Local Health Departments, and Immunization Action Coalition.

CHILD's brief also presents information about outbreaks of vaccine-preventable disease because of personal belief exemptions and the cost of containing contagious diseases.

## Swans' memoir on losing their son

Hag's Head Press in Dublin, Ireland, has recently published Rita Swan's *The Last Strawberry*, a memoir of her family's ordeal when she and her husband Doug lost their only son Matthew in 1977 because of relying on Christian Science practitioners to heal him.

Caroline Fraser, author of *God's Perfect Child: Living and Dying in the Christian Science Church*, says of it: "Eloquent, harrowing, unsparingly honest, *The Last Strawberry* is the ultimate Christian Science 'testimony,' the last word on this cold, dwindling American delusion. Readers will take courage from Rita Swan, who faced the most devastating loss, learned its hard lessons, and turned to helping others escape the clutches of magical thinking."



The 64-page book, which includes "A Father's Note" by Doug, is available in a signed and numbered edition of 100 copies at [www.hagsheadpress.com](http://www.hagsheadpress.com) or directly from CHILD at \$19 for U.S. orders and \$15 for CHILD members. Both prices include postage and

handling.

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## Six of one, a half dozen of the other?

Responding on TruTV to interviews describing death and disability to children because of Christian Science, a church spokesman said in May, "We all know every system of care can be improved. Daily headlines remind us there are 200,000 preventable errors and tragedies in hospitals alone. At the same time there are wonderful reports of healing in most systems, including Christian Science. We're grateful for every one of those."

In March the Christian Science Board of Directors released this statement:

Since the overall record of Christian Science healing for children has arguably been one of the most significant contributions this denomination has made to society, one would hope laws and regulations would not place undue pressure on parents to relinquish what they have found to be such a successful method of treatment for nurturing an individual's physical, moral, and spiritual health. No parent should be made to feel afraid of practicing a proven method of healing for their families. No system has proven itself 100 percent successful, and society should not deprive itself of or discriminate against a system that not only has reasonable success but has enormous promise for everyone. (*Christian Science Sentinel*, March 15, 2010)

This is a familiar argument that parents should be allowed to do whatever they think best. Every Christian Scientist thinks he's had divine healings. The Followers of Christ in Oregon believe they have seen many healings through their faith.

The Christian Science Board's plea for equal status with medicine as "a system of healing" closes by asking the public to follow the 19th-century "recipe" of church founder Mary Baker Eddy, who said, "Let each society of practitioners, the matter-physicians and the metaphysicians, agree to disagree, and then patiently wait on God to decide, as surely He will, which is the true system of medicine." (Eddy, *Miscellaneous Writings*:81)

In 2006 the *New York Times* reported that the federal government spent \$2.3 million studying the effects of prayer since 2000. The largest, most scientifically rigorous study found that prayers by strangers had no effect on surgical patients' recovery and that patients who knew they were being prayed for had more post-operative complications than others. See Benedict Carey, "Long-awaited study questions the power of prayer," *New York Times*, March 31, 2006.

In CHILD's view society should not wait patiently for Christian Science to become "the true system of medicine." The church has had well over a hundred years to produce evidence and still has no credible data indicating that it can heal diseases of children.

## CHILD founders honored

In June CHILD founders Rita and Doug Swan were honored by the Iowa Chapter of the Methodist Federation for Social Action at the chapter's state conference banquet.



*Rita and Doug Swan with Kathy Martin*

CHILD's work was described as one of the Swans' social action accomplishments. Other achievements included bringing back a state scholarship contest for high school student essays on peace with justice, leading the Methodist Church to adopt resolutions discouraging parents' use of corporal punishment and calling for laws to prohibit it in schools and child caring facilities, leadership of the Siouxland Peace Coalition and Interfaith Resources, and work for peace and justice in church committees and forums.

Rita and Doug were nominated for the award by Morningside College Chaplain Kathy Martin.

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## About CHILD, Inc.

CHILD seeks to end child abuse and neglect related to religious or cultural practices or quackery. CHILD provides public education, advocacy, and amicus briefs. It opposes religious exemptions from child health and safety laws.

Information and membership application forms are available at our webpage or by calling or e-mailing us. See the contact information on page 1.