

Children's Healthcare Is a Legal Duty, Inc.

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Spring, 1984 Newsletter

Greetings, CHILD, Inc. Members!

We are happy to send out our first issue of our newsletter at last. In this issue, we would like to describe some of the basic beliefs of our organization, reprint two letters to the press and my NEW ENGLAND JOURNAL OF MEDICINE article, and discuss several recent cases of tragic injuries to children because of irresponsible religions. We hope thereby to give you a feel for the difficulties of protecting children in sects which advocate denial of medical care or brutal physical punishment.

Also, we want to point out that our concerns are not only with religiously-based medical neglect and abuse, but also with other factors that interfere with quality health-care for children. We support the standards promulgated by the American Academy of Pediatrics with regard to medical care for handicapped infants. An excellent discussion of these may be found in the January 16, 1984 issue of U. S. News and World Report. Please feel free to submit other appropriate issues for the concern of CHILD, Inc.

First off, I want to lay out some of the basic beliefs of CHILD, Inc. We believe that medical care deserves to be the standard of health care for children. The practice of medicine is licensed by the state; medical care has stringently defined responsibilities to the public. It keeps statistics on its failures and successes. Its results can be replicated. It is not perfect, but it is the best that a broad community of people have developed by working together. By contrast, faith healing often demands unquestioning allegiance to one leader. It has no responsibility to the state, and it learns nothing from failure. It usually blames failures on the patient's lack of faith.

Therefore, we believe that providing medical care is a parental duty. We believe that our Constitution's fourteenth amendment, mandating equal protection under the laws, also mandates equal protection from deadly diseases for minor children. We believe that children associated with faith-healing sects should have the same statutory rights to medical care as all

other children. By contrast, the prevailing attitude in society today is that court orders are adequate protection for children in faith-healing sects. This attitude is partially based on confusion of the faith-healing sects with the Jehovah's Witnesses church. Lifesaving blood transfusions are frequently obtained for Jehovah's Witnesses children by court order, but court orders are extremely inadequate to protect children in faith-healing sects because these groups reject both medical treatment and diagnosis and therefore society has no reliable way of discovering their sick children. We reject the idea that these children have no rights to medical care until and unless the courts accidentally stumble upon their cases.

We believe that the only ways by which the state may hope to protect these children are to prosecute parents who withhold lifesaving medical care from children or to develop ironclad reporting requirements for faith-healers or parents. To my knowledge, no state has a reporting law for sick children that a Christian Science practitioner will respond to. Some states have tried to compel such reports, but have not received any. The Christian Science church is determined that its practitioners should not report sick children to the state. About sixteen states specifically require Christian Science practitioners to report suspected child abuse and neglect, but the church is so determined that Christian Science treatment is legal health care for children that it discourages its practitioners from reporting medical neglect. In Fundamentalist sects also, ministers have been aware that medical care was being withheld from seriously ill children and have not reported them to the state.

In our newsletters we plan to describe both positive and negative developments in federal and state legislatures. We plan to discuss specific cases of child abuse and medical neglect. Because we hope to have IRS recognition as a publicly supported charity, CHILD, Inc. will not approach legislators to influence legislation nor provide sample letters for members to send legislators nor will we endorse or oppose political candidates.

(Editor's note: CHILD later filed a 5768 form allowing up to 20% of its expenditures to be for lobbying.)

CASES--IN AND OUT OF COURT

Last month Ethel Yarbough was convicted of involuntary manslaughter for the beating death of her twelve-year-old son, John. She was a member of the House of Judah or Black Hebrew Israelite Jews near Allegan, Michigan, which routinely placed children in stocks and beat them with axe handles. A few weeks prior to the mother's conviction, the group's leader, William Lewis, was acquitted on charges of cruelty to children and then appeared on the Donahue program. One of our honorary members, Marcia Rudin, was also on the program and did an excellent job of discussing child abuse in cults and efforts to change religious exemption clauses in child abuse and neglect laws.

Although Lewis was acquitted, other cult leaders have been convicted for counselling parents to endanger children. On November 7 and December 5, 1982, the CHICAGO TRIBUNE reported on the beating deaths of two children, Bradley Lonadier and Rachel Witt, in the Covenant Community Fellowship of DeMotte, Indiana. According to parents' testimony, the commune leader, Steven Jackson, insisted that the Scriptures required whipping children and women with rods until their will was broken and stood outside bedroom doors ordering parents to beat children. Jackson was convicted of involuntary manslaughter and conspiracy to commit child abuse.

Another issue in these beating deaths is the charge of involuntary manslaughter. At the Stonegate Christian Commune near Charles Town, West Virginia, 23-month-old Joey Green was paddled for two hours before dying of hemorrhagic shock on October 5, 1982. His parents were convicted of involuntary manslaughter, which is only a misdemeanor under state law. Judge Frank DePond complained that the charge was inadequate for the crime and gave the Green's the maximum punishment, one year in jail and a fine of \$1,000. Many have been outraged that beating a 23-month-old child for two hours was characterized as involuntary and a misdemeanor. The Justice for Joey Green Committee has been organized to revise West Virginia statutes and make child abuse a felony. Stonegate Christian Commune's leader, Dot McClellan, was later indicted on two felony counts, conspiracy to commit unlawful wounding and conspiracy to commit voluntary manslaughter, and also indicted for involuntary manslaughter. Hearings were scheduled for December 19, 1983, but I have not heard about the outcome of her case.

The most recent indictment for religiously-based medical neglect (to my knowledge) was returned February 7, 1984, in Summerville, Georgia. Charles and Judy Long are charged with involuntary manslaughter for withholding medical care when their 16-year-old foster son's appendix ruptured and he died of gangrene several days later. Mr. Long is a self-ordained minister of the local Church of God of the Union Assembly, the same church to which Pamela Hamilton and her parents belong.

Arizona's troubles with the Christ Miracle Healing Center in Miracle Valley continue. Cochise County has requested a \$500,000 loan from the state to pay for the legal defenses of indigent church members charged with assaulting police. On February 15, 1984, USA TODAY reported that the judge will dismiss rioting and assault charges against twenty church members if more money isn't provided for their defense.

On June 2, 1983, the Bisbee, Arizona BREWERY GULCH GAZETTE carried major background articles about the Miracle Valley church, which arrived there from Chicago in 1979 under the leadership of Reverend Frances Thomas. Her faith-healing precepts caused the deaths of five children from curable ailments. One six-year-old boy died from a strangulated hernia, as he gagged on his own feces. Yet when Thomas' son was mortally wounded in a shootout with police, he was rushed to the hospital.

Faith Assembly, the church headquartered in Indiana under the leadership of Reverend Hobart Freeman, continues to lose children because of its teachings against medicine. Prosecutors in Indiana refuse to file charges because of religious exemption laws placed in Indiana's juvenile and criminal codes in response to Christian Science church lobbying. In Jim Quinn and Bill Zlatos's landmark investigation of Faith Assembly, published in the FORT WAYNE NEWS SENTINEL May 2-7, 1983, 35 deaths of children were reported. Since then deaths of two Faith Assembly children in Iowa, one in Wisconsin, and several others have come to our attention. In December, Faith Assembly parents in Koshocton, Ohio, were charged with involuntary manslaughter for the death of their child to pneumonia. Two years earlier they had lost their first child to suffocation at five hours old when the baby was delivered without medical attention and mucous was not properly cleared from his throat. The case is scheduled to come to trial in June. We will be watching this case with great interest because the Christian Science church has gotten some amazing laws in the state of Ohio, which I quote in my NEJM article. {I don't know of another state that flatly tells faith-healers not to report sick children. It will be interesting to see if the prosecutors can make a case in Koshocton for the rights of this child to medical care, given the laws of Ohio.

Indiana had a short 60-day legislative session this year. Representative Bob Alderman, who has been very successful in pushing other types of reform legislation, volunteered to lead the fight to repeal religious immunity. Because of the short session, he adopted what seemed a prudent course of modelling his legislation exactly on what passed in Oklahoma last year over the public opposition of Christian Science church lobbyists and the Church of the First Born. The new Oklahoma law repeals religious immunity from the criminal code in cases where the child suffers serious injury or death. Also, Representative Alderman consulted the Christian Science

lobbyist for Indiana and believed he had the church's acquiescence to his proposed legislation. His bill sailed through the House 88-9, but in the Senate, Leslie Duvall, a powerful senator from Indianapolis, expended tremendous energy to block the bill. Other representatives insisted that some improvement in protection for Faith Assembly children be legislated. Eventually, Duvall proposed and got through a bill to remove the religious exemption from Indiana's child neglect reporting law. During the legislative debate, a 26-day-old Faith Assembly child died of pneumonia. The outraged coroner urged the legislature to change Indiana's "heinous" religious immunity in the criminal code, but by then it was too late: Alderman's bill was dead. Many of us feel that Duvall's removing the religious exemption from the reporting law will not improve protection for the children at issue because neither parents, ministers, nor Christian Science practitioners are on the list of mandated reporters in Indiana. Given the excellent, thorough reporting of Jim Quinn and Bill Zlatos, I am sure we will hear about any future Faith Assembly deaths and will be able to assess whether Duvall's change in the reporting law has improved protection for children associated with faith-healing sects. By the way, we do not know whether the Christian Science church influenced the Indiana Senate to defeat Alderman's bill.

Finally, I would like to report on the death of a Christian Science child. Fifteen-year-old Susan Fruland died October 4th, 1983, in Rogers, Arkansas without any medical attention. An autopsy showed that she died of uremia brought on by chronic pyelonephritis, a kidney infection which she had had for at least three months, and also pneumonia.

According to the prosecutor, the parents had retained a Christian Science practitioner to "treat" the girl for two and a half weeks without ever visiting her. She missed a week of school. But the prosecutor decided not to file criminal charges because her father said that he "was unaware of the severity of his daughter's illness and that she had not complained of any pain." Also, he thought she was getting better just before her death.

To one aware of Christian Science beliefs about disease and healing, this is a farcical defense. The church teaches that ignorance of disease is a spiritual advantage in healing it. It asks members to use exemptions (won by church lobbyists in many states) from studying about disease in schools. It teaches denial of pain; it tells members to believe in improvement before they can physically see or feel it.

The father was quoted as saying he would have considered seeking medical attention had he known the severity of her illness, which illustrates the value of breaking with the tenets of the Christian Science church and getting some intelligent information about disease, instead of relying on a church practitioner who has had only two weeks of religious instruction and then represents herself as qualified to heal all diseases of children and adults alike.

In defense of Susan Fruland's death, the church has widely quoted the state medical examiner, Dr. Fahmy Malak, as saying that her type of kidney infection may not be accompanied by pain. It would seem, however, that the parents' retention of a church practitioner to treat the girl for two and a half weeks indicated some awareness of serious, prolonged illness.

The mother is quoted as saying, "I can't feel any remorse."

A late-breaking case: 4-year-old Christian Science child Shauntay Walker has died of untreated meningitis in Sacramento. The district attorney has said charges will be filed against her mother, Laurie Walker, age 30. GOOD MORNING, AMERICA on March 23rd carried statements from the mother, her neighbor, and the church. As usual, the church disclaimed any responsibility for the mother's rejection of medical care. We will have more information about this case in our next issue.

TREASURER'S REPORT

The 1983 expenses of CHILD, Inc., included the following:	
Press Clipping Service	\$1077.10
Legal Fees	800.00
Long Distance Calls	716.74
Postage	212.08
Copying & Printing	351.19
Supplies, Books, Tapes	156.91
Fees and Rentals	53.00
Travel	550.00
Total Expenses	\$3917.02

CHILD, Inc., received the following support in 1983:

Memberships and Donations	\$2112.00
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The deficit (\$1805.02) was paid by the president and the treasurer. CHILD has had to discontinue the press clipping service due to lack of funds.

Douglas A. Swan
Treasurer

LETTER TO NEW ENGLAND JOURNAL OF MEDICINE

More than 25 letters came to the NEJM commenting on the articles by me and the Christian Science church. We would like to reprint a particularly worthwhile one from Mrs. Janet Boas. Janet graduated from Principia College (exclusively for Christian Scientists) and also obtained an M. A. in history from the University of Illinois. She has been employed by the Mother Church and held many positions in its branch churches.

February 14, 1984

Dear Dr. Relman [the NEJM editor]:

I read the recent article by Dr. Swan with some interest, since I am a lifelong member of the Christian Science church (as Mrs. Swan was formerly) and am also a mother of two small children. My husband and I are deeply concerned that our children receive the best care available for their health needs and therefore read her article with special attention.

In 1910, when Mrs. Eddy passed on, Christian Science was notable for its successes in healing. In 1984, Christian Science still works "miracles" in the physical and spiritual restoration of many. However, in the intervening years, medical practice has become remarkably accurate in diagnosing and curing diseases. This progress in the medical community was totally unforeseen 74 years ago. Although statistics are only now beginning to be kept of "failure rates," it seems increasingly evident that Christian Science does not heal as frequently as medicine, and indeed, emerging evidence indicates that countless children are dying under religious care alone.... It does not seem fair to make innocent children martyrs for their parents' beliefs. There are simply too many cases of young children dying unnecessarily under prayerful treatment who could have been saved easily by proper and timely medical care.

Not long ago my mother (also a Christian Scientist) remarked in a telephone conversation, "You must stick with it [Christian Science treatment] no matter what. You must remain loyal and dedicated even to the point of losing your child." I was shocked and stunned. I wondered which of her grandchildren she would like to see suffer and die without cause. I believe that perhaps this is a dangerous point: that most loyal Christian Scientists would see a child's illness as a test of their own dedication to their religion. [I do not

see much difference between this barbaric attitude and that of primitive religious customs of sacrificing a human being to appease the gods.]

Although Christian Scientists are supposedly free to choose whatever form of care they want, in this rather closed community, one is too often looked upon as a "failure" or as "disloyal to the teachings" if he chooses medical treatment. There are religious stigmas attached to someone who is "disloyal."

Also, I'd like to agree with Dr. Swan that Christian Scientists, especially life-long members, are totally unequipped to obey the law regarding reportable diseases. Although the Committee on Publication booklet ("Legal Rights and Obligations of Christian Scientists in Massachusetts") includes a lengthy list of reportable diseases, I would like to know what unmedically schooled practitioner or patient would know "lymphocytic choriomeningitis" or "ophthalmia neonatorum" if they fell over them. I doubt they could pronounce half these diseases, much less know when to report them.

Beyond the issue of the validity of Christian Science versus medical care are the legal intrusions of the Christian Science church. By obtaining exemptions from immunizations, excused absences from classes describing diseases, and protection from prosecution for child neglect..., Christian Scientists have unwittingly opened the door for other fundamentalist-type splinter groups and cults to abuse their children by allowing them to take advantage of these same laws. The CHURCH MANUAL, governing authority for the Christian Science church, does not specify legal lobbying efforts as part of the duties of Committees on Publication (which engineer such efforts). It is my belief, that given the changed environment in which we live today (as opposed to 74 years ago), such legal action should be suspended. The church has less to lose by undoing their exemptions and getting out of the law business, than by continually justifying these actions while innocent children die....

Most sincerely,
Janet Boas
Boston, Massachusetts