Children's Healthcare Is a Legal Duty, Inc.

136 Blue Heron Lane, Lexington KY 40511
Phone 859-255-2200
Web page: www.childrenshealthcare.org

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E-mail: admin@childrenshealthcare.org
Written by Rita Swan

Equal rights for children under the law

Jessica Crank

Child neglect in faith-healing sect heard by state supreme court

The long saga of the Jessica Crank case reached another milestone on September 4 when the Tennessee Supreme Court held oral arguments in it.

Jessica lived with her mother, brother, and "spiritual father," Ariel Ben Sherman, in Lenoir City, Tennessee.

Sherman first joined an Episcopal church in Massachusetts, but soon was asked to leave because he accused individuals and the church of demonic possession. Sherman then started his own ministry first in Massachusetts and then in many states across the country. Sherman compared his journeys to those of Moses. His followers call him "Ariel Christ" or "Lord Ariel Christ." He obtained certificates of ordination from two mail-order services, first the Good Shepherd Ministerial Alliance and later the Universal Life Church.

In 1984 Sherman was indicted in Oregon for criminal mistreatment and assault for the punishments he ordered and administered to the children in his Good Shepherd Tabernacle commune. Some of the parents were also indicted. Children told authorities of being hit with belts and other implements, bound with ropes or handcuffs, being suspended from ceiling hooks by ropes, being forced to sit or kneel in an empty swimming pool, and being confined in a dark pump house. They claimed the punishments lasted as long as twelve hours with little food or water and they would have to relieve themselves in their clothing. Sherman fled the state.

In 1987 he reached an agreement with the Oregon courts resolving the charges against him but admitting there was enough evidence to convict him.

For his probation he was required to return to Oregon and stay there. He and his remaining followers lived there quietly, though disaffected members claim that Sherman had a hand in the deaths of Jessica's father and an adult female and then collected life insurance on both.

Later Sherman and his clan moved to Loudon County, Tennessee.

Jessica's mother, Jacqueline, and Sherman bought the Tennessee commune home together and, according to testimony, slept together as common law husband and wife.

INSIDE

In February, 2002, Crank and Sherman brought Jessica to a chiropractor with a complaint of a sore shoulder. The chiropractor took an x-ray and advised that the girl should be taken to a hospital immediately. Later the same day Sherman called the chiropractor and reported that instead of going to a hospital, they had called a doctor in Boston who had given them a telephone diagnosis of greenstick fracture and they would take Jessica to that doctor. They did not, however, take her to the doctor in Boston.

Providers given false information

In May, Jacqueline took her daughter to a walk-in medical clinic. Jessica told providers that she was doing Tae-bo exercises when her arm popped out of place. Another x-ray was taken showing bone disintegration. The Cranks were advised that her condition was very serious and they should go to the hospital immediately. Mrs. Crank told the doctor he was over-reacting and hurriedly left without waiting for the paperwork. The clinic called the hospital and informed providers to expect her.

The Cranks did not, however, go to any hospital. The clinic notified law enforcement, but Mrs. Crank had given them a false address and phone number in Oregon, and it took a month for the police to locate the child.

Jessica was then hospitalized under court order and eventually released to her mother with hospice care. She died of Ewing's sarcoma at fifteen years old in September, 2002.

Sherman holds Jessica's hand; mom and other supporters also present

During the four and a half months between the chiropractic visit and the court order Jacqueline and Sherman relied on prayer and ritual to heal the tumor.

Determined that girl would get miracle

There was no doubt that Jessica was very religious and devoted to Ariel Sherman. When blood was ordered in the hospital, she asked to be transfused with Sherman's blood. She considered herself the bride of Christ and signed her poems as "Jessica Christ." One poem called Sherman her "spiritual dad" and expressed total dependence on him for moral guidance and facts on all subjects. (Jessica was home-schooled.)

Although bone cancer usually causes severe pain, Jessica repeatedly refused pain medication. Sherman claimed that Jessica's alleged lack of pain was evidence that "this is going to be the biggest miracle in the USA."

Later the enormous tumor on her shoulder started shrinking because it was decaying, but it was actually still growing down her back. To Sherman and Crank the shrinking tumor on her shoulder was more evidence of an impending miracle.

Sherman reportedly went to local churches claiming that Jessica had been miraculously healed but that the Dept. of Children's Services and the police were harassing the family. He asked for donations.

Hospice tried to discuss Jessica's last days and funeral arrangements with Mrs. Crank, but the mother insisted that God would heal the girl. Jessica opposed a Do Not Resuscitate order. This created a dilemma for the hospice providers because they are legally prohibited from trying to resuscitate. One frustrated provider wrote in his notes, "[This] means that when she's dying or close to it, they will need to call 911, start CPR if necessary, and go to the ER (where she will have a lot of painful, horrible procedures done to try to save her life—all of which will be useless)." Jessica did, however, die at home.

Twelve years in court—so far

Crank and Sherman were charged with aggravated child neglect in 2002. In the ensuing twelve years the case went up and down through the court system. There were battles over whether Sherman had a legal duty to care for Jessica. The defense argued that the neglect of Jessica was not in "a

continuing pattern" as the statute required. One court reduced the charge from a felony to a misdemeanor. Another court dismissed the charges because in 2005 the legislature had changed the criminal neglect law to protect only children under 13 years old. Loudon County Deputy District Attorney General Frank Harvey managed to get most charges reinstated, and the legislature even reinstated protection from neglect to children up to 18 years old.

Always, however, "the elephant in the room," as one court put it, was religion.

Religious defense to felony crimes against kids

In 1994 Tennessee enacted a religious defense to aggravated child abuse, neglect, and endangerment. As has happened in many other states, legislators just rubberstamped what the Christian Science church asked for and expressed no concern whatever for the welfare of their children.

The sponsor of the church's amendment didn't even have it at his desk when it came to the Senate floor. He just told his colleagues, "The amendment was offered by the Christian Scientists saying that it ensures that they're protected. I don't have the amendment in front of me, but it was offered by that group, and that is the reason that I put it in." The amendment passed by voice vote.

Passed unanimously

Later the same day the House sponsor told his colleagues that the amendment "is relative to the Christian Science religion, uh, which I have no objection to." It passed by 94-0. And this was after several criminal trials of Christian Science parents and a bereaved father's civil suit against the church all had gotten national publicity.

Tennessee's religious defense to criminal child abuse, neglect, or endangerment and aggravated abuse, neglect or endangerment provides:

> Nothing in this part shall be construed to mean a child is abused, neglected, or endangered or abused, neglected or endangered in an aggravated manner for the sole reason the child is being provided treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical or surgical treatment. Tenn. Code 39-15-402(c)

The law was designed as a privilege for Christian Science parents with calling prayer "treatment," calling faith healers "practitioners," referring to the church's "tenets," and claims of recognition and accreditation. In fact, the church's spiritual healers are "accredited" only by the church, and the church denied that it accredited them when my husband and I sued the practitioners and the church for the wrongful death of our son. Furthermore, the state has no right to "recognize" any churches.

Law provokes debate on meaning and strategy

The attorneys for Sherman and Crank argued that the religious defense exonerated their client. The first prosecutor in the case focused on proving that Sherman and Crank didn't have a recognized church nor duly accredited practitioners treating Jessica and therefore had no right to the defense.

The next prosecutor, Frank Harvey, discontinued that strategy. Harvey believed the religious defense was unconstitutional and avoided parsing it.

The defense charged that the State was pursuing an indictment with an unconstitutional statute.

A colleague suggested that Harvey drop the criminal child neglect charges and file second-degree murder charges instead to avoid constitutional issues.

Harvey could not file murder charges because the medical neglect had not caused Jessica's death. He was also determined, however, to get the neglect and the exemption before the court so he persisted with his case.

Both the defense and prosecution asked the courts to rule on the statute, but the courts refused to rule until after a conviction. In 2012 Crank and Sherman were convicted of a misdemeanor neglect charge by agreement and sentenced to eleven months of unsupervised probation.

Defendants and CHILD: law unconstitutional

They promptly appealed, charging that the religious exemption was vague, violated the Establishment Clause, and violated their due process/fair notice rights.

CHILD prepared an amicus brief agreeing that the law was unconstitutional on those grounds but also arguing that it was unconstitutional for

depriving children of their constitutional right to equal protection of the laws.

We went through all of Harvey's files on the case—four very full bankers' boxes. We did not look at the videotapes of Ariel Sherman's sermons in two other boxes; we are told they are loaded with profanity and hellfire damnation of his congregation.

Do children have equal protection rights?

The Fourteenth Amendment of the U.S. Constitution guarantees equal protection of the law. The U.S. Supreme Court has invoked it to give parents rights to care, custody, and control of their children, first in *Meyer v. Nebraska*, 262 U.S. 390 (1923), and many rulings since then. "Fit" parents have a fundamental and protected liberty interest in raising their children free from state interference.

Few courts have addressed whether children have equal protection rights. We know of four state court rulings striking down religious exemption laws for violating the equal protection rights of children, but only one was at an appellate level. See *State v. Miskimens*, 490 N.E.2d 931 (Ohio Ct. Com. Pl. 1984), *State v. Miller*, Mercer Cty. Common Pleas Ct., Ohio #86-CRM30 and 3, *People v. Lybarger*, #82-CR-205 (Colo. 1982), and *Brown v. Stone*, 378 So.2d 218 (Miss. 1979). The federal courts have avoided ruling on the question.

Do children have any affirmative rights?

CHILD is always on the lookout for a way to get courts to rule on whether a religious exemption statute violates equal protection rights of children. It is rather shocking on this journey to discover how few rights children have. Children do not, for example, have a constitutional right to protection from abuse or neglect. The U.S. Supreme Court ruled in *DeShaney v. Winnebago*, 489 U.S. 189 (Wisconsin 1989), that the Constitution protects citizens from their government but not from "private violence," even the violence that beat a helpless child into a permanent vegetative state. Children do not have a constitutional right to medical care or even food and water. The U.S. Constitution gives few "affirmative rights."

Seventy years ago the Supreme Court ruled that parents do not have a constitutional free-exercise right to abuse or neglect a child with their religious practices. *Prince v. Massachusetts*, 321 U.S. 158 (1944) The federal courts have yet to rule, however, on whether legislatures have a right to exempt a class of children from the protection of health and safety laws or whether such exemptions violate equal protection rights of children.

CHILD's amicus brief called upon the Tennessee Court of Criminal Appeals to hold Tennessee's religious defense unconstitutional as violating equal protection rights of children. It was co-signed by three Tennessee organizations, three national ones, and Dr. Donald Duquette, director and founder of the University of Michigan's child law clinic.

Court refuses to rule on constitutional issues

Mrs. Crank's attorney, Gregory Isaacs, argued that it was unconstitutional in discriminating against her. (Sherman died before oral arguments were held and by the way, he sought medical care for his own cancer.) The Tennessee Attorney General defended the law as constitutional.

The Court of Criminal Appeals upheld Crank's conviction and said it did not need to reach constitutional issues.

Supreme Court grants review

Fortunately, Crank petitioned the state Supreme Court for review, and the Court granted it, specifically saying it wanted briefs focused on Crank's constitutional rights and the constitutionality of the religious exemption statute. This was a victory in itself for in the most recent fiscal year the Tennessee Supreme Court received 926 applications for TRAP 11 discretionary review and accepted only 44.

CHILD wrote the Attorney General to urge him to stand up for children and argue against the statute. Frank Harvey asked the Attorney General to let him present the oral argument and argue that the statute was unconstitutional. The Attorney General refused, saying that his office was obligated to get criminal convictions upheld and to defend the laws.

The state's brief argued that the meaning of the statute was clear and not vague, but was silent on whether it violated the Establishment Clause.

CHILD's amicus brief: law violates equal protection rights of children

Again CHILD prepared an amicus brief arguing that the statute was unconstitutional in violating the rights of children. It deprives one group of children of protections the state extends to others. We cited

the U.S. Supreme Court ruling in *Plyler v. Doe*, 457 U.S. 202 (Tex. 1982) invalidating a Texas law that prohibited children of undocumented immigrants from attending public school. The Court held that Texas violated the children's right of equal protection by imposing "a lifetime of hardship on a discrete class of children not accountable for their disabling status." A state would need an extremely strong and legitimate reason to deprive innocent persons of benefits given to others, the Court ruled.

We also cited the High Court's ruling in *Weber vs. Aetna Cas. & Sur. Co...* 406 U.S. 164 (La. 1972) overturning a Louisiana law depriving illegitimate children of workman's compensation benefits following the death of their father. Children are not responsible for their birth and cannot affect their parents' status. The illegitimate children have equal protection rights to the benefits given other children, the Court ruled.

The law should not make children suffer for the beliefs, choices, or characteristics of their parents, CHILD argued.

Our amicus brief was co-signed by the Tennessee Medical Association, Tennessee and Pennsylvania Chapters of the American Academy of Pediatrics, Prevent Child Abuse Tennessee, Prevent Child Abuse Pennsylvania, Center for Children's Justice, First Star, Massachusetts Citizens for Children, Don Duquette, and Victor Vieth, founder and director emeritus of the National Child Protection Training Center.

Both of our amicus briefs were written by Jim Dwyer, professor at William and Mary College of Law, but signed and edited by Catherine Swan, an attorney in Steamboat Springs, Colorado. CHILD is grateful to both attorneys.

I attended the oral arguments before the Tennessee Supreme Court. The justices asked many questions of defense attorney Isaacs. They challenged him on whether Crank had really qualified to raise the religious defense and how it would help his client to have the religious defense ruled unconstitutional. One justice flatly said the defense was for Christian Scientists only and was therefore unavailable to Mrs. Crank. I couldn't tell whether the justices were just playing devil's advocate or had already made up their minds against Crank's position. Most of their questions in all the cases heard that afternoon were directed to the party that lost in the court below.

State calls law unconstitutional

The big surprise, and a good one too, was Asst. Attorney General John Bledsoe arguing for the state. He said the Court had three options:

1. It could elide the language offending the Establishment Clause and leave a vague religious defense for everyone. We cannot assume that would comport with the legislature's intent.
2. It could remove the religious defense entirely. That would be consonant with legislative intent for the law criminalizing child abuse was in the statutes for five years before the religious defense was added.
3. It could remove the entire criminal child abuse statute.

The Attorney General recommended that the Court take the second option, Bledsoe said.

He also argued that Crank's conviction should be upheld.

The only question the Court asked Bledsoe was whether Crank qualified for the religious defense. Bledsoe replied that the material facts do not matter in this case because there was no jury trial to evaluate them.

Like Isaacs, who said the case "begins and ends" with the religious exemption, Bledsoe asked the Court to focus on the exemption statute.

Final thoughts

Surely the Tennessee Supreme Court intends to rule on whether the religious defense to aggravated child abuse, neglect and endangerment is constitutional. With both the state and the defense attacking the statute, we have reason to hope the Court will rule it unconstitutional on some grounds. We are very grateful for the evolution in the Attorney General's position.

We are also very grateful for Frank Harvey's tenacity. He hung on to this case like a bulldog through many hearings and mountains of briefing.

He once wrote, “This case is getting so old that beyond worrying about whether Sherman will survive to trial, I am wondering if I will.”

Can discrimination against children be litigated?

The mammoth procedural history of this case illustrates the extreme difficulty of getting a court ruling on the religious exemption laws. Prosecutors and attorneys general are indeed sworn to uphold and defend the laws. To honor the separation of powers doctrine, courts are usually very reluctant to overturn a statute if there is any way of construing it as constitutional.

Furthermore, children cannot file lawsuits on their own initiative. The big difference between the children in *Plyler* and *Weber* and children in faith-healing sects is that the parents of undocumented and illegitimate children supported their children’s challenge against the discriminatory laws.

CHILD’s amicus brief pointed out that children are powerless to bring lawsuits challenging the religious exemption laws privileging their parents. We are in essence begging the Tennessee Supreme Court to speak for them even though children are not a party to the suit.

Jessica Crank died more than twelve years ago. A law that the Tennessee legislature passed unanimously with no discussion or concern for children whatsoever has cost the state, the courts and defense attorneys hundreds upon hundreds of hours.

It still remains a threat to Tennessee children.

Frank Harvey, Deputy District Attorney General

Child labor in the FLDS

Child abuse and neglect in the Fundamentalist Church of Latter-Day Saints, an extremist offshoot of the Church of Jesus Christ of Latter-Day Saints, continue and so does official indifference about it.

Fourteen-year-old Rulon Barlow Jessop died March 10 when a forklift he was driving near Colorado City, Arizona, went over the side of a bridge and into untreated waste from an FLDS dairy. The boy was driving it backwards down a dirt road from a work site to a scrapyard about a mile away.

In 2004 FLDS prophet Warren Jeffs had evicted Rulon’s father from the FLDS and ordered his wives to be released and returned to their fathers’ homes. Later Rulon’s mother and her children were reassigned to a man Jeffs approved of.

Jeffs is now in prison serving a life sentence for rape of a child, but continues to direct where members can live and with whom.

The marshal, other town officials, and county coroner are all FLDS members. Though the forklift should have been secured as part of a crime scene, it was instead pulled up and broken to pieces the night of Rulon’s death. The pieces were taken to Salt Lake City and sold as scrap before any outside investigators could see them.

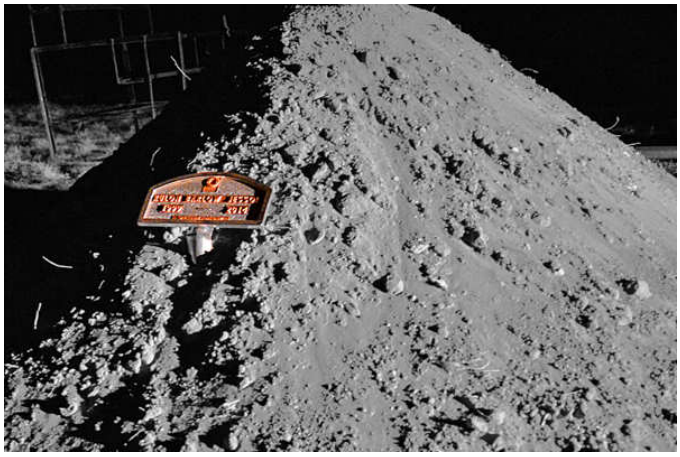
Several agencies took statements about Rulon’s death, but the Colorado City marshal was the lead investigator and quickly ruled the death an accident. The agencies concluded there was no criminal conduct and most, we believe, are doing nothing further on the case.

Child neglect ignored by officials

Arizona’s definition of child neglect includes “the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare. . .” ARS 8-201(24) Rulon’s mother and assigned “stepfather” let him drive the forklift down a dirt road and onto a dilapidated bridge. No adults supervised him.

This is child neglect pure and simple. Arizona Child Protection Services is required to post information about child fatalities and near-fatalities in which child abuse or neglect are suspected, but they

have posted nothing about Rulon's death. They will not confirm or deny that they investigated the case and wrote CHILD that they post only cases of "abuse or neglect resulting in a fatality or near fatality *as determined by the medical provider*." (emphasis added)



Only a metal nameplate and dirt mound mark Rulon Jessop Barlow's grave

Whoever did the autopsy on Rulon was a mandated reporter of abuse and neglect but did not report the case as neglect.

Is it legal for 14-year-olds to drive forklifts?

Years ago the U.S. Department of Labor adopted regulations designating forklift operation hazardous and a prohibited occupation for children. A child at least 16 years old could perform hazardous occupations on farms owned by his parents or guardians, but not a 14-year-old. Arizona's child labor laws are less protective, but the stronger laws take precedence.

Forklifts weigh 9000 pounds or more. Forklifts should only be used on hard surfaces not driven down dirt roads. Furthermore, the linkage to the steering was broken on the one Jessop drove.

FLDS members claim the forklift was used to move a shed for a friend and having the boy drive it was his stepfather's idea. Some outsiders believe, however, that Rulon and several other boys were rehabbing a commercial building for the bishop.

The DOL continues to investigate to determine if "an employment situation" was involved. If it was, the Department could get an injunction to prohibit future use of children in hazardous occupations and levy a fine against the FLDS. Key witnessses have not yet been located because the FLDS officials' report on the death gave no contact information for them.

Child labor on pecan ranch

Labor is also working on the case of hundreds of FLDS children who were made to work on a pecan ranch in Hurricane, Utah. The Department obtained a voice mail message from "the Bishop's Office" directing the church's schools to take the rest of the week off so that students and their parents could help with the nut harvest.

Machines were used to shake the trees and then children as young as five worked long hours picking up nuts and carrying them to trucks in big buckets.

The FLDS does not own the pecan ranch nor any businesses in its own name, but reportedly many businesses owned by FLDS individuals have "consecrated" them to FLDS and give the church all their profits.

FLDS leaders refuse to answer subpoenas

The Labor Department subpoenaed Vergil Steed, Paragon Contractors owned by FLDS members, and other FLDS leaders who contracted to manage the pecan ranch. All have refused to provide information. One claimed he did not know who the bishop was. In 2007 the Department obtained a permanent injunction against Paragon for child labor violations.

Court: RFRA protects FLDS from answering

Steed testified that he had made religious vows "not to discuss matters related to the internal affairs or organization of the Fundamentalist Church of Jesus Christ of Latter-day Saints" and requiring him to testify would be "directly violating [his] sincerely held religious beliefs."

In September U.S. District Judge David Sam ruled in favor of Steed. *Perez v. Paragon Contractors, Corp*., No. 2:13CV00281–DS, 2014 WL 4628572 (D. Utah Sept. 11, 2014).

Hobby Lobby ruling creates risks to children

In June of this year the U.S. Supreme Court gave Hobby Lobby and other corporations protection for their religious beliefs under the Religious Freedom Restoration Act. *Burwell v. Hobby Lobby*, 124 S. Ct. 2751, 2785 (2014) Judge Sam relied upon the decision in his ruling that the Court's "only task is to determine whether the claimant's

belief is sincere, and if so, whether the government has applied substantial pressure on the claimant to violate that belief."

The Religious Freedom Restoration Act prohibits the federal government from substantially burdening anyone's religious practice unless the government can prove it has a compelling interest in doing so and is using the least restrictive means to do it. Though the U.S. Supreme Court overturned RFRA as an unconstitutional imposition on states in *Boerne v. Flores*, 521 U.S. 507 (1997), RFRA still constrains the federal government, and child labor is regulated by federal law.

Sam said the DOL could get the information from other sources and therefore compelling Steed to testify was not the lightest burden on religious practice that could serve the government's interest. However, the other sources Sam suggested Labor turn to were all FLDS members who had been subpoenaed and had refused to answer questions on First Amendment grounds.

The Hobby Lobby ruling giving corporations protection for their religious beliefs is very troubling. CHILD cosigned an amicus brief prepared by the Freedom from Religion Foundation arguing against Hobby Lobby's position.

What is smallest burden?

Many people would agree that the government should have a compelling interest in public health, welfare, or safety before interfering with an individual's religious practice, but the further requirement that the government must obtain that interest by using the least burden on religious practice can lead to protracted arguments over which means burden religion the least and likely inhibits the government from even trying to enforce laws in some cases.

And if, as of June in *Hobby Lobby*, a plaintiff can now refuse to obey neutral laws of general applicability whenever his religious belief is sincere and the government applies "substantial pressure" on him "to violate that belief"—if that's the new standard, we will see many more rulings like Judge Sam's and much more endangerment of children.

The DOL has filed a motion asking for reconsideration. To our knowledge Labor is the only agency—state or federal—still concerned about the risks to FLDS children in hazardous and exploitive labor.

Out in cyberspace there are always FLDS defenders who say that modern kids are lazy videogame players and kids who had to do farm chores in the good old days became better people for it. What's happening to FLDS children today, however, is far from those rosy and hazy memories of olden times.

FLDS child working at concrete truck

Sources include the *Salt Lake City Tribune*, March 27 and Sept. 16, 2014, and the *St. George News*, March 18 and April 12, 2014.

There will be more FLDS news in the next CHILD newsletter.

The culture wars' threat

Culture Wars: the Threat to your Family and your Freedom by long-time CHILD member Marie Castle (See Sharp Press, 2013) analyzes the impact that religion has on our culture and daily life. She argues passionately that many of our laws are based on religious belief, have harmful effects on individuals and society, and have no secular justification. Her breadth of knowledge, sources, and examples is impressive. Among the topics covered are sexuality, women's rights, religious exemptions from child abuse and neglect laws, science instruction, and tax policy.

From 1989 through 1994 Marie and fellow CHILD member Steve Peterson worked to repeal Minnesota's religious defense to felony neglect.

They were blocked at every turn by Senator Alan Spear, who denigrated their motives as atheists.

The first openly gay member of the state legislature, Spear was firmly convinced that churches should not be allowed to discriminate against gays and equally convinced that parents should have a religious right to deprive sick children of medical care.

Marie and Steve finally got a compromise bill enacted, which significantly improved Minnesota's child neglect laws, but did not repeal the defense.

Religion-based medical neglect in court and statehouse

Review of *The Child Cases: How America's Religious Exemption Laws Harm Children* by Alan Rogers (University of Massachusetts Press, 2014)

Alan Rogers' new book is a careful and valuable record of seven prosecutions of Christian Science parents who let their children die without medical care in the 1980s and of child advocates' work to repeal religious exemption laws enacted by Christian Science lobbying. Rogers is a history professor at Boston College and teaches courses on the history of church-state law. His training and experience with legal issues inform the book richly.

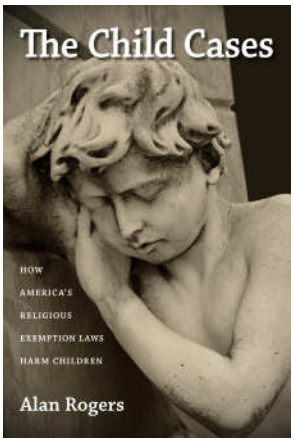
Religious exemptions erode rule of law

The book argues succinctly "that a child's death rationalized by a potentially harmful religious practice erodes commitment to the rule of law. In a well-ordered society the law must protect all persons. When the law permits a child to die at the hand of another, that act undermines the public good and strips the child of the right to equal treatment before the law." (5)

Rogers has chapters on the trials for the deaths of Amy Hermanson, Shauntay Walker, Ian Glaser, Natalie Rippberger, Ian Lundman, Ashley King, and Robyn Twitchell. His accounts have poignant and dramatic details about the families and accurate information about the court battles.

Both parents and church arrogant

They begin with a vivid picture of the outrageous behavior of the Hermansons two days after seven-year-old Amy died of untreated diabetes. The parents called meetings of neighbors and work associates to explain their religious beliefs, claim they had provided treatment recognized as appropriate in Florida law, and offer their listeners church literature. Later Mrs. Hermanson told a friend that Christian Science had healed Amy, but then Amy made her own choice to pass on.



The parents' arrogance enraged some, but it was certainly part and parcel of their church's attitude, which relentlessly promotes its spiritual treatments as a health care system and took out a full-page ad in the local newspaper trumpeting its record of healings and pointing out that diabetic children have died under medical care.

The Hermansons' attitude pales in comparison to that of Catherine King, who seemed almost deliberately cruel while her daughter Ashley was dying of bone cancer.

"Super-good day" for toddler

Robyn Twitchell's parents were much more sympathetic figures, but the toddler's church practitioner Nancy Calkins was either delusional or a consummate liar. Over five days Robyn intermittently screamed and vomited as he suffered with a bowel obstruction and peritonitis. Calkins, however, testified that she achieved a complete healing of Robyn and he ran around the room happily chasing his kitty cat but then suddenly climbed in his father's lap and died. She suspected the world's hatred and jealousy of Christian Science was the cause of his death. As Rogers writes,

> Calkins said Robyn had "ups and downs" during his five-day illness, but on Tuesday "he had a super good day." "Mrs. Calkins," [the prosecutor] said, "he died Tuesday." "I know he did" she said, "but he had a super good day." (146)

The church retained both a political consulting firm and an advertising agency to deal with the publicity generated by the criminal trial in the shadow of its international headquarters in Boston. These expenditures did not win friends. Many locals, Rogers writes, "perceived the church as hierarchical, secretive, coldly ideological, and more concerned with defending itself than with saving a child's life." (127) Hundreds of potential jurors had to be dismissed because they had already made up their minds against the Twitchells.

Massachusetts battle described in detail

Furthermore, a large coalition of Massachusetts child advocates succeeded in repealing the state's religious defense to criminal non-support.

Rogers' detailed account of these child advocates' five-year struggle is an enormously valuable historical record. The twists and turns and frustrations of legislative work are laid out. The patience and persistence, the leadership and strategizing of CHILD members Jetta Bernier, Ken Casanova, and John Kiernan are described, though Ken's work is much more extensive than Rogers acknowledges.

The book, published this year, does not mention our work in Oregon or any of our legislative work after 2001. We wish it had covered Ellen Mugmon's repeal work in Maryland, which also took patience, persistence, and strategy, and was not as "quick" as Rogers claims.

Nevertheless, the book mounts a very strong argument against religious exemptions from child health and safety laws and the legislators who enact them.

"Historical evidence and the Supreme Court's major free exercise decisions," Rogers concludes, demonstrate "that the rule of law applies equally to religious groups and to all others. . . . When legislators succumb to Christian Science lobbyists who advocate a special religious interest or who privilege harmful religious conduct, they are guilty of undermining the very religious freedom they claim to be protecting." (196)

Six amicus briefs

CHILD wishes again to thank Jim Dwyer, Arthur B. Hanson Professor of Law at William and Mary Law School, for the six amicus briefs he has written for us *pro bono* since 2000. Most have been co-signed by several distinguished organizations. They are gifts worth many thousands of dollars of an attorney's time.

Nobel peace prize for children's rights campaigners

This year the Nobel peace prize was awarded to Malala Yousufsai and Kailash Satyarthi for their work for rights of children.

Satyarthi gave up a lucrative career as an electrical engineer to save children from slavery, trafficking, and exploitation. Despite attacks on his life, he has led the rescue of over 78,500 child slaves and developed a successful model for their education and rehabilitation.

Though many threatening notes were placed under the door of her family home in Pakistan's Swat Valley, Yousufsai continued to speak out for the right of girls to an education. In 2012 she was shot on her schoolbus, and the Taliban have vowed to shoot her again. She and her family now live in England.

A United Nations petition for education gathered millions of signature in her name and led to passage of Pakistan's first law providing free and compulsory education for all children ages 5-16.

"Traditions are not sent from heaven; they are not sent from God. It is we who make cultures, and we have the right to change it and we should change it," she said at the Girl Summit in London. CHILD wholeheartedly agrees.