

Children's Healthcare Is a Legal Duty, Inc.

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Equal rights for children under the law



Misty Horner

Mom and baby die in anti-medical sect; grandparents win wrongful death suit

In December, 2012, Gail and Darrell Mansfield of Kingsville, Missouri, won a civil suit against men opposed to medical care on religious grounds for the wrongful death of their daughter Misty Horner at age 30.

While working as a dispatcher for a local police department, Misty fell in love with a police officer named Caleb Horner. Their wedding was performed by Caleb's brother John, a self-proclaimed apostle.

"Man's law" ignored

Later the Mansfields learned that the marriage was not legal because John's license to perform weddings had been revoked. When they asked Misty about it, Caleb told them they were married in the eyes of God and did not have to obey man's law.

The brothers made it progressively harder for the Mansfields to have a relationship with their daughter. Caleb would not allow Misty to enter her

parents' home because the walls were painted white, which he said meant it had demons inside.

John has a trucking firm called Always Helpful Ministry Movers though he is not licensed to operate a trucking company either. He posts statements of his religious beliefs on the webpage for his trucking company. His essay "Sarah and Jezebel" is a medieval harangue against women who express the slightest degree of independent opinion or dress immodestly. Women who are not under the rule and oversight of men are the works of the devil.

Elsewhere on the webpage he claims to have performed miracles for the sick and castigates those who turn to doctors and drugs for healing disease. He warns that God "is a jealous God" and gets angry with Christians who keep "a little medicine god" in the bathroom cabinet. (See page 7.)

Home delivery without prenatal care

Misty became pregnant; she told her parents she was having a home delivery. At eight months pregnant, Misty contacted her half-sister, who works in the medical field, to ask for an ultrasound. The sibling recommended seeing a doctor, but Misty told her that would get her in trouble with the Horners.

After 32 hours in labor Misty called her childbirth instructor, who sent a doula to the home. The doula told Misty to go to the hospital because the baby appeared to be in breech position and discharging meconium.

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Dad does episiotomy with dirty scissors

The Horners then started getting ready to go to the hospital, and Misty put her clothes on. The doula offered to go with them. But then Caleb left to pray, and when he returned he announced that the couple had changed their mind.

Police records show that 96 hours after Misty's water broke, Caleb performed an episiotomy with unclean household scissors.

Family tries to raise baby from dead

The baby girl named Sydney was dead at birth of "intrapartum asphyxia associated with breech delivery." A friend of Misty's who was present for the birth told police that family members prayed over the baby for hours "trying to raise the baby from the dead."

Grandparents not allowed to visit; mom dies of infection

A month later Misty died. The Jackson County medical examiner ruled that she died from sepsis and bacterial endocarditis due to endometritis following childbirth.

The Mansfields say they made several attempts to see Misty during her last month and even to get law enforcement to intervene, but Caleb was then a Lee's Summit police officer and threatened to have them arrested for trespassing.

The police recommended criminal charges against Caleb, but prosecutors refused to file charges, saying they didn't have evidence that Misty was deprived of medical care against her will.

Then the Mansfields undertook a lengthy search for an attorney to represent them in a civil suit. Several declined because of the religious freedom issues involved, but Danny Thomas with the large personal injury firm of Humphrey, Farrington, and McLain in Independence, Missouri, took the case.

Help prohibited for "spiritual guinea pig"

The wrongful death lawsuit alleged that Caleb and John Horner did not help Misty and separated her from people who would.

At trial Thomas produced several examples of Misty trying to get medical help. Once she called a chiropractor who told her to dial 911; the chiropractor testified that Misty replied, "They won't let me."

Thomas charged that the Horners used Misty "as a spiritual guinea pig" while she lay in pain for a month.

Horner: natural foods and faith prevent disease

The Horners represented themselves. They said Misty made her own choices and that Americans have a right to refuse medical treatment.

John Horner testified that natural foods and his faith kept him free of disease and that finding him negligent would have a chilling effect on other Christians.

The jury awarded the Mansfields \$108.6 million.

Other deaths

Danny Thomas recently said he has information on at least ten more deaths among people affiliated with John Horner. Some are babies; one is a five-year-old girl.

Misty was the only child the Mansfields had together. They described her as a strong, independent person with many friends and high grades in school. Her transformation to the submissive wife of Caleb Horner remains a mystery to them.

Sources include *The Kansas City Star*, Dec. 21, 2012; reports of KSHB TV and police reports.

Survivor fights reparative therapy

Samuel Brinton, now a graduate student in nuclear engineering at Massachusetts Institute of Technology, speaks on college campuses about the permanent physical and emotional harm of "reparative therapy" to change gays into heterosexuals.

His family's life was strongly organized around their Southern Baptist faith. His parents were missionaries. For three years the family lived with dozens of other families at the New Tribes' Mission in Sanford, Florida, where they provided support services for the church's missionary work. In 2000 when Sam was twelve years old, a *Playboy* magazine was surreptitiously passed around between him and his friends. Sam proudly told his father that he was not attracted to the naked women and felt more strongly about his best friend, a boy, than them.

His father immediately knocked him unconscious, and Sam woke up in the mission clinic. He

was taken there several more times from his father's beatings. The parents and Sam told the providers that he had fallen down the stairs or off his bike. During the third visit to the clinic Sam told a provider his father had hit him. The staff did not believe him, and his father beat him again for disclosing the abuse.

Aversion therapy

When beatings did not work, the parents sent him for sessions with a "religious therapist," who used aversion techniques. Sam was strapped down and given electric shocks while being shown images of two men performing sex acts. Copper heating coils were wrapped around his wrists and hands; the heat was turned on when images of men holding hands were shown. The therapist's credentials are suspect; Sam remembers there were no letters after his name at his storefront office.

The therapist and the parents told Sam that all gay people die of AIDS, that he was the only gay person left in America, the government would find him and kill him, and God had abandoned him.

During the months of therapy Sam was kept in his bedroom day and night. His parents told his younger sister that Sam had murdered someone and they were hiding him from the police. Today Sam believes he was hidden to protect his parents' reputation at the mission.

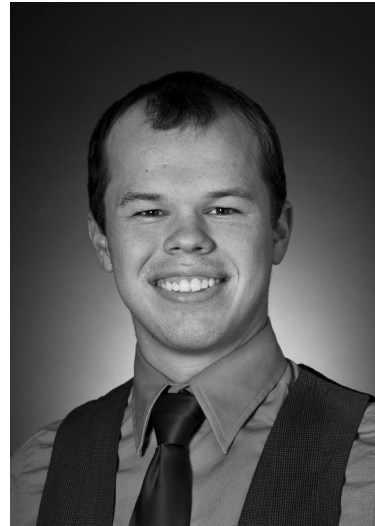
Mom's love conditioned on changing orientation

Sam attempted suicide five times. His mother intervened as he was about to jump from a building and promised to love him if he would change. So Sam told his parents he had stopped being gay and their family life returned to "normal."

Privately, however, Sam believed he would soon be killed by the government or AIDS and continued to pray every day for God to make him straight.

His parents wanted him to enroll at Pensacola Christian College. Sam deliberately chose to study nuclear engineering because the college had no program in it. He won a full scholarship to Kansas State University and enrolled there.

During his sophomore year a classmate began talking about her lesbian partner. Sam yelled to their friends that she didn't mean it because he still believed he was the only gay person in the country and the government would kill him.



It is hard to believe that a state university student in the 21st century could think he was the only gay person in the country, but Sam says sexual orientation was not discussed in the engineering culture at Kansas State plus he was subconsciously avoiding information available on campus

and in the media and burying his head in textbooks.

When he saw that he was not alone, he became an activist for gay acceptance on campus and in Manhattan, Kansas. In his junior year he ran for student body president. The notorious Fred Phelps of Westboro Baptist Church in Topeka threatened to picket the university.

Dad threatens murder

Sam knew he had to tell his parents about his sexual orientation before they learned it from Phelps. So during Christmas vacation he told his parents for the second time that he was gay. The father said he would kill his son if he ever came home again. Sam's possessions were put outside the front door, and Sam has never been home since.

Damage from conversion therapy

Brinton says some damage from the conversion therapy in his early teen years has been permanent. He still feels an electric shock if he even shakes a man's hand.

Moreover, he has seen terrible damage to others. Eight of the ten initial people in his support group for victims of conversion therapy have committed suicide.

Brinton has gotten a bill, H.154, introduced to prohibit conversion therapy for minors in Massachusetts. His main goal is to outlaw such therapy for all U.S. minors.

Sources include *Bay Windows*, Aug. 25, 2011; *Knightly News*, Nov. 20, 2012, and a phone conversation with Sam Brinton, Feb. 18, 2013.

California bans conversion therapy for minors

California is the first state to enact a ban on therapy that aims to change the sexual orientation of minor children. The new law prohibits licensed mental health providers from “engag[ing] in sexual orientation change efforts with a patient under 18 years of age” and subjects violators to discipline by their licensing entity.

Two lawsuits were promptly filed challenging the law. The plaintiffs include a 15-year-old boy currently undergoing conversion therapy, an adult who considers his conversion therapy successful, two mental health professionals, the National Association for Research and Therapy of Homosexuality, and American Association of Christian Counselors.

The plaintiffs charge that the law violates therapists’ First Amendment rights to freedom of speech and freedom of religion, violates the Fourteenth Amendment right of parents to direct the upbringing and education of their children, and violates minors’ First Amendment right to receive information, which is a corollary of the right to speak.

Supporters of the law argue that conversion therapy causes many harms, that ten associations of mental health professionals discourage it, and that the state has a compelling interest in protecting minors.

The 9th Circuit U.S. Court of Appeals has issued an injunction preventing the law from taking effect until the court rules on its constitutionality.

Sources include *The New York Times*, Dec. 4, 2012; *Los Angeles Times*, Dec. 22, 2012; *Bay Area Reporter Online*, Jan. 31, 2013, and *Pickup v. Brown*, 12-17681 9th Circuit Court of Appeals.

And then there’s always exorcism

Whether or not California and Massachusetts can prohibit conversion therapy for minors (see above), the bans will apply only to state-licensed mental health professionals.

In 2009 the Manifested Glory Ministries Church in Bridgeport, Connecticut, posted on YouTube an apparent exorcism of a 16-year-old boy. Church leaders are seen screaming at the boy for homosexual demons to come out. The boy moans,

screams, and rolls on the ground. The pastor and church members press his stomach—sometimes with their hands, a foot, or a bear hug from behind—until the boy begins to vomit.

Boy claims exorcism cured him

True Colors, a Connecticut advocacy group for gay youths, reported the incident to Child Protection Services, but then the boy appeared in another video declaring that he was unharmed and no longer gay.

Exorcists purge gay demons through orifices

Gay rights spokesmen say exorcisms to rid people of their homosexuality are common and not just in regions of the country dominated by fundamentalism. Joanne Highley, who runs L.I.F.E. Ministry, in Brooklyn, New York, exorcises homosexuals. She says her process is to “cleanse and bind demonic powers . . . out of genitals, of course out of anal canals, out of intestines, out of throats and mouths if there’s been ungodly deposit of semen in those areas—we cleanse with the blood of Jesus, and we cast out the demonic powers.” Some exorcists, according to *Critical Eye*, “believe that a demon has a physical as well as a spiritual form and can be purged through the orifices—thus an exorcism can be judged successful if the subject vomits, coughs up sputum, or, in rare cases, evacuates his bowels.”

We know of no cases challenging gay exorcisms. We have not heard of Child Protection Services intervening when parents believe children are demon-possessed. However, criminal charges have sometimes been filed when children have died or been permanently maimed in exorcisms.

Sources include “Deliverance: the true story of a gay exorcism,” *Critical Eye*, June, 2010.

Should the law protect minors from conversion therapy and exorcism?

The rights of children to protection from dangerous, unproven therapies are murky. Tennessee law allowed D.J. Butler’s parents to take him in handcuffs to an unlicensed residential facility where he was subjected to four weeks of Christian “therapy” to cure him of homosexuality. Sam Brinton (above) was physically restrained for aversion

therapy. In 2009 a Georgia judge dismissed charges of child cruelty and false imprisonment against a mother who handcuffed her teenaged son to a chair for three days and deprived him of food and water for up to twelve hours at a time in an exorcism.

Protecting children

Pertinent questions for the courts when considering whether conversion therapy on minors can be constitutionally prohibited include the following. Does the state have a right to prohibit a method without proven value even though some patients say it worked for them? Does the state have the right to prohibit a method promoted by religious belief? Does the therapist have a duty to warn a family of the dangers? Do parents have a right to force a child into a therapy that has many known bad effects? Is it legal to physically restrain minors who are not a threat to themselves or others? Does the child have a right to give informed consent for the therapy? Should a court evaluate whether the child is making a truly independent, voluntary and informed decision to have the therapy?

Exorcism without parental consent

Do parents or minors have any right to recover for damages caused by conversion therapy or exorcism? To our knowledge, no one has filed a civil suit against practitioners of conversion therapy.

For fifteen years Laura Schubert and her parents pursued a civil suit against an Assembly of God church in Texas and its youth leaders for damage she suffered as a minor when she was forced to undergo exorcism without her parents' knowledge or consent.

At the end of an intense weekend lock-in for the church youth, Laura collapsed. The group thought that meant she was possessed by a demon, held her down for two hours, and yelled commandments to exorcise the demon. (Some doctors believe she collapsed from hypoglycemia and was in an altered state of consciousness during the ordeal.)

Laura later said she fought to get free and yelled to be let up to no avail. She was later confined to a Sunday school room and allowed to leave only after saying the name of Jesus.

Her physical injuries were only minor bruises, scrapes, and rug burns, but the emotional damage was extreme. She had to drop out of school after the first day of her senior year of high school. She

mutilated herself with sharp items—more than 100 times over the next few years—and lived in isolation at home, suffering from agoraphobia, insomnia, and weight loss. She attempted suicide and was institutionalized for brief periods several times. She applied for Social Security disability and was accepted.

No recovery for emotional injury

Laura and her parents filed a civil suit against the church and the youth leaders for negligence, intentional infliction of emotional distress, false imprisonment, assault, battery, and child abuse.

She won a jury verdict, but the Texas Supreme Court overturned it, holding that the case was about “an ecclesiastical dispute over religious conduct” that the courts could not adjudicate. The Court held that plaintiffs could recover for physical injuries from religious practices but not emotional ones especially when they were members of the church and knew the church practiced exorcism of demons.

The distinguished Boies law firm in Washington, D.C., represented the Schuberts in a petition for review to the U.S. Supreme Court. Their attorney and many amici emphasized that Laura was held against her will and First Amendment protections for religious freedom do not apply when the victim is not free to choose the practice, but the High Court declined to review the ruling. *Pleasant Glade Assembly of God v. Schubert*, 264 SW 3d 1 (Tex. 2008) (*cert. denied* U.S.S.Ct). See also CHILD's newsletter 2009 #2.

A floodgate?

The courts might have feared opening a floodgate of litigation for emotional damage inflicted by church officials. A preacher who tells his congregation they are going to hell may terrify some parishioners. Some children may be traumatized by hearing about the crucifixion or the rapture.

Americans have to be free to express religious beliefs, however frightening to some people. But when a religious practice includes physical restraint, even of a child, and causes a diagnosed psychiatric disorder as severe and long-lasting as Laura Schubert's, the victim should have a right to recover for damages in CHILD's view.

See also WSB TV, “Charges dropped in Gwinnet exorcism,” June 25, 2009, and WMC TV, “Gay teen speaks out.”

On making too much and too little of the devil

Do Americans have a right to believe that devils, demons, and Satan are real and active in human affairs? Yes. Do they have a right to believe that some people are possessed by demons? Yes.

CHILD believes, however, that Child Protection Services should investigate when they get reports that parents believe their children are possessed by demons, should seek a court order for a mental health examination of the children, and should provide professional mental health services if a mental illness is diagnosed.

Report on severely disturbed boy ignored

In 2003 a family member filed a report of suspected abuse on Joseph and Sonya Smith in Georgia. She reported that the Smiths claimed their 8-year-old son Josef was “demon-possessed.” She said the boy called himself Legion, which means “many demons.” He wrote on the walls that he was going to kill everyone. He heated a fork and stuck it down a sibling’s pants, causing a permanent scar. She saw “his eyes rolling in the back of his head as if he were going through some transformation.” She reported that the parents were providing no mental health services.

The Georgia Division of Family and Children Services took no action on her report.

A few months later the parents had beaten Josef to death.

The DFCS defended its inaction. “There’s nothing in that memo that says the parents might beat a child to death,” a county DCFS Director said.

Belief in demons a risk factor for abuse

Well, yes, there was. There are many cases of parents killing and maiming their children in the most grotesque, lurid ways because the parents believed they were ridding the child of demons.

CHILD contacted several Georgia child welfare officials. We asked how Georgia’s child protection workers are trained on reports of a child’s violent, bizarre behavior that parents attribute to demon-possession. We would like to know whether the workers consider that the child likely has a severe mental illness that urgently needs treatment or consider demon-possession to be a religious belief

that the state should not interfere with. We got no answers.

Murder convictions from fear of demons

At the other end of the spectrum, authorities can make too much of the devil. The just-released documentary film *West of Memphis* relates the incredible story of three young men who were convicted of murdering three children in West Memphis, Arkansas, largely because they wore black clothes, dabbled in Wicca, liked heavy metal music, and had paid a dime for a book about witches at a used book sale. There was no physical evidence linking them to the crimes. The state’s “cult expert” had a mail order doctorate.

One of the young men was sentenced to death. The three spent eighteen years in prison before DNA evidence was produced, which indicated a different killer of the boys. HBO’s three programs entitled *Paradise Lost* and Mara Leveritt’s book *Devil’s Knot* document this tragic miscarriage of justice and helped keep pressure up for re-examination of the case.

Sources include *The Atlanta Journal-Constitution*, March 18, 2004, Feb. 5-9, 2007, Feb. 13-17, 2007, and March 28, 2007 and *The Nashville Tennessean*, Feb. 8, 2007, and June 30, 2004.

Children on the salvation trail

Donna Johnson’s first book, *Holy Ghost Girl: a memoir*, is a riveting account of her childhood spent in the service of a tent revivalist preacher. She was three years old when her mother signed up as the organist for David Terrell in 1960.

She and other children lived an extremely rigid and joyless existence from town to town, staying in whatever substandard housing a true believer made available to them. She was required to sit in crinoline petticoats on wooden folding chairs through hours upon hours of Brother Terrell’s sermons. The children lacked toys, playtime, and respect for their individuality as children.

The one admirable feature of Terrell in our view was that he treated African-Americans as equals and welcomed them to his revivals even though the Klu Klux Klan harassed and threatened the attendees.

Charismatic faith gave poor people status

Johnson explains how class structure shaped Terrell and his followers. Of his beginnings she says, “Being singled out by God brought the kind of attention that was hard to come by for kids in large, poor families.” And the tent “gathered and sheltered us from a world that told us we were too poor, too white trash, too black, too uneducated, too much of everything that didn’t matter and not enough of anything that did. Society, or at least the respectable chunk of it, saw the tent and those of us who traveled with it as a freak show, a rolling asylum that hit town and stirred the local Holy Rollers . . . into a frenzy.” (22, 9)

Johnson’s mother becomes Terrell’s mistress with his wife part of the entourage, and the biblical rationalizations for that and everything else Terrell wants to do are humorous to the reader but painful to a child who was sometimes confronted by accusations about her mother.

Preacher removes son from hospital

When Terrell’s only son Randall suddenly began hemorrhaging, relatives took him to a hospital. Doctors proposed exploratory surgery, but Terrell “didn’t trust anything he couldn’t understand, and that included banks, government, lawyers, and doctors. . . . He didn’t beg, plead, or bargain with God to save his son’s life; he demanded.” (79)

He promised Randall that God would provide a miracle if the boy believed. He pulled needles and tubes from the eight-year-old’s body and carried him out of the hospital.

A doctor grabbed Terrell’s arm and said, “I can’t let you take that boy out of here. He’ll die.”

“He’ll die if he stays,” Terrell said and took Randall in his car to the next revival. Hours later “Randall was raking leaves to make money to put in his daddy’s offering.” 81-82

With that kind of resurrection drama Terrell was bound to demand more miracles from God. Years later Johnson learned that Randall had a birth defect that caused occasional hemorrhaging. He was sick most of his life, but his father saw only the faith healings when the condition resolved. At Randall’s funeral in 2001 Terrell shouts for “a dead-raising revival.”



Johnson also tells of a six-year-old girl dying of a minor kidney ailment in a camp in Bangs, Texas, where the Terrellites were waiting for the apocalypse. The condition was medically treatable, but the parents relied instead on prayer and ritual. Terrell blamed the parents for lack of faith.

Johnson, however, seems to believe that Terrell really did achieve miraculous healings in other cases and makes no effort to look for an alternative explanation for them.

Donna Johnson will have an essay in a forthcoming anthology by women leaving extremist religions. Lucia Greenhouse, author of *fathermothergod: My Journey out of Christian Science*, will also be a contributor to the book.

Holy Ghost Girl: a memoir was published by Gotham Books in paperback in 2012.

John Horner on medicine

John Horner of Lone Jack, Missouri, describes his ministry at the webpage for his trucking company, alwayshelpfulmoversministries.com. (See page 1.) His followers donate homes and furniture, which he sells to support his mission work in Mexico, Nigeria, and elsewhere.

His opposition to medicine is described there too in “If God started a church.” Its rhetoric is very

familiar to us. It might as well be straight from Faith Assembly founder Hobart Freeman or Christian Science founder Mary Baker Eddy.

“Since God is a jealous God,” Horner writes, “He also is a jealous healer. . . . To confess Jesus Christ as your personal healer automatically renounces all of the world’s methods of healing—drugs, surgeries, exams, therapies, etc. Jesus never healed these ways in the past and He hasn’t changed. God cut King Asa’s days short because he sought for healing in the medical system. . . . Jesus, as the embodiment of Truth, refused to let a very popular medical drug—gall—into his body to ease the pain before the crucifixion.

“One more very serious heartcry for God’s people to reject the arm-of-the-flesh medical system and cling to only Jesus Christ for healing: Read Revelation 18:23. God very clearly says that Babylon is going to lead the whole world astray thru sorcery in the last days. . . .The word rendered ‘sorceries,’ is the Greek word ‘pharmakeia.’”

As Freeman and Eddy did, Horner takes pride in using Greek and Hebrew meanings of words when convenient. He tells us that the primary definition of “pharmakeia” is “employment of drugs for any purpose” and thereby translates Rev. 18:23 as God saying to Babylon and today to the West, “By thy employment of drugs for any purpose were all nations deceived.”

“Neither Jesus, who spit the drug out, nor His Word, which condemns it in Rev. 18:23, can justify for any purpose, the use of drugs,” Horner adds.

Pulse oximetry for every newborn

A new mandate for newborn screening is being enacted around the country. Called pulse oximetry, it tests oxygen saturation levels, which disclose several critical congenital heart defects (CCHD).

The test is totally non-invasive, painless, and risk-free. It uses technology that hospitals already have and is very inexpensive. More expensive testing is required for the positives and “maybes.”

Pulse oximetry, like almost everything else in life, is not perfect. It will not catch every type of CCHD. It can yield false negatives and false positives, though the number of false positives is low if the test is given after the infant is 24 hours old.

It is estimated that one to two U.S. infants per 1,000 have CCHD and that as many as a quarter of those may be missed in clinical examination. While some infants with heart disease present as “blue babies,” others will have no observable symptoms of CCHD. Failing to detect CCHD in early infancy may lead to cardiogenic shock or death and increases the risk of brain damage.

About 7,200 babies are born with CCHD each year in the U.S., and CCHD causes up to 3% of all infant deaths within the first year of life.

Public policy leaves out some babies

Who would have a religious objection to pulse oximetry for their newborn baby? The test does not involve putting “foreign” substance in the body like vaccines. It does not involve taking blood out like metabolic screening.

Yet states are generally enacting religious exemptions for pulse oximetry. The webpage pulseoxadvocacy.com tracks the progress of these state mandates. This webpage proudly proclaims that “seven states are screening every baby,” when in fact six of the seven have religious exemptions to the screening. Also, many states require the test to be done only for babies born in licensed birthing centers.

Nebraska: best model for the country

CHILD believes that every newborn should have the benefit of this simple test. Not surprisingly, Nebraska is enacting the best law. It requires hospitals and other birthing facilities to perform the test without exception for religious or other beliefs. For births outside of birthing facilities, “the parent shall be responsible for causing the screening to be performed within the period and in the manner prescribed by the department” and “the person registering such birth shall be responsible for obtaining critical congenital heart disease screening for the newborn within the period and in the manner prescribed by the department.”

This Nebraska bill, LB225, has been heard twice on the floor of the Unicameral and placed for Third Reading, when it will get a final vote.

If you would like to get a good pulse oximetry law in your state, call CHILD. If your state is still developing its policy, we’ll try to help.