

# Children's Healthcare Is a Legal Duty, Inc.

Box 2604  
Sioux City IA 51106  
Phone 712-948-3295

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CHILD, Inc.

Written and produced by Rita and Doug Swan

## CHILD OF CHRISTIAN SCIENTISTS DIES IN SUBURBAN BOSTON

Two and a half year old Robin Twitchell died Tuesday, April 8, because of a bowel obstruction at his home in Hyde Park, a suburb of Boston. His parents, David and Ginger Twitchell, told police that he had been feverish and lethargic for five days and that they had retained an "accredited" Christian Science practitioner and nurse for him.

At 10 p.m. Tuesday the boy went into convulsions and lost consciousness 20 minutes later. David Twitchell checked his son's body and, finding no vital signs, called a funeral director, who told him to dial 911. The boy was apparently dead when he arrived at the hospital, but medical staff administered cardiopulmonary resuscitation for 17 minutes before they gave up.

### **Mother: "Nothing has changed."**

The next day a distraught Ginger Twitchell said she would not change the way they had handled their son's illness. "We feel the same way about our church and its teachings as we did before," she said. "Nothing has changed." Mrs. Twitchell is a life-long Christian Scientist.

### **Church: Parents responsible.**

Nathan Talbot, manager of the church's lobbying network, was quick to place responsibility on the parents. He said the church had no edict against seeking medical help. The Twitchells could have taken their son to a doctor if they had wanted to, but "chose" instead to rely on "their" faith in Christian Science, he said.

"The sad thing is when there is an isolated case of a Christian Scientist dying, that's what makes the news," Talbot said. "I don't think I've read more than one small item concerning the power of spiritual healing and the healing record of Christian Science." (One wonders if he has read his own long-winded article in the December 29, 1983 New England Journal of Medicine.)

The preceding quotes and information are taken from the April 10th Boston Globe.

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### **Excruciating pain**

The newspaper article mentions only fever and lethargy as symptoms, but everyone I've talked to has said that a bowel obstruction is extremely painful.

A doctor who belongs to CHILD commented that the boy's bowel might have ruptured and then the fever and lethargy might have been due to peritonitis.

She explained that the sensory receptors in the bowel respond to distention rather than hot, cold, etc. An obstruction causes extreme pain. Nausea and vomiting (even vomiting of fecal material) are other probable symptoms, she said.

Bowel obstructions are easily diagnosed and treated by physicians, she said. Often they are detected just by feeling the abdomen or listening with a stethoscope.

### **Christian Science nurse's role**

According to the Globe's information from the parents, "a Christian Science nurse monitored the boy's condition and attended to basic needs."



This description deserves to be labelled an obscenity. The church uses their nurses as a public relations smokescreen to give the impression that trained professionals are keeping their sick members comfortable. The church directs parents to tell public officials that their child "is being given good care and is having treatment for the illness. Otherwise, such officials may incorrectly conclude that the child is a neglected child. In talking with such officials, a parent should stay clear of statements such as 'belief of illness' or 'claim of sickness' which may result in the officials thinking that the illness is being ignored or treated as a fanciful aberration of some kind. Officials must feel the assurance that Christian Scientists love their children and give them effective treatment and responsible nursing care when the nature of the illness indicates the wisdom of having such nursing care." (Legal Rights and Obligations of Christian Scientists in Massachusetts, 1983 edition, p. 18)

### **Christian Science treatment described**

Most of our readers know what this "treatment" is: a Christian Science practitioner's argument proving scientifically that disease and discord are unreal, usually given without seeing the "patient" or knowing the nature of the problem. But what about the "responsible nursing care" that is supposed to allay the concerns of public officials about sick children?

Christian Science teaches that Spirit and matter are enemies. It rejects the concept, so basic to the incarnation and the sacraments, that Spirit can fulfill and express itself through matter. "There is no life, truth, intelligence, nor substance in matter.... Spirit is immortal Truth; matter is mortal error" is read every Sunday in all Christian Science churches.

### **Suffering relieved only by prayer**

Mrs. Eddy forbids the use of "a single material application" for the "relief" of suffering. (Science and Health, p. 421) Christian Science nurses cannot use heat, ice packs, enemas, or even backrubs to relieve discomfort. They cannot use a fever thermometer or take a pulse because the religion is opposed to "material" evaluation of disease. Their only remedy for pain is to call the practitioner for more absent treatment. Needless to say, these church-trained nurses are not qualified to identify reportable diseases.

If Robin Twitchell's nurse had really been capable of monitoring his condition and attending to his basic needs, she would have taken him to a doctor. It is a scandal that Medicare reimburses for Christian Science nurses.

### **Criminal charges possible**

A police spokeswoman has said that the Twitchells may be charged with involuntary manslaughter or negligent homicide. The church, however, has assured its Massachusetts members that they cannot be prosecuted for denying children medical care.

In 1967, a Cape Cod Christian Scientist was convicted for allowing her five-year-old daughter to die of strep throat and pneumonia without medical care. The church then got the Massachusetts legislature to add the following to the criminal code:

"A child shall not be deemed to be neglected or lack proper physical care for the sole reason that he is being provided remedial treatment by spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof." (Chapt. 762 of Acts, 1971)

### **Church says criminal charges impossible.**

In its booklet of legal advice, the church says of the law: "This is a criminal statute and it expressly precludes imposition of criminal liability as a negligent parent for failure to provide medical care because of religious beliefs." (Legal Rights... Mass., 1983 edition, p. 19)

Is that true? Has the Attorney General of Massachusetts said so? Or have the many lawyers on staff at church headquarters once again sent parents out to the front lines to test the laws for them? It is a travesty that the legislature would pass such a law so soon after the unnecessary death of a Christian Science child, but the district attorney may not agree with the church that the state can do nothing about the death of Robin Twitchell.

### **MASSACHUSETTS PROPOSES MORE IMMUNIZATION EXEMPTIONS**

Massachusetts Senate bill #248 provides that "no child whose parent or guardian states in writing that he objects to the vaccination or immunization" will have to be immunized in order to attend school. Thus, exemptions would be broadened far beyond the religious objections already provided for.



## ANOTHER OHIO CHILD DIES BECAUSE OF RELIGIOUS BELIEFS AGAINST MEDICINE

On April 3, 1986, Kimberly Miller died in Celina, Ohio, of bronchial pneumonia at 23-months-old. Her parents got no medical care for her because of their religious beliefs.

Little Kimberly was the niece of Christy Miller, who died at her Celina home of congenital heart disease on Christmas Eve, 1981. Christy was 12 when she died, also without medical care. The coroner said Christy's body had turned blue because of lack of oxygen and appeared poorly nourished.

Another Celina child to die without medical care was Meredith Adele Hinton, who expired July 10, 1984, when she was almost eight months old. The death certificate lists sudden death secondary to pneumonia, aspiration bilateral secondary to vomiting and possible hypocoemia secondary to diarrhea and vomiting.

In all three cases, the parents have claimed religious beliefs prevented them from getting medical care, but will not identify what church they belong to. Ex-members say the church is a satellite of Hobart Freeman's Faith Assembly.

### Panehal's responsibility

I am outraged by Kimberly Miller's death. I feel her blood is on the hands of Representative Francine Panehal, D-Cleveland, who singlehandedly blocked reform of Ohio's religious immunity laws last year.

### Law held unconstitutional

On June 15, 1984, Judge Richard Evans ruled Ohio's religious exemption in the penal code unconstitutional for Coshocton County. He dismissed charges against parents who had allowed two of their children to die without medical care, but warned that future deaths would be considered crimes in his jurisdiction.

### Wide support for reform

The Columbus Post Dispatch ran a lead editorial declaring that the Ohio legislature had "a high moral responsibility" to change this unjust law quickly and get protection for children in faith-healing sects.

Representative Paul Jones, D-Ravenna, sponsored a reform bill. A subcommittee scheduled over twenty hours for public testimony on the bill. Testifying in support of the bill were the Ohio Civil Liberties Union, Ohio League Against Child

Abuse, Ohio Council of Churches, Ohio chapter of the American Academy of Pediatrics, Ohio Prosecuting Attorneys Association, Central Ohio Chapter of American Atheists, and CHILD, Inc. Judge Evans came to answer questions about his ruling. A Catholic priest, a Presbyterian minister, victims of Faith Assembly and Christian Science, and the Mercer County and Coshocton County prosecutors testified in support of the bill. One of CHILD's Ohio members presented nearly 200 signatures on petitions for the bill. A Mercer County sheriff's deputy testified of the reports they had received about sick Faith Assembly children and their frustrated efforts to intervene.

In the ten hours scheduled for opponent testimony, the Christian Science church offered vague, anecdotal "healings" and denigration of its victims. No other organization testified against the bill.

### Reform effort killed

The subcommittee approved the bill by a vote of 3-0 and referred it to the full Children and Youth Committee. A few days later all of our hard work went down the drain as Chairman Panehal killed the bill by tabling it. Determined that the Christian Science church must be appeased, she would not even allow her committee to vote on it.

### What will be done now?

Does the Ohio legislature want a child to die in every county before this law is ruled unconstitutional throughout the state?, I asked them last year. Three children have now died in Mercer County. Mercer County Prosecutor Dan Myers declined to file charges in the first two cases because the religious immunity law makes it an exercise in futility. (As we have noted, prosecutors in California and Indiana have been able to work around the religious immunity law by filing charges under other sections of the code. But in Ohio, the only appropriate charge for this crime is child endangerment, which has an ironclad religious exemption.)

Myers hoped and expected that the legislature would change the law after it was ruled unconstitutional in Coshocton County. He gave impassioned testimony at the statehouse. Now he is considering filing charges in the death of Kimberly Miller. If his judge rules the law unconstitutional at death 3, then the parents of death 4 can be held accountable for their actions.

As for Francine Panehal, she is running for reelection without opposition, either from Democrats or Republicans.



## VICTORY IN WASHINGTON

The night of January 28th our board member Shirley Landa called and reported that a religious exemption had been added to a criminal mistreatment bill before the Washington legislature. I was worn out with getting the winter newsletters mailed out that day. I remembered the high cost in money and morale to our several defeats by the Christian Science church in state legislatures last year. I dreaded another futile battle. But I was also disgusted that such an exemption was added so soon after Washington mother Vicky Trejo had been convicted for denying her child life-saving medical care. And I thought we had a chance because it should be easier to stop something before it becomes law than to repeal it afterwards. So we went to work.

Our first efforts were rebuffed. We were told that a criminal mistreatment bill had died in the last legislative session because it did not have a religious exemption (and also because of some problems with the Baby Doe issue). The professional medical associations and other groups felt that they must allow the religious exemption in order to get the bill passed. It was urgently needed for Washington's children because existing law allowed for prosecution only in death cases.

Others were indifferent because there were already so many religious exemptions in Washington law and because medical care could still be obtained for children in faith-healing sects by court order.

### Religious right to commit crime challenged

But fortunately, Washington had never had religious exemptions in its criminal code. Capitalizing on this point, I repeatedly asked why religious belief should give anybody the right to commit a crime against a child. Although I oppose all religious exemptions, I pointed out that a criminal code exemption, allowing parents to deny a sick child medical care, is worse than an exemption from preventive and diagnostic measures.

### Tenacious coalition formed

A coalition of tenacious workers against the religious exemption emerged: Andrea Nappen, legislative liason for the Washington Prosecutors Association; Seth Dawson, Snohomish County Prosecutor; Representative Pat Scott, also from Snohomish County; Gary Riesen, Chelan County Prosecutor; Susan Lomax, who had prosecuted the Trejo case; and of course Shirley and I. The Washington Association of Sheriffs and Police Chiefs also opposed the exemption.

### House removed exemption

As prime sponsor of the House bill on criminal mistreatment, Representative Scott wanted the bill to protect all children. At her urging, House Judiciary removed the religious exemption. Being told that, Shirley dropped her plans to go to Olympia and testify. But at the hearings that evening, one representative demanded reinclusion of the exemption and got his way after a closed-door executive session.

A few days later, Scott and her allies got the exemption out of the House bill once again and it stayed out.

### Senate opposition

Senate Judiciary was equally determined to have a religious exemption for criminal mistreatment. After many complaints about how it would endanger children and also violated the Establishment Clause with its ties to recognized churches, they changed the exemption to say the following:

"In any prosecution for criminal mistreatment because of a parent's failure to provide medical treatment for his or her child, it is a defense that the parent relied on treatment by spiritual means alone through prayer for healing in accordance with bona fide religious beliefs which were genuinely held by such parent, unless the parent had reasonable cause to believe that the life of the child was substantially and seriously threatened or that permanent physical damage could result to such child for failure to provide medical treatment."

We were grateful for the "unless" clause, but still opposed the exemption. We didn't think any parent should be prosecuted without reason to believe his child's health and welfare were endangered, but we also didn't think religion should be a defense to a crime.

### Dangers of religious exemptions

All religious exemptions, however meaningless, contribute to a general assumption that the state must passively allow child abuse and neglect done on religious grounds. Furthermore, the regimented positive-thinking mindset of faith healing sects never admits cause for believing defeat. After 12-year-old Michael Schram died of appendicitis in Mercer Island, Washington, the prosecutor declined to file charges because the boy's Christian Science beliefs might have prevented him from expressing pain and therefore his mother might not have known he was seriously ill. Even without a religious exemption in the criminal law, the prosecutor created a special standard for Christian Scientists.



We also charged that the Senate's new exemption still violated the Constitution's establishment clause because it granted special exemptions for people who use "spiritual means through prayer alone." Such language, which is very common in state codes, rewards fanaticism and absolutism. In *Ohio v. Miskimens*, 1984, the prosecutor argued that the parents had not relied on "prayer alone" because they had given their fevered baby alcohol rubs, cool baths, and CPR, and had also called an ambulance to restore his breathing (after death). The defense attorney properly, I think, pointed out that if the Miskimens were convicted for not relying on "prayer alone," other parents will be afraid to call an ambulance.

### **Religious right to starve children?**

I also pointed out that the criminal mistreatment bill dealt with failure to provide four necessities of life--food, clothing, shelter, and medical care. Yet Senate Judiciary had provided an exemption only for people with religious beliefs against medical care. I circulated a clipping about an Ohio man who had starved his daughter to death because he believed that only spiritual food and drink were important (and also that women were less worthy than men). I asked if Washington wanted to create exemptions for people with religious beliefs against providing food, clothing, and shelter. The day after I mailed these letters, front-page headlines in the Seattle papers told of criminal charges filed against local parents who had starved a baby to death.

### **Testimony against exemption**

House Judiciary held a hearing on the Senate version. While California had its flooding and mudslides, Washington was having a blizzard. Shirley borrowed a four-wheel drive vehicle from a neighbor and crept to her sister's home the night before the hearing. She covered the rest of the 60 miles the next morning and arrived in time to testify. She gave each committee member a red notebook with 17 pages of argument against the religious exemption. The church lobbyist said only that Christian Scientists needed, wanted, and had been promised the exemption.

Then Senate Judiciary held a hearing on the House version. Prosecutor Seth Dawson testified against adding a religious exemption to it. He argued that the exemption was not necessary to preserve any legal religious practice, that it would encourage some parents not to seek a medical diagnosis for their children, that adults should not be able to criminally mistreat children because of religious beliefs that the child does not fully

comprehend or share, and that courts should not have to determine "bona fide religious beliefs."

### **Christian Science lobbying**

The church lobbyist testified that, of course, Christian Scientists had no intention of abusing or neglecting their children. He argued that they were not asking for an absolute defence, but just the right to try prayer first. The senators challenged him with several questions, such as how a Christian Scientist would know when to give up on his religion and seek medical help.

Nevertheless, Senate Judiciary later added a religious exemption to the House bill by voice vote. Staffers told me no records of the voting were kept. Andrea Nappen tried to at least have it made an "affirmative" defense, so that the parent would have the burden of proving that his religious beliefs were "bona fide." But the senators would not make even that small concession. It became obvious that we were not only fighting the Christian Science church, but also some defense attorneys who wanted new points to raise for their clients.

### **House challenges Senate**

The House killed the Senate version and tried other stratagems to rid its bill of the religious exemption added by the Senate. Finally, two days before the session ended, Representatives Pat Scott and Mike Padden went over to the Senate in person and persuaded the committee to remove it. The bill then passed, and, to our relief, the legislators went home.

The prosecutors and House Judiciary likely deserve the lion's share of credit for the bill. But I would like to express particular gratitude to Shirley, who spent enormous quantities of time without compensation even for her expenses. She missed celebrating her wedding anniversary, her son had surgery in Alaska, but she kept on against the religious exemption. She got the Humane Society to open on Sunday so she could use their postage meter and get four-page letters to every legislator stamped five minutes before the last mail pickup. Her husband, Jorge, also donated many hours to the writing and to humbler jobs.

### **Meaning of victory**

We are elated with this hard-won victory and think it bodes well for the future. Above all, I hope it encourages more people to recognize that religion does not give the right to commit a crime against a child.



## WASHINGTON'S NEW ASSAULT BILL

Last summer we reported on a Seattle Times study showing that the average sentence in three local counties for beating a child to death was a year in prison, while the average sentence for the beating death of an adult was life imprisonment. A major reason for the difference is that hitting children is legal, while hitting adults is assault. Prosecutors could not prove intent to kill in child-abuse deaths.

This session the Washington legislature wrestled with a bill to protect children from assault. The first version of the bill laid down a list of acts that should never be used to correct or restrain a child. Included were throwing, kicking, burning, cutting, and biting a child, interfering with a child's breathing, striking a child with a closed fist, hitting a child above the shoulders, and threatening a child with a deadly weapon. Any bodily harm greater than transient pain was prohibited.

### Divine right to hit?

This bill was the most controversial of all legislation dealing with children. Many complained that their divine right and duty to punish children physically would be taken away from them. The list of illegal acts was dubbed "the corporal punishment laundry list." Proponents of the bill argued that it would clarify what punishments were unreasonable and excessive. Opponents complained that it would make parents unsure of their rights to discipline children. "I don't even know the rules of basketball. How can I know what I can or can't do to a child?" asked Senator Alan Thompson.

### Bill weakened

Hitting a child above the shoulders was quickly taken off the list. And the description of the other acts changed from a list of prohibited behaviors to a list of acts "presumed unreasonable." Another amendment allowed parents to leave minor temporary marks on a child, but the bill's proponents blocked efforts to name welts and bruises as acceptable.

Procedural wrangling nearly killed the bill several times, but it finally passed by a wide margin. Representing the Washington Prosecutors Association, Andrea Nappen worked nearly full-time for several days keeping the bill alive. Nappen is also a parent with strong personal convictions that corporal punishment is counterproductive.

## MOTHER ACQUITTED IN EXORCISM MURDER

November 25, 1985 a Superior Court judge in Bangor, Maine, acquitted Cynthia Palmer in the death of her 4-year-old daughter Angela. Palmer had first been charged with murder and then manslaughter for failing to intervene to protect her daughter.

Her live-in boyfriend John Lane had earlier been sentenced to life in prison for burning the child to death in an oven during an exorcism ritual.

Defense witnesses testified that Palmer had been injured shortly before the murder in a car accident. She had been sexually and physically abused by her father and two husbands. Lane had beaten her, forced tranquilizers down her throat, turned up the apartment heat, and staged a religious exorcism to terrify her.

### Psychological defense

Psychiatrists testified that she had gone into a trance-like state called dissociation to cope with Lane's abuse and was therefore unable to prevent Lane from placing Angela in the oven, bracing the door shut with a chair, and turning the temperature up to the maximum. They testified that a dissociative state of mind could not be prevented or controlled.

The state argued that Lane's childhood of abuse did not prevent his conviction for murder and that a history of abuse should not excuse Palmer for her passivity. The judge, however, said he was acquitting her not because of abuse, but because he had a reasonable doubt that she was capable of protecting her daughter, given her mental condition at the time of the murder.

Palmer said she will attempt to regain custody of her other child, 6-year-old Sarrah, who was present when Angela was killed. Maine Attorney General James Tierney said he would seek termination of Palmer's parental rights.

Speaking for myself, I do believe that dissociation can occur in terrorizing situations, but I wonder about her walking into court two days after her daughter's murder--clutching a Bible, chanting, and staring blankly at the judge. I also doubt her attorney's claim that she had no idea how her daughter had died one year later at the trial.

Information about the acquittal was taken from the Portland Evening Express of November 26, 1985.



## CALIFORNIA CONSIDERS BILL TO OUTLAW CIVIL SUITS AGAINST CHURCHES

California Assemblyman Alister McAlister has introduced AB2900, which states the following: "No bona fide religious organization or any officer, employee, or other agent is liable for damages for any act or omission performed within the course and scope of their religion that relates to advice, counseling, teaching, or preaching or to internal discipline of church members unless the act or omission is in violation of a criminal law or is committed with the intent to fraudulently deprive one of money or property."

Assemblyman McAlister particularly deplores the suit brought against Grace Community Church of Los Angeles for allegedly contributing to a young man's suicide. He fears that ministers will be afraid to offer pastoral counselling, which is the only counselling available to most people.

### Scientology issues

McAlister also cites the Titchbourne suit against Scientology, which he synthesizes as follows:

"In May of 1985, in Oregon, a \$39 million judgment was awarded to a Portland woman who had claimed that the Church of Scientology had failed to improve her eyesight and I.Q.

Even though Church membership applications, which she had signed, clearly stated that she was joining a church, that the church did not treat physical ailments, and that she would be participating in religious practices, the woman claimed that she did not know that Scientology was a religion or that she was joining a church.

Upon review of the case, the judge found that the jury had been prejudiced by the plaintiff's counsel and witnesses, and that the Church's First Amendment rights had been violated during the course of the trial, and thus declared a mistrial. The case is to be retried."

Ironically, though, the Church of Scientology has expressed reservations about AB2900 because it requires courts to determine what is a bona fide religion and what is not.

Nine members of the Black Hebrew Israelites were arraigned April 6th in a Queens, New York, criminal court on charges of assault and child endangerment.

In pre-dawn raids April 5th, police took five children and their parents into custody. They seized branches six feet long carved with biblical motifs and religious statues that authorities said were used to terrorize and beat children when they failed to collect enough money begging.

Two sons of a sect member tipped off authorities when they told of being forced to beg in the streets and having to stand naked while scissors were snapped at their genitals.

The Black Hebrew Israelites are reportedly based in Miami and decapitated two members there in 1981 for trying to escape.

Another group known as the Black Hebrew community emigrated to Israel from the United States and Liberia 17 years ago. Defectors claim that as many as 100 group members have died since settling in Israel because they refuse medicine. According to The Jerusalem Post of August 19-25, 1984, Health ministry Director-General Baruch Modan has described health care among the Black Hebrew community as "criminal," charging that their births and deaths are not registered and that their healers practise without licences.

Another group of blacks claiming to be Jews beat a 12-year-old boy to death in 1983 at their commune near Allegan, Michigan. We believe these various groups act independently of each other.

### NEW ACTIVITIES FOR CHILD

We have filed a form 5768 with the IRS that allows us to spend up to 20% of our income to influence legislation without losing our tax-exempt status. We did this because we felt that lobbying by CHILD was the only way we could have any impact on Washington's criminal mistreatment bill thousands of miles away from Iowa. It means much more cumbersome bookkeeping for us, but it is worth it.

We still cannot support or oppose political candidates nor referenda. Also, our lobbying must be germane to our purposes, but there is no problem meeting that requirement. The statehouses of this country are filled to the gills with far more legislation germane to our purposes than we can ever take a stand on.



## FAITH ASSEMBLY DEATHS CONTINUE

Seventeen months after the death of its founder, Hobart Freeman, Faith Assembly continues to hold church services crowded with young families and also to lose children and pregnant women because of its beliefs against medical care.

### A recent conviction

On March 19, 1986, Randa and David Hoover were convicted in Elkhart, Indiana Superior Court of reckless homicide. Their 9-day-old son, Bradley, died August 14 of peritonitis brought on by a twisted bowel.

Like other Faith Assembly defendants, the Hoovers refused to use an attorney. They testified that they did not know why their son died, they had not thought he was seriously ill, and they believed God could cure him.

Medical experts testified for the state that the baby would have manifested obvious symptoms of fever, swelling, and lack of bowel movement.

Indiana's religious defense is in a section defining the crime of neglect. The judge did not instruct the jury to consider the religious defense in dealing with the charge of reckless homicide.

### Parents refuse order for medical care

On April 17 the Hoovers were sentenced to five years in prison with two of those years suspended. Mrs. Hoover, now pregnant again, was ordered to get prenatal care and medical care for her child after its birth. The Hoovers refused to accept those conditions and announced their intention to appeal.

### Three more deaths

Another Elkhart County child, 13-year-old Ira Hathaway, died of diabetic shock after being sick for 6 weeks and losing 20 pounds. His parents had not taken him to a doctor in 12 years. These Faith Assembly parents have also been charged with reckless homicide, and their case is scheduled for trial in August.

A few weeks ago, Faith Assembly mother Lucy Wellman, 27, died during a home delivery without medical supervision in Noblesville, Indiana. The baby girl was rushed to the hospital and died in intensive care. The Hamilton County District Attorney's office is investigating these deaths.

## Previous cases

To update older cases, we report that three Warsaw, Indiana residents, Mr. and Mrs. James Menne and Barbara Irwin, were given suspended sentences after they promised to seek medical help for their surviving children. The Mennes were convicted June 12, for allowing their 15-year-old daughter Pamela to die of kidney failure without medical care. Barbara Irwin was convicted October 8 of neglect, reckless homicide, and criminal recklessness for allowing her 5-week-old son Joseph to die of pneumonia without medical care. Mrs. Irwin has since left Faith Assembly.

On December 26, 1985, the Indiana Court of Appeals upheld the convictions of David and Kathleen Bergmann whose 9-month-old daughter Allyson died of untreated meningitis and pneumonia. The Bergmanns contended that the jury erred in rejecting their religious defense, but the appeals court stated: "The jury here heard all the evidence presented by the parties, weighed it in the balance and found the Bergmanns' evidence wanting. We cannot disturb the jury's conclusion." The appellate court also rejected other issues in the Bergmanns' brief because they were not raised at trial or in the defendants' post-trial motion to correct errors. (The Bergmanns did not use their court-appointed attorney at trial.)

### Religious defense remains ambiguous

Prosecutor David Laur was disappointed in the appellate court's ruling because it sidestepped the meaning of Indiana's religious defense. The law (put in at the request of the Christian Science church, of course) says: "It is a defense that the accused person, in the legitimate practice of his religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to his dependent." (Indiana Code Annotated 35-46-1-4(a))

He and other Indiana prosecutors have argued that denying a sick child life-saving medical care is simply not the legitimate practice of religious belief. They have won convictions. But they have continued to call for that confusing law to be changed. As legal scholar Wayne Malecha has written, "If withholding medical care cannot be considered a legitimate practice of religion, one has to wonder what conduct the exemption protects."



Indiana provides two types of defenses: an absolute defense to a crime and an affirmative defense that the defendant must raise at trial as a question of fact for the jury to consider. So far, trial judges and the appellate court have allowed the juries to decide whether or not the religious defense shields the parent's conduct.

Like David Laur, I am disappointed in the appellate court's ruling. Much of it rests on technicalities because of the Bergmann's refusal to use lawyers. Having a religious defense in the statutes and letting juries decide what it means may encourage convictions tainted by bigotry.

The Indiana Court of Appeals has also upheld the conviction of Margaret and Gary Hall and, likewise, avoided discussing what is legitimate practice of religious belief in that ruling.

After being sentenced to 10 years in prison, the Bergmanns have left Faith Assembly. At a hearing, the Bergmanns told of taking their surviving children to a doctor and being ostracized by Faith Assembly friends for it.

#### **Legislative efforts fail again**

For the third year in a row, Rep. Robert Alderman, R-Fort Wayne, tried unsuccessfully, during the 1986 session of the Indiana legislature, to get a law that would clarify a parent's duty to provide medical care regardless of religious belief.

#### **CLOUSE TO RETIRE**

CHILD board member Barbara Clouse wishes to retire from the board when her term expires in June. Barbara is a registered nurse for the Kosciusko County Health Department in Warsaw, Indiana. She noticed the first deaths among members of the Glory Barn, Faith Assembly's predecessor. She kept records on these preventable deaths and spoke out against them long before the press covered the church. CHILD is proud of her and grateful for her services to us.

After her retirement, CHILD can either continue with a six-person board or we can elect additional board members. We solicit suggestions from our membership.

#### **CHILD RECEIVES NATIONAL COVERAGE**

The March 24th issue of U. S. News and World Report carried a full-page article about the prosecutions of Christian Science parents in California. It had two paragraphs about CHILD, Inc.

#### **INSURANCE UPDATE**

In our winter issue, we printed a partial list of insurance companies who reimburse the bills that Christian Science practitioners send for their spiritual "treatments." We also printed the statement of Metropolitan Life that some state laws compelled them to reimburse for Christian Science treatment and asked our readers to help us look for such laws.

To date, we have gathered information about the laws of twenty states. We have found two states, Georgia and Colorado, which do indeed require coverage for Christian Science treatment.

#### **Georgia Code**

The Georgia Code section 33-34-4, O.C.G.A. requires all licensed drivers to carry insurance that will cover "all necessary medical expenses, not to exceed \$2,500. arising from a motor vehicle accident, including necessary medicine, drugs, and surgical, dental, X-ray, and rehabilitative services, including prosthetic devices, and necessary ambulance, hospital, and nursing services as prescribed, authorized, approved, or rendered by an attending physician, including any person licensed to practice a healing art **and any remedial treatment and care rendered in accordance with a recognized religious healing method.**"

#### **Colorado Statutes**

Colorado Revised Statutes 10-4-706 requires all licensed drivers to carry insurance covering compensation of at least \$25,000. per person for any one accident "for payment of all reasonable and necessary expenses for medical, chiropractic, optometric, podiatric, hospital, nursing, X-ray, dental, surgical, ambulance, and prosthetic services, and nonmedical remedial care **and treatment rendered in accordance with a recognized religious method of healing.**"

In other words, Georgia and Colorado require all their licensed drivers to help support, endorse, and promote the Christian Science church through their insurance premiums.

Do we have any Georgia or Colorado readers who would be willing to file suit against these states? Could we get the ACLU to help with such a blatant violation of the separation of church and state principle?



## THE CHURCH'S MESSAGE FOR THE PUBLIC AND THE PRACTITIONER

This spring I attended a Christian Science lecture to get an idea of how many members the church has in Sioux City. There were 32 in the audience plus me. Sioux City used to have two Christian Science churches. Now it has one congregation, which meets in what used to be a high school. It is the only Christian Science group within sixty miles. Mary Baker Eddy requires the churches to give lectures, and members feel a strong sense of duty to attend not only their own, but ones given by other churches as well. I feel certain the Sioux City congregation has fewer than 30 members in a metropolitan area of 100,000 people.

The audience conveyed the image of serene, sedate respectability that Christian Scientists are generally known for. The speaker was Juan Carlos Lavigne from Buenos Aires. He was polished, smooth, benevolent, and low-key. Christian Scientists are generally wealthy, well-educated folks who keep to themselves. They pride themselves on being different from fundamentalist faith healers with their high-pressure proselytizing, flamboyant claims, showmanship, and blue collar followings. Several Christian Science spokesmen have told the press that their religion is a perfect science, requiring study and understanding, while faith healing is emotionalism that works by blind faith.

### Healing cats and dogs

Midway through his lecture, Lavigne began telling about healings. He said it was "a law" that dogs and cats always fight with each other. But a Christian Scientist had done his "metaphysical work" to reverse that ugly material law, and then he had seen with his own eyes a dog and cat get along beautifully.

Well, this sounds harmless enough, coming from this kindly, silver-haired gentleman. It takes a trained ear to pick up the danger in the anecdote. The danger lies precisely in the mechanistic Christian Science concept that matter is evil, that the material world all around us is run by laws of sin, disease, and death, but that Christian Science can set aside all those material laws by knowing the truth that God is the only creator and His creation

is all-loving, healthy, and immortal. The behavior of the dog and cat is chalked up as a healing, as proof that the religion is a perfect science for healing meningitis, cancer, etc.

Then Lavigne related the only physical healing of the lecture. His baby boy's abdomen swelled up a great deal and the baby cried in pain. Lavigne had just begun studying Christian Science then, so he took the baby to a doctor, who diagnosed the problem as a hernia that must be removed by surgery. To be perfectly sure, he went to a second doctor who said exactly the same thing. Then he went to three more doctors, all of whom diagnosed a hernia requiring surgery. His wife begged him to allow Christian Science treatment, so they retained a church practitioner to give "absent treatment," and the next morning the baby was healed.

### Key healing questioned

A pediatrician who belongs to CHILD commented that the baby's problem sounded like an intermittent obstruction that can go away spontaneously. A hernia does not always require surgery, he said, for the bowel can slip out of it. A Christian Scientist feels that his church's superior healing power has been conceded by five doctors, but one would actually have to talk to the doctors to assess the significance of the baby's healing.

### Church directions to practitioners

After this brief glimpse of the church's public image, let us look at what the church tells its practitioners confidentially. Evidently, the prosecutions of Christian Scientists in California have made some of their practitioners afraid to "take children's cases." That is, to give ill children Christian Science treatment as a substitute for medical care.

Instead of learning anything from the deaths of those children in California or from the torment and humiliation their parents are going through, the church is determined that its practitioners must represent themselves as willing and competent to heal all diseases whatsoever, of children and adults alike. Here is a draft transcript of a videotape made by the church for the practitioners' workshops. The speakers are members of the Mother Church Board of Directors.



## CHILDREN'S CASES

Michael Thorneloe: I'm quite sure that everyone participating in these workshops has a love for little children, just as the Master had. And not to want to take children's cases is unnatural. It's an unnatural reluctance. It's our thought being handled. It's letting fear dominate rather than seeing the presence and power of infinite Love, just lifting those young children right out of the discordant situations in which they find themselves. It's handling fear. It's not the practitioner's thought. It could be argued that it's the recent court cases that are making us feel this way, but that's only one of the symptoms. It's simply the manipulation of thought. It's a belief in fear that would claim to come in and act as our thinking that would make us reluctant to take children's cases. But that's not our thought at all. We love children. We love to see them healed. We love to see them responding to the presence and power of the Christ and to feel that certainty of God's love for them.

Harvey Wood: It's not to be afraid of a case, but rather to make greater demands for intelligence, good judgment. I believe that if practitioners can, in their daily prayer for themselves, include a fresh sense of their own at-one-ment with Mind's primal quality, intelligence, that's made manifest in terms of good judgment, that this will give them all the direction they need in the cases they take. They shouldn't just blanket out certain types of cases because they're afraid of them. And certainly there's nothing fearful about a child's case. I must say, some of the greatest lessons learned in the practice have come from working with children, and if "a little child shall lead them," my heavens, we better not cut out children's cases because we have lots to learn from them.

Ruth Jenks: It should almost be that we welcome these children's cases because we are working with the pure innocent thought. That innocency is the strength, and if we will unite with the innocency and the child thought, we will take these children's cases with great eagerness because it is going to strengthen our own work.

I was raised in Christian Science, my own children were, and my grandchildren have been. You can't have that many children, that many generations, and not have challenges come up. The countless incidents of healing, from something apparently very simple to something very severe, have been so beautiful and so strengthening both as a parent and a practitioner, and of course the healing has given the child a firm foundation as well.

But you can see that mortal mind--the suggestion of minds many, the suggestions of human opinions, of the media--would try to undermine the coming generation. These are the children that are going to be the healers into this next century. Now, what better foundation can those who are already in the study of Christian Science (in our Sunday Schools, in our Science homes) have than a stand where a parent takes a firm stand and a practitioner comes on the case with conviction, with joy, with authority, and the child sees it, feels it, and is strengthened?

Hal Friesen: I'm reminded of maybe my favorite testimony, where a boy was confronted with the suggestion of polio. He had lived next door to a doctor, and the doctor's son and this boy had played together for months and years, and the diagnosis was given by the doctor because the family, knowing that there was something here that was contagious, followed the regulation that they should report it to the authorities in that state. When the doctor came over he said, "There is no question about it, the condition is polio." He appreciated that they were Christian Scientists and he didn't in any way want to interfere, but said that the boy's life was in danger. Of course the family had called a Christian Science practitioner. They had taken up the Lord's Prayer, and in it where it says, "Our Father which art in heaven, hallowed be Thy name..." they stopped right there and said, "Well there's not another name or nature that we're going to bow down to or worship or accept. There's only God and His perfect creation."

And when the boy started having fever, instead of giving in to that suggestion, they would take the textbook, and where Mrs. Eddy says that "Mind regulates ... the temperature of children and men," that was the truth that they were going to worship, that was what they were going to absolutely confide in and follow. They went through the concepts of paralysis and all sorts of symptoms. When they got to the next day and the boy was much better (and they had prayed all through the night only accepting God's law), the doctor came by, as he couldn't turn in the report the night before, and he said, "Well, the boy's doing much better." So he said, "I won't turn it in, and I'll come back tonight."



Twenty-four hours from the time that he had said that it was polio and that the boy's life was in danger, he said, "I don't know what the name of the disease was, but whatever it was the boy is going to be all right." and the boy was back in school in the next few days. To me, the most important point is that, instead of taking the name of the disease and working against it, they took the name of God and knew that nothing could work against it. Since they didn't drop the name of God, the doctor dropped the name of the disease. That certainly implies to me that you are mixing even when you try to deal with disease as something that you have to get rid of, rather than a lie about man which you can certainly see through, through the lens of Christian Science. The disease wasn't the truth about the child in this case. It really didn't have a name, a nature, a form, a condition, an identity, or a substance. It didn't have anything, and when the parents saw it as nothing, it disappeared.

Michael Thorneloe: I always love working for children and working with children. I'm often reminded of that passage in the Bible where Jesus said, "Suffer little children to come unto me, and forbid them not." Mrs. Eddy loved children. There's so much evidence of this in the biographies you can find, and this passage has always meant a lot to me, from Science and Health where our Leader says, "Jesus loved little children because of their freedom from wrong and their receptiveness of right." Jesus loved little children. Dare we do less?

Does The Mother Church want to learn from its children? It could have learned from Matthew Swan many years ago. Robin Twitchell, whom the church had counted on to be a Christian Science healer in the next century, has died a painful, unnecessary death before his third birthday.

## RESOURCE MATERIAL

### Books

Our honorary member Marcia Rudin is the coauthor of Why Me? Why Anyone?, which has just been published by St. Martin's Press. The other authors are her husband, Rabbi James Rudin, and his best friend, Rabbi Hirshel Jaffe, who was stricken with a rare leukemia four years ago. This inspirational book deals with Jaffe's struggle for faith in the midst of fear and pain. Their discussion of how Jewish theology embraces medicine has been useful to my own research.

### Journals

The spring, 1986, issue of Free Inquiry focuses on faith-healing. The lead article by the famous magician, James Randi, explains how Rev. W. V. Grant manages his exhibitions of healing. From trash bags outside Grant's truck, Randi obtained the crib-sheets that Grant used to memorize information about people in his audience. Other articles analyze televangelism's fundraising techniques and audience behavior. The issue may be ordered for \$3.75 from Box 5, Buffalo NY 14215-0005.

The quarterly journal Justice for Children has just completed its first year of publication. It is devoted to understanding and improving the nation's juvenile justice and child welfare systems.

The fall issue carried Shirley Landa's article, "Hidden Terror: Child Abuse in 'Religious' Sects and Cults." This journal also carries many articles about legal

discrimination against children, a concern that is part of CHILD's own mission. For example, one article in Justice for Children reported on a study showing that about 2,000 children have been jailed in inadequate detention facilities as "bait" to lure their illegal alien parents into turning themselves in. Another article reported on the abysmal caliber of much of the legal representation for children. In a plethora of ways, children are deprived of their constitutional right to equal protection under the laws.

Subscriptions to Justice for Children may be ordered from Janet Dinsmore, P. O. Box 42266, Washington, D.C. 20015. The cost is \$25. a year for organizations and \$18. a year for individuals, but will soon have to be raised.

### Videotapes

Dr. Walter Martin has just released Kingdom of the Cults, a series of 15 videotapes discussing cultic and occultic groups. Among the groups discussed are Hare Krishna, Unification Church, Christian Science, Mormonism, Worldwide Church of God, Jehovah's Witnesses, Freemasonry, Rajneesh, and Transcendental Meditation.

The 60-minute tape on Christian Science includes an interview with the Swans about the loss of our son and footage at church headquarters in Boston.

The tape series may be ordered either as a set or individually from Growth Resources International, P.O. Box 28090, Santa Ana CA 92799-8090.