

Children's Healthcare Is a Legal Duty, Inc.

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FEDERAL VICTORY--THE LONG HAUL

The withdrawal of the Christian Science amendment from S.1003, the Child Abuse Prevention and Treatment Act, on the floor of the U. S. Senate the night of July 26, 1984 was the most exhilarating victory we've had in our child protection fight. I've been in the trenches so long with it I feel a hundred years old. I had forgotten how nice it is to win.

1978--Protest and Silence

I first wrote the U. S. Department of Health, Education, and Welfare with my concerns about Michigan's religious immunity law (where our son died) in 1978. Their response avoided comment on the law. After getting some more uninformative letters, I wrote to every Child Protection Services Department in the country asking them if they had a religious immunity law. Soon I began getting virtually identically worded laws from all over. I had to ask a state CPS lawyer to learn that the federal government had put the "religious immunity" provision into the Code of Federal Regulations in 1974 and was forcing states to pass a version of it in order to get federal funding for their child protection programs. The provision reads as follows:

A parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health requires it. [45CFR.1340.1-2(b)(1)]

My Congressman and Senators declined to oppose this threat to children, citing religious freedom. My letters to Congressional subcommittees dealing with child protection went unanswered.

1980--Justifications for Religious Immunity

In May of 1980 I was able to come to Washington and discuss the religious immunity laws with two HEW officials. They could not explain what the laws did mean, but repeatedly argued that they in no way reduced protection for the children in faith-healing sects and did not preclude either criminal or juvenile court prosecution. They also presented themselves as the helpless prisoners of Congress; a House report had contained an "observation" for the benefit of the Christian Science church and therefore, HEW claimed, it was legally obligated to codify it as an eligibility requirement for federal funds.

On May 27, 1980, HEW's proposed new child protection regulations were issued and a period for written comments opened. The new regs maintained religious immunity as part of the Code of Federal Regulations and went out of their way to point out that states did not have to include medical care as a parental

duty in their laws. Only food, clothing, and shelter were required. HEW was so afraid of offending the Christian Science church that they left all parents free to deny children medical care for any or no reason at all. Furthermore, a statement from the previous regulations that courts retained power to order medical treatment over the religious objections of parents had been dropped.

A few days later Senator Ted Kennedy and House Speaker Tip O'Neill (both of Massachusetts, site of the Christian Science Church headquarters) wrote HEW virtually identical letters conveying the Christian Science church's "gratitude for all the consideration you have given them."

Doug and I, a large law firm, and two CPS administrators wrote letters against the religious exemption features of the new regulations and arguing that parents should have a duty under the law to provide their children with medical care.

During this same time-frame, the Department released publication no. 80-30265, "Child Abuse and Neglect: State Reporting Laws," which included a statement on religious immunity laws:

The religious immunity or spiritual healing exemption has been the subject of widespread legislative activity. In its modern form, the clause qualifies a statutory definition of neglect or maltreatment.... Despite some commentators' characterization of these clauses as an impediment to the protection of children, legislative adoption of the clause has increased from 11 jurisdictions in 1974 to 44 jurisdictions today. (p. 14)

For some reason, HHS never explained why states had been so busy adopting those religious immunity laws after 1974.

Testimony Denied

We began petitioning Congressional subcommittees for the right to testify at their next hearings on the Child Abuse Prevention and Treatment Act. After several long letters submitted, some lost and resubmitted, both the House and Senate promised me I could testify at the hearings.

When the Republicans took the Senate that fall, the subcommittee chairman who had promised to provide time for my testimony lost his post. But I still assumed I would get to testify in the House. A few months later, however, I learned that the hearings had been held without even notifying me.

Subcommittee staffers then explained that President Reagan posed such a serious threat to reauthorization of the entire child protection program that they couldn't afford to have testimony about controversial issues. But they reaffirmed Chairman Austin Murphy's promise to allow my testimony later at special oversight hearings if the child protection program was reauthorized.

Nevertheless, the program was reauthorized and Austin Murphy renigged a second time on his promise.

When, after months of hemming and hawing from the staffers, I became finally convinced that Murphy would not hold the oversight hearings, I went back to the Department of Health and Human Services (HHS; previously HEW) and asked for a special meeting to plead my case against religious immunity.

Another Personal Plea

This was granted; Doug and I both flew to Washington at our own cost of \$800. and met with three HHS officials. By prior agreement, they expressed no commitment, but I could tell they were appalled at some of the church documents I passed out because they showed the church's contention that they had carte blanche to deny children medical care and told parents to deceive public officials about the "treatment" they were providing for sick children.

Furor Over Workshop

That same year an attorney and I were invited to present a three-hour workshop on "Faith Healing Sects and Children's Rights to Medical Care" at the Fifth National Conference on Child Abuse and Neglect in Milwaukee. Most likely this came about because of a regional administrator's interest in the topic, but the National Center on Child Abuse and Neglect in Washington had to answer for it. The Christian Science church held meeting after meeting with them, demanding to know how and why I was chosen.

The day before the workshop Christian Science Congressmen John Rousselot, R-CA, and Robert McClory, R-IL, approached top HHS officials about my appearance. The Director of the National Center on Child Abuse and Neglect told me that his phone rang off the hook over it.

Meanwhile, in Milwaukee, the church's lobbyist for Wisconsin circulated a broadside complaining that I was using taxpayers' money to carry out my personal campaign. Hitherto, they said "Christian Scientists have held back, feeling that this former church member was entitled to express her opinion, grief, and guilt in whatever form was necessary to her," but now something must be done when Mrs. Swan was seeking "federal funds ... to carry out an attack on one religious denomination over all others." (I might point out here that I had to pay my own expenses to and at the conference plus a \$30. registration fee. The federal government actually made many thousand dollars from the conference.)

Before our workshop could begin, the Director of the National Center had to read a statement that the workshop was controversial and did not represent the official policy of HHS. He also sat in on part of the workshop and made other trips back and forth to placate the church's Wisconsin lobbyist, who sat with an ethereal, unchanging smile, seeming to enjoy all the power of his counterparts in Washington.

I was very impressed with the National Center for defending my right to speak through many exasperating encounters with the Christian Science church, despite the fact that the main thrust of my workshop was a criticism of its HHS Department for mandating religious immunity laws.

But it was a lot of trouble to go through for one workshop. When the next National Conference on Child Abuse and Neglect was organized, HHS itself selected all the speakers and did not send me even an announcement of the conference, let alone an invitation to submit another workshop proposal, though the other workshop participants at the Fifth National Conference were sent such things.

1983--Progress Evokes Angry Response

On January 26, 1983, HHS finally released its new child protection regulations. They had made several important improvements over the proposed regulations of 1980. They removed religious immunity from the code, no longer requiring or recommending that states have such laws. They disclaimed intention either to require or prohibit prosecution in cases of religiously-motivated medical neglect. They also added failure to provide medical care to the states' definitions of child neglect, thus making it a reportable condition regardless of religious belief.

The Christian Science church was furious and circulated demands on Capitol Hill for a "Christian Science amendment" to the Child Abuse Prevention and Treatment Act. Despite the fact that the state laws had been dictated by Washington and a lobbying network managed in Boston, the church now became the champion of states' rights:

In various parts of the country religious beliefs and practices differ. The states are better equipped to balance and protect these important interests in a country so vast and diversified as the United States.... These sensitive matters are best addressed at the local level without distant regulatory pressures. Without our amendment Congress will have taken an irrevocable step toward singling out a religious group by name and severely limiting the religious rights of that group for the first time in a distinguished hundred-year history of faith and contribution to this country.

(The only reason they were mentioned "by name" in the new regulations was that HHS was obligated to summarize the letters that the church itself asked Edward Kennedy and Tip O'Neill to write in support of its "right" to deny children medical care.)

Testimony Denied Again

Also in 1983, Congress had to hold hearings again to reauthorize the Child Abuse Prevention and Treatment Act. In the fall of 1982 I began working on getting the right to testify this time. My Congressman, Berkley Bedell, wrote to the House Subcommittee chairman, Austin Murphy, D-PA, supporting my request to testify. Dr. Adrienne Haeuser, Director of the Region V Center on Child Abuse and Neglect; Dr. Stephen Barrett, a nationally prominent spokesman against health fraud; and Kenneth Wooden, Director of the National Coalition for Children's Justice, contacted the Subcommittee on my behalf. Wooden and Barrett were Pennsylvania residents; several other Pennsylvania residents signed petitions for me to testify. But Austin Murphy would not allow me or anyone else to speak on behalf of the children associated with faith-healing sects.

The "Christian Science Amendment"

Instead, Congressman John Erlinborn, a leader on legislation to guarantee medical care for handicapped infants, submitted a statement for the church at the reauthorization hearings. The House committee accepted it without one word of comment. The next week, Senator Orrin Hatch presented the Christian Science amendment, exactly as the church had drafted it, to his Labor and Human Resources Committee, which added it to the child protection bill, again with no discussion.

The amendment stated: "However, nothing in this Act shall be construed to limit the right of a state to determine the health care and treatment a parent may provide his child in the exercise of the parent's freedom of religion."

A Senate committee had labeled Christian Science treatment and anything else done in the name of religion as "health care" for children. While determined that all other children should be guaranteed medical care, the committee declared children in faith-healing sects to be pariahs about whom the federal government must say nothing. It was hypocritical for them to defend "states' rights" on this issue, considering how the states got their laws. And, as the Christian Science church plainly stated, the amendment was intended to prevent HHS's new requirement that medical care become a mandatory parental duty from applying to their members. The committee had rubberstamped verbatim a request from the Christian Science church with no discussion, even though it prevented the administration from carrying out its professed intentions!

Objective Assessment

More than four months later the Congressional Research Service released a legal analysis of the amendment. The CRS pointed out that there was "no constitutional necessity" for a religious exemption from child abuse and neglect charges and that the Hatch amendment might "sweep away" HHS's new policy in this area.

HHS declared its neutrality on the amendment. It didn't interfere with anything they planned to do, they said. I asked HHS if Senator Hatch had consulted them before proffering the amendment, but the official couldn't remember. I had the suspicion that HHS really wanted only to disassociate themselves from their religious immunity laws, which were being tied to more and more deaths, and to compel medical care for the Baby Doe cases. Yet I have to admit they made important improvements over their proposals of 1980 and got blistering insults from the church for doing so.

Supporters Rally

For months I was overwhelmed with the impossibility of persuading Congress to reject an amendment that the administration and Senator Hatch claimed was meaningless and harmless respectively. I almost gave up. Then Senator Charles Grassley, R-Ia, offered to help. His staff worked very hard on this for months. He planned a colloquy on the Senate floor to clarify that Congress intended

for all cases of failure to provide medical care to be reported. The Christian Science church asked for meeting after meeting with his staff to explain their viewpoint.

And finally the American Academy of Pediatrics became aware of the Hatch amendment. Their Board voted formally to oppose it. They retained the Washington DC law firm of Pierson, Ball & Dowd to muster Senate opposition to the amendment. It was wonderful to have the power and credibility of the Academy supporting me. Their lawyers accomplished more in six weeks than I have in six years, but I must say I surely kept the post office busy. I sent them three fat express packets in ten days.

A Damaging Admission

Under the pressure of intelligent opposition, the Christian Science church finally conceded that they were opposed to all reporting of their children's illnesses. That was a highly unpalatable position to many now-sensitized Senators. Rather than deal with the growing publicity and the threat of an amendment on the Senate floor plainly requiring reporting of these cases, the church asked for its amendment to be withdrawn.

Senators Speak for Church

That night Senator Hatch expressed his regrets about this turn of events. He claimed that, while the state should have some right to intervene, "most Americans" would agree with him that sick children in faith-healing sects should not "be automatically reported to the authorities."

Senator Charles Percy, R-IL, a member of the Christian Science church, also expressed his regrets. He stated that Christian Scientists "are not hostile to medical practice and are law-abiding citizens." If they're not hostile to medicine, why do they need an amendment defining their fee-for-service prayers as "health care" for helpless children? As for being law-abiding--well, it's easy to be law-abiding, when you've been making all the laws. Percy refused to vote on the bill.

Senator Quentin Burdick, D-ND, who is married to a Christian Scientist, also defended the church on the Senate floor. He argued that Christian Science practitioners are in a "religious healing industry" and should not have to report sick children because of "traditional privileges given to confidential communications with ministers, priests," etc. I might point out that medical doctors, who also are pledged to confidentiality with their patients, were virtually the first group to be mandated as reporters of child abuse and neglect.

The Victory

At any rate, the Christian Science amendment was dropped, so there was no reference to religion in either the House or Senate's final version of the bill. Erlinborn's statement in the House report does not appear in the final report issued by the joint conference committee.

State by State Battle

Meanwhile, back at the administration, in February, I decided to challenge HHS with the case of Ohio, which has a law 2151.421 stating that "no report shall be required" on a child receiving "prayer in lieu of medical treatment." HHS had told my Congressman that they were requiring reporting of all failure to provide medical care, without exception for religious belief.

As I reported in our summer newsletter, HHS declined to act against the Ohio law. But in July, I received a letter from them saying that Ohio was under review and a few weeks ago I heard by phone and read in the press that HHS has advised Ohio they must drop their religious exemption from reporting in order to be in compliance with the new federal standards.

So I have won another victory by making enough noise, but an HHS official has also told me that he believes Ohio's laws are the only problem. He asked for my views, and hopefully I will eventually have time to offer them.

The Christian Science church believes they have religious exemptions from reporting sick children in virtually every state. HHS believes that all states except Ohio currently require reporting of all failure to provide medical care. The truth will likely be decided in the courts--by death after death.

Final thoughts

The time and energy it has taken to get the federal government to this point are beyond calculation. I made three trips to Washington and wrote over 60 letters, most of them more than one page long. It was so painful to have to tell the story of our son's death again and again. For years I got ludicrously contorted arguments and stone-walling from the bureaucrats. One staffer in Congress told me that I should organize all the ex-Christian Scientists in the country, locate all the Christian Science children in the country, observe them every day, and report all their illnesses to Public Health authorities. In other words, Congress would make time with the church lobbyists and give away all these children's rights and Rita Swan should be sent off on an impossible mission of picking up the pieces. One of the House staffers who dealt with the church in the early 1970's has twice refused to meet with me; another has twice threatened to sue me.

Even today, the government's timidity and double standards on this issue are apparent. HHS should advise all the states that there is no religious exemption from reporting and that their laws must mandate reporting of all cases of failure to provide medical care. Currently, HHS's new standards on reporting religiously-based medical neglect are stated only in a letter to my Congressman and a letter to the state of Ohio.

On the good side, I will say that America is still a participatory democracy and one person can change things. HHS officials were always courteous to me and gave me many valuable documents. Senator Charles Grassley, Congressman Berkley Bedell, and the American Academy of Pediatrics gave invaluable help.

One thing is for sure, though: if I hadn't lost my own son to Christian Science, I would have given up a long time ago. Information for this article was taken from my correspondence files, the CONGRESSIONAL RECORD of July 26, 1984, pp. S306-9329; and HEARING before the Subcommittee on Select Education of the Committee on Education and Labor, House of Representatives, 98th Congress, first session on HR1904, held March 9, 1983.

The Columbus Dispatch

OHIO'S GREATEST HOME NEWSPAPER

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Death of a child

A just society cannot tolerate laws that permit parents to allow children to die from preventable causes. Ohio has such a law. It must be changed.

Larry and Roberta Miskimens were tried recently in Coshocton on involuntary manslaughter charges stemming from the death last year of their 13-month-old son, Seth. The child suffered from pneumonia, an easily treated ailment. The Miskimens refused to seek medical treatment, however, claiming that their religious beliefs prohibited such action.

Common Pleas Judge Richard Evans dismissed the charges following a two-week trial. Evans made clear in his ruling his belief that the state has a right to regulate religious practice when it is likely to endanger minors, but that the vagueness of the Ohio child-endangering law mandated the dismissal of the charges if justice was to be done to the parents.

We do not dispute Evans' well-reasoned arguments. But it is now time to do justice to the children of this state who may find themselves in Seth's sad circumstances.

The child-endangering law reads, in part, that "no person... shall create a substantial risk to the health or safety of (a child in that person's custody) by violating a duty of care, protection, or support."

The law goes on to say, however, that it is not a violation of the law when the "person having custody or control of a child treats the physical or mental illness or defect of such child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body."

While Evans recognizes the constitutionally guaranteed right of freedom of religion, he points out that "an important line must be drawn between the right of an individual to practice his religion by refusing medical treatment for his own illness and that of a parent

to practice his religion by refusing to obtain or permit medical treatment for another person, i.e., his child." He goes on to cite a U.S. Supreme Court ruling to support his position. The ruling noted that "parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves."

By having established the state's right to regulate religious practice that may be injurious to children, Evans finds that the state law is so poorly worded that action based upon it is impossible. He takes aim at the religious exemption portion of the law and asks: "What is a religious body? What is a recognized religious body? By whom must it be recognized? Must its 'tenets' be somewhere written down? If not, then how will its tenets be proven in court? Who will decide what its tenets are? What is meant by 'spiritual' means? Does 'by spiritual means through prayer alone' mean that if we use some prayer and then also employ some form of non-spiritual treatment such as medicine or some traditional home remedy that we forfeit our right to claim exemption under this provision?"

The judge's point is clear: the law is meaningless. It is also clear that the General Assembly has a high moral responsibility to act quickly to change the law. State law must continue to guarantee religious freedom, but it must likewise safeguard the well-being of those not yet old enough to willingly embrace religious beliefs that may jeopardize their well-being.

Evans has identified a serious problem in current state law. Seth Miskimens' death has dramatized the need for a solution. The responsibility to safeguard other children in the state now rests with the Legislature.

FAITH ASSEMBLY--FOCUS ON "LEGITIMATE PRACTICE OF ... RELIGIOUS BELIEF"

On August 29th Gary and Margaret Hall became the first Faith Assembly members convicted in Indiana for their child's death. They were convicted of reckless homicide and child neglect in the death of their 26-day-old son Joel to pneumonia.

Because Faith Assembly tells its members not to sue or have anything to do with lawyers, Mr. and Mrs. Hall declined the help of a court-appointed attorney, who merely sat in the audience as "standby counsel." The Halls were the only defense witnesses. Mrs. Hall said she took her baby to Jesus because Jesus was their "doctor." Mr. Hall cited Indiana's religious defense in the criminal code:

"It is a defense if the accused person in the legitimate practice of his religious belief provided treatment by spiritual means through prayer, in lieu of medical care, to his dependent." (Indiana Code Annotated 35-46-1-4(a))

Infant's Rights Violated

Whitley County Prosecutor John Whiteleather Jr. argued that denying a child lifesaving medical care is not legitimate practice of religious belief. "It's the little boy's rights that were violated," he said. "This was a death that was medically unnecessary, a death that was morally senseless, a death that was legally criminal."

On September 24, they were sentenced to five years in prison. The judge offered Mrs. Hall, who is six months pregnant, a suspended sentence if she would provide medical care for her surviving children. She refused. The Halls then declared their intention to appeal.

Whiteleather called on the Indiana legislature to change the law because of the disagreement over what religious practices are "legitimate."

The Bergmanns: A Second Conviction

September 10th the trial of David and Kathleen Bergmann opened in Noble County, Indiana. Their 9-month-old daughter, Allyson, died in June of pneumonia and bacterial meningitis. The parents were aware of her fever and lethargy for ten days before her death.

Mrs. Bergmann testified, "I never in my wildest imagination thought she was going to die of meningitis. I never expected death. I always expected life. She never had pain--she never cried out." She also said she didn't "ever want to see" her daughter in a hospital "plugged up with all kind of IVs.... It was a blessing to see the Lord deliver her from pain.... [God] has blessed us with three children, and I will go through the same trial with another baby."

Mr. Bergmann testified, "We felt her gums; we noticed a bump in her mouth. We just took it for teething." But he also testified that they considered their baby's illness "a trial of...faith," that he fasted for days and drank only eight ounces of water.

How God Heals

Like the Halls, the Bergmanns acted as their own attorneys. When the coroner testified it was the most advanced case of meningitis he had ever seen, Mrs. Bergmann asked him how he could be sure medicine would have helped Allyson. The coroner looked directly at the parents and said, "Whatever I would have done would have gotten a better result than you got." She then asked if God could heal a child without his help, to which the coroner replied, "Man is merely an instrument of divine providence. I've never healed anybody.... Everybody I've healed has been healed by the hands of God."

The Bergmanns also cited Indiana's religious defense law and argued that their round-the-clock prayer vigil for their daughter was not child neglect.

Where "Legitimate" Religious Practice Ends

Prosecutor David Laur argued that denying children lifesaving medical care is not "legitimate" religious practice. He said, "Religious practice ends where the sacrifice of innocent children begins."

The jury convicted them of reckless homicide and child neglect. Laur told the press, "I think two jury verdicts in two weeks [say] something. When a child has his life in danger, you can no longer use the religious defense." But like Whiteleather, Laur called on the Indiana legislature to "[clean up] the law...so we [won't] have to go through this."

Other Indiana Deaths

An Elkhart County grand jury decided not to file charges against the Stutsmans whose daughter died three hours after an unattended home delivery. Their case was reported in our summer newsletter.

On September 16th Pamela Menne, a 15-year-old girl of Faith Assembly parents, died in Kosciusko County of kidney failure. Her father, James Menne, told authorities she was sick for about two months with fainting spells, swollen face and stomach, and coughing.

Thus, five days after a second Indiana conviction for a faith death, a child has died in Kosciusko County where the prosecutor has repeatedly said Indiana's religious defense prevents him from filing charges. In this latest case, the prosecutor has told the press he will submit the evidence to a grand jury for its consideration.

Needed: A Clear Law

The meaning of Indiana's law is far from settled. A ruling on the Hall's appeal is extremely important in this ongoing struggle. As it has done in Ohio and Colorado, the Christian Science church may file an amicus brief in defense of the law they got into Indiana statutes, a law which is tied to more and more deaths every month.

WHAT WILL SECTS LEARN FROM PROSECUTION/ PERSECUTION?

These recent prosecutions in Indiana seem to indicate that the tide has turned against Faith Assembly, that society and officialdom have the will to curb the endangerment of children advocated by that sect.

I have been asked hundreds of times what good it will do to challenge someone's religious belief in the courts or the legislature. On the positive side, we have the example of the Mormon Church, which was quickly persuaded to disavow polygamy when the government made that a condition of statehood. And more recently, after enough media exposure to the Mormon Church's discrimination against blacks, Church president Spencer Kimball simply isolated himself for a few days and got a revelation to drop the discriminatory rules.

Faith Assembly: Freeman's Decision

Could Reverend Hobart Freeman get a revelation that Faith Assembly parents should provide normal medical care for their children? On the hopeful side, several defectors have said that Freeman advises his followers to obey civil law. The Bergmanns told the jury they were following Indiana law in treating their daughter with prayer rather than medicine. Prosecutor Laur feels that legislative reform will save lives because Faith Assembly members are usually law abiding.

I strongly want legislative reform, but in conscience, I also have to say that it may be too late for Freeman to shift gears. Unlike the outmoded racial discrimination in the Mormon Church, denial of medicine is central to Faith Assembly psychology and rhetoric. According to scholarly analysts, Freeman constantly preaches risk-taking, self-destructiveness, rejection of the outside world as satanic, and preparation for a final battle with evil. Every death is simply a trial sent by God, and God usually sends new children to replace those lost.

Christian Scientist's Radical U.S. Stand

And what of the Christian Science church, now facing two prosecutions for felony child endangerment in California? Unlike Faith Assembly, this church has enjoyed enormous prestige with legislatures and the media. Their image as a conservative, prosperous, educated group of people is at stake. Furthermore, the church already advises its parents to obtain medical care for sick children in Canada and England, where their practitioners have been prosecuted and where the ambiguous religious immunity laws are not on the books. Wouldn't it be in the church's interest to give similar advice to parents in America?

Yet, much of my evidence indicates that the Christian Science church too is becoming more radical. Their current literature is replete with claims that Mary Baker Eddy prophesied all this opposition long ago and that it is really just "chemicalization" taking place because their Truth is destroying errors in everybody else's thinking.

View of Orwellian 1984

Their periodicals editor has advised members to beware of "the mental climate of the year 1984", which could bring state control of religious belief because "medical opinion rather than religion appears to represent the preeminent authority for society." (Allison

Phinney, Jr., "'Watch' for a spiritual morning," CHRISTIAN SCIENCE SENTINEL, May 28, 1984, 927-30) These warnings of an Orwellian nightmare world where tyrannical medical "opinion" shackles faith will just exacerbate the members' superstitions, paranoia, and dependency on their church.

One feature of this world could be "an increased effort in the United States to explore the possibility of making it a criminal offense, especially in the case of children, to rely solely on Christian Science for healing...." He claims that all existing law is on their side, of course, but you never know what weird things might be "explored" in the year 1984. (His prediction was published after criminal charges were filed in the death of Christian Science child Shauntay Walker and a criminal investigation was proceeding in the death of Christian Science child Seth Glaser.

Application Questions for Practitioners

In questions with their new application to become an accredited "practitioner," the church asks:

"Do I understand and uphold the standard of radical reliance on Christian Science when I need healing myself? Am I completely free from the use of drugs, sedatives, or any material remedies?"

"Do I uphold the standard of radical reliance in the conduct of my practice, including not treating one who is using or relying on any form of medical treatment or other system for healing?"

In the past six months, have I made an exception to or compromised this standard?"

The application form also points out that the church's Board of Directors has authority to cancel a practitioner's accreditation if s/he resorts to medicine and that practitioners must report to church headquarters if they fail to uphold the church's "radical" standard against medicine.

Preparing for a Holy Battle?

Most remarkable of all is an essay, "Cherishing the babe of Christian healing: the need today," in the September 17th SENTINEL. Again they claim that existing law gives them carte blanche to deny children medical care: most states "have laws providing that responsible spiritual healing on behalf of children should not be interpreted as a form of neglect."

But, they claim, our society's materialism has caused a "drift toward oppressiveness" that would require citizens to "report on each other." In apocalyptic tones, they tell all members to fight "proposed" laws requiring reports of serious illnesses of children. (They claim these are only proposals!)

This fight is really for "the spiritual welfare of all mankind" and all "mankind is deeply hungry for the method of spiritual treatment the Comforter has revealed." (Jesus' promised Comforter is Christian Science, they believe.) These proposed reporting requirements are caused by the carnal mind's jealousy of "the advancing tide of spiritual healing."

It sounds like this church too is preparing more for a battle than for a revelation that medicine is all right.

On June 1, 1984, Indiana's new law requiring everyone to report child abuse and neglect, including failure to provide medical care, went into effect. Many had hoped that Faith Assembly parents would report their children's illnesses to Public Health, since Reverend Freeman tells them to obey the law. But the last two deaths discussed above occurred after the new reporting law took effect and, according to the Fort Wayne News Sentinel, welfare directors from several Indiana counties say no Faith Assembly members have reported their children's illnesses since June 1st.

Furthermore, Pamela Menne had been schooled at home for four years before her death and an increasing number of Faith Assembly parents are opting for home schooling, thus making it much more difficult for public officials to become aware of their children's illnesses.

This information is taken from the Fort Wayne News Sentinel and wire service reports.

CASE AGAINST STONEGATE LEADER COMES TO TRIAL

In November the trial of Dorothy McClellan, leader of the Stonegate Christian Commune, opens in West Virginia. Mrs. McClellan is charged with involuntary manslaughter and conspiracy to commit voluntary manslaughter and unlawful wounding in the paddling death of 23-month-old Joey Green on October 5, 1982.

Beating children was a longstanding policy at the commune. According to defectors, Mrs. McClellan taught each new adult member that children had to be beaten into submission in order to obey the will of God.

Motives for Beating Death

"I am no longer motivated by obligations, responsibility, ought to's, standards of any kind or duty. It is only the love of God that motivates me now," she wrote in February, 1982.

Joey's mother, Leslie, who once beat another couple's child for 45 minutes, wrote, "I minister now to children whose parents desire God and his ways. What a difference! We now experience the freedom to administer God's love, without fear of appearing partial.

"What do I desire for my children and the children here? Simply to experience God in a real way. To have them wholly yielded to Him, their allegiance and their love. Devoting spirit, soul and body."

On October 5, Joey struck Mrs. McClellan's grandson and refused to apologize. His mother began beating him. His father took over the beating, while the mother held him down. The beating continued for about two hours, observed periodically by Mrs. McClellan and her son. More than once, Joey collapsed. On McClellan's advice, Green changed Joey's clothing and diaper and then took him to a hospital about 45 minutes after his final collapse. Joey was pronounced dead of hemorrhagic shock caused by up to 25% of his blood rushing to his bruised buttocks and thighs.

Similar Charges Against Other Leaders

The charges against Dorothy McClellan have parallels to those against Steven Jackson, the "Prophet" William Lewis, Virginia Scott, Reverend John F. MacArthur, Jr., and his Grace Community Church. Steven Jackson, leader of the Covenant Community Fellowship of DeMotte, Indiana, was convicted of involuntary manslaughter and conspiracy to commit child abuse for recommending beatings that led to the deaths of two children.

Lewis was acquitted in Michigan of similar charges for recommending a fatal beating carried out by the victim's mother.

Virginia Scott is a Christian Science practitioner charged with involuntary manslaughter and felony child endangerment in Santa Monica, California, because her 16-month-old "patient," Seth Glaser, died without medical treatment for meningitis.

Reverend MacArthur and his Grace Community Church in Panorama City, California, are charged with wrongful death and negligence in a civil suit because they allegedly encouraged the suicide of 24-year-old Kenneth Nally. His parents charge that doctors had recommended psychiatric treatment for Kenneth, but that the pastor discouraged professional medical care, denigrated his Catholic upbringing, agitated feelings of guilt, anxiety, and depression, and suggested death as a solution to his problems.

Can Speech be Conduct?

In all these cases, we have church leaders who counselled disastrous actions of others. Can speech be conduct? Can clergy be held accountable in court when their religious beliefs are acted upon by others, with fatal consequences for children? Are Lewis, Jackson, and McClellan innocent because they didn't wield the paddles? Is Virginia Scott innocent of Seth Glaser's death because he was legally under his parents' care, custody, and control, even though he died in Scott's home and because her fee-for-service "treatments" are touted by her and her church as responsible health care? These are some of the issues raised in Dorothy McClellan's upcoming trial.

BRIEFLY NOTED

The annual conference of Citizens Freedom Foundation will be held October 26, 27, and 28th at the Sheraton Hotel in downtown Chattanooga, Tennessee. CFF was formed to create public awareness of the harmful effects of destructive cults. It is a well-established, credible opponent of cults. Our honorary members, Kenneth Wooden and Jack Clark, are featured speakers.

Shirley Landa, a past president of CFF and a member of CHILF, Inc., presented a paper, "Child Abuse in Cults," at the Fifth International Congress on Child Abuse and Neglect held in Montreal this September. In October, she will present the paper at the American Humane Association's Child Division Conference in Los Angeles.

Preliminary hearings in the trial of Christian Science mother, Laurie Walker, were held in Sacramento Municipal Court the week of September 10th. Mrs. Walker was charged with involuntary manslaughter, felony child endangerment, and second degree murder for the death of her four-year-old daughter Shauntay after 17 days of meningitis, Christian Science treatment, and no medical treatment. According to one eye witness, Laurie Walker sat in the courtroom and wept through graphic descriptions of her daughter's suffering and deterioration in the testimony of medical experts, while her practitioner, Norma Alpert, sat outside the courtroom doors smiling sweetly at one and all. If Alpert hadn't been required to testify in court herself, she probably would have stayed at home with her "absent treatment," far away from those inconvenient illusions of disease and death. On September 28th, Judge Rudolph Loncke ruled that Laurie Walker must stand trial on charges of involuntary manslaughter and felony child endangerment, but dismissed the charge of second-degree murder.

Preliminary hearings in the trial of Lise and Eliot Glaser and Christian Science practitioner, Virginia Scott, for the death of 16-month-old Seth Glaser to meningitis will be held in November.

In "The Spirituality of Mankind," Christian Science Sentinel, September 3, 1984, the church gives its position about these prosecutions. It claims that its spiritual treatments have healed all kinds of serious diseases and that their healings are often verified by medical doctors.

A new book entitled Christian Science--Kingdom or Cult? by Karl Roebeling has just been published by Paragon Press/Dynapress, P. O. Box 866, Fern Park FL 32730-0866 at \$12.95. I don't know anything about the book or the author. The ad in the New York Times says, "Today's followers of Christian Science have adopted a historic pattern reversing the original spiritual breakthrough."

The Los Angeles Times has been running extremely important articles this summer on faith healing and Christian Science. On July 10th, they printed "The Agony of Christian Scientists" by devout church member Alan Mansfield. He claimed his "profound realization that Christian Science probably heals a far greater percentage of its 'cases' than materia medica does" and argued for the state to allow members of his church to deny children medical care. As he put it, "The state should be concerned if Christian Scientists let their children die to some quack system of religion or from neglect, but this is not the case. For more than 100 years Christian Science has been healing thousands of sick and dying, many for whom doctors had given up hope." On Sunday, July 22, they ran a front page article, "Collison Course Healing by Faith: State vs. Religion." And on September 3rd was a front-page article, "Christian Scientists Lawsuits, Dissension Rack Church." The church's response has been brief and feeble.

Last September 12-year-old Pamela Hamilton was seriously ill with Ewing's sarcoma. A football-sized tumor had destroyed much of her upper left leg bone. Members of the Church of God of the Union Assembly, both she and her family resisted the state's efforts to get medical treatment for her. She told the court she was willing to die whenever the Lord wanted to take her. By the time court-ordered medical treatment was begun, doctors gave it only a 25% chance of curing her. But today they pronounce her completely free of cancer. Praise the Lord!

Corrections: In our spring issue I gave a misleading impression of Indiana's new reporting law. In fact, the new law requires everybody to report suspected child abuse and neglect, including failure to provide medical care. In our summer issue, my syntax gave the impression that the Sacramento Bee had said Laurie Walker's practitioner falsely claimed a privilege not to give information about Shauntay Walker's death. In fact, this information came not from the newspaper, but the prosecutor. Any misstatement of fact in this newsletter will be corrected.

Some of you will be receiving membership cards with this issue. The order of your joining is written in the upper right hand corner.

CHILF, Inc. would like to have a sixth person on its Board of Directors. Two well-qualified candidates have agreed to stand for election. Dues-paying members in good standing are receiving a ballot with this issue.

Dear friends of CHILF, Inc., thanks so much for your support. We are growing slowly, but steadily, and our newsletter is reaching more people with every issue.