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Jury awards \$14.2 million in boy's death

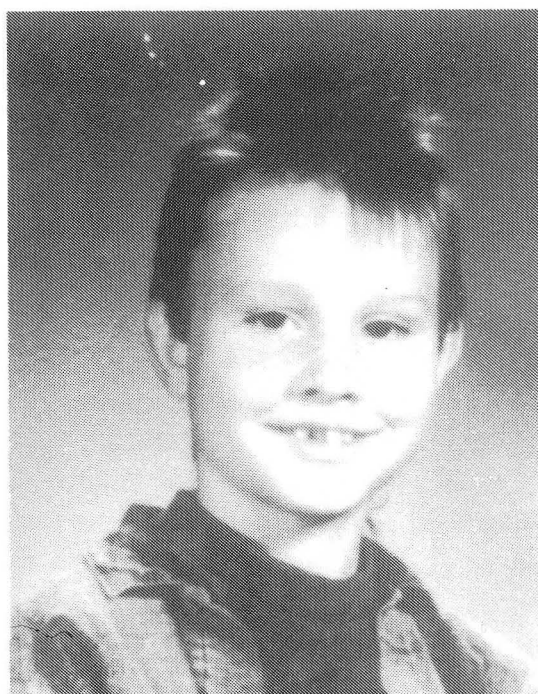
On August 18, a jury in Minneapolis awarded \$5.2 million in compensatory damages against the Christian Science church, its agents, a mother, and stepfather for their role in the death of 11-year-old Ian Lundman. On August 25, the jury awarded an additional \$9 million in punitive damages against the Christian Science church.

It is the first wrongful death suit against the Christian Science church or its agents to be presented to a jury. It is only the second suit in history against the Christian Science church for the death of a child. The first was filed in 1980 by CHILD founders Rita and Doug Swan in the death of their son Matthew. The Wayne County Circuit Court in Detroit, Michigan, granted summary judgment (dismissal) on first amendment grounds; the ruling was upheld on appeal. Other suits against the church for deaths of adults have also been dismissed by the courts without a jury trial.

Ian Lundman died on May 9, 1989, of diabetes mellitus. His mother and stepfather, Kathleen and William McKown, withheld medical treatment because of their Christian Science faith. Ian's father, Douglass Lundman, had left Christian Science several years earlier, but he was not informed of the seriousness of his son's illness.

Criminal charges dismissed

The McKowns and the Christian Science practitioner, Mario Tosto, were indicted for involuntary manslaughter by a grand jury. Charges against Tosto were later dropped by the prosecutor. Charges against the McKowns were dismissed by Hennepin County District Court Judge Eugene Farrell because Minnesota's criminal child neglect law, Minn. Stat. 609.378, designates prayer as



Ian Lundman

"health care" on which a parent has a legal right to rely. Farrell's ruling was upheld by the Minnesota Court of Appeals and the Minnesota Supreme Court. The U. S. Supreme Court declined review.

On April 30, 1991, Doug Lundman filed a civil suit charging that negligence and wrongful acts caused his son's death. Named as defendants were Kathleen and William McKown, Christian Science practitioner Mario Tosto, Christian Science nurse Quinna Lamb, Christian Science Committee on Publication for Minnesota, James Van Horn; Clifton House, a Christian Science nursing home; the First Church of Christ, Scientist, in Boston, Massachusetts; and Metropolitan Open School, a private, non-parochial school that Ian attended.

Lundman was represented by three attorneys, Paul Lukas and Jim Kaster of Nichols, Kaster, and Anderson in Minneapolis and Robert Bruno in Burnsville.

Mom's attorney represented church

The seven defendants were represented by six local firms and the firm of Honigman, Miller, Schwarz, and Cohn in Detroit, Michigan. William Christopher of the Honigman firm represented First Church, known to members as the Mother Church. He had previously represented the church in the Swans' civil suit and on appeals in two criminal cases involving deaths of children to untreated diabetes.

Remarkably, Kathleen McKown's attorney, Terry Fleming, also acted as local counsel for the church. This arrangement indicated that McKown and the Mother Church agreed that their interests were identical.

This account of the case has been developed from records filed with the court and from notes taken by CHILD members who attended some days of the trial. Rita Swan was not able to attend the trial because she was listed as a potential witness, but did attend opening arguments of the first trial and closing arguments of the second.

School ignored symptoms

Evidence of the school's negligence was outlined in Lundman's response to an interrogatory. "There were several early warning symptoms," he wrote. Ian was cut in a bicycle accident in early April. He wore a bandage to school. Children and teachers observed that the wound was not healing normally.

Ian missed school during April because of flu symptoms and red splotches on his face, which the McKowns reported to public health officials as measles. "School staff were aware of these illnesses, but took no action to protect Ian," Lundman wrote.

His weight loss should have been obvious to school personnel, but they took no action.

Four days before his death, Ian went on a field trip. A school staff member observed Ian's fatigue. She expressed her concern to the director of the Open School, but no action was taken.

"Weekly school reports suggest that Ian suffered from lethargy and depression," Lundman

wrote. "School officials made no attempt to discover the physical or psychological basis for their observations."

Wounds that do not heal in a normal amount of time, nausea, weight loss, fatigue, and lethargy are all classic symptoms of diabetes.

In a phone interview, the director of the school denied that the school had been negligent. Charges against the school were later dropped by Lundman's attorneys.

The case was assigned to Hennepin County Circuit Court Judge Sean Rice. The Christian Science defendants filed for summary judgment, claiming, among other points, that their decisions and actions about Ian's illness were an expression of their first amendment rights to religious freedom and that the religious exemption protected the mother's right to withhold medical care and the others' right to let him die without trying to get medical help for him.

Reasonable person standard used

On December 3, 1991, Judge Sean Rice denied the motion. Rice stated in part:

The test for a duty in common law is based on the probability or foreseeability of injury to the plaintiff. *Hanson v. Christensen*, 275 Minn. 204, 145 N.W.2d 868 (1966)

The standard of conduct in determining negligence is an objective standard based on the conduct of a reasonably prudent person under similar circumstances. *Olson v. Duluth*, 213 Minn. 106, 114-15, 5 N.W.2d 492, 496-7 (1942). Therefore, the defendants did not have to foresee Ian's death to have a duty. Rather, if a reasonably prudent person under the circumstances would have foreseen Ian's death, defendants would have a duty.

"The risk reasonably to be perceived defines the duty to be obeyed." *Palsgraf v. Long Island R. Co.*, 248 N.Y. 339, 344, 161 N.E. 99, 100.

With regard to religious freedom, Rice ruled that freedom to believe is absolute, but freedom to act out religious beliefs is limited by vital state interests. He cited the Minnesota Constitution, Article I, 16, that religious liberty "shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state."

Civil vs. criminal liability

Although the religious exemption in the criminal code allowed Christian Scientists to withhold lifesaving medical care from a child, common law negligence theory still gave them a duty to act as reasonable people and therefore civil liability for breaching that duty.

The criminal code does not require you to shovel the snow from your sidewalk, said Bruno, but you can be sued in civil court if someone is injured because you neglected to remove the snow.

Lundman's position also rested on Minn. Stat. 604.05, the "Good Samaritan" law, requiring those with knowledge of a disabled person to provide reasonable assistance; on Stat. 626.556 requiring reporting of a disabled person; and on Stat. 609.378, 609.05, and 609.205 requiring the provision of reasonable care.

The case was set for trial on July 12, 1993.

In June, 1993, Lundman filed a motion to add a request for punitive damages against Clifton House and the First Church of Christ, Scientist, on grounds that they acted with deliberate disregard for Ian's rights and safety.

Punitive damages allowed

On July 9, 1993, Judge Sean Rice granted the motion. Rice first cited cases indicating that punitive damages were an "extraordinary" remedy that judges should rarely grant.

Rice went on to rule that punitive damages were appropriate in this case. With regard to Clifton House, Rice stated:

The plaintiff has presented prima facie evidence that the actions and omissions of [its nurses] constituted deliberate disregard for the rights and safety of the decedent. According to the plaintiff's evidence, [they] failed to seek medical treatment for the decedent and failed to advise the decedent's parents to obtain medical treatment for the decedent.

Furthermore, Rice continued, evidence indicates that the nursing home "selected a nurse who was incompetent to render reasonable care and who was unwilling to seek medical care for the decedent."

With regard to the church, Judge Rice noted that church agents were aware Ian was seriously ill, yet failed to suggest or obtain medical care or report

his condition. "According to the plaintiff," Rice wrote, "these courses of inaction were consistent with policies of First Church which were designed to prevent officials and members of the public from intervening on behalf of sick Christian Science children."

Training in denial shows willful disregard for child

Lundman has also shown, Rice concluded, "that First Church did not train Lamb and Tosto properly. In fact, there is evidence that First Church trained its nurses and practitioners to ignore and be unimpressed by serious medical symptoms in children. This in itself constitutes evidence of deliberate disregard for the rights and safety of children. Thus, the plaintiff's motion to amend his second amended complaint to add a claim for punitive damages against First Church is granted."

The church responded with an argument that parties could not recover for "educational malpractice."

A jury of eight women was chosen. Two would be alternates.

No choice for child

Jim Kaster delivered his opening argument on July 19th. "Ian died for the religious beliefs of others," he said. Ian had no choice. Ian was not a church member.

The most important policy of the Christian Science church is individual choice, he said. The church says clearly that all members are free to go to doctors. It's just like changing lanes on the highway. You cannot have both medical science and Christian Science at the same time, but you can freely switch from one to another.

Kaster focused the case on a 1980 memo from the Mother Church Board of Directors stating that parents are free to take children to doctors and that a child old enough to communicate his wishes should be asked what kind of treatment he wants.

When Kathleen McKown was asked in deposition if Ian was a Christian Scientist, she said, "I don't know."

Theology allows insulin?

Both Kathleen and William McKown testified that medical care was not against their religious

beliefs and, specifically, that insulin was not against their religious beliefs, Kaster told the jury.

None of the Christian Science defendants attempted to find out whether Ian wanted Christian Science treatment or medical treatment. The closest his mother came to soliciting his feeling was on Sunday, May 7th, when she asked him if he was "on the team."

Dad got boy medical care

At age 6, Ian was having earaches. His dad, who has a 50% hearing loss because of untreated ear infections during childhood, asked him if he would like a doctor. Ian said he did. Later Doug asked him if he would like an aspirin. When the pain got worse, Ian said he wanted one. There was, therefore, evidence that Ian was willing to have medical care.

"This case has nothing to do with the defendants' religious beliefs," said Kaster. "It has to do with a separate and independent human being. They did not tell Ian what they knew that he was seriously ill. They didn't ask him whether he wanted to go to a hospital."

The practitioner, Mario Tosto, not only neglected to ask Ian his choice of treatment, but also violated a church policy that practitioners should visit seriously ill children.

"The treatment of Ian's illness was not Kathleen McKown's choice," Kaster concluded. "It was not the church's choice. It should have been Ian's choice."

Courts not allowed to evaluate doctrine

Bill Christopher rose and moved for a mistrial. He said church documents cannot be introduced to show church policies and procedures because a court has no power to interpret church policy.

Citing Kaster's statement that Ian "died for the religious beliefs of others," Christopher said it was unconstitutional to sue people civilly for their religious beliefs.

Religious words can't be used in court

He also objected to Kaster's use of church terminology, claiming that the defendants were being tried for their beliefs. He even claimed that "fear" was a religious word, which Kaster had no right to use in court.

Finally, Christopher said that Kaster had no right to tell the jury that Christian Science was not working for Ian because the first amendment prevented the court from evaluating what success and failure mean in Christian Science theology.

Although Christopher had gotten the Swans' civil suit in Michigan dismissed with such arguments, Judge Rice rejected them.

Evidence on church policies allowed

Terry Fleming complained that Rice would not allow his client to present a Christian Science standard of reasonableness as her defense, yet he was allowing the plaintiff to present evidence that the defendants violated church policies.

"Our position is that the defendants were negligent for failing to get medical care," Kaster responded. "A corporation's failure to follow its own policies is evidence of negligence." Rice ruled in favor of Kaster.

Motivated by love

Fleming rose to give his opening argument. "Kathleen McKown was a Christian Scientist," he said, "but she was first and foremost a mother. At every step, she was motivated by love of her son. She did everything possible for Ian within her prior knowledge and experience."

"Christian Scientists," Fleming explained, "lack a belief that medical science is effective."

Kathy had seen many healings that convinced her Christian Science was the best method of healing, he said. Christian Science healed her of deafness when she was two years old and of a severe sore throat. Her father swallowed Drano, and Christian Science healed him. It healed her infant daughter of severe breathing problems, Fleming continued.

During their divorce negotiations, Doug proposed that Kathy have full, legal custody. "You know what you stand for, but I'm still searching," Fleming quoted him as saying.

Their divorce agreement in 1984 did not require Kathy to provide medical care for the children, even though Doug had left Christian Science four years earlier.

Kathy gave Ian Christian Science treatment because she loved him, Fleming concluded. "In a

crisis, she didn't dare experiment with something she had no experience in."

Can't discuss choice with comatose child

Patrick McCullough spoke for the nurse, Quinna Lamb Giebelhaus. As a Christian Science nurse, she was trained by the church. She had no medical training or state licensure.

Parents choose Christian Science treatment, McCullough said, and the church nurses are not supposed to suggest other methods to them. It was Kathy McKown who asked Quinna to come and nurse Ian. Also, a nurse is not supposed to pray for the patient.

Furthermore, Ian was comatose when Quinna was with him, so she had no way to ask him what his choice was, McCullough pointed out.

Argument against client's interest

McCullough also argued, both orally and in writing, that his client had gone to the McKown home as an independent contractor and not as an agent of Clifton House. This argument served the interests of the church and nursing home, but not of his client. Presenting her as an agent of the nursing home would have been a way to try to absolve her of liability.

Larry Leventhal represented Mario Tosto. "It is not negligence to be a Christian Science practitioner. It is not negligent to pray. So the evidence you will hear will not allow you to find him negligent," Leventhal told the jury.

Faith turned life around

Tosto was a highly successful, well-paid advertising executive, but he was also depressed, so he turned to Christian Science after his divorce.

Leventhal referred to Tosto as "the clergy," although the Christian Science church does not ordain practitioners as clergy.

Tosto became a practitioner, Leventhal said, to "support himself with good works."

Christian Science gives a commitment for staying the course, not changing lanes, Leventhal said. "A practitioner can't say, 'I'll try this and then that.'"

Neither medical doctors nor clergy can give guarantees, and we'd be worse off if they did, Leventhal said.

He acknowledged that the McKowns had called Tosto several times during his treatment of Ian, but said their conversations were privileged and therefore the defendants had a right to refuse to answer questions about them.

Lundman has suggested that Tosto should have been at Ian's bedside and that something was wrong with his prayers. "But," Leventhal concluded, "our clergy must be free to pray. Their prayers can be effective from anywhere. They should not be hauled into court to justify their prayers."

\$446 for good works

Mario Tosto billed the McKowns \$446.00 for his prayers for Ian over a two day period.

Ron Riach gave an opening argument for Bill McKown, a retired General Mills executive. McKown's first wife died in 1985 after a four months' stay at Clifton House, the Christian Science nursing home.

The next year he married Kathy. When she and her children moved in, he was 55 years old. He had already raised a family. They had discussions like most families do, and they agreed that Bill would not assume the role of a father. Oh, sometimes, he did play catch with her kids and help them with projects, but he wasn't their father.

Stepfather uninterested in boy's suffering

On Monday, May 8th, Ian did not go to school, so Bill became a support system *for Kathy*. He helped fix meals and picked up Whitney from school. *But he wasn't taking care of Ian*, Riach emphasized.

McKown testified that he never spoke with the practitioner about Ian nor even discussed the treatment with his wife. "That was between Mario and Kathy," he said.

Doug's girlfriend, Martha Abbott, testified, however, that McKown told her at the funeral home that he and his wife "had watched Ian's condition moment by moment and asked [themselves] 'Are we doing the right thing regarding Ian's illness?'"

That evening the family decided Bill should take a nap because, as the McKowns put it, "we don't know how long this is going to last." Bill was asleep the last several hours of Ian's life.

In the courtroom the other defendants were equally direct in placing the blame on Kathleen

McKown. Yet, she was content to have her attorney represent the Mother Church.

Ian's paternal grandmother, Donna Lundman, a church-accredited practitioner and teacher, testified before a grand jury on Ian's illness and death. When she was at Whitney's birthday party on April 24th, Kathy McKown told her that Ian "wasn't eating well" and that "all he was doing was drinking a lot of liquids."

Weight loss, stomach pain, bad breath

In her deposition, however, Kathy testified that she first became aware of her son's illness on Saturday morning, May 6, 1989, when he complained that his stomach hurt. She noticed that he had lost weight.

She also noticed his "bad breath" and bought him breath mints, something she had never done before. The problem was actually the classic fruity odor caused by the buildup of ketoacids.

Mrs. McKown prayed for him. She was listed in the yellow pages as a Christian Science practitioner and had applied for church certification as a practitioner. The application requires accounts of three healings achieved by Christian Science methods.

On Sunday morning, Ian still complained that his stomach hurt. Mrs. McKown retained prominent Christian Science practitioner, teacher, and lecturer, Mario Tosto, to pray for Ian.

She noticed that Ian was lethargic.

In the afternoon she took Ian and his sister, Whitney, to the home of their grandmother, Donna Lundman.

Ian vomited there. He also lay on the sofa some of the time, which, his mother acknowledged, was not normal for him.

Boy on Christian Science team

She asked him if he was "on the team." He said yes and then he shared Christian Science ideas for treating the stomach pain, which made him feel better, Mrs. McKown testified.

But by the time they ate dinner at the grandmother's house, Mrs. McKown observed that "Ian was very concerned" about his illness.

After going to bed at his own home, Ian twice went into his mother's bedroom and said he couldn't sleep because his stomach hurt, once about midnight

and once about 2 a.m. Both times his mother went back with him to his bedroom, tucked him back in bed, and prayed for him until he fell asleep.

Ian fearful

At about 5:45 a.m., he came in a third time and woke his mother. He complained again that his stomach hurt and that he didn't want to be alone. McKown admitted that she never remembered him expressing that fear before.

She returned to his room with him. He got back in bed, but soon got up and asked for breakfast.

He was too sick to go to school that day.

Between 6 and 11 a.m. on Monday morning, May 8, Mrs. McKown fed him small amounts of food between three and five times. Each time he threw up what he ate.

Ian continued to be fearful about his illness that morning. And around 11 a.m., McKown herself thought that "if he wasn't able to eat and retain food, that eventually he would die."

Because of the "seriousness" of Ian's illness, she decided to call Doug Lundman, then teaching architecture at Kansas State University in Manhattan, Kansas. She was unable to reach him at home, so she asked his mother to call him.

"Being that we were in the midst of all of this vomiting," she testified, "I didn't want to leave Ian and try to find the [work] number and find out whether [Doug] was there. You know, talk to some secretary or leave a message."

Donna Lundman told McKown that Ian had been frightened about his illness when he was at her home on Sunday.

Nursing home advised on care

McKown also called Clifton House for help on Monday morning. She reported that her child was vomiting all solid food and asked what liquids she could feed him.

The Christian Science "nurse" recommended feeding him small amounts of chicken broth, milkshakes, and liquefied jello at frequent intervals.

McKown said she called the facility "because Christian Science nurses are part of the Christian Science system of care and their role in the care system is to provide practical information" to those

caring for the sick and to provide "that care themselves."

Public relations directors called

She also called James Van Horn, who directs lobbying and public relations for the Christian Science church in Minnesota. His official title is Committee on Publication; church members call him the COP.

McKown said she called him because she knew the church wanted members to do so when a child was "seriously ill" or "not improving."

Van Horn promptly notified Nathan Talbot, the worldwide manager of the Committees on Publication at church headquarters in Boston. Van Horn testified, though, that he actually called Talbot about other matters, mentioning Ian's illness only cursorily, and that Talbot made no comment on the case.

Through the day Ian continued to complain of stomach pain, became "more and more obviously tired," and "continued to look thinner than usual," his mother said. She fed him liquids about three times an hour. He was able to retain them during the afternoon.

Contagious disease possible

She and her husband wondered if Ian had a contagious disease. The Christian Science church directs parents to report "suspected" communicable diseases to Public Health. That afternoon Mr. McKown phoned Van Horn to ask how to make such a report. Public Health has no record of a report being received from the McKowns.

During the early evening Donna Lundman reached her son and told him Ian was sick and missed his dad. Doug said he could drive up to Minneapolis immediately. His mother assured him that was not necessary but suggested that he call Ian and let the boy know he was thinking of him.

Doug began calling his exwife at once, but the number was busy for over an hour.

Illnesses described as minor

When finally reached, Kathy McKown confirmed that she had wanted Doug to know about Ian's illness. She reported that Ian had had a variety of minor illnesses off and on during April, that he had lost weight, that he had been vomiting all solid

food, but could hold down liquids, and that he was frightened about his illness.

Doug offered to come up to visit as soon as he finished his grading at Kansas State University. He asked Kathy if he should do that.

She replied that it was up to him and that, if he came, both his children would be glad to see him.

She did not tell Lundman that Ian was seriously ill or that she had been afraid he might die.

Lundman asked to speak to his son, but she said Ian was sleeping.

She warned him that "the fewer people who knew about Ian's illness the better." Lundman testified that her fear expressed the Christian Science belief that people's awareness of illness can cause illness or make illness more difficult to heal.

Sister stayed in bedroom

After school that day his daughter Whitney had gone straight to her bedroom and closed the door. She was working on a Mother's Day surprise present. She came down for dinner and then returned directly to her room.

Kathy McKown did not recall Whitney "asking any questions about Ian or wanting to see him before she went to bed or anything."

At one point Kathy went into Whitney's room to make sure "she wasn't worried or anxious about Ian."

After the family ate dinner, Kathy tried to give Ian something to eat. He was not able to feed himself and did not respond as she tried to feed him.

Kathy then put some jello into a squeeze bottle, liquefied it in the microwave, and then squirted a small amount into his mouth.

Ian "seemed to become more alert." He "opened his eyes" and drank a few ounces. "He was expressing more energy, more body movement at that point."

Child incoherent

But then something happened that struck terror in his mother. "He looked at me and he said, 'My name is Ian too,'" she testified. "That did not seem to me to be normal conversation because I was his mother and he was telling me his name."

Kathy called Clifton House about 8 p.m. and requested to have her son admitted for Christian Science nursing care. A nurse informed her that

Clifton House did not admit patients under 16 years old.

The nurse offered to ask her supervisor about alternative care for the boy.

Hospital care considered

Kathy decided to take her son to a hospital and ask the staff there to limit their care to that which "a Christian Science nurse would provide."

Her rationale was that she needed to devote herself to prayer. "I didn't want to divide my concern between praying and thinking of what he needed and what I should do to respond to that," she testified.

But her plans were interrupted with a return call from Clifton House that a Christian Science nurse, Quinna Lamb, could come to her home and care for Ian.

McKown accepted the offer with relief.

Had never cared for sick child

Lamb called a Christian Science practitioner in Montana to pray for her in her mission because she had never cared for a sick child before.

Shortly after the call, Ian urinated on himself. McKown reported that to Lamb, so Lamb could bring supplies.

Lamb arrived at 9:15 p.m. She and Mr. McKown prepared a bed for Ian in the master bedroom. The beds there had motors that could change their elevation.

Child comatose

After Lamb's arrival, "I don't believe he spoke to anyone," said his mother. "He didn't speak when I was in the room."

"He did not make any movements" after being placed in the master bedroom, she testified.

"Was Ian able to walk on his own accord at any point in time after 9:15 p.m.?", asked Lundman's attorney.

"He didn't. I don't know whether he was able to," said his mother.

During the last five hours of her son's life, McKown sat in her office reading Christian Science literature, sat on the stairway, paced the floors, and went in to the bedroom to look at him.

At 2 a.m. Lamb asked her to come into the bedroom because Ian's breathing had changed.

McKown stayed in the room with him until he died at 2:36 a.m.

The next morning the McKowns were observed taking Ian's clothing, bicycle, and other possessions to the woods in back of their home and leaving them in a pile for burning. One observer speculated that they thought Ian's disease was contagious.

Nurse's notes

Ian's condition during his final hours can best be seen in Quinna Lamb's notes as reprinted below.

9 p.m. arrived boy had urinated - prepared bed - Dad carried - light evening care - perineal care given - patient had juice earlier - eyes rolled back - patient awakened when moved seemed aware of people - breathing labored

10:10 siphoned water

10:50 turned patient onto right - siphoned water

11:15 practitioner called report given onto back [she turned Ian on his back]

11:30 patient vomiting brownish fluid - called practitioner - vomiting ceased

12:30 labored breathing

12:50 moistened lips - vaseline - patient wet - perineal care given

1:00 patient swallowing - facial spasms called practitioner - report given

1:05 immediate change - symptoms gone - labored breathing

2:05 taking big breath - every other breath, gritting teeth

2:10 called practitioner report shallow irregular breathing - eyes fixed

2:20 called practitioner - patient color white passing possible

2:36 patient stopped breathing

2:50 nurse called practitioner

3:02 husband called 911/Medical Examiner and COP

Addendum: I was called around 8 p.m. by Ellen Edgar at Clifton House. I called Bill McKown, and then left around 8:30. When I arrived patient eyes rolled back, breathing lightly labored - patient placed on bed roll, placed baggie and washcloth around scrotum - patient was only tilted to right side, then left on back with height of bed elevated. Mother was present in room almost every moment - slept briefly in his room - mother called practitioner when stopped breathing.

Nurse and mother read to patient from Science and Health and hymnals - mother awakened husband 2:50 a.m. approximately. He called medical examiner and then 911 - stayed until 4:45 a.m. - cleaned and reset bedroom. At no time did he speak to me -

Nurse checked stomach after vomiting and noted it was hard - feet became cold

Nurse covered with another light blanket.

Some abbreviations, such as "p" for patient, are used in the notes.

Dr. Donnell Etzwiler, President of the International Diabetes Center, testified at trial that a reasonable person would have sought medical care for Ian by Monday morning, May 8th. He further testified that medical care could probably have saved Ian without brain damage until midnight and that his life might still have been saved at 12:50 since his kidneys were still functioning then.

He also testified that Lamb's notes read like a classic 19th century textbook on how children used to die of diabetes before the marketing of insulin.

But Quinna Lamb had been trained by the Christian Science church to be "unimpressed" with the symptoms.

Unlicensed nurses

Her deposition provides a vivid picture of the church's nursing as driven both by legal and theological concerns. Although their services are reimbursed both by Medicare, Medicaid, and private insurance plans, Christian Science nurses are not state-licensed and do not work under the supervision of state-licensed health care providers.

Protecting them from charges of practicing medicine without a license has long been a church

priority. Although the church founder Mary Baker Eddy said that Christian Science nurses must have "practical wisdom" and be able to "take proper care of the sick," the contemporary church prohibits them from doing anything that might be construed as constituting the practice of medicine.

Thus, Christian Science nurses will not do even such simple procedures as backrubs or enemas. They will not use heat or ice to relieve inflammation.

Training of church nurses

At the highest level, the Christian Science graduate nurse completed the church's three-year nursing program and advertised her services in *The Christian Science Journal*. But nine months of each of those years consisted of menial work in a Christian Science nursing home. Only three months of the year was classroom instruction. Purportedly, the graduate nurses received training in care of acutely ill adults and children.

Excerpts from the deposition of Quinna Lamb Giebelhaus, a Christian Science graduate nurse, follow. Jim Kaster asked the questions.

Q. Did you work with diseases [that] were serious or life threatening?

A. There were a number of acute cases that have come into Clifton House.

Q. Such as?

A. I would never diagnose them and I couldn't diagnose them, but they seemed to be situations that needed to be handled immediately, requiring intelligent care. There might be a breathing difficulty or it might be a swollen limb or perhaps a dressing that bled frequently that would need to be carefully and intelligently handled.

Q. When you say intelligent care, what do you mean?

A. In the manual of the Mother Church Mrs. Eddy says [that a nurse] should be one who has a practical wisdom and can take proper care of the sick. So I mean by that having the spiritual intuition to take proper care of a human need.

Q. Does proper care ever include conventional medical care?

A. Medical care is a form of treatment. The treatment that is chosen by Christian Scientists is Christian Science treatment.

Q. Is it true that intelligent care, according to your training, does not include conventional medical care?

A. Yes.

Doctors brought into nursing home

Later, however, Kaster produced a church document on nursing home procedures stipulating that "dentists, optometrists, podiatrists and hearing aid specialists may provide basic professional services for patients who are unable to leave the facility."

The church rationalizes that such services are actually mechanical rather than medical. Eddy herself wore glasses and had her teeth extracted by a dentist.

Furthermore, questioning of nurse Mildred Khemakhem during the trial revealed that Clifton House also calls in a doctor to diagnose suspected communicable diseases and to verify illnesses and injuries when needed for workman's compensation or other insurance reimbursements.

Deposition questions exposed Giebelhaus's lack of training.

Q. During the course of your time as a Journal-listed nurse, have you ever, other than [Ian Lundman's case], been involved in the treatment and/or care of a child?

A. No, not that I remember.

Q. Before or since?

A. I guess I can remember one instance a mom brought in a little child that had something in his eye, but I wasn't able to do anything for him or his mother, other than to reassure her. And there might have been minor cuts, children that I've seen as outpatients at Clifton House, but I don't recall any specifics.

Care determined by intuition

Q. During the course of your training and up to and including the time of your becoming a Journal-listed Christian Science nurse, did you learn anything or were you trained in any way to treat seriously ill patients any differently than those who were not in what you would call an acute stage of illness or disease?

A. It just requires to be more sensitive and to be more alert, but the nursing care is the same.

Q. When you care for someone, it doesn't matter if the situation is acute or chronic or has a serious label or not?

A. You respond to what the person needs at that moment. Skill, training, intuition tell you what is the best, and listening to the patient themselves. As an example, you might have a situation where someone might appear to have a broken leg. The patient wants to walk. The practitioner feels that it is the right move. They're mentally ready to do that. It might be the right nursing judgment to go ahead and assist that person to walk because it's what they want.

Medical diagnosis not shared with care providers

Q. During [your 11 years of nursing] and at any period of time during the course of your training, did you treat a person who was diagnosed by anyone at any stage as having diabetes?

A. I wouldn't know. Sometimes people are admitted to Clifton House from hospitals and have a diagnosis, but that is not generally shared with the staff.

Q. Are you aware of any diabetic patients that you have treated during the course of your time up to and including your departure from Clifton House?

A. No.

Q. Do you now understand that Ian Lundman had diabetes before his death?

A. I understand that was the medical diagnosis.

Kaster asked about her coursework during her last year in the church's training program. Giebelhaus said she took "Ethics 3, care of children, obstetrics, and supervising."

Cute shapes for sandwiches of sick kids

Q. Tell me about the care of children.

A. That involved how to make a tray more attractive to children, for instance, cutting animal shapes out of sandwiches or I remember with a little girl perhaps using her tea set to encourage her to eat.

Q. Did you learn anything else that would make the care of children different or unique?

A. No.

In Giebelhaus's notes from her ethics course she had written, "There's nothing wrong or dirty about the word medicine. We give medicine, but our

medicine is truth and love which we liberally dispense."

Kaster asked if the quote indicated that her training as a Christian Science nurse provided for the administration of any medicine.

"No," replied Giebelhaus. "It states that our medicine is mind, meaning God."

Kaster presented material from her course in acute care.

CS nursing care appropriate for acutely ill

Q. As you understand it, is Christian Science nursing appropriate for the care of all of those conditions which are listed under that category, care of the acutely ill?

A. Christian Science nursing is appropriate for all manner of care. It is good nursing in all categories.

Q. So it is appropriate care for someone. . . who is experiencing paraplegia, semiconscious, unconscious, convulsive, feverish, severe pain, unable to retain food, loss of appetite or the other conditions which are listed under this category, care for the acutely ill?

A. Yes. Christian Science nursing can give proper care to those who are deemed acutely ill.

Q. In your training and based upon your experience as a Christian Science nurse, do you ever consider it appropriate to force feed someone who is in an unconscious state?

A. No.

Is patient conscious or unconscious?

Q. How about a semiconscious state?

A. That's very difficult to determine if someone is unconscious or fully conscious. I don't believe the medical community can give you a very good definition of that. It would not be my intention to force feed anyone at any time.

The night Ian died, however, she admitted to the police that she knew he was not conscious and nevertheless continued to feed him. "Quinna indicated," Chief Jim Franklin wrote, "that when she had arrived at the residence she viewed Ian's condition and determined that he was not really coherent. She indicated that after her arrival at 2100 hours she or Kathy never spoke with Ian on a normal level of consciousness. She indicated that occasionally Ian would say a few things. . . and they would attempt to ask him a question of which he might answer a

yes or no to but she did not think that he was actually coherent and conscious enough to understand what they were really talking about."

Comatose child given liquids

Quinna also indicated, Franklin continued, "that they continued to attempt to give Ian fluids between the hours of her arrival at 2100 and his passing at approximately 0230 hours. She indicated that Kathy had mixed up liquid Jello and placed same into a squeeze bottle and they attempted to feed this liquid to him during the course of the evening."

And "Quinna indicated that at approximately 1:00 or 1:30 a.m. Ian was unable to swallow the liquid," Franklin reported.

Kaster read statements from church nurses' training manuals into the record:

Christian Science nursing is unique because Christian Science is unique in its total reliance on God, Truth, for healing.

Since the majority of opinion at present is on the material side, the Christian Science nurse must watch all the more diligently to preserve the purity of Christianly Scientific prayer as the only means for healing.

Of course, the Christian Science nurse never uses or recommends drugs, never attempts to diagnose a condition, never promotes physical therapeutical methods of any kind, never makes discouraging remarks to the patient about the outlook for healing. On the contrary, when faced with stubborn material claims, Christian Science nurses loyally reaffirm Truth's healing power. The nurse must banish from her or his thoughts any thoughts of the efficacy of Science, any fearful concern over the apparent problems being seen, and any latent faith in material means.

As Mrs. Eddy writes: "In the dark hours, wise Christian Scientists stand firmer than ever in their allegiance to God. Wisdom is wedded to their love, and their hearts are not troubled."

Giebelhaus confirmed that the statements accurately represented some of the principles of Christian Science nursing and that she had attempted to abide by them when she nursed Ian Lundman.

Kaster questioned her on a letter dated January 24, 1980, from the Christian Science Board of Directors on handling serious children's cases. It directed that the Committee on Publication be notified immediately:

1. If a Christian Science child has been in a serious accident.
2. If you have reason to believe that a neighbor, friend, acquaintance, relative or school official has

reported the child to a local child protective agency or other authority as neglected, deprived or in need of care.

3. If public health or school authorities are insisting on medical attention for a child.

4. If a child's condition is receiving wide community comment or publicity of any kind.

5. If a child who to human sense is seriously ill is not healed or substantially improved after a reasonable period of time.

6. If a child passes on while under Christian Science treatment.

Kaster had a hard time getting Giebelhaus to admit that the COP was contacted about Ian Lundman because of point 5.

Ian seriously ill according to physical senses

Q. Was [Ian] to human sense seriously ill?

A. That would be a judgment on my part and we are not allowed to diagnose, but certainly it required good nursing care, yes.

Q. Are you saying that you were or were not capable of making the judgment that's outlined in paragraph 5 at that time?

A. Only as a layman is able to say something is serious or not serious.

Q. Did you determine as a layman or otherwise that the child was seriously ill?

A. To the physical senses, I guess, I would say as a layman that he appeared seriously ill.

The letter from the church directors claimed that the COP should be contacted because s/he was "well equipped to provide guidance on the legal obligations of parents and practitioners in serious children's cases." Kaster asked Giebelhaus whether she had attempted to determine that Ian's treatment "was in compliance with state law."

"I was not aware of any violation of state law that I knew of at that time," Giebelhaus replied.

Old and new charting explained

Kaster asked several questions about "charting," the nurse's record-keeping system. Giebelhaus said charting was done to bill the patient accurately and to provide documentation for insurance reimbursement.

In discussing charting, the church's nursing handbook said: "If you believe that you are sick, should you say, 'I am sick'? No, but you should tell

your beliefs sometimes if this be requisite to protect others."

Giebelhaus was not sure what the statement meant, but her "interpretation" was "that at one time they thought it was wise to write down what the physical appearance of the condition was in order to assist the practitioner in knowing what to specifically pray for and handle."

After Ian died, the system changed. Today, Giebelhaus testified, the nurses' charting merely records the activities done for the patient without comment upon the patient's condition.

But "at the time of Ian's death," Giebelhaus said, "I was still operating under the old system, which was we were expected to accurately chart what the physical senses were telling us. Not to come to a diagnosis, but to try to describe to the best of our ability what we saw."

"The only purpose" for such records, she testified, was to give the practitioner a "physical description of what it is that needs to be handled."

Training in symptoms dropped

The church had made other significant changes in nursing procedure under the onslaught of bad publicity during the 1980s. The church used to train the nurses in identifying symptoms of the reportable and communicable diseases, but later discontinued such training. Giebelhaus testified that such knowledge was not in "keeping with Christian Science theology."

The church also used to have a first aid class for its nursing students that was recognized by the Red Cross, but later discontinued it because it had become "so medically oriented," Giebelhaus said.

Repeatedly, Giebelhaus insisted that a Christian Science nurse draws no conclusions about the disease. Kaster began asking her about her night at Ian's bedside.

Q. [Ian] had lost control of his bladder; is that correct?

A. Yes.

Q. This boy was of an age where you would expect that he would be able to control his bladder during a rest or sleeping hours; is that correct?

A. I guess a layman would say so.

Q. Did that cause you concern that he had urinated?

A. Christian Science nursing is to meet the immediate need whatever it is, so the fact that he urinated to me as a nurse said that he needed to be cleaned up. It doesn't mean that I came to conclusions from that.

Seriousness of disease must be ignored

Q. Throughout the entire time that you were at the McKown home in contact with Ian Lundman and up to the time of his death, did you form any conclusion as to whether or not his condition was critical or acute?

A. [The church's nursing handbook] says that you are to dismiss it from your thought. So my intention would be to accurately write down what I saw, but not to come to conclusions about what I was seeing.

Kaster pointed out that she had testified in 1989, "I knew it was critical even before I came out. I think that [the McKowns] were aware that Ian's condition was of a critical nature. That is the reason they called Clifton House."

Puzzled, Kaster pursued the questioning.

Q. What I'm hearing you tell me now is that part of your nursing was to put that thought, that is, the critical nature of the condition, out of your mind?

A. A nurse meets the human need. It doesn't matter if she comes to a conclusion I mean, if it's labeled critical or not. It's to meet the need of the moment.

... If a thought came to me that something was serious or critical, as a Christian Scientist I needed to handle that thought for myself.

Handling fear of disease

Q. What do you mean by handle that thought for yourself?

A. To handle the thought of any fear or that this case is more serious than another.

Q. I hear you say that, but I don't know what you mean by handle the thought.

A. I think it would mean/involve giving Christian Science treatment to myself.

Q. Does that Christian Science treatment that you're providing to yourself involve changing whatever fear that you have that the condition is critical. . . ?

A. Christian Science treatment always involves the handling of fear. That's always the first step. So in that regard, yes, it would include handling fear or

the thought that a case was critical or more critical than [others or] less healable.

Q. And at the time of this charting you wrote down the conditions that you were seeing, but if I'm hearing you correctly, part of your healing of yourself would be to put those conditions, if they were indicative of a serious condition, out of your own mind?

A. It is not to come to a conclusion about what the physical senses are saying. To dismiss that. To keep it separate from the care that is needed to be given.

Q. What you say dismiss it, do you mean not to consider it?

A. Nursing care . . . is to meet the need at that moment, whether there's a label of critical or non-critical, chronic or anything you put on it. So it's kind of an irrelevant point in my thinking. . . .

Q. In the nursing care that you provide and you provided at the time, the actual condition of the patient as being serious or critical or non-critical is irrelevant?

A. I don't want anything to come across as indicating that Christian Science nursing care is callous or unfeeling about the human condition because nothing could be further from the truth.

Q. Okay. I hear you say that, but I want you to answer my question if you can.

[The preceding question was read back by the court reporter.]

A. I don't think that it affected the kind of care that I gave Ian.

Q. Is that what you meant by irrelevant?

A. I meant I meant the point is that I approach someone who comes to me with a cut finger with the same hopefully prayerful attitude of wanting to meet that need as I would a case that would appear as critical as Ian's.

Disease not a fact

Q. When you observe a condition that appeared as critical as Ian's, do you believe it to be fact?

A. I believe as a Christian Scientist that the physical senses are making statements about the truth of man's life that include the fact that man can be sick and can die, and that the physical evidence is saying that very strongly sometimes.

Q. At the time of the death of Ian Lundman did you in this particular case believe that by changing your mind or healing yourself you could change his physical condition?

A. No.

Q. So what was the purpose of healing yourself?

A. To make me a better nurse, to support the work of the practitioner and the prayers of the parents and Ian.

But if she was just supporting other people's work, Kaster wanted to know what "professional services" she billed for.

Giebelhaus reiterated that she "provided Christian Science nursing care."

But then she volunteered a clarification of her previous statement about the cut finger. She meant, she said, that the church's nurses approach every case "from a spiritual and professional point of view regardless of how it seemed the severity of the condition was, but that we, of course, would treat the situations entirely different depending on what the need was."

Q. But if you don't come to a diagnosis or a conclusion. . . , how do you differentiate?

A. I can only say what I do is I rely on the training I've been taught from the schools and looking to see what would make the person the most comfortable.

Q. Are you telling me that different conditions, depending on their seriousness, would call for different nursing care?

A. Different conditions require different nursing care.

Practical wisdom needed

Q. Do you then form conclusions as to what the condition is in order to determine what nursing care to provide?

A. If you mean by that something like a diagnosis, no.

Q. I'm not necessarily just asking you for a diagnosis. I mean, if you don't make up your mind as to what you're seeing, how do you know what kind of nursing care to provide if you do it differently in some circumstances?

A. That really comes into what I perceive as being the practical wisdom that's required of a Christian Science nurse. Some of it, as I said before, is based

on training, but some of it comes down to intuition, listening, watching.

Q. All right. Then let's go to the time of arrival at the McKown home. What you observed about Ian was that his eyes were rolled back in his head, correct?

A. Yes.

Q. Did you form any conclusion as to whether he was in a conscious, semiconscious or unconscious state?

A. I don't know. It's very difficult to determine when someone is conscious or unconscious.

Q. How would you describe the color or hue to his skin?

A. He was pale. He seemed whitish. I don't know how to put that on a scale for you.

Siphoning and catheter explained

Giebelhaus was questioned about her notes on siphoning water. She explained that she suctioned water into a straw and then put the water on his tongue."

She also had to explain her homemade catheter, the washcloth and baggie that she wrapped around his penis to deal with the uncontrollable urination. She regarded it as a mechanical device and therefore acceptable to Christian Science theology.

Basically normal boy

Giebelhaus admitted that Ian never spoke nor moved of his own will during the entire time she was with him. Yet she also claimed that he was basically normal. "He seemed," she testified, "other than the paleness of the skin and the other symptoms, the other conditions that I made note of here, to be a normal boy."

Repeatedly, during her testimony, Giebelhaus forgot whatever was not in the notes she made at his bedside and gave to the police.

Absent treatment changed symptoms

Giebelhaus's perceptions were also shaped by her faith. Twice her notes showed that the symptoms changed right after she called the practitioner. "I felt that Christian Science treatment was very effective in handling certain symptoms, once during the vomiting and again with the facial spasms," she said.

Giebelhaus was, of course, trying very hard to believe that Christian Science would heal Ian.

Q. You talked about putting fear out of your mind. Did you have any fear?

A. I think in any kind any time that a child case is involved that you need to be fearless, and so I definitely worked and prayed that I would have no fear.

Q. Did you have any fear at the time?

A. No.

Q. From this time, 9 o'clock to 2:10, nothing that you observed gave you the impression that passing or death was possible; is that your testimony?

A. It wasn't until 2:20 in the morning that that thought occurred to me. . . .

Being unimpressed was her duty

Kaster asked her to explain her statement, "It is my duty to treat my own thought to keep it unimpressed by what I observe."

Even though under the old charting system "we were required to write down what we saw," she said, "it was my duty not to come to conclusions about what I saw, not to make predictions about what I saw, and to be unimpressed by what I saw."

So Kaster turned to her note for 2:20 a.m.: "Called practitioner - patient color white - passing possible."

Q. Is that the kind of conclusion you're taught to avoid?

A. It's very possible that I breached an ethical point by reaching a conclusion here.

At 2:36 a.m., Ian stopped breathing. His mother and Giebelhaus sat beside him for several minutes before calling Mario Tosto and Mr. McKown.

Never thinks about whether medicine could have saved boy's life

His death has not changed the nurse's views on caring for a diabetic child.

Q. Have you ever since the time of Ian Lundman's death looked back on the events of this evening?

A. Yes.

Q. Have you ever thought that conventional medical care might have saved his life?

A. I believe that Christian Science care could have saved Ian. I have made no retro look regarding whether medical care could have saved him or not.

Q. Have you ever had the thought that maybe medical care could have saved his life?

A. At the time, not knowing the diagnosis, it didn't occur to me. Later on, no.

Q. So at no time have you ever thought that maybe obtaining medical care for the boy could have saved his life?

A. I believe that the medical field believes that it could have saved his life.

Q. What about you?

A. I don't know.

Police arrive

The first public official at the McKown home after Ian's death was Jill McRey, an Edina patrol officer and EMT. She arrived three minutes after she was called. Those in the home said they would let her do whatever she was going to do. She attempted to take Ian's pulse, but rigor mortis had already set in. Bill McKown told her Ian had been sick for about four days and had been given no medical care.

McRey testified that Ian did not look human. He appeared really old and thin. His eyes were open and rolled back in his head with black rings around the sockets. McRey pulled the covers over his head because she could not stand to look at his body.

A few minutes later another police officer, Todd Boelter, arrived. McRey met him in the drive and said he wouldn't believe what had happened there. Boelter went inside and also attempted to take Ian's pulse. "You expect the wrist to be limp if the child has just died," he testified. But when he lifted Ian's wrist, the whole arm came up.

Boelter said Ian looked pale, fragile, and skinny, and "his face did not look real."

McRey and Boelter both testified that the adults there seemed strangely detached and indifferent about the boy's death. Bill McKown indicated he knew specifically that Ian was dying, but did not say when he knew that. He expressed no remorse, shed no tears, had no reddening of the eyes.

Quinna Lamb just acted as though it was a regular day, McRey said.

Kathy McKown also had no redness of the eyes and did not cry, but out of the three, she was the only one who appeared a little upset, Boelter testified.

Defense attorney Terry Fleming asked the police officers to concede that there are many ways of grieving and there may be a delayed reaction to the shock of a death.

Boelter said that in all his previous death calls, the people in the home had been visibly grieving.

Healings narrated

On many occasions Christian Scientists cling to the healings they have seen or heard of as justification for minimizing their response to a child's death. The nurses were ready with narratives of Christian Science healings at the trial. Quinna Giebelhaus told the jury about a patient at Clifton House who was so ill that one of his toes fell off. Soon he walked out completely healed by Christian Science treatment, she claimed.

A person attending the trial speculated privately that the man had gangrene and the nursing home was in a big hurry to get him out of there.

In any case, no-one claimed that Christian Science got the toe reattached.

Orthodontal work allowed

The strange compromises Christian Scientists may make on medical care came out in this trial as in others. Doug Lundman and Kathy McKown had had arguments about Ian's dental needs since Ian was five years old. Doug said Ian needed care from an orthodontist. McKown insisted that she would use only prayer. Devout Christian Scientist Donna Lundman took Ian to an orthodontist without McKown's permission. But a few weeks before Ian's death, McKown took him to two orthodontists and agreed to have him fitted for braces.

Stepfather gets medical care to save his life

The jury was not, however, permitted to hear about Bill McKown's use of medical care for himself. In 1988 he was taken to a hospital after a car accident where he had surgery with anesthesia to set fractures and correct a dislodged kneecap.

"I wasn't unconscious, but I don't know that I was, completely had my wits about me," he testified. "And so I let them [the doctors] go through with [x-rays]. I saw no problem with them doing that. And so then I was presented with the x-ray pictures and

the doctor said that, he described the broken bone situation, which was broken in several places, and that it had a dislodged knee cap and that air had gotten in and if I didn't have that taken care of promptly that I would die. And so I said, 'Well do it then,' and he did."

Insurance company pays prayer bill

The practitioner, Mario Tosto, billed the McKowns \$446.00 for his prayers for Ian. Tosto was "on the case" less than 48 hours, his "treatment" did not heal Ian, and it caused his death in the sense that the church requires parents who request it to withhold medical care.

Bill McKown's health insurance policy, which he had continued to purchase through General Mills after his retirement, paid the \$446 bill.

Secret handbook

One of the most damaging pieces of evidence introduced at the trial was the "Handbook of Policies and Procedures for Christian Science Committees on Publication." Written by the manager of the COPs at the Mother Church in Boston, the handbook directed the lobbying and public relations activities of the COPs and set forth other obligations to the manager.

The manager, Nathan Talbot at the time, wrote that it should not be shown to anyone else, not even church members. He directed that the COPs themselves, rather than staff, must make all phone calls and sign all letters to the manager. Some communications were considered too sensitive even for fax transmittal into Mother Church headquarters. Secrecy was repeatedly stressed.

Conceal information from public officials

The handbook exposed the church's preoccupation with image and its indifference to the suffering and deaths of children.

"While care must be taken to cooperate with officials, only information necessary to allay any suspicion or fear that the child is not being adequately cared for should be given," it stated ("Legislative" 8; each handbook section has its own pagination).

In emergency call lawyer or p.r. manager

"If a situation appears to call for emergency action or if a child passes on, it is advisable for Christian Scientists to be in touch with the Committee on Publication and their attorney as soon as practical" ("Legislative" 9). There was not a word that being in touch with a doctor might also be advisable.

Under **Cases of Extreme Illness or Passing**, it said:

Some unfortunate situations that have developed after cases of extreme illness or passing might have been avoided in the past if the individuals concerned had been properly informed as to the rights and obligations of Christian Scientists. A Committee should encourage Christian Scientists in his field to contact him before becoming involved with public officials. Following this procedure may avoid the kind of publicity that leads to misunderstandings.

It is advisable for a Committee to include in his talks to church members some reference to the requirements relating to death certificates, autopsies, etc., and to the importance of reporting to him immediately any situations likely to cause embarrassment to our Cause ("Legislative" 57).

The handbook emphasized the Christian Science church's view that disease is a public relations problem. "Should an incident arise where a Christian Science child appears to be seriously ill or injured and there is an inquiry or request to provide medical attention from school authorities, social workers, or a public official, parents are urged to answer the inquiry with love and tact," it said ("Legislative" 7).

"Often the request for medical attention will be based on a misunderstanding and apprehension that Christian Scientists ignore the welfare of their children and do nothing to aid the sick or injured child," Talbot wrote. "Sufficient information should be furnished the authorities to assure them that active and positive steps are being taken to heal the child" ("Legislative" 7-8).

An example of the information Talbot had in mind is given in the church's legal advice booklets for members, which direct parents to tell inquiring officials that their child is "being given good care" and "is having treatment for the illness." The booklets are entitled "Legal Rights and Obligations of Christian Scientists in [a state]."

Concern for public relations was shown in directions for church practitioners and nurses to report to the COP if they had reason to believe that someone had reported a Christian Science child to a child protection agency, if authorities were insisting on medical attention for the child, or "if a child's condition is receiving wide community comment or publicity of any kind" ("Legislative" 9).

And then there were Manager Talbot's directions for how the COP should handle the death of a child under Christian Science treatment:

Unfortunate Situations Involving Christian Science

Occasionally an unfortunate situation arises which involves Christian Science or Christian Scientists, and there is often a danger that the incident may be magnified far beyond its actual importance. Please contact the Manager's Office when you first become aware of this sort of situation.

Immediate Steps

The Committee should immediately take steps personally to get all the facts in connection with the incident directly with the Christian Scientists involved. When it is not possible for the Committee to obtain this information himself, either in person or by phone, it is then permissible to ask an Assistant Committee to contact the Christian Scientists involved. The Assistant Committee should then report immediately to the Committee. Often the Committee or his Assistant can be most helpful to the Christian Scientists concerned in counseling them with regard to their legal rights and obligations.

Adverse Publicity

Often adverse publicity can be prevented or corrected before publication if the Committee has been promptly notified upon the occurrence of such an event.

Prompt Notification

From time to time in talks to the churches, it is well to remind Christian Scientists to notify the Committee promptly should any unfortunate situation arise where there is a possibility of adverse publicity or a court case resulting.

The Committee should take immediate steps to consult with the Manager by the fastest communication feasible under the circumstance.

Unavoidable Publicity

If it appears that publicity is unavoidable, an alert Committee can legitimately do a great deal in presenting our point of view and our method of healing without giving a false impression of censoring or influencing the press in their reporting of the incident. In certain instances it may be helpful to put together a press release "Fact Sheet" to make available to newspapers and other reporters covering these stories. This is something that needs to be discussed with the Manager's Office. The purpose of such a fact sheet is simply to provide honest background information in Christian Scientists' experience that reporters might otherwise be unaware of. Information about our legislative and insurance recognition may be appropriate in some situations.

Damaging Items

The Committee for the district where the incident happened should watch the publicity with special care and keep the Manager's Office promptly informed of the true facts regarding any statements made in news items.

Committees for districts other than where the incident happened should forward clippings and reports of any such publicity to the Manager's Office immediately, and await instructions and confirmation of facts before taking corrective action.

If newspapers or radio/TV stations contact the Committee for comment or statement of the official position of the Church, to be included in whatever they are publishing, the Committee should contact the Manager's Office. Together they will work out how best to answer these inquiries so as to protect Christian Science and its healing practice and lift any misconceptions from the public.

Corrective Action

So far as our taking the initiative is concerned, corrective action will depend upon what the facts are, whether they have been misrepresented, and whether a corrective letter, a call upon the editor, or some other step will be genuinely helpful to our movement" ("Corrective" 6-7).

Of course, the handbook did not actually say that a child's death was one of the "unfortunate situations" that might "be magnified far beyond its actual importance." But Kaster steered Van Horn to this section of the handbook and asked in deposition, "Would the death of Ian Lundman be considered such an unfortunate situation in your view?" (Van Horn's deposition 81)

Van Horn answered "yes" at that time, but equivocated at the trial.

Image building, public relations, showmanship—that was the subject matter of the handbook. The directive that practitioners should personally visit a seriously ill child turned out to be another public relations gimmick. The handbook warned that they should visit in such cases because "it is often difficult for a person unfamiliar with Christian Science to understand 'absent treatment' and he may think no help is being given to the child" ("Legislative" 8).

Prayer for public relations

Kaster asked Van Horn why he was required to notify his manager Talbot when Ian's illness was reported to him. "Other than to pray for Ian Lundman, was there any other purpose for telling him that?" (Van Horn's deposition 72)

Van Horn was indignant: "He most certainly was not to pray for Ian Lundman and that's not what I said" (72-3)

Van Horn went on to explain that Talbot would offer prayer "for the situation in general, about the state issues that are being dealt with" (73)

Talbot was busy praying for public relations, but not for Ian Lundman.

Church knows parents might be prosecuted

Another noteworthy feature of the COP's top-secret handbook is that it candidly acknowledged that several state laws provide for prosecution of parents who withhold necessary medical care from a child. (See "Legislative" 9-12)

By contrast, copies of the "Legal Rights and Obligations" booklets for several states, which the church has distributed to members, give parents the impression that they have the legal right to withhold medical care regardless of how sick the child is.

A father's grief

At the center of the trial and the pain was Doug Lundman (see next article). After Kathy called to tell him his son had died, he and Martha Abbott cried and drove to Minneapolis. He went to the McKown home, met Kathy, and hugged her. They made arrangements for the funeral and cremation.

At the funeral home, Doug asked to see Ian's body. He was advised against it by Kathy. Also, the funeral home director advised against it because the autopsy had been done.

Doug insisted that he be allowed to see his son's body and threatened to call the police. He was then allowed to see the body. He stayed by it for about an hour, then kissed the casket and left.

Doug met with Kathy later at a hotel gazebo. She gave him a detailed account of Ian's illness. Doug offered to help her get out of Christian Science, but she declined his offer.

Grandmother worried about reputation

Doug told his mother that he considered Tosto's behavior criminal. At 2:30 a.m. on May 12th she called and asked to meet with Doug; they met at 3 a.m. Donna Lundman suggested she might be able to get custody of his daughter Whitney and asked his feelings about that.

But she cautioned that any legal action Doug took might be detrimental to the Christian Science movement and might cause the church to strip her of certification as a teacher and healer. She pointed out that Christian Science was her whole life and meant everything to her.

She further said that, because of Ian's death, the church would never list Kathleen McKown as a practitioner and would censure Mario Tosto, and perhaps those measures would be sufficient penalty.

She was wrong about Tosto's future. He continues to hold positions of honor in the church, including that of lecturer.

Father walks out

Twice during the trial Doug walked out of the courtroom, unable to endure the defendants' rhetoric. The first time was when practitioner Mario Tosto, the man who charged \$446 for his prayers over a two-day period, testified that he had become "Uncle Mario" to Ian and Whitney, a substitute father in the absence of their biological father.

The second time was during closing arguments of the compensatory damages trial when the defense attorneys accused him of causing Ian's death. Against advice of his attorneys, Doug had already testified that he held himself partially responsible. "I was Ian's father. I should have found a way to learn the circumstances. I should have prevented it."

But the defense flatly asserted that Ian had died only because of Doug's negligence. They alleged that he had not been much involved in his children's lives and was indifferent to their welfare. They complained that he went to bed the night of his son's death and did not dial 911. If anybody had a duty to intervene, it was Doug, said Van Horn's attorney, Wendy Wildung. Doug knew that Christian Scientists would not get medical care and therefore he should have obtained it, she said.

The defense called for a mistrial because of Doug's leaving the courtroom, which they claimed was designed to influence the jury. The judge denied the motion.

Only one defense witness

In a month-long trial, the defense put on only one witness and she did not appear in person. They played a videotape of a local religion professor talking about the place of Christian Science in the history of American religions.

Because Kaster called the defendants as hostile witnesses, their attorneys were able to present their theory of the case by cross-examining their clients. Still, it was surprising that they offered no other witnesses.

At the closing arguments of the compensatory damages trial, the defense attorneys emphasized that Kathleen McKown had acted consistently with her whole life's experience and did not know Ian had diabetes. Catholic parents would not give up medical care when their child was seriously ill, and if their child died, they would not be indicted. Why should Kathy be judged by a different standard?, they asked.

But they also did plenty of finger pointing at her. It was her decision to rely on Christian Science, so the church and its agents should not be held accountable for Ian's death, they argued.

Kaster's closing argument emphasized the reasonable person standard set out by Judge Rice. McKown "may not have recognized it as a diabetic

coma, but she clearly was aware that he could not do any of the things normal human beings do. You would do anything for your child. It's reasonable to try something different when what you're doing isn't working, when he is getting worse," he said.

He also highlighted the church's responsibility by citing their policies and procedures for dealing with illnesses and deaths of children.

He said that failures of medical science did not give Christian Scientists the right to withhold medical care from children.

The climax of his talk was reading Doug's last letter to Ian, written just a few weeks before the boy died.

He asked for monetary compensation for both Doug and Whitney for the loss of Ian's companionship. He showed from mortality tables how many years longer Doug and Whitney were expected to live and asked the jury to award from \$10,000 to \$50,000 per year for each of them.

Joint responsibility

The next day the jury returned a \$5.2 million award, holding all defendants jointly responsible, so if one is unable to pay his or her share, the others must make up the difference. Kathleen McKown was held 25% responsible, Clifton House and James Van Horn were each held 20% responsible, Mario Tosto, First Church, and Bill McKown were each held 10% responsible; and Quinna Lamb Giebelhaus was held 5% responsible. The jury found that Doug Lundman was 0% responsible.

Kaster had asked for a maximum of \$3,850,000 in compensatory damages. The jury awarded substantially more than that. The largest previous compensatory damage award for the wrongful death of a child in Minnesota was \$1 million.

Swan's testimony ruled irrelevant

Then a second trial was held in front of the same jury to determine punitive damages. Kaster and Lukas tried to get Rita Swan admitted to testify about other preventable deaths of Christian Science children.

The defense argued that she did not have first hand knowledge of these deaths, that they did not occur in Minnesota, and that no more deaths would occur in Minnesota because of a reporting law passed after Ian died. Therefore, a Minnesota court

should not be allowing a punitive damage award, they argued.

Judge Rice finally ruled against allowing Swan's testimony. Nevertheless, Kaster had Swan prepare a written offer of proof as to what her testimony would have been. It will be part of the appellate record on the case.

The 20% compensatory damage award against Clifton House was as much as its insurance would cover, so Lundman agreed to drop punitive damage claims against it. And with Swan's testimony excluded, the only issue in the punitive damages trial was how much money the Mother Church had.

Church's worth disputed

Even after losing almost half a billion dollars on television ventures in recent years, it still has a net worth of \$137 million.

Furthermore, it has more than \$100 million in gifts pledged, and its net worth is calculated with older property depreciated to zero.

But Donald Bowersock, the church's managing treasurer, said that \$111 million of its net worth is in restricted funds and an additional \$15 million is for the pension fund. Depending on whether real estate is included, Bowersock said, the church has either about \$11 million in available assets or a negative net worth of \$83 million.

The church has insurance from Liberty Mutual which provides up to \$10,000,000 for negligence. We believe that the insurance does not cover punitive damages.

Message heard?

Bowersock also told the jury that the church has "heard loud and clear" the message they sent the week before. The church would study the verdict and "take it very seriously," he promised.

But when Kaster asked him what the message was, Bowersock would only say that "the jury was very concerned."

In closing arguments, Bill Christopher reiterated the point that the church had "gotten the message."

He also said the jury's previous award had been a statement that the church "made a mistake," but that was very different from saying the church should be punished. Punitive damages were not appropriate, he claimed, because the church had not acted with malice or willfulness.

He talked about how little money the church had, how the money was needed for pensions and for charitable work, etc.

He asked why the church was singled out for punitive damages and claimed it was "because of what the church stands for."

He read from the judge's jury instructions to determine "what amount of money would serve to deter others from the commission of similar acts."

Other churches don't need a message

You don't need to award any amount, Christopher told them, "because there's only one Christian Science church. No other church has these beliefs so you can't send a message to other churches."

Jim Kaster spoke with a quiet passion and conviction. He pointed out that the standard was not malice or willfully intending for Ian to die, but "deliberate disregard" for the boy's welfare. If I walk by someone suffering and unable to help themselves, that's indifference, that's deliberate disregard, he said.

He said the punitive damages trial focused on the church because the church sets the policies and lays down the parameters within which the other defendants acted. The church authorized the doing and the manner of the actions that caused Ian's death. The church knew he was seriously ill and that their agents were unfit to care for him.

If you really want to get rid of weeds, you have to pull them up by the roots, he said. If you really want to make a difference for children, you must punish the church.

Kaster was cynical about the church's claim to have gotten the message. "Only the treasurer said that. Nobody from the board of directors came to tell you that they are changing their policies on treatment of children," he said.

"With any kind of discipline or punishment, don't you want to hear, 'I'm sorry. It won't happen again.' But the church hasn't said that. The church has expressed no contrition.

"They say they've gotten the message, but they don't tell you what message they got."

A sacrificial lamb

Kaster also charged that the defense attorneys had a strategy of setting up Kathleen McKown as a "sacrificial lamb."

Even her own attorney Terry Fleming said in closing arguments that if anybody was responsible for Ian's death, she was, Kaster pointed out.

"These attorneys are a team," Kaster said.

He was certainly right about that. Throughout the trial, as soon as one defense attorney stood up to make a motion, the others would jump up one by one to "join" in the motion. Typically in a trial with multiple defendants, many cross-claims are filed.

Perhaps the unity among the flock of defense attorneys only helped the jury see who had been in charge as Ian Lundman lay dying. The jury held the church responsible for \$9 million in punitive damages.

On October 21, Judge Sean Rice issued his findings:

- a. The actions and inactions of The First Church of Christ, Scientist's agents, in cases of seriously ill children, create a grave hazard to the public;
- b. The advice provided by The First Church of Christ, Scientist, through its agents, concerning Ian Lundman's care in this case created a grave hazard to the public.
- c. The First Church of Christ, Scientist and its agents caused the misconduct;
- d. The First Church of Christ, Scientist's April 30, 1993 balance sheet shows net assets of \$136,934,000.
- e. There is not any other punishment that is likely to be imposed on The First Church of Christ, Scientist.
3. In light of these factors, particularly the gravity of the danger created by the wrongdoing and the financial condition of the First Church of Christ, Scientist, the award is not excessive.

The court ordered the defendants to pay the plaintiff \$14,200,000 plus costs and disbursements.

What has been lost

After the punitive damages verdict, Doug Lundman emerged from the courtroom flanked by his attorneys and spoke to the press for the first time since he filed his suit.

"Ian is gone. Nothing can change that. But I hope this verdict will send a message that will save the lives of other children," he said quietly.

As quickly as possible, he left the courthouse. A few hours later he was in his \$400 car and driving back to Boston where he works as an architect.

Who is Doug Lundman? Short, slender, and self-effacing, he has nevertheless shown tremendous strength.

Doug was the dutiful son, the one who tried to be the good Christian Scientist while his brother rebelled. Doug went to Principia College for Christian Scientists and majored in art. He married Kathleen, a fellow student. They took menial jobs at a Christian Science nursing home in San Francisco. Doug tried to establish himself as an artist, but eventually enrolled in architectural school.

Their daughter Whitney was born in 1976, and their son Ian in 1978.

Divorce

After much study and soul-searching, Doug told his wife in 1980 that he no longer believed in Christian Science. That widened the wedge between them, and in 1984 they were divorced.

Doug did not fight for custody of his children nor even require that Kathleen obtain necessary medical care for them as part of the divorce agreement. A person with low self-esteem, he thought the children were better off with their mother. He bent over backwards to avoid conflict, partially because he wanted to protect his kids from the tension.

Documents filed with the court give a vivid picture of the rich relationship Doug had with his children. Their activities together included canoeing, kite flying, hiking, ice skating, picnics, football games, and many others.

Storytelling and art

Ian was an artist like his father. His school-teachers especially remembered his creative writing, artwork, and sense of humor. One recalled, years later, his illustration of a scene from *The Hobbit*.

Doug and Ian especially loved telling stories. Every trip included hours of sharing stories. Doug told them many stories of old Viking explorers. He told ghost stories and stories of family history. Whitney and Ian especially loved stories about how their grandfather or father got into trouble when they were kids. Ian was very impressed with a story about his grandfather building a small cannon and

blowing a hole through his great-grandfather's garage and automobile.

In the summer of 1988, Doug, his girlfriend, and the children camped in Afton State Park in Minnesota. The trip was intended as preparation for a Boundary Waters canoe trip planned for the following summer. Ian worked hard to prove that he could canoe the Boundary Waters. Several times before his death he asked his dad for reassurance they would get to go on the trip.

Fight for custody of daughter

After Ian's death in May, 1989, Doug moved back to Minneapolis so he could be with his daughter every week.

He retained a lawyer and initiated legal action to get custody of her. The family court ordered Kathleen McKown to provide medical care for Whitney as needed, but refused to give Doug custody. Furthermore, in 1991, the court allowed McKown to move Whitney to live in Hawaii.

Doug spent himself into poverty in his custody fight. He had to give up his car and sell many of his books.

Doug supported the state's effort to prosecute the McKowns for Ian's death. He gave statements to law enforcement officials and testified before the grand jury.

The criminal charges were dismissed because of Minnesota Statute 609.378 labelling Christian Science as appropriate "health care" for sick children. The dismissal was appealed all the way up to the U. S. Supreme Court.

"My son has been thrown in a legal dustbin," Doug said. The rulings dismissing the criminal charges were a bitter defeat to him—an official proclamation from the state of Minnesota that his son had no right to live.

Legislative work futile

Doug also put himself through the misery of legislative work. It was tortuous for him to speak publicly about Ian's death. He had to take two days off from work and write six drafts before testifying to the Senate Judiciary.

But most legislators were indifferent to his pain and that of several other victims of ritual healing belief systems. They refused to change the religious exemption.

Another painful feature was that Doug's own mother testified for the Christian Science position. She seemed to say, in essence, that the death of her grandson did not bother her and should not bother the legislators.

She also testified that Ian's illness was so sudden that the Christian Scientists around him had no way of knowing he was seriously ill.

Last chance

The civil suit was Doug's last chance for justice. But no-one had succeeded before, he knew he was opening himself up to visceral accusations, and asking for money the only remedy available in a civil suit was distasteful to him. "Blood money," he called it.

A very private person, he felt that what was precious about his relationship with Ian was being trampled on by the publicity.

"There are many times when I want to just quit—when I envy the McKowns for being able to walk away from it," he said in 1991.

But, with the criminal case and legislative work going nowhere, he finally decided to file the civil suit.

The emotional cost was enormous. He was deposed by the defense team for eight days. Finally, the court ordered the defense to conclude the deposition.

During the trial, he took to cutting his hair every night with toenail scissors as a stress reliever. He looked like someone from a concentration camp.

To some observers, he presented an image of a fragile body overwhelmed by massive pain.

But he also had a gritty toughness, idealism, and analytical insights that enabled him to stay the course.

His last letter to Ian appears on the next page.

What has been won—maybe

"Do you think Doug Lundman will ever see a penny of that award?," members have asked.

Surely the church will pursue all possible avenues for appeal. But the church's reaction to the Lundman civil suit thus far has been difficult to read.

With the Swans' suit filed in 1980, the church was histrionic, trumpeting to members that an apocalyptic battle was at hand and everyone must join in the struggle with metaphysical work.

Members not informed

But the church periodicals did not even inform the members that the Lundman civil suit had been filed until a few months before trial when a one-sentence reference to a legal defense fund appeared. *The Christian Science Monitor* did not cover the trial until after the jury awards.

The defense took only two depositions to prepare for trial. And, in a trial that lasted more than a month, the Christian Science defendants put on their entire defense in less than two hours, using a videotaped interview with a theology professor as their only witness.

Maybe the church just assumed that their attorney Bill Christopher would win again. He has won all three of his past cases for the church. None was in front of a jury, however.

Maybe the church is counting on an appellate reversal and its minimal presentation at trial was strategic.

Award called "monstrous and shocking"

In post-trial motions, the church forces are vigorously contesting the award, calling it "excessive, monstrous, and shocking" (Amended notice of motion and motion, 13 October 1993, 6). The trial and verdict "contravene Mrs. McKown's guarantees of religious liberty" and "due process," they argue.

The defense further argues that

Mrs. McKown conclusively satisfied her tort law duty of care by selecting and depending upon Christian Science treatment for Ian Lundman in good faith;

Mrs. McKown conclusively satisfied her tort law duty of care through her informed compliance with Minnesota statutes;

Mrs. McKown satisfied her tort law duty of care to act as a reasonable person in like circumstances; [and]

Plaintiff's own contributory negligence rather than any fault on the part of Mrs. McKown caused the death of Ian Lundman.

April 16, 1989

Dear Ian,

The "f" on this typewriter is not very dependable. For some reason when I type the word "of" it leaves out the "f." I don't know whether its preference for the word "of" is really a preference or not though. Maybe I just notice the missing "f" in o__ so o ten because I write that word often. So... what happens when the "f" starts missing? Well for one thing some of my students will be happy: no "f"s on reports, etc. The word "fun" becomes "un" obviously, family becomes amily which is O.K. because it still sounds kind of nice. But "fool" becomes "ool" which could either be mistaken for owl or some kind of slimy ooze. That might be O.K. too.

Things which were before fabulous become simply abulous. And even though I may not be able to give my students "F"s I can still write them a note indicating they are __ailing. And that is just as good. There is a real word in my dictionary "fantabulous" which the dictionary says means something of almost incredible excellence. I don't know how something can be almost incredible and almost incredible excellence is a finer shade of excellence than I can usually detect. So probably no student work will turn out to be " antabulous."

But speaking of fantabulous things: it would be a fantabulous summer if we could spend a lot of time playing baseball and maybe go camping a couple of times. For me summer is close. I have only about of month of school left. And I'm looking for things to do in Minneapolis (like work) so I can be there and we can play baseball. I am alos planning on driving up next weekend for Whitney's birthday.

How's the new school? Your Mom sent me a couple of the weekly reports the teachers write and your teachers seem to think you are doing well. But what do you think? Is the list of things you do every day more or less the same or does it change? How is it different from Delano? Do you have new friends?

It is quite warm here now. The grass is green and the redbud trees are in bloom. The lilac bushes will probably bloom next week. We've had a cdple of visitors from Minneapolis in the last week and they all think the weather is about three or four weeks ahead of yours. So this is just to let you know that spring is definitely coming.

I understand you may be moving to Hawaii sometime in the next few years. No more snow. Or is there snow on the volcanoes? What a life that will be. Are you going to learn how to surf? I think if you do move there I might move to San Francisco which would be one of the closer mainland cities. Your mom and I lived there about fifteen years ago and of course your aunt Susan lives there (I think).

Well, Ian, I'll see ^{you} in a few days.
Best, (best wishes for your happiness, best luck, etc.)

and as always, Love,

Dad

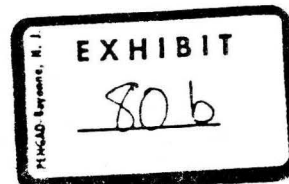


EXHIBIT A

Monetary value of love argued

The defense argues that Doug Lundman did not have a close bond with his children and therefore that he should not be given a large award for the loss of his son's companionship. They cite a \$2.5 million damage award to Minnesota parents whose son was killed by a motorist, and those parents both lived with the child in constant contact with him, they point out.

Church punished by bad publicity

The defense also cites the case of *Mrozka v. Archdiocese of St. Paul and Minneapolis*, 482 NW 2d, 806-15, in which a child sued a priest who had sexually abused him and sued the Catholic church, which had reassigned the priest to parishes even after knowing of his misconduct.

The jury awarded \$2,700,000 in punitive damages against the church, but the trial court reduced the award to \$187,000 on grounds that the church had already been punished by the bad publicity.

The Christian Science church retained a press clipping service to collect accounts of the Lundman trial from around the country. The church has filed the newspaper clippings and transcripts of radio and television programs with the court, apparently as an attempt to show that it has already been punished.

Will kids get medical care?

Beyond the battle over money, the significant question to CHILD Inc. is whether the church will now recommend that parents take sick children to a doctor.

The church's official policy changes so far are not encouraging. It appears to us that the church's main response has been to try to cut the practitioners and nurses loose from the church so as to avoid liability for their actions.

Six months after Lundman filed his suit, the church announced cancellation of all its training programs for nurses ("Fresh Insights into Christian Science Nursing," *The Christian Science Journal* Nov. 1991, 34-5). Now those who want to be nurses are told it is their "responsibility" to decide what kind of training they need and go get it.

The church has also changed the nurses' record-keeping system. After furnishing several grisly

exhibits in criminal and civil cases around the country, the nurses are now told not to write down the physical appearance of the patient. (See p. 12.)

It was remarkable how Ian Lundman's nurse thought he looked pretty good except for what she had written down in her notes by his bed.

We would also point out that civil suits must be filed by someone with standing to represent the child. In most cases, both parents are too committed to Christian Science, even after their child dies, to consider filing a suit.

Furthermore, Lundman's civil suit, as strategized by his attorneys, will not likely lead to a ruling on the constitutionality of Minnesota's religious exemptions.

The lawsuit nevertheless sends a powerful message. The threat of financial liability stretching clear to the church's international headquarters is there whenever those untrained, unsupervised practitioners and nurses care for a sick child.

CS nursing home's insurance from state agency

There was a message for the state of Minnesota too. The Christian Science nursing home, Clifton House, had obtained a medical malpractice insurance policy from the Joint Underwriting Association, which was created by the state and is regulated by the Department of Commerce. The JUA provides malpractice insurance for those who have difficulty getting it elsewhere. Every company that writes medical malpractice insurance has to pay a surcharge to the JUA.

The JUA is reportedly dismayed that it may have to pay \$1 million for the health care at Clifton House.

Maybe the state of Minnesota will figure out that it should not have a law calling faith-healing health care.

Public wants parents to take care of their kids

The Lundman civil suit also brought the press out against Christian Science practices. On August 24, *The Minneapolis Star-Tribune* became, to our knowledge, the first newspaper in Minnesota to speak up for Ian and Doug Lundman. In a powerful editorial, "Avenging the death of Ian Lundman," the *Star-Tribune* supported the jury's award and called Minnesota's religious exemption "misguided."

The Lundman award marks the fourth time in four years that juries have ruled against Christian Science parents who have let their child die. Indeed, to our knowledge, juries have ruled against Christian Science parents who withheld medical care in every jury trial in the past 90 years.

Every gas station attendant between Minneapolis and Boston recognized Doug Lundman and cheered him on as he drove through the night after the trial.

There are messages here from the people on the street. We hope the church and the legislators are listening.

About CHILD, Inc.

CHILD, Inc. is a tax-exempt organization dedicated to the legal rights of children. CHILD focuses especially on injuries caused by religiously-based abuse and neglect of children.

CHILD opposes religious exemptions from parental duties of care. CHILD affirms that all children have a constitutional right to equal protection of the laws.

Membership in CHILD is by application. Dues are \$25 a year and include the newsletter. Dues and contributions are tax-deductible.

Another civil suit filed

On December 14, 1993, a civil suit was filed in Santa Ana, California, for the death of another diabetic child "treated" by Christian Science methods.

The boy's mother, Mrs. Gayle Quigley, filed the wrongful death lawsuit against her ex-husband James Wantland, the First Church of Christ, Scientist, in Boston; the Christian Science Committee on Publication for southern California, Robert Gilbert; Christian Science practitioners Anne Marie McCann and Ruth Wantland, and a Christian Science nurse.

Mrs. Quigley left Christian Science at the time of her divorce. In 1989, she remarried and moved to the Philadelphia area.

She and Mr. Wantland had joint custody of their two children. She had the legal right to direct that they receive medical care.

Her 12-year-old son Andrew died of juvenile-onset diabetes on December 20, 1992. His father withheld medical care and provided only prayer-treatment from Christian Science practitioners.

Mrs. Quigley was not told that her son was sick.

Taken in part from *The Los Angeles Times*, 16 December 1993.



Ian at Lake Superior, 1987