

Children's Healthcare Is a Legal Duty, Inc.

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THREE KANSAS CHILDBIRTH DEATHS TIED TO CHURCH OF THE FIRST BORN

On mid-November, 1985, a Wichita, Kansas, mother and infant died during a home childbirth attended by two lay midwives. The mother was a charter member of the local Church of the First Born, which discourages medical care. Her husband and the midwives were also members of the church.

The infant probably died days before delivery. It also weighed about twelve pounds. For hours the baby's head protruded, but could not move further. The mother insisted she did not want medical help. After she lost consciousness, her husband called an ambulance. The mother died of shock and septicemia. An autopsy was not done on the infant's decomposed body.

Who is a Midwife?

In 1978 the attorney general issued an opinion that anyone assisting with a birth was a midwife and therefore practicing medicine. In December, 1984, the Kansas Board of Healing Arts approved a motion that midwifery was the practice of obstetrics and should be limited to those licensed to practice the healing arts. Kansas law does not, however, require a state-licensed physician, nurse, or midwife to attend childbirth.

The district attorney's office considered prosecuting the midwives, but Assistant District Attorney Henry Blase said they decided against it because the parents and midwives were practicing their religious beliefs. The Kansas healing arts statute, which sets forth medical licensing requirements, makes an exception for anyone practicing religion.

Zany Historical Note

The religious exemption is, of course, the product of Christian Science lobbying. In Kansas, it was also helped during the 1920's by a Democratic governor, Jonathan Davis, who disliked the regular medical profession and had not gotten political support from it. Kansas then had a wonderful quack named Dr. J. R. Brinkley who transplanted goat testicles above human ones as a cure for impotence. Brinkley soon was charging between \$750. and \$1500. for this operation, shipped 50 goats a month from Arkansas, and brought much prosperity to Kansas. Governor Davis rejected

California's request for extradition of Brinkley. Kansas needed this millionaire!

Difficulties of Prosecution

Conceding that the state cannot charge Church of the First Born midwives with unlicensed practice of medicine, I asked Blase if he could not have charged them with child endangerment or involuntary manslaughter. He said he would have had to prove either a general criminal intent or gross or wanton negligence. Since the midwives were sincerely practicing religion, there was no criminal intent, and, since they had attended many childbirths in the past, there was not wanton negligence, Blase said.

Another Wichita infant died three years ago as its birth was attended by Church of the First Born midwives.

Henry Blase intends to develop and advocate legislation to improve protection for these children.

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DOES YOUR INSURANCE COMPANY PAY FOR PRAYER?

The Christian Science church is currently circulating to legislatures the following partial list of insurance companies who will reimburse for the bills Christian Science practitioners send for their prayer treatments and for church-trained "nurses":

Aetna Life Insurance Company
 Allstate Insurance Company
 American Mutual Liability Insurance Company
 Bankers Life Company
 Bankers Mutual Insurance Company
 Benefit Trust Life Insurance Company
 Blue Cross-Blue Shield, Massachusetts
 Colonial Life Insurance Company of America
 Confederation Life Insurance Company
 Connecticut General Life Insurance Company
 Connecticut Mutual Life Insurance Company
 Continental Assurance Company
 Equitable Life Assurance Society of the United States
 Fireman's Fund Insurance Company
 General American Life Insurance Company
 Guarantee Trust Life Insurance Company
 Hartford Life Insurance Company
 Horace Mann Life Insurance Company
 Insurance Company of North America
 John Hancock Mutual Life Insurance Company
 Massachusetts Mutual Life Insurance Company
 Monarch Life Insurance Company
 Mutual Life Insurance Company of New York (MONY)
 Mutual of Omaha Insurance Company
 National Bureau of Casualty Underwriters
 New England Mutual Life Insurance Company
 Northwestern Mutual Life Insurance Company
 Occidental Life of California
 Pacific Mutual Life Insurance Company
 PHA Life Insurance Company
 Phoenix Mutual Life Insurance Company
 Pilot Life Insurance Company
 Preferred Risk Life Insurance Company
 Provident Life and Accident Insurance Co.
 Prudential Insurance Company of America
 State Farm Mutual Automobile Insurance Co.
 State Mutual Life Assurance Company of America
 Sun Life Assurance Company of Canada
 The Travelers Insurance Companies
 Washington National Insurance Company
 Wisconsin Employers Insurance Company

On February 27, 1979, The Wall Street Journal reported that Blue Cross and Blue Shield in 14 states covers Christian Science prayer treatments as do the 15 largest life-insurance companies and 300 casualty companies. The church reports that its practitioners charge between \$7. and \$25. a day for their prayers.

Christian Science Psychiatrists?

A Massachusetts Blue Cross spokesman said that Christian Science treatment goes under a category similar to psychiatric care "where treatment and the success or failure are nebulous." Besides insulting psychiatrists, the spokesman ignores the fact that the church practitioners represent themselves as qualified to heal all diseases. There is nothing nebulous about the death of our son.

Reimbursements Contribute to Deaths

Surely many policy holders would be displeased to know that any part of their premiums goes to reimburse such quackery. Furthermore, the church uses the insurance company reimbursements as a powerful weapon for persuading legislators that Christian Science and medical science deserve equal recognition as health care systems. The reimbursements also contribute to persuading members that Christian Science will heal their children. In a brochure, the church says that "the widespread legal recognition" which "the right to rely wholly on Christian Science healing... for children... has already won rests on the proven ability of Christian Science to heal not some but all sorts of disease. Christian Science treatment in lieu of medical treatment has received full recognition by an increasingly large number of insurance companies." ("Facts about Christian Science," pp. 10-11)

Your Help Needed

We would be grateful if newsletter readers whose insurance companies reimburse for Christian Science services would raise a protest. Couldn't we simply point out that these services are not state-licensed? Surely insurance companies do not reimburse any other health-care providers who are not state licensed.

Rationalizations by Insurance Companies

No challenge to the Christian Science church is easy, however. Six years ago I wrote Blue Cross Blue Shield, which promptly disclaimed responsibility and knowledge of what their individual plans and groups did.

Metropolitan Life wrote a friend of ours:

"In all of our actions, we are bound by the terms of the contract that has been negotiated and by the state laws that apply to the area from which the claim has been filed. In some States of the Union, certain Christian Science Practitioners who have been designated by the mother church in Boston, Massachusetts are recognized for certain limited claim purposes.

This same situation applies to other members of the allied healing arts, such as psychologists, optometrists, chiropractors, etc.

As stated above, we are obliged to comply with the rules and definitions that have been established in various States of the Union."

A Case for ACLU?

Is it possible that states have passed laws requiring insurance companies to pay Christian Science practitioners? Since when can the American government force a person or a company to pay for prayers? Please let us know any information you have on this issue.

LYBARGER RECONVICTED FOR DAUGHTER'S DEATH IN COLORADO

On December 13, 1985, Jon Lybarger was convicted a second time for denying medical care for his five-week-old daughter, Jessica. She died of pneumonia on March 15, 1982, in Estes Park, Colorado, after several days of distressing symptoms. Her parents had founded a group called Jesus through Jon and Judy, which held that Jesus should be their only doctor.

As reported in our summer, 1985, newsletter, Larimer County District Court Judge William Dressel ruled Colorado's religious immunity law unconstitutional in 1982 and would not allow Lybarger to raise a religious defense. Lybarger was convicted of felony child abuse. However, the Colorado Supreme Court overturned the ruling on a technicality and ordered that Lybarger be allowed to present evidence about his religious beliefs.

I strongly wanted the religious immunity law declared unconstitutional on the Fourteenth Amendment ground that it denies equal healthcare protection to a certain class of children. But the more investigation I did, the more unlikely such an outcome seemed. I was told that such a ruling would not contribute to getting the defendant convicted, as Lybarger would still be entitled to present evidence as to his qualifications to raise a defense provided by statute. The Colorado Attorney General's office advised me that the Colorado Supreme Court would likely do everything possible to avoid ruling on the law's constitutionality. Apparently, it is preferable, from their point of view, to reduce the meaning of the religious immunity law to rubble than to rule it unconstitutional.

At a preliminary hearing in October, 1985, Judge Dressel again expressed his opinion that the law was unconstitutional. It speaks of treating children with the prayers prescribed in the "tenets" of "a recognized church" by "a duly accredited practitioner thereof" and was obviously written as a privilege just for the Christian Science church.

Prosecution for Abuse not for Prayer

Faced with the Colorado Supreme Court's ruling, though, Dressel allowed Lybarger to raise religion as an affirmative defense at his second trial. But Dressel also ruled that the religious defense did not apply to life-threatening situations. He based his ruling on a recent case in which a Colorado boy identified as D.L.E. was adjudicated neglected despite his parents' religious objections to medical care. Dressel also ruled that the "for that reason alone" phrase limits the application of the law. The law says that no child getting a certain kind of prayer treatment "shall, for that reason alone, be considered to have been neglected." In other words, as

Dressel saw it, the state cannot prosecute parents for using prayer treatment, but can if they endanger their child by withholding medical care.

At his second trial, in December, Lybarger spoke of how many times his children had been healed through his own prayers and those of church elders called to their home. He cited healings of mumps, scarlet fever, and colds. "I believed in the Lord. I believed He would heal my daughter," he said.

What does the Bible say?

District Attorney Stuart Van Meveren asked him if there was any verse in the Bible that prohibited Christians from seeking medical attention. Lybarger admitted there was not.

But Lybarger saw Jessica Ann's illness as a spiritual battle. He thought Satan was trying "to take her away and the Lord was giving her back."

Lybarger is still crushed with grief over the loss of his daughter. He cried while recounting how his wife brought the dead baby into his room.

"We prayed, I guess initially we tried CPR and then just started beseeching the Lord... [to] call her back."

"Three years can't heal a wound like that," he said.

The Real Issue

The jury deliberated only two hours before finding him guilty of felony child abuse. To Van Meveren, the verdict meant that you "can't impose your religious beliefs on another person to their detriment." The jury foreman said that the jury considered Lybarger's testimony about his religious beliefs irrelevant to the real issue, namely that he was responsible for his daughter's welfare.

Lybarger was sentenced to six years probation and 2,496 hours of community service. The public defenders who represented him have said they will appeal the verdict again and will again challenge Dressel's ruling on the religious immunity law.

I would have been happier if the ruling against the law as unconstitutional had stood. This latest round in Colorado follows recent trends in Indiana and California where courts have interpreted religious immunity laws to mean virtually nothing.

At least, though, I was pleased that the Colorado court did not follow the argument of the Christian Science church's amicus brief--condemning "novel" types of faith-healing, while defending the right of prestigious churches to deny children medical care. The reconviction of Lybarger means that nobody's religion is a justification for letting a child die.

VERMONT FINALLY WINS ONE

Vermont state government has been repeatedly frustrated in its efforts to protect children associated with the North-east Kingdom Community Church in Island Pond. Receiving most press attention was the state's predawn raid in June, 1984, when 112 children were taken into custody. This operation was thwarted by a judge who refused to give the state 72-hour temporary custody so that the children could be professionally examined for evidence of child abuse. The judge said the state had to obtain warrants for taking custody of specific children and have evidence that those particular children were abused.

The state has also had several defeats since then. Perhaps saddest and most exasperating was the dismissal of assault charges against Charles "Eddie" Wiseman, a church elder. In May, 1983, Wiseman allegedly held a seven-hour discipline session with 13-year-old Darlynn Church in which she was forced to strip to her underpants and beaten repeatedly with a wooden rod. Darlynn and her father, Roland Church, defected and described these beatings to authorities.

Honorary CHILD Member Helps Victims

Suzanne Cloutier, an honorary member of CHILD, Inc., has been fighting the church's disciplinary practices for the past three years. She led a boycott of the church's Common Sense restaurant and other local enterprises. She and her family have incurred estimated expenses of nearly \$5,000. by taking in 30 defectors.

The Cloutiers sheltered Roland Church and Darlynn in their home for a year. Mr. Church ran his farrier business out of Suzanne's home. She answered the phone for him, fed his family, etc. Suzanne has four children of her own and works as a nurse.

Recantation Kills Case

But when the state brought its case against Wiseman to trial in August, 1984, Roland Church suddenly rejoined the church and recanted his deposition.

At a press conference Church claimed that he defected because horseshoeing had become his "God" and the church had asked him to spend more time with his family. He charged that Suzanne had encouraged him to fabricate the account of his daughter's beating and called on Suzanne to repent. Significantly, Church would not allow the press to talk with his daughter or wife. Also, a medical examination of Darlynn, shortly after her defection, showed 24 welts on her legs.

Church's recantation delayed the trial for months. In June, 1985, the district judge dismissed it because Wiseman had been denied his Constitutional right to a speedy trial. In November, the Vermont Supreme Court rejected the state's appeal of the dismissal, saying that such appeals are not allowed in misdemeanor cases.

A similar case against a Mr. Pendergrast also had to be dismissed because of defections of witnesses.

A year later, Church and Darlynn defected a second time. They didn't ask the Cloutiers to take them in again, but someone did call Suzanne last week and ask her to buy farrier supplies for Church!

Wiseman's public defender, Jean Swantko, also made a dramatic change in her faith. She moved in with the commune, joined its church, and resigned as a public defender. She said she was drawn to its "truthfulness," to its active, committed living of its beliefs, which she "rarely" saw in people's religion.

Convict Sentenced to Serve Church

A third dramatic conversion came to light on January 24, 1986, when 21-year-old convict Brian McGiven asked the court to let him serve his probation in the commune. Judge Joseph Wolchik, ironically the same one who had approved the state raid, sentenced him to live at the commune and do up to 5 years community service work for it. The Orleans County District Attorney was angry; he pointed out that the church rejects modern society as evil, so life there would not prepare him for reentering society. He also labelled it unconstitutional for the state to sentence someone to join a church (an elder said they expected anyone who lived with them to make a commitment to the church within 30 days). But Judge Wolchik said it was just like sentencing someone to Father Flanagan's Boys' Town.

Unrecorded Births and Deaths

Births and deaths of sect children are not always recorded. In the last five years, officials have investigated four unreported deaths of sect children. One infant's body has been exhumed at the church's unmarked graveyard. Commune reliance on paramedics and a makeshift health facility may have led to the deaths of three infants, including one whose meningitis was misdiagnosed as an ear infection. A state trooper said one of the dead babies weighed only 13 pounds at eight months, but had never been brought to a hospital.

Vermont has filed no charges against the parents in these cases, either for neglect, endangerment, or unlawful disposal of remains.

Authorities Thwarted

John Burchard, head of Vermont Social and Rehabilitation Services, says his workers spent almost three years before the raid trying to investigate abuse reports. He tried direct meetings with members, stationing social workers in the community, and serving summonses on members. Children were moved from house to house and even to and from a church satellite in Nova Scotia. "We would go to a house with a specific warrant and they would deny they knew the person. Or they would change names and, as far as they were concerned, the old person never existed. It was never clear which child belonged to which adult," he said. That was why he sought a general warrant to take all the children into custody.

Truancy Laws Upheld

On January 20, 1986, however, Vermont won a court challenge to the sect's childrearing practices. Judge George Ellison ruled that two sect parents have violated truancy laws by not having their son in a school or home study program that meets state requirements.

Vermont's education requirements are already shockingly poor because of fundamentalist lobbying four years ago. The state has no power to inspect what it calls "reporting private schools." Such schools need only provide the state a list of their students and assure the state that they do the following: keep attendance records, assess each pupil's progress at least once a year and keep records of that assessment, and have teachers and materials sufficient to provide a minimum course of study, including communication skills, citizenship, history, and government, physical and health education, literature, and natural sciences.

Copies of such assurance forms are sent to each student's parents. If the school doesn't keep its promises, "the parent has recourse to seek relief through consumer fraud action," said a Department of Education administrator. But the state itself does not have the right to look at the school's records on attendance or learning, at the qualifications of the teachers, or even at whether the school in fact does have teachers and textbooks.

All people have to do is tell the state they are operating a school and supply a list of the students. It is as simple as getting a driver's license or identifying oneself to a border guard, the state argued. But the Northeast Kingdom Community Church refused even to sign the form or supply names of their students.

Church officials conceded the necessity of civil government regulating highway traffic, "but when it comes to our children, who are given to us by our Father in heaven, we are charged with the solemn responsibility to raise them in the way they should go," they argued. Registering as a school "would begin the end of our ability to survive as a spiritual people," they testified.

The church has announced its intention to appeal the ruling. If upheld by the higher courts, the ruling may eventually give the state the names of the children living at the commune. That in turn may make it possible to identify bodies and to charge specific parents with child abuse.

Major articles about the Northeast Kingdom Community Church include the following:

"Suffer the Children," Boston Phoenix, April 19, 1983; "Troopers Crack Child Abuse Sect," Boston Herald, June 23, 1984; "Persecution at Island Pond," Charisma, November 1984; "Horror at Island Pond," New England Monthly, December 1984; and "The Cult that Scourges Children," Newsday, September 4, 1985.

SOME CHILD ENDANGERMENT TIED TO CULTURE

The press has mentioned culture as a defense in several recent court cases. The most sensational was that of Japanese immigrant Fumiko Kimura in Santa Monica, California, who was charged with first-degree murder for the deaths of her children. When Kimura learned that her husband was keeping a mistress, she felt like a failure as a wife and mother and attempted to drown herself and her children in the ocean. The children died, but she was rescued.

In Japan, parent-child suicide, or oyako shinju, happens almost daily. According to the May 6, 1985 Newsweek, a parent who survives is "rarely punished because of traditional beliefs about the honor of suicide and the closeness of the parent-child bond; a mother who commits suicide without her children--thus dooming them to the disgrace of living in an orphanage or with a single parent--is scorned as an oni noo you na hito, a demonlike person. A woman in Kimura's position would be pitied in Japan; the shame of having failed at her own suicide would be regarded as punishment enough."

Lauren Weiss, who handled the case for the Los Angeles County District Attorney's Office, said that Kimura's attorney decided against raising culture as a defense because it would indicate premeditation. After her psychiatric report was presented, she was allowed to plead guilty in November, 1985, to voluntary manslaughter and was sentenced to 15 months in jail, 5 years probation, and mandatory psychiatric counseling.

Culture has also figured in some detrimental remedies for treating sick children. A Vietnamese folk remedy for bringing down a fever is to run a hot coin over the body. Vietnamese immigrant children treated this way have suffered visible burn marks that prompted child abuse reports.

In Iowa health officials have met with Asian community groups to alert them to the dangers of a Chinese folk remedy containing calomel. It is being sold in some of the state's Oriental food stores and is used to rid children of parasites. Prolonged use can cause mercury poisoning.

LANDA PUBLISHES

CHILD Board member Shirley Landa has written "Hidden Terror: Child Abuse in 'Religious' Sects and Cults," the lead article in the journal Justice for Children, vol. 1, no. 3 fall 1985. The address for the journal is P. O. 42266, Washington D. C. 20015. Congratulations, Shirley!

WASHINGTON MEASLES CASES CLIMB ABOVE 100; RELIGIOUS EXEMPTIONS CONTRIBUTE TO SPREAD

The Federal Way School District near Seattle has had over a hundred cases of vaccine-preventable measles since September 10. Some cases have occurred in children who were vaccinated before they were 15 months old. A few mild cases have occurred among children who were properly vaccinated; most vaccines have about a 5% failure rate. Many occurred among children whose parents did not have documentation on what immunizations their children had received or when. But several cases also occurred among children whose parents had filed religious exemptions from immunizations.

At Kilo Junior High and Decatur High School, for example, eleven percent of the measles cases occurred among students who had filed for religious or philosophical exemptions from immunizations, even though students with such exemptions constitute less than one percent of the student populations at those schools.

25 Cases Traced to Religious Exemption

Furthermore, one boy whose parents had signed a religious exemption form spread measles to 25 other children in Federal Way.

Washington law does not allow the state to order immunizations in a public health emergency, but it can exclude unimmunized students from school. Over 1000 students without proper immunization records or with no immunizations at all were excluded from school. When the families learned that these children would be excluded from school for an entire month, most of them got proof of vaccination. Only 17 students maintained their religious or philosophical objections and stayed out of school for the full month.

In the spring of 1984 there were more than 100 measles cases in King and Snohomish Counties. School officials found 2,500 students whose immunization records were not up to date. Last summer the Washington legislature passed a new immunization law. It eliminated a 45-day grace period that parents used to have for getting the shots after the start of school. The new law continued to allow religious and philosophical exemptions from immunizations.

Forewarning Rejected

Our board member, Shirley Landa, wrote dozens of letters to legislators and the press protesting these exemptions. She wrote to everyone who testified for the bill--representatives of school nurse organizations, the Department of Social and Health Services, the state medical association, etc. But no-one else would join her protest.

As usual, the defenses she got were that the larger good was served by avoiding a fight with churches. One legislator "confess[ed]" to being "somewhat paranoid about some of the religions."

Fourteenth Amendment Violated

CHILD, Inc. believes that immunizations should be required without exemptions for religious or philosophical beliefs. Mississippi and West Virginia are currently the only states who do not have religious exemptions. In 1979 the Mississippi Supreme Court overturned religious exemptions in the case of Brown v. Stone. The court relied upon the Fourteenth Amendment guarantee of equal protection, declaring that children should have equal protection under the law. The U. S. Supreme Court had been asked to review the case, but in the interim Mr. Brown had moved out of the school district, so the High Court could not consider it further.

The Brown v. Stone case suggests that all religious exemptions from healthcare requirements may be unconstitutional. At a minimum, it is evidence that they are not mandated by the First Amendment's guarantee of religious freedom. Yet most public officials have a fuzzy assumption that they must grant any religious exemption the Christian Science church asks for.

Three Other Outbreaks Tied to Exemptions

The year 1985 had massive evidence of the dangers of religious exemptions from immunizations. There were 187 cases of rubeola measles at two Christian Science institutions, including three deaths of young people from the pneumonia that followed. The outbreak in Federal Way, Washington, continues and has been exacerbated by religious exemptions.

Also, this spring a child with a religious exemption was the index patient for a measles outbreak that spread to 137 persons at the Blackfeet Indian Reservation near Glacier National Park. About 15 children on the reservation, among a population of 6,000, had filed for religious exemptions from immunizations, based on historic tribal beliefs. One of these children was exposed to measles during a trip to California and then spread the disease throughout the reservation. Quarantine orders were widely ignored, partially because of a basketball tournament.

Reasons for Requesting Exemptions

A variety of groups object to immunizations as "foreign substances" or "toxins" that should not be put in the body. Herbert Armstrong, founder of the Worldwide Church of God, calls vaccines "monkey pus" and dangerous. Certain pentecostal sects oppose them because Jesus should be their doctor. Christian Science takes no interest in health foods or theories about keeping the body pure and natural. Christian Science believes that the material body is unreal, that germs do not exist, and that all "material" efforts to prevent or treat disease are sinful.

"Do you reject utterly the bacteria theory of the propagation of disease?" Christian Science founder Mrs. Eddy was asked.

"Oh," she said, "entirely. If I harbored that idea about a disease, I should think myself in danger of catching it." (Mary Baker Eddy, First Church of Christ, Scientist, and Miscellany, p. 344)

To this day, the Christian Science church maintains this sweeping rejection of well-proven facts about the cause and transmission of disease. It holds that daily "metaphysical work" denying the existence of disease, germs, and even the material world and affirming man and God as only spiritual gives perfect, scientific immunity to all disease.

Comparison to Underdeveloped World

Most Christian Science children do not contract vaccine-preventable diseases. Why? Because they are a very small percentage of the population and because they generally live in upper middle-class neighborhoods where everyone around them is vaccinated. They also enjoy all the benefits of city water treatment to kill pathogens and of other modern sanitation measures. Yet Mrs. Eddy says, "The less we know or think about hygiene, the less we are predisposed to sickness." (Science and Health with Key to the Scriptures, p. 389)

The Christian Scientists are parasites, sponging off everybody else's immunizations and sanitation, while claiming that their good fortune has come by denying the validity of such things. If Christian Science were tried on a wide scale in a population without the high standards of public health in America, the number of tragedies would be staggering. As a Center for Disease Control spokesman said of the Christian Science deaths last spring, "That's the kind of mortality statistics we see [in the undeveloped world]."

The United Nations Children's Fund has a goal to immunize every child in the world by 1990. About 3.5 million children die each year from vaccine-preventable diseases. UNICEF has recently reported development of methods for transporting vaccines without refrigeration in hot climates. UNICEF estimates the costs of complete immunization in developing countries at \$5. per child.

When I see the enormous number of children whose lives could be saved with vaccines and the dedication of UNICEF to making it possible, people with religious objections to immunizations look even more selfish to me. We could wipe out measles, diphtheria, and polio from the face of the earth, just as smallpox has been eradicated. These diseases are not spread by mosquitos or anything else in the environment, but only by people.

CHICAGO BOY'S DEATH MAY BE TIED TO RELIGION

On August 30, five-year-old Jeffrey Crawford died of dedrydation and gastroenteritis in suburban Chicago. Police and paramedics said he had been dead at least three hours before they were summoned.

Jeffrey's great aunt told investigators that his parents prayed over him and rejected relatives' pleadings to get medical help because of their affiliation with the United Holiness Church of God through Christ. She said Jeffrey had such severe diarrhea that his mother had put him in diapers, a high fever, and, later, hallucinations. A few days before his death, the great aunt said she visited their home and saw the pastor daubing Jeffrey's forehead with oil and making the sign of the cross.

According to the press, the family gives a high percentage of their money to the United Holiness Church and is very poor. While their children were ill, their electricity and gas services were cut off.

Court Orders State Supervision

The Illinois Department of Children and Family Services went to Juvenile Court arguing that parental neglect caused or contributed to Jeffrey's death. The court ordered state supervision of the other children.

Outside the courtroom, the parents denounced the great aunt and other relatives as liars. They said they have no religious beliefs against doctors or medicine. They pointed out that their children were born in hospitals and that their pastor had recently been hospitalized. They described the court hearings as a test from Satan.

The parents say their son was sick for three days. The pathologist says it might have been several days more than that.

CALIFORNIA CHRISTIAN SCIENCE DEATHS ORDERED FOR TRIAL

On January 13, the California District Court of Appeals made a 3-0 ruling that Christian Scientist Laurie Walker must stand trial for allowing her four-year-old daughter, Shauntay, to die of meningitis without medical care. Walker is charged with felony child endangerment and involuntary manslaughter.

Her attorney says he will either petition the District Court for a rehearing or appeal again to the state supreme court.

U. S. News and World Report is preparing an article about the three California prosecutions of Christian Science parents for deaths of children. It should appear in a February issue and include information about CHILD, Inc.

CHILD, INC. REPRESENTED AT NATIONAL CONFERENCE ON CHILD ABUSE AND NEGLECT

The Seventh National Conference on Child Abuse and Neglect was held in Chicago November 10 through 13, 1985, with over 2,400 participants. Several hundred CHILD flyers were passed out, and CHILD was also listed as a resource in a directory of organizations distributed at the conference.

I also spoke at a workshop. This turned out to be a frustrating experience. Four years ago when I spoke at the Fifth National Conference on Child Abuse and Neglect, the Christian Science church raised such a commotion that I wanted to direct my talk away from them. I submitted proposals to talk either about all the concerns of CHILD or about the inadequate perception of children's rights by the child protection bureaucracy. For the latter, I suggested that someone from HHS or a state agency represent "the other side" in a panel format.

My talk was assigned the innocuous, noncommunicative title of "Child Protection and Children's Rights" and put with a talk on corporal punishment in schools. The copresenter and I walked into the room for our workshop, thinking we would each have an hour for our presentations. To our astonishment, there were Marjorie Wessner, a lawyer from Christian Science headquarters in Boston, and Robert Johnson, the church's Illinois lobbyist. They told us Wessner had been "invited" by the conference organizers to speak. Even without knowing what I was going to say or talking to me about it, the federal government decided that the Christian Science church should be given equal time.

My talk summarized all of CHILD's concerns. It also discussed religious exemptions from duties of care and the legal problems they raise. Inevitably, I discussed Christian Science lobbying, since that church does virtually all the lobbying for the exemptions.

Slander

Wessner's talk was really not responsive to mine at all. She did not discuss the exemption laws.

She opened her talk with the statement that I had waited for two years after my son's death to begin my "crusade" against her church, that two years was the statute of limitations for bringing criminal charges in Michigan (where he died), and she just thought that needed "to be clarified." I was furious with her insinuation--considering that two years is not the statute of limitations in Michigan, that I had been trying to get the press to cover our son's death for at least a year before it did, and that many people were aware of the circumstances of his death long before that. But her talk was the last word of the workshop, and I could not reply to her.

Undocumented Healing Claims

Much of her talk focused on outbreaks of vaccine-preventable disease among Christian Scientists. She said that the first student to die in the measles epidemic at Principia College last spring had been vaccinated for measles. That was true--she had been vaccinated with the killed virus before she converted to Christian Science. Subsequently, the much more effective live virus vaccine has been developed. But to Wessner it showed that vaccines didn't work. She talked about the polio outbreak at the Christian Science school in Connecticut. She said that one of the children had turned to medicine and "we don't know how that came out," but all the rest were completely healed in Christian Science, except for two with "very slight evidence." Other observers have told me, however, that four of the children who contracted polio then remain paralyzed.

She read a letter from a Christian Scientist who is married to a cardiology professor at Harvard University Medical School. The lady said they have raised six children, using only Christian Science treatment for their health care. I thought that might be a neat arrangement--the M.D. knows whether the illness is serious or trivial, and the lady can do her metaphysical work on the colds and mumps without paying a penalty for ignorance. The lady also said that those of her children who had stuck with Christian Science after they grew up were healthier than the ones who had left it. "What a loyal mother," I thought.

The best part of my journey to Chicago was meeting the other workshop presenter, who spoke with great conviction about psychological and physical damage done to children by corporal punishment in schools.

SURVIVALIST GROUP LEADER CHARGED WITH CHILD'S DEATH

A former member of a survivalist group testified December 16, 1985, in a Falls City, Nebraska, court about the abuse and death of his son.

Rick Stice, 29, said the abuse was ordered by group leader, Michael Ryan, because five-year-old Luke Stice had displeased their god Yahweh. An attorney also said the boy was abused by group members because they thought he was the bastard child of an American Indian and Stice's first wife. The boy was rolled in snow while wearing only underwear, held under cold water, and beaten. Rick Stice admitted participating in the abuse.

Fear of Yahweh

Stice testified that he left the group's farm in March, but did not take his other children with him because he had "an instinct" they would not be hurt. He said he did not report the deaths of his son and an adult, James Thimm, to authorities until August because he was afraid of Yahweh.

Michael Ryan is charged with first-degree murder in Luke Stice's death. His son, Dennis Ryan, 16, is charged with participating in the murder of Thimm. The December court hearings dealt with whether Dennis should be tried as an adult.

James Cole, a psychologist at the University of Nebraska, testified that Dennis would likely benefit from being treated as a juvenile and had potential for rehabilitation. From Cole's description, Ryan's behavior fit the typical rationalizations of cults. Ryan reportedly is convinced that Yahweh actually shot Thimm because the safety was on the gun and his finger was not on the trigger. Cole also reported that Dennis admires his father completely as a leader for Yahweh and considers him a martyr.

Despite testimony about cultic pressures upon Dennis, the court ruled that he must be tried as an adult. The case is scheduled for trial in February. The survivalist group may be an offshoot of Posse Comitatus or Aryan Nations.

OKLAHOMA PARENTS ACQUITTED IN DAUGHTER'S DEATH

In Guthrie, Oklahoma, a Logan County District Court jury acquitted Tom and Connie Sorrell on April 18, 1985, of second-degree manslaughter charges for withholding medical care from their daughter. Four-year-old Vickie Sorrell died June 20, 1984, of Rocky Mountain spotted tick fever. Her parents attend a local Church of God Chapel, which reportedly teaches against medical care.

Vickie and her brother had been ill since June 10 with a fever and rash. In opening arguments, a defense attorney called the symptoms indicative of chicken pox, even though Mrs. Sorrell herself later testified that she knew the illness was not chicken pox because no pock marks formed.

According to a Guthrie detective, the parents said June 18 was the last day Vickie could talk and by June 19 she had lost consciousness and bladder control. Sorrell also told the detective that by June 19 he knew "the Lord would take her or heal her."

Police Had Been Notified

Responding to an anonymous call, a policeman had come to the Sorrell home to inquire about sick children on June 16. The policeman said he was met at the door by the pastor, who described the children as sick, but improving. The policeman did not observe the children himself or talk to the parents.

A doctor testified for the state that the maternal grandparents had called him to report the girl's death and had said medical care had been withheld on religious grounds. Her grandfather testified that he thought God could heal any illness and that the family made a decision to let God handle Vickie's illness.

Church's Position Unclear

Nevertheless, the church's actual beliefs about medical care were difficult to determine. The pastor testified that the church "encourage[d] faith in God as the most profitable, effective and beneficial treatment of sickness." The Sorrell's children were born in a hospital and had received check-ups at the county health department. These procedures did not violate their religious beliefs, the pastor testified. The children had not been immunized, however.

Their paternal grandmother was a registered emergency medical technician and certified nurse's aide. She came from Missouri at the parents' request to help care for the children June 14 through 17. Although the family had seen ticks on the children, she advised the mother that they probably did not have tick fever because two children rarely develop that non-contagious disease simultaneously. (However, the brother did have tick fever and got medical treatment for it after his sister's death.)

Reasons for Acquittal

Because the parents had sought help from a relative with some medical credentials and had other contacts with medical help in the past, the jury was likely more inclined to believe defense arguments that the parents simply did not recognize the seriousness of their daughter's illness. The defense contended that the parents had a right to expect Vickie to get better, since her brother, who also had a rash and fever, appeared to be improving.

The defense also raised familiar arguments that people can die of tick fever despite medical care, that the antibiotics for treating it can have dangerous side effects, that some people recover from tick fever without medical treatment, and that many parents pray for their sick children.

CANADIAN COURT ALLOWS JEHOVAH'S WITNESS CHILD TO REFUSE BLOOD TRANSFUSIONS

On November 1, 1985, a Toronto family court rejected Toronto Children's Aid Society petition for temporary wardship of 12-year-old Lisa K., so that blood transfusions could be administered to her. Lisa had acute myeloid leukemia. She and her Jehovah's Witness family travelled throughout the continent seeking megavitamin therapy and other treatment without blood transfusions. Lisa told the court she would physically fight any attempts to give her transfusions.

This is apparently the first occasion in Canadian jurisprudence when a court has rejected a petition for a blood transfusion. They have been routinely approved in Canada and the United States since the Illinois case of *People v. Labrenz* case in 1952.

Extenuating Factors

Some factors that were likely important in the court's decision were Lisa's ability to articulate her own religious beliefs, the family's expenses in seeking treatment, and testimony indicating that the disease was fatal with or without blood transfusions. Also important was that Lisa was represented by a Jehovah's Witness barrister, Sara Mott-Trille, and the parents were represented by Glen How, who is likely the most prominent Jehovah's Witness barrister in Canada.

How authored "Religion, Medicine, and the Law" in the 1960 *Canadian Bar Journal* 3:365-421. The article argues that it is Naziist for the state to impose blood transfusions on Jehovah's Witnesses. The article argues that Christian Science and faith-healing parents show "complete abandonment" of their parental obligations and that the state should therefore intervene to protect their children with medical care, but should allow the Witnesses to select one type of medical treatment--that without blood transfusions. How describes blood transfusions as dangerous and as a passing medical fad that will look as silly to a future generation as bloodletting does to us today.

Another pertinent factor in Lisa's case was that the hospital gave her one transfusion without her consent and without a court order. Judge David Main was properly indignant. But his ruling went beyond that. Invoking Canada's Charter of Rights and Freedoms adopted in 1982, Judge Main prohibited any blood transfusions against her will on grounds that her rights to "security of the person" could not be discriminated against on the basis of religion and age.

Without passing judgment on the merits of this case, CHILD, Inc. views the implications of Judge Main's language with grave concern. We believe that a child old enough to understand should be consulted, but we do not believe that s/he has the right to decide to die when a reasonable

chance for life exists. If courts start ruling against lifesaving medical treatment as religious discrimination in children's cases, we will soon be back in the dark ages on this issue.

Children too readily become the mouthpiece for their parents' beliefs. Many children do not want to be rescued from an abusive home because it is the only security they have known. Some beg to be beaten. The Texas children described in our article on exorcism told authorities their injuries were self-inflicted despite the torture they had suffered.

Transfusions Necessary for Treatment

An oncologist who belongs to CHILD, Inc. said it would be impossible to treat myeloid leukemia without transfusions. He also said the disease has at least a 20% cure rate with chemotherapy and transfusions and that the percentage will go up if the patient has a sibling who can donate bone marrow.

Lisa died two days after the court ruling.

MEDICAL TREATMENT ORDERED FOR CINCINNATI BOY OVER RELIGIOUS OBJECTIONS

The First Ohio District Court of Appeals has ordered chemotherapy administered to seven-year-old David Willmann. The Cincinnati boy was diagnosed as having bone cancer in October. At first, the parents allowed chemotherapy, as a prelude to surgery. But later the parents told the doctors they would not allow surgery.

Children's Hospital took the case to Juvenile Court, but by the time a hearing was held in December, the Willmann family had left on what they said was a preplanned four-week vacation.

The hospital obtained custody of David on January 11. Dr. Ralph Gruppo testified that chemotherapy and surgery would give David a 60 percent chance of survival, but that he would die in a year without them.

On January 14, the appellate court upheld a lower court order for chemotherapy, but ruled that the hospital must return to the court and petition again for permission to amputate the boy's arm after determining that such surgery is medically necessary.

"David was healed 2,000 years ago when Jesus Christ died on the cross," the boy's father testified. "The blood he shed on the cross healed us from all sickness. The only way we can achieve that healing is to have faith and believe that it has happened."

"This court will join Douglas and Lori Willmann in their prayer that their son is either cured or will be without surgery," Judge Shannon said. "But the hospital has the option of returning to court if doctors deem surgery is necessary."

The parents have not told the press what church they belong to.

SATANISM A GROWING PROBLEM

A speaker at the Wingspread Conference on cults held in Milwaukee last fall called satanism the cult of the '80s. While the young people who joined the "new religions" of the '70s were generally intelligent and idealistic, she said most young people who join satanic cults have a very low self-image and no hope of making it in our society.

In the Las Vegas Review Journal of March 6, 1985, Nadine Bleeker, a family counselor, writes that almost all the adolescent sexual offenders she sees are involved in some sort of devil worship.

Kenneth Wooden, Director of the National Coalition for Children's Justice and an honorary member of CHILD, is distributing a questionnaire about satanism to law enforcement personnel for help in interviewing teenagers about such activities.

Position of U. S. Senate

Concern about satanism has grown since ABC's 20/20 did a program about it on May 16, 1985. Senator Jesse Helms, R-NC, has introduced an amendment to prohibit the IRS from allowing tax-exempt status to "any cult, organization, or other group that has as a purpose, or that has any interest in, the promotion of satanism or witchcraft." The amendment defines "satanism" as the worship of Satan or the powers of evil" and "witchcraft" as "the use of powers derived from evil spirits, the use of sorcery, or the use of supernatural powers with malicious intent." The amendment passed the Senate by voice vote and without debate or dissent.

Speaking for myself, I doubt this approach is constitutional. Given our First Amendment, we have to let people worship cows or totem poles or anything else. And can courts determine who uses powers "derived from evil spirits"? In my view, our system of government must confine itself to penalizing and outlawing the tangible injuries committed or encouraged by persons and groups, without regard to their religious beliefs.

COMMUNE CHILD ABUSER CONVICTED

In December, 1985, Patricia Paskell, 18, was convicted of assault and criminal mistreatment of several children at the Good Shepherd Tabernacle in West Salem, Oregon. The commune leader, Ariel Ben Sherman, remains at large.

EXORCISM

We continue to get reports of children being injured or killed by exorcism and Satanic rituals. A reporter told me of a Chicago baby drowning on January 12th when his mother held him under water to rid him of demons.

On January 31, 1985, a Dallas family was sentenced to life imprisonment for torturing their children. Police said the children were regularly whipped with cords, submerged in scalding and icy water, imprisoned under beds and gagged while their hands were held over open flames. They were hospitalized with severely scalded feet and bones protruding from their burned hands. One child's finger had to be amputated.

The family had recently moved from Louisiana's Cajun region and spoke of hexes and demons taking possession of their children. According to one police investigator, the family spoke of their treatment of the children as chastisement and claimed "these kids wouldn't mind and God didn't want them to goof up."

TREASURER'S REPORT

CHILD members and friends were quite generous in 1985. For the first time, CHILD finished the year in the black. During the last quarter the revenue exceeded \$1400. This allowed us to purchase a printer at last. We are delighted with its new features, which you may notice in this issue, and it also saves Rita many 22-mile round-trips to Doug's office. We were also able to buy a third filing cabinet. This was quite necessary as the Swan's two cabinets had been supplemented by several cardboard boxes.

For 1985, the total revenue was \$4386.45. The expenses for the year were \$3870.68. After some cumulative debts were paid, the year-end balance stood at \$316.16. Thank you for your support.

At the end of 1984, we had 53 members in 19 states and set a goal to double both figures. We came close. At the end of 1985, we had 97 members in 30 states, the District of Columbia, and two provinces of Canada. The states where we still have no members are: Alaska, Arkansas, Delaware, Hawaii, Idaho, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, and Wyoming. Does anybody know some potential friends for CHILD, Inc. in those states?

ON CHILD, INC. MEMBERSHIP

CHILD, Inc. is dedicated to informing the public about child abuse and medical neglect on religious grounds and law-enforcement personnel's response to them. Membership is by application to the Board of Directors. Dues for an individual or a family are \$15. a year. All donations and dues are tax-deductible.

The only requirement for membership in this organization is general agreement with its aims as expressed either by the applicant's training, vocation, community service activities, or reading done on the topic of child welfare, especially on religiously-based medical neglect or abuse. If you would like to join CHILD, please fill out the information requested below and mail it to CHILD, Box 2604, Sioux City IA 51106.

Name _____

Address _____

Phone number _____

Education _____

Vocation, community service activities, or reading _____

I believe children are entitled to care for their physical and emotional health, including food, clothing, shelter, medical treatment, and protection from physical abuse.

Signature and date _____

CHILD, Inc.
Box 2604
Sioux City, IA 51106

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