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In memoriam, Amy Kathleen Hermanson
July 16, 1979 — September 30, 1986

*A simple child,
That lightly draws its breath
And feels its life in every limb,
What should it know of death?*

"We are Seven" by Wordsworth

INSIDE

Religious exemptions in Florida.....	2
Diabetes---touchstone of truth.....	4
Law student advocates religious defense.....	5
Ohio news.....	6
State should stop needless deaths by Edward Mortimer Jr., M.D.....	7
Convictions won in child slavery case.....	8
CPS investigation thwarted in Texas.....	9
Mark Twain's <u>Christian Science</u> reissued.....	9
Oklahoman convicted in daughter's death.....	10
HHS supports Alaska exemptions.....	11
North Carolina to enforce spanking ban.....	11
Redbook article on CHILD.....	12
Boston D.A.: no decision on Christian Science boy's death.....	12

CHRISTIAN SCIENTISTS ARRESTED FOR MURDER IN DEATH OF DIABETIC CHILD

Christine and William Hermanson of Sarasota, Florida, were arrested November 5 and charged with child abuse, manslaughter, and third-degree murder for the death of their seven-year-old daughter, Amy, to untreated diabetes on September 30. She received no medical care because of her parents' membership in the Christian Science church. The parents were released without bail.

According to information filed by Assistant State Attorney Patrick Whitaker, the couple admitted that "diabetes had been suggested" before her death as the possible cause of Amy's illness. Also, Mrs. Hermanson's father is diabetic, so she might be familiar with the symptoms of the disease through him. (He and many of her other relatives are Presbyterian.)

Whitaker charges that her parents had a duty under the law to provide Amy with medical care.

Absent treatments

Mr. Hermanson told the press "Amy was getting the best of care" from church practitioners the entire time she was sick. The parents reportedly retained their Christian Science teacher, Thomas Keller of Indianapolis, to give Amy absent treatments.

Mrs. Hermanson owns and directs Sarasota's Fine Arts Academy where music and art lessons are given. Both Amy and her nine-year-old brother Eric took lessons there. Amy was learning to play the harp as well as the piano.

Mr. Hermanson is a senior vice-president of a savings and loan institution and first reader of their local church.

HRS decision

The Florida Department of Health and Rehabilitative Services (HRS) acknowledged receiving a report on Amy. HRS District Administrator Ray Ward said: "We got a complaint. Our case was closed as unfounded. As far as the interpretation of Florida statutes we deal with, there was no abuse." Presumably, Ward is referring to the religious exemption from abuse and neglect charges. Ward refused to say when HRS received the report.

In an apparently contradictory development, informed sources said that a court hearing was held about Amy on the day of her death, and that HRS had obtained a verbal order to get her medical care.

A church nurse at work

Both HRS and Mr. Hermanson notified the sheriff's office after Amy's death. Another report came from Mary Jane Sellers, a Christian Science nurse in Amy's home.

Sellers called the 911 emergency number at 1:48 p.m., September 30. A tape recording of the call shows that when Sellers was asked to explain the problem, she said, "A little girl wasn't well and has just taken a turn for the worse."

The dispatcher asked, "Is she conscious?"

"No," Sellers replied.

"Is it a heart condition, or what's the problem?" the dispatcher asked.

"I don't know," Sellers replied.

"We're on our way," the dispatcher said.

Sellers is certified by the church as a graduate nurse, which means she has completed a three-year course on the church's conception of nursing. A doctor has said Amy's life could have been saved by medical intervention up to two hours before her death.

One of the Hermansons' attorneys filed a motion to obtain HRS's records on the first complaint that the agency concluded was unfounded. HRS procedure is to destroy records on unfounded complaints, but the court ordered HRS to turn over the records.

Calling that a key to the case Joseph Whitelock, another of their attorneys, asked, "If you're not guilty of abuse or neglect, how can you be guilty of murder?" Whitelock is also a Christian Scientist.

Religion not on trial

Frederick Hillier, Christian Science Committee on Publications for Florida and also a Sarasota practitioner, was in the Hermanson home the entire day of Amy's death. He said he was not surprised by questions about the girl's death from outside the church. "Imagine if a Christian Scientist who has relied on spiritual healing successfully for generations heard about a medical case where a child had been lost that could have been saved through prayer," he said.

"Christian Scientists love their children just as deeply as any and care for their health and practical well-being. They wouldn't turn to prayer for healing their children if they hadn't seen remarkable, longterm evidence that this care isn't a passive, religious surrender, but a tangible reliable help in times of need," he added.

After the criminal charges were filed, Hillier said, "Christian Science is not on trial here" and declined to comment further. National church headquarters also moved quickly to disclaim any influence upon the parent's actions.

This article is based mainly on reports in the Sarasota Herald-Tribune and the St. Petersburg Times.

RELIGIOUS EXEMPTIONS IN FLORIDA

Florida's juvenile court code has exemptions from child abuse and neglect charges for parents who fail to provide medical care on religious grounds. The code goes on to say that the exemptions shall not: eliminate the requirement to report such a case, prevent the department from investigating it, or "preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician...or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets... of a recognized church or religious organization."

Florida is the only state that allows courts to order Christian Science treatment for children. One wonders how any legislator could believe that courts have the right to order people to get prayer-treatments for illnesses. What if a judge decides that the medical care his Catholic neighbors are providing for their children is incorrect and orders them to get Christian Science treatment instead?

Transfusion request denied

This law may have cost a baby's life eleven years ago. On August 31, 1975, premature twin girls were born to Jehovah's Witnesses in Pensacola, Florida. Each baby weighed under two pounds. Blood had to be withdrawn repeatedly for tests to monitor their condition, and doctors felt the babies should be transfused to replace the blood being taken for tests. On September 3, the district court declined to order a transfusion because the law appeared to sanction spiritual treatment and the judge therefore felt he did not have the authority to impose medical treatment against the parents' religious beliefs.

An appellate court was hastily convened. On September 5, this court ruled that the law allowed the judge to order either medical treatment or spiritual treatment and ordered the transfusion. They did not comment on the constitutionality of the law because no-one had challenged it. Their opinion does call it a "left-handed law," whatever that means. [See In Interest of Ivey, 319 S. 2d 53 (Fla. Dist. Court Appeals 1975).]

One of the babies later died. The parents bitterly told the press that she had been murdered by the transfusion.

Florida also has the familiar laws providing religious exemptions from immunizations and the silver nitrate drops put in infant's eyes to prevent blindness. Florida requires metabolic testing of newborns, but allows parents to waive the requirement if they file a written objection.

Florida has also recently removed the clergy from the list of mandatory child abuse and neglect reporters after strenuous protest by leaders of many denominations. (See the fall, 1985, CHILD newsletters, page 9.) State officials have, nevertheless, told me that "religious healing practitioners" remain on the list.

Exemptions for childcare facilities

Then Florida has exemptions from state licensing for church-run day care and nursery school facilities. If they object to state licensing, the church-run day cares can get approval from the Florida Association for Christian Schools and Colleges instead. The Association reviews their health, safety, and sanitation practices and submits their standards to the state, but the state has no authority to approve or disprove them. Furthermore, the

state has far more comprehensive standards that it requires of secular day care facilities. The state has standards for staff training, screening of staff, staff/child ratio, a daily plan of activities, nutrition, and record keeping. It requires that parents be allowed to observe the activities of the children, and, as of last year, it forbids corporal punishment in day care.

Last spring, a woman who runs the secular day care Babes and Dolls brought suit against Florida's Department of Health and Rehabilitation Services (HRS) in federal court, charging that the religious exemption established religion and discriminated against her business. HRS asked the church-run day cares to join them as codefendants, but they declined. HRS has filed a motion to compel the church-run day care centers to be made parties to the suit and is waiting for the court's ruling.

Exemptions from state licensing for church-run day care facilities have recently been passed by several states. But Florida goes even further and exempts church-run residential child care facilities from state licensing. A spokeswoman for HRS said that the Department had to allow an exemption when the state legislator who chairs the Finance Committee insisted upon it. She feels, however, that HRS worked out a good compromise with the fundamentalists by requiring that such facilities be registered with the Florida Association of Christian Child Caring Agencies and that standards for registration be in substantial compliance with those for state licensing.

Insurance must pay for prayer

Finally, Florida requires that motor vehicle liability insurance provide reimbursements for "remedial treatment and services recognized and permitted under the laws of the state for an injured person who relies upon spiritual means through prayer alone for healing, in accordance with his religious beliefs." Again, we ask how it can be constitutional for the state to compel its citizens to pay for Christian Science treatments.

The Christian Science church uses all these exemptions and reimbursements as evidence that Florida law recognizes Christian Science treatment as legal health care for sick children or, in other words, that they had the right to let Amy Hermanson die, a 7-year-old child who could have lived a perfectly normal, happy life with the help of insulin.

DIABETES--TOUCHSTONE OF TRUTH

It is hard to fake a healing of diabetes. With insulin, a diabetic child leads a basically normal life. Without it, s/he deteriorates rapidly and dies in a diabetic coma.

Diabetes separates the chaff from the wheat in the health care marketplace, and few quacks are reckless enough to ask patients to give up insulin.

The Christian Science church, with its Platonic, spiritual-means-alone approach, is one of those few. Its theology is not only opposed to insulin, but also a sugar-free diet; any dependence on a material substance to maintain health is wrong by its logic. Furthermore, church teachings warn against getting a medical diagnosis, so many members don't even know they are dealing with diabetes.

Audrey Kay Whitney

In 1937 Chicago businessman Edward Whitney left his 10-year-old daughter Audrey Kay in the care of her aunt while he went on a business trip. Audrey had diabetes; she had been on insulin and a strict diet for a prolonged time.

The aunt promptly retained a Christian Science practitioner, William Rubert, to treat Audrey. Although the aunt and Rubert knew she had diabetes, Rubert told the aunt to take her off medical treatment and to let her eat anything she wanted. Audrey died December 10, 1937 in a diabetic coma.

CHILD honorary member Isadore Rubenstein, counsel for the Chicago Medical Society, obtained manslaughter warrants for the arrest of Rubert, the aunt, and a Christian Science "nurse." Rubert testified that his religion had to use only spiritual methods for healing disease and "does not recognize disease from a medical standpoint." Judge Oscar Caplan dismissed the manslaughter charges, claiming that the aunt had the right to treat Audrey by any method she preferred during the period she had custody of her.

In 1941, Edward Whitney grabbed Illinois Governor Green's arm at a hotel and attempted to interest him in Audrey's death. Whitney was arrested, but quickly released at the Governor's request.

In 1946, Whitney wrote to Rubert, "I will return to Chicago and... kill you." Whitney was indicted for mailing this threat, but was acquitted by a federal district court jury.

On January 30, 1959, Whitney walked into Rubert's office and shot the practitioner. Despite all of Rubert's advice for his patients to ignore alarming symptoms, he bolted out to the hallway, yelled at the elevator operator, "My God, he's shooting at me," and allowed himself to be taken to St. Luke's hospital and to have surgeons remove the bullets.

Whitney was charged with assault with intent to kill. He served as his own counsel, and was acquitted by a jury on May 6, 1959.

A lawyer's commitment

The death of Audrey Kay Whitney galvanized our friend, Isadore Rubenstein, to lifelong opposition to the Christian Science church. He has published articles about endangerment of children by Christian Science beliefs and about third-party reimbursements to church health care providers in the Medical Trial Technique Quarterly, Industrial Medicine and Surgery, Journal of the American Medical Women's Association, and the New England Journal of Medicine.

Rubenstein has cared so deeply about a child to whom he was not even related, and that is why he is an honorary member of CHILD.

David Cornelius

In 1955, Christian Science child, David Cornelius, died of untreated diabetes. His parents, Edward and Anna Cornelius of Swarthmore, Pennsylvania, had been warned by doctors that their son was diabetic and needed insulin for his survival. Soon afterwards, however, they retained Christian Science treatment for him, saying they wanted a "real cure." Deprived of insulin, David quickly became very ill. He was placed in High Oaks, a Christian Science nursing home in Philadelphia, where he died.

Mr. and Mrs. Cornelius were indicted for involuntary manslaughter. Their attorney, Robert Trescher, argued that state charters granted to their churches and nursing homes for "purposes which are lawful and not injurious to the community" and insurance reimbursements constituted state recognition of Christian Science treatment for children in lieu of medical treatment. Trescher further argued that the death of a child was not "injurious to the community." Evidently persuaded, the district attorney quashed the indictment.

Later Trescher presented these same arguments in a law journal. See Trescher and O'Neill, Jr., "Medical Care for Dependent Children: Manslaughter Liability of the Christian Scientist," University of Pennsylvania Law Review, v. 109 (1960), pp. 203-17. Trescher's conclusion made a universal law out of his success with one district attorney as he stated:

"With the possible exception of cases involving contagious diseases, a parent's decision to forego medical remedies and to employ spiritual means of healing--where that decision is based on a sincere belief in a religious tenet of a denomination whose beliefs and practices have been determined both legislatively and judicially to be lawful and not injurious to the community--will no longer subject him to criminal penalty if the healing be unsuccessful."

Needless to say, the Christian Science church circulated the article widely.

Marshall Kent Tupper

In 1971, 17-year-old Marshall Kent Tupper died of untreated diabetes in Lincoln, Nebraska. His mother, Joy Tupper, had the lead testimony in the March, 1980, issue of The Christian Science Journal, just a few months after we were on Donahue. A Christian Scientist called and told me to read it. So I did. Mrs. Tupper gave gratitude that Christian Science had healed her of "the incipient symptoms of diabetes" and of grief over the passing of her son. Naturally, she didn't mention cause of death, so I ordered the death certificate and learned that it was diabetes. I've often thought her testimony was one of the most wretched perversions of motherhood. A few months later, she was listed in the Journal as a church-accredited practitioner, making her entire living by encouraging others to rely on her treatments.

Wesley Parker

Some pentecostal sects have also lost diabetic children by withholding insulin. In our summer issue, we mentioned the death of 9-year-old Wesley Parker in Barstow, California, in 1974. His parents were convicted for withholding insulin as a test of faith. Later, they repented of their actions and wrote the book We Let Our Son Die, Harvest House Publishers, 1980.

Faith Aliano

On July 2, 1983, 10-year-old Faith Aliano died in Woodbury, New Jersey, of untreated diabetes. Members of "an unorganized

religious sect," her parents hid her body and prayed daily for her resurrection. On September 12, her partially decomposed body with skin as tough as leather was discovered by the police. A local judge gave the parents three days to arrange for her burial. Mr. Aliano refused, explaining: "God said she will come back and that is what I believe. When the people see her come back to life, I trust they'll begin to believe in God again." Eventually, her burial was paid for by an anonymous donor and the parents accepted it.

Ira Hathaway

On October 24, 1985, 13-year-old Ira Hathaway died of diabetic shock in Elkhart County, Indiana. He had been sick for six weeks and lost twenty pounds. His parents had not taken him to see a doctor in twelve years because of their membership in Faith Assembly. They have been charged with reckless homicide, and the case is scheduled for trial December 1.

LAW STUDENT ADVOCATES RELIGIOUS DEFENSE

The summer, 1986, issue of Dickinson School of Law Review, v. 90, carries an article by Daniel Kearney entitled "Parental Failure to Provide Child with Medical Assistance Based on Religious Beliefs Causing Child's Death--Involuntary Manslaughter in Pennsylvania," pp. 861-90. Law student Kearney advocates that states pass religious exemptions from criminal charges for parents who withhold lifesaving medical care from their children on religious grounds.

Kearney concedes that U. S. Supreme Court rulings oppose endangerment of children on religious grounds. He, nevertheless, feels that courts are reluctant to penalize parents for practicing their sincere religious beliefs and that, therefore, states should put religious exemptions in their penal codes.

Kearney claims that "the state's interest in protecting the interest of the child evaporates with the death of the child," that deaths of children in faith-healing sects do not "endanger the public welfare," and that since the child is dead, there is no "likelihood that the [parental] conduct which has caused the harm will continue." He feels that the state's only motive for prosecuting parents in this situation is vengeance.

CHILD has sent a strong criticism of Kearney's rhetoric to the Dickinson School of Law Review.

OHIO NEWS

The trial of Steve and Diane Miller on fourth-degree felony child endangerment charges is scheduled to begin on January 21, 1987, in Celina, Ohio. The Miller's 23-month-old daughter, Kimberly, died of pneumonia on April 3 without medical care because of her parents' membership in a local Faith Assembly group.

The Celina Daily Standard has run strong editorials protesting the Ohio legislature's cowardice on the religious immunity laws. Excerpts from two of them are used below with permission. They were published on July 22 and May 17 respectively.

The first refers to a picket staged on July 20 by a group of atheists to protest what their director Frank Zindler calls "legal child sacrifice in Ohio."

God's work in Ohio, 1986

Despite initial favorable reaction by a House Children and Youth Subcommittee, [the reform bill] went nowhere, torpedoed by Chairwoman Francine Panehal, D-Cleveland, in response to lobbying pressures largely exerted by Christian Scientists who represent a substantial voting bloc in her district.

Panehal later attempted to defend her action by pointing out that Christian Scientists are respectable folks who should be excluded from any legislative attempt to require parents to seek medical help--rather than relying on faith-healing--for their ailing or injured children. "We're after the cult people," she said, seemingly oblivious to the fact that one dead child is no less so than any other, but unmistakably cognizant of the accompanying one that Christian Scientists sometimes influence election outcomes while members of the Faith Assembly and other such ragtag sects that similarly embrace prayer rather than science when a loved one falls ill--much smaller in number who usually don't vote anyway--do not.

Politics, in Francine Panehal's opinion, is much too important a business to be affected in any way by such piddly issues as life and death.

Sunday's protest by Ohio members of the Association of American Atheists--the one boycotted by the right-to-lifers and all other more reputable organizations with a proclivity for outraged picketing in response to perceived injustices--took place outside Columbus' First Church of Christ, Scientist.

The goal as the group's leader pointed out, was to work toward a situation in which no more Ohio children are required to die for the religious beliefs of their parents....

One would expect, in Ohio as the 21st century nears, that God's work, if such a thing exists, would be in other hands.

The costs of inaction

In Ohio..., the subcommittee's favorable recommendation has been ignored and the proposed reform law summarily tabled. The reason? The full committee's chairwoman, Rep. Francine Panehal, D-Cleveland, whose unilateral action in effect killed the measure, just happens to represent a district that includes a 5,000-seat Christian Science cathedral.

"The Christian Scientists," Panehal explained in a Standard interview last June, "are members of an organized religion. We didn't feel they were the persons we were after. We are after the cult people.... It was a case of overkill; once we got into the Christian Scientist issue, we were dead."

But the children victims of that overkill--the ones who truly are dead or at least maimed for life--do not become less so because their parents are well-off and otherwise splendid citizens anointed with Christian Science's respectability rather than members of a ragtag fringe cult that exists exclusively beyond the limits of the country's mainstream life.

And the real villain, finally, was not Panehal alone, but, rather, her legislative colleagues of both parties and all religions who allowed her decision to stand for purely political reasons rather than joining together--in the name of life itself--to bring the question to a floor vote on their own.

It is difficult to write of these things, particularly in a rural area where strangers are uncommon, because to do so risks the casting of aspersions on others whose choice of lifestyles makes as much sense to them as ours does to us. It is not our intent here to impugn the motives of the parents of Mercer County's third untreated and now dead child, who, we feel certain, was loved and is now mourned by them in a way no less real or painful than the reaction in the same circumstances of a more traditional couple.

But clearly, it is the state's responsibility to fill whatever legal voids permit parents to make choices that end children's lives.

By EDWARD A. MORTIMER JR., M.D.

Two years ago in east central Ohio a 13-month-old boy died at home after a 10-day respiratory illness with cough and fever. Because he had received no medical attention during this illness, and therefore the nature of the illness was unknown, the county medical examiner performed an autopsy, at which the series of events that caused the child's death was readily apparent. The original illness was pneumococcal pneumonia. A day or two before death the infection had spread to the pericardium, the sac-like structure that surrounds the heart. The inflamed pericardium filled with pus, thus constricting the activity of the child's heart and resulting in death.

The pneumococcus, which was the causative organism, is a ubiquitous bacterium that many of us carry harmlessly in our noses and throats. It only causes problems when it establishes residence at some location in the body where it doesn't belong.

For example, it frequently invades the middle ear, where it causes otitis media, the common earache of childhood. The pneumococcus is the most frequent cause of otitis media and sinus infections in children.

A more serious infection occurs when the pneumococcus invades the lungs, causing so-called lobar pneumonia. Lobar pneumonia may occur at any age, but is more frequent in older persons. Indeed, in the past it was called "the friend of the aged" because it often resulted in relatively prompt death in elderly, debilitated people. It has been said that the majority of us lost at least one grandparent or great-grandparent to this disease. There are other severe pneumococcal infections, such as meningitis, that are less common.

The seriousness of pneumococcal infections declined remarkably beginning a little over 40 years ago with the advent of penicillin. The organism is readily destroyed by this antibiotic and by several others. With penicillin treatment, recovery from lobar pneumonia within a day or two is the rule.

State should stop needless deaths

Further, more than 90% of patients with pneumococcal meningitis now survive with penicillin treatment, compared to none in the past.

There is no doubt that this child would have recovered completely if treatment with a few dollars worth of penicillin had been administered any time up to a day or two before death.

Why did this child not receive such treatment? The parents were members of a religious sect, the Christ Assembly, of which there is a small colony in east central Ohio. Members of this group refuse all generally accepted medical preventive and treatment measures, relying instead on prayer. Mortality rates in a larger conclave of this sect have been examined in Indiana, and it has been shown that deaths of mothers during childbirth are 100 times as frequent in this group as in the rest of the U.S. population.

The medical examiner, distressed by the death of this child, informed the district attorney, who obtained an indictment of the parents for child neglect. At the ensuing trial, expert witnesses provided incontrovertible testimony that this child's death would have been easily averted by treatment. The judge accepted this testimony and agreed that this death was needless and directly attributable to failure of the parents to seek medical help, thus being classifiable as due to child neglect.

Unfortunately, the court found that its hands were tied by Ohio law, which states that strong religious beliefs (faith healing) are an acceptable alternative to medical care. Under this law the court was unable to penalize the parents. The court did, however, declare this law to be unconstitutional, and noted that further cases of this type under its jurisdiction

would be treated as child neglect or abuse.

This case received wide publicity in Ohio and elsewhere. As a result a bill was introduced in the Ohio Legislature to include such cases under the Ohio child abuse statutes, thus mandating investigation by appropriate authorities. The bill remains in committee and no action has been taken, in part because of pressure from religious groups, who believe this proposed legislation to be a violation of religious freedom.

What is the point of all this? It can be argued that the loss of one child or even a handful of children among the more than 3½ million born in this country each year represents no great social harm. Indeed, in 1924 the late H.L. Mencken cynically implied that such a death made no difference by saying that he would not resist the divine will, if a parent failed to seek proper care for a child with diphtheria, because there would be one less radio fan later on. (This was before television.)

I disagree. It certainly made a difference to this child, who even at 13 months must have been terrified during the 10 days of misery that terminated in his death and deprived him of 70 or 80 years of life. If he had been able to choose, would he have accepted a few days of treatment with penicillin in order to experience those 70 or 80 years?

To me, it does not speak well for a society that allows the principle of religious freedom to be distorted this way. To argue that one should not interfere with God's will is absurd; why was man given the intelligence and ingenuity to develop penicillin? Additionally, I find it paradoxical that the federal government and others are trying to mandate continuing life support for hopelessly and permanently impaired or comatose infants over the

ABA CONFERENCE ON CHILD ADVOCACY

The American Bar Association held its third national child advocacy conference in Chicago November 13 through 15. It was devoted to improving representation for children in court cases and promoting reform in the legal and judicial systems' handling of children's cases. Religious exemptions to child neglect laws were on the agenda for a training track workshop on emerging medical-legal issues.

realistic objections of conscientious, concerned parents and physicians (the Baby Doe issue), while allowing eccentric religious beliefs of some parents to block the prevention or treatment of disabling or fatal illnesses in their normal children.

Although this child's death was disquieting to many and undoubtedly agonizing for the parents, no other person was endangered. But there is another effect of the current permissiveness of Ohio law that may jeopardize others. The law permits exemptions from routine childhood immunizations on the grounds of religious or other personal beliefs. Failure to immunize one segment of the population, no matter how small that segment is, provides a source of infection for others such as babies still too young for routine vaccinations.

For example, whooping cough often results in death or brain damage in young infants. Whooping cough vaccine does not protect until about six months of age. Until that age, infants are endangered by exposure at home or in the supermarket to children developing whooping cough, an illness that still exists in Cleveland.

Further, the last outbreak of poliomyelitis in the United States occurred in an Amish population that had refused immunization, thus endangering others. Finally, disabling illnesses such as poliomyelitis are expensive, and the public must pay.

Thus, current Ohio law directly endangers innocent children and impinges on the health of others, to say nothing of the potential for adding unnecessary financial burden to the state. As a parent, grandparent and pediatrician, I am disquieted and distressed. I doubt that the framers of the Constitution intended that religious freedom would be construed in this way.

Dr. Mortimer is professor of epidemiology and pediatrics at Case Western Reserve University School of Medicine.

An amended version of the bill in question is due for consideration when the legislature reconvenes after the election.

FEDERAL GOVERNMENT WINS CONVICTIONS IN CHILD SLAVERY CASE

On September 12 "Prophet" William Lewis, leader of the House of Judah, and six members of his council were convicted of conspiring to hold children to involuntary servitude, of holding John Yarbough to involuntary servitude, and of causing his death through this conspiracy. Twelve-year-old Yarbough was beaten to death for neglecting chores on July 4, 1983.

U. S. District Judge Douglas Hillman rendered the verdict in Grand Rapids, Michigan. He indicated that the most compelling testimony came from 14-year-old Daniel Yarbough, a brother of the dead boy.

Brother tells of torture

Daniel testified that his face was burned with a hot iron because his younger brother was accidentally burned while Daniel was babysitting him. Lewis ordered the burning and later ordered him to stand up and display his scar at religious services.

Daniel testified that his brother John was severely beaten for trying to run away and was also beaten on 40 or 50 other occasions. A few days before his death, five sect members took turns beating John. Afterwards, John could hardly walk, was crying and was unable to eat. Daniel got some water for John but he fell on the floor. Daniel further testified that an adult sect member tried to pick John up from the floor with pliers applied to his ears. John died the next day.

Are children slaves?

The defendants argued that children living with their parents cannot become the slaves of someone else; that children cannot be enslaved separate from the enslavement of their parents; and that the fact that some of the adults freely left and returned to the camp prevented a finding of slavery. They also argued that the children's work was of a non-commercial type normally undertaken by boys growing up on farms and therefore not an example of involuntary servitude. Finally, they argued that the existence of slavery was negated by the fact that the children were returned to the camp after a full investigation by the Probate Court's Task Force.

Judge Hillman ruled that while parents cannot be charged with enslaving their children, children living with parents can nevertheless be enslaved by others. He held that the freedom of some adults was irrelevant because the charges dealt with the defendants' intent to enslave particular children, not adults. He held that "the evil of slavery is not in any way lessened because the subjugated individual is forced to do what might be called farm 'chores' as opposed to [work on a commercial farm]." And he ruled that the state's returning of the children to the camp was irrelevant to the court's judgement of the defendants' conduct before Yarbough died.

Climate of terror

Hillman determined that the children were held as slaves in violation of the Thirteenth Amendment to the Constitution because of the many severe beatings they received and the climate of terror at the camp. He further pointed out that their parents, teacher, and other adults were publicly beaten, thus making it clear to the children that they could not turn to anyone for help or protection. The children were not allowed to attend public school and were told that everyone outside the group was trash. Only one tried to run away, and he was beaten to death.

This case breaks important legal ground for children. While the Thirteenth Amendment has been applied against people holding juveniles in youth centers, it has never before been used against leaders of a commune where children lived with their parents and labored on the grounds. The defendants intend to appeal.

The federal government has provided justice after state prosecutors failed to do so. In January, 1984, Circuit Judge Max Daniels found Prophet Lewis innocent of child cruelty after deliberating less than 90 minutes in the non-jury trial. "This case started as a weak case; it did not get stronger," Daniels said. He also dismissed charges against Lewis's son and another commune member. Two members were sentenced to one year in jail in a plea bargain, and the boy's mother received a longer sentence for an involuntary manslaughter conviction.

The House of Judah moved to Alabama after Yarbough's death. The all-black group claims to be the true Jews.

CHRISTIAN SCIENTIST THWARTS CPS INVESTIGATION IN TEXAS

The June, 1986, issue of The Christian Science Journal (pp. 370-1) carries a report from a branch church in Fort Worth, Texas, that has held several special meetings to do metaphysical work about the challenges facing the church. Members tell of "days of struggle and purification of thought" to "[remove] any temptation even to criticize those who challenge our right to practice spiritual healing." After casting out this temptation, one member was healed of a kidney infection. "Many were able to feel compassion and tolerance for those bringing suits against our movement."

One member "was released from the burden of the beliefs of human parenthood and realized that... God was in truth her children's Father-Mother."

Official backs off

And "one fairly new student of Christian Science was able to face up to an accusatory visit from a representative of the county welfare office. This official claimed that the student was not taking care of her child's health because she did not choose medical treatment. Fortified by what she had learned through this project as to her spiritual right to practice Christian Science for her child, the student met this man with such love, understanding, and reasonableness that he was converted from accuser to supporter. This helped relieve the child of the weight of the negative pressure, as well as advance the recognition of the efficacy of Christian Science in the thought of those in the school's health system."

"Good care"

This anecdote follows the stereotyped plot of the church's advice to members in their Legal Rights and Obligations booklets. The church directs parents to tell school or other public officials that their child is "being given good care and is having treatment for the illness." Church rhetoric always puts the members in a position of moral superiority. All they have to do is love and enlighten these misguided public officials. Members are so convinced that they are the perfect mirror image of Divine Love that they don't notice that what the church is really asking them to do is lie.

The church booklet goes on to say, "If a Christian Science parent should be faced with a demand from any public authority that he consent to medical treatment for his child, it is urged that he respond to the challenge with a quiet dignity, tact, and firmness. Usually when it is understood that the parent is not ignoring the child's health and is earnestly working in Christian Science to heal the child, the authorities will respect the parent's right to care for his child as he sees fit."

The church repeatedly implies that Christian Science treatment is a legal substitute for medical care and that public officials seriously believe the church's spiritual treatments can heal all diseases.

I wrote a supervisor of Child Protective Services in Fort Worth asking for the CPS worker's side of the story. The supervisor declined comment, citing confidentiality.

MARK TWAIN'S CHRISTIAN SCIENCE REPRINTED

Prometheus Books in Buffalo, New York, has published a reprinting of Mark Twain's Christian Science. To borrow some points from the dust jacket, the book is a witty, caustic offensive against the church and its founder, Mary Baker Eddy. Twain analyzes her greed, her lust for power, and her incoherent writing. He examines church rules with the formidable debating skills of his mature years.

Twain, having suffered the intense sorrow of the deaths of two of his children and his beloved wife, Olivia, reacted savagely to the claim of Christian Science that pain, sickness, and death do not exist.

When Harper's refused to publish the book in 1903, Twain interpreted the rejection as suppression and wrote, "The situation is not barren of humor. I had been doing my best to show in print that the Xn Scientist cult has become a power in the land--well, here is the proof: it had scared the biggest publisher in the union."

Twain began writing the book in 1898 and finally published it in 1907. Prometheus Books' handsome, hardcover reprint sells for \$21.95. It is the first reprinting in more than half a century.

OKLAHOMA FATHER CONVICTED FOR WITHHOLDING LIFESAVING MEDICAL CARE

On November 14, Gale Riggs of Ringwood, Oklahoma, was convicted of first-degree manslaughter in the death of his daughter and sentenced to four years in prison by a Major County District Court jury.

Melonie Ann Riggs, 17, died April 28 after suffering four days from a ruptured appendix without medical treatment. Her father is a member of the Followers of Christ Church near Ringwood, whose members rely on faith healing.

District Attorney Hollis Thorp presented doctors and other witnesses who testified about the misery and oppression in the girl's life. Her mother and infant sibling died six years ago during an unattended home delivery.

Dr. John Harris, a Major County medical examiner, said the girl probably suffered "excruciating" and "unbearable" pain. He said victims become semiconscious and their abdomens become "stiff like a board" after a rupture.

Harris noted that Riggs said his daughter began vomiting blood 24 hours before she died. Riggs told Harris he suspected appendicitis, but also suspected she became ill after eating peanuts.

Girl desired medical help

Beth Bearfoot, a school nurse, testified that Melonie once told her she wanted to go to a doctor, but her father would not let her. A child welfare worker said Melonie told him she wanted medical treatment two years ago for fainting spells; the worker intervened and compelled Riggs to take her to a doctor.

Her father's beliefs against medical care partially led to Melonie's running away from home. "She did not want to go home," said a woman who met her one of the times she ran away. "She said, 'I can't live that way.'"

Melonie's grandfather, who also is a member of Followers of Christ, said he prayed and anointed her with oil two days before she died. At that time, he said, Melonie "didn't appear in too great a pain," but when he came on the 28th, her condition was worse. He prayed and anointed her again and then called an ambulance 10 minutes before she died. He also testified that Melonie never asked for a doctor. (But no-one asked for her opinion either.)

Riggs did not testify at the trial.

Independent decision claimed

Defense attorneys argued that Melonie was old enough to make her own decision about medical care. They portrayed her as a strong-willed person who often acted against her father's wishes, as shown by her running away. They also told the press she had been arrested in Enid for armed robbery.

Evidence, however, showed that she was a witness to the robbery rather than a participant in it. When law enforcement officials learned she was a runaway, they notified her father, who picked her up on April 25. Three days later, Melonie, who had done everything in her power to escape an intolerable homelife, was dead.

Past acquittal because of law

In 1982, a Garfield county court in Enid acquitted Dean and Patsy Lockhart of manslaughter charges in the death of their 9-year-old son Jason. The parents had not sought medical care for his ruptured appendix because of their membership in the Church of the First Born. The judge directed the jury to vote for acquittal because of Oklahoma's religious immunity law.

Public outrage over the acquittal forced the state legislature to modify the religious exemption in 1983.

Because of the Lockhart acquittal, the state also dropped manslaughter charges against Troy and Brenda Barnes and two midwives for the death of infant Trent Barnes. The four were members of Church of the First Born and therefore did not have a doctor attend the birth.

HHS SUPPORTS ALASKA EXEMPTIONS

In 1983, our Congressman Berkley Bedell wrote to the Department of Health and Human Services (HHS) for clarification of its current stand on religious exemptions. HHS replied that they had made failure to provide medical care part of state definitions of child neglect and therefore a reportable condition. "It is not permissible," said HHS, "for a State to exclude the reporting of known or suspected abuse or neglect, including failure to provide medical care, if it is done because of the religious beliefs of the parent or other person responsible for the child." Thus, while HHS allowed states to retain religious exemptions from child abuse and neglect charges, it claimed that the exemptions applied only to judicial findings of neglect, but not to reporting.

While this might sound feasible on paper, it has not worked in practice. Would-be reporters obviously assume that they do not have to report denial of medical care done on religious grounds when the state has laws announcing in advance that such behavior is not child neglect. HHS has not advised the states that such cases are supposed to be reported.

The laws of Alaska are a startling illustration of how indifferent HHS is to the welfare of children in faith-healing sects. Alaska has a law stating that "there is no failure to provide medical attention to a child if he is provided treatment by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination." (AS.s11.51.120(b)) The law defines prayer as medical care, and HHS thinks that is just fine.

Then last year Alaska passed a law excusing Christian Science practitioners from reporting the withholding of medical care (though they are still required to report all other forms of abuse and neglect). They are not required "to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination." (AS 47.17.020)

I felt that was a blatant violation of HHS's professed reporting requirements. On March 11, I requested that HHS advise Alaska that it must rescind this law in order to maintain eligibility for federal funds.

After months of review by HHS attorneys, HHS has rejected my charges and found Alaska to be in compliance with their standards. Jay Olson of the National Center on Child Abuse and Neglect said that it is all right to drop Christian Science practitioners from the list of mandatory reporters because sick children in faith-healing sects could still be reported by school officials. I pointed out that school does not run 365 days a year nor are all children in school. To that, he said that CHILD ought to get the state laws changed instead of pestering HHS about them. In other words, CHILD, with its budget of about \$6,000 a year, only 15% of which can be spent on lobbying, is supposed to clean up a mess that HHS spent millions of dollars making.

NORTH CAROLINA TO ENFORCE BAN ON SPANKING

At the Vandalia Baptist Church Day Care Center, naughty children are ushered into the director's office, paddled, and promptly told that Jesus still loves them.

Vandalia and ten other church-affiliated day care centers across the state have been cited by the North Carolina Child Day Care Commission for using corporal punishment in violation of a state rule that no child in a day care "shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking, or spanking."

The chair of the Day Care Commission, Lucy Bode, said the rule was adopted to protect the 140,000 children in North Carolina day care centers. Her commission also feels that there are many effective alternatives to corporal punishment.

The churches are appealing the commission's decision to a state hearing examiner. If the ruling is upheld, they say, they will file suit in Superior Court. Unless the church centers win their appeals, the state plans to close them.

The churches feel that corporal punishment is recommended by the Bible and is therefore a First Amendment right. Governor James Martin agrees with them and has attempted to have the state's ban on corporal punishment overturned.

This information was excerpted from a New York Times article of October 19, 1986, p. 14.

REDBOOK TO PUBLISH ARTICLE ON SWANS AND CHILD, INC.

In September, 1985, Kevin Delaney called and expressed interest in writing about our work for Redbook magazine. We had just been through the Family Circle debacle in which the magazine cancelled an article about CHILD in response to Christian Science church pressure a few weeks before publication. I told Kevin what had happened and declined to be interviewed until he made sure that the Redbook editors were willing to stand up to the pressure.

In January, he called again and reported that his editors were committed to doing the story and that any pressure would just make it more interesting to them.

The article will appear in Redbook's January, 1987, issue. Mr. Delaney is an editor for the New York Times Wire Service.

BOSTON D. A. STILL UNDECIDED ABOUT CHRISTIAN SCIENCE BOY'S DEATH

The Suffolk County District Attorney's office in Boston says they have still not decided what, if anything, to do about the death of Robin Twitchell. The two-year-old boy died of a bowel obstruction on April 8 at his home in Hyde Park. His parents, Ginger and David Twitchell, said he was ill for five days. They did not obtain medical care for him because of Christian Science teachings discouraging medical care and advocating reliance on church practitioners of spiritual healing.

A doctor who belongs to CHILD Inc. has told us that bowel obstructions are easy for medical doctors to diagnose and treat. She also stated that they bring excruciating pain and other symptoms that should be alarming to any observer.

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