

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

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Summer 1986  
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## HOUSE OF JUDAH LEADERS CHARGED WITH CONSPIRACY IN CHILD'S DEATH

The U. S. Department of Justice's case against eight former members of the House of Judah leadership council is scheduled for trial August 5 in the U. S. District Court of Grand Rapids, Michigan. The defendants are charged with conspiracy to hold children in involuntary servitude and with holding 12-year-old John Yarbough in involuntary servitude. The government charges that the conspiracy resulted in the boy's death on July 4, 1983.

### Torture

The boy had been beaten repeatedly for insubordination, neglecting chores, and soiling his pants. A physician who examined his body said his vomiting, frequent falls, and inability to control his bowels indicated severe injuries from the beatings. Cause of death was given as kidney failure, apparently caused by the collection of blood in the kidneys.

### The Prophet's Claims

Yarbough lived with his mother at the House of Judah's camp in southwest Allegan County, Michigan. The group were blacks who claimed to be the true Jews. Its flamboyant leader, William "Prophet" Lewis, provided the media with many statements of his contempt for other blacks, his admiration for the authoritarianism of the Klu Klux Klan and Hitler, and justifications for beating children. Children were punished by being placed in stocks and then beaten with switches and an ax handle.

Lewis cited Proverbs 23:13, "If you chastise him with the rod, he shall not die," as evidence that the boy had not died from the beatings. Rather, the boy's death indicated that God does not like bad children, Lewis claimed.

The boy's mother, Ethel Yarbough, was convicted of manslaughter and two other

commune members pleaded no contest to child cruelty charges. But the Allegan County District Court also acquitted William Lewis of the cruelty charge and dismissed charges against his son and another defendant.

### Is thirteenth amendment for children?

The federal government's case rests on the thirteenth amendment to the Constitution and Title 18 of the U. S. Code prohibiting slavery. It is unusual to consider a child living with his mother as a slave, and the defense has filed a motion to dismiss on grounds that the thirteenth amendment does not apply to children.

The judge has granted the defendants' request for a bench trial, but the government is challenging this ruling, arguing that federal law requires the prosecution's consent to a bench trial.

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## PARENTS CHARGED IN OHIO FAITH DEATH

On May 5, Steve and Diane Miller of Celina, Ohio, were charged with child endangerment, a fourth degree felony for the death of their 23-month-old daughter, Kimberly. The little girl died April 3 of pneumonia and bronchitis after suffering for at least five days with nausea, vomiting, and diarrhea.

The parents' religion, Faith Assembly, is opposed to medical care. Although saddened by their daughter's death, the Millers claim they do not regret their actions and will not seek medical care for their two surviving children, relatives said.

On July 15, CHILD learned that the grand jury will be called again and asked to reindite the parents because of an oversight in the first charge. The prosecutor had failed to charge them with a "culpable mental state."

### Other recent deaths

With about 25 members in Celina, this Faith Assembly group has now lost three children since 1981 because of their rejection of medical care. First to die was Christina Miller, the 12-year-old daughter of the group's leader, a former veterinarian. The coroner concluded that her health had deteriorated for years, her body was small and poorly developed, her heart was enlarged, and her extremities were blue. Exmembers said she often had to be carried from the church and her classmates nicknamed her "Bluelips." She died of heart disease on December 24, 1981. Steve Miller was her brother.

The second child was 8-month-old Meredith Hinton, who died of pneumonia July 10, 1984.

Another group member, Shirley Shindel-decker, killed a schoolbus driver in October, 1984, as she attempted to remove her son Matthew from the bus. She had lost custody of him partly because of her extreme religious opinions and her refusal to seek medical care for him. She was found innocent by reason of insanity.

### Prosecutor's dilemma

Mercer County Prosecutor Dan Myers did not file charges after the first two deaths of children because Ohio's religious immunity law apparently protects such parents. Myers testified before the Ohio legislature, expecting it to change the law to protect the children. But after massive letter writing by Christian Scientists, reform legislation was killed.

A local CHILD member says the Celina townspeople are outraged by the deaths and often speak of the Faith Assembly members as "brain dead." It seems ironic that their leader, who has lost both his daughter and granddaughter to his teachings against medical care, is trained as a veterinarian. But neither he nor his son show any desire to repent. Either the courts or the legislature will have to find a way to defend the lives of the children.

Information was taken from James Quinn's lengthy background articles in the May 6th Akron Beacon Journal. See also the Beacon Journal's excellent May 12 editorial, "When faith is fatal," which has already been sent to all CHILD members. The Christian Science response appeared July 15.

## INDIANA SUPREME COURT UPHOLDS CONVICTION FOR FAITH DEATH

On May 27, the Indiana Supreme Court upheld the convictions of Gary and Margaret Hall of rural Columbia City. They let their 26-day-old baby, Joel David Hall, die of untreated pneumonia on February 16, 1984 because of Faith Assembly teachings against medicine.

A Whitley County jury found them guilty of reckless homicide and child neglect on August 28, 1984. The state Supreme Court upheld the reckless homicide conviction, but overturned the neglect conviction because of double jeopardy--that is, the court decided the neglect charge was essentially the same offense as reckless homicide.

### "You can't kill your child in the name of religion"

Thus, the court did not deal with the meaning of the religious defense provided in Indiana's child neglect law. However, their ruling upholding the reckless homicide conviction stated, "Prayer is not permitted as a defense when a caretaker engages in omissive conduct which results in the child's death." Also, the attorney general's office said that the ruling meant that "you can't kill your child in the name of religion."

The Halls' attorney said he will petition for a rehearing and if that is rejected, he will consider appealing to the federal courts. The attorney general's office predicted the case would go to the U. S. Supreme Court eventually.

The Halls were the first Faith Assembly couple in Indiana to be charged for denying their child lifesaving medical care. This information is taken from the June 4th Fort Wayne News Sentinel.



## BERGMANNS PUT ON PROBATION

On June 2, Noble Superior Court Judge Roger Cosbey commuted the prison terms of David and Kathleen Bergmann of South Bend, Indiana. Because of their membership in Faith Assembly, the Bergmanns had allowed their 9-month-old daughter Allyson to die of pneumonia and meningitis without medical attention two years earlier.

The Bergmanns were the second Faith Assembly family to face criminal charges in Indiana for denying a child lifesaving medical care. On September 11, 1984, they were convicted of reckless homicide and child neglect. After they refused to promise to get medical care for their surviving children, they were sentenced to ten years in prison each.

However, the Bergmanns recently told the court that they have left Faith Assembly. They said they have sought medical care for their children and were ostracized by former church friends for doing so. They said the death of Faith Assembly leader Hobert Freeman in December, 1984, disproved to them his teachings on medical care.

Accordingly, the judge commuted their sentences to ten years' probation. "Now that you realize that you could have prevented [Allyson's] death," he told them, "that's a far greater penalty than I could impose. You'll never obtain probation from your conscience."

Taken from the June 3, 1984, Fort Wayne News Sentinel.

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## BILL SHIELDING CHURCHES FROM CIVIL LIABILITY KILLED

The California legislature has killed a bill that would have exempted "bona fide" religious organizations, as well as their officers, employees, and agents, from civil liability "for any act or omission performed within the course and scope of their religion" unless they violate criminal law.

Senator Diane Watson, a Democrat from Los Angeles, said she thought black people deserved all the protection they could get from Jim Jones types. Other legislators were troubled by how the state would define a bona fide religious organization.

A source has told CHILD that the sponsors of the bill, both in the House and Senate, were—Mormons and points out that all Mormon males are considered priests, and thus church officers.

## CALIFORNIA MEDICAL ASSOCIATION FILES AMICUS BRIEF IN CHRISTIAN SCIENCE CASES

On July 15, the California Medical Association filed an amicus brief with the state Supreme Court supporting the state's case against three sets of Christian Science parents who allowed their children to die of untreated meningitis in 1984.

Main points in their argument are that the U. S. and California constitutions uphold a child's right to live, that family privacy rights do not include the right to deprive a child of lifesaving medical care, that no court has ever ruled that Christian Science treatment was legal health care for a child in need of medical care, and that the religious exemption in section 270 of the Penal Code must not be interpreted so as to compromise a child's right to medical care. The Medical Association argues that the Supreme Court should uphold its ruling in *People v. Arnold* (1967) that "the phrase 'other remedial care' does not sanction unorthodox substitutes for 'medical attendance.'"

We are grateful to a doctor who belongs to CHILD for bringing these issues to the attention of the California Medical Association. And we are grateful to the Association for caring about the children.

### Church retains counsel

The Christian Science church has recently retained Warren Christopher's law firm in Los Angeles to represent it. Christopher was Deputy Secretary of State in the Carter administration.

Two years ago the church told its members that it would not pay the attorneys' fees for the Christian Science parents who have been charged with murder, manslaughter, and child endangerment after following church teachings against medical care. Even though the church paid for Dorothy Sheridan's legal defense in 1967, it declined to pay for the defenses of the California Christian Science parents in 1984, saying: "in addition to the Church itself not being on trial, any direct participation by the Church would be seen to indicate that the Church is controlling the defendants and the lawyers involved...." (July 1984 newsletter, C. S. Committee on Publication for Southern California)

Yet now the church has retained its own law firm, filed an amicus brief, and petitioned to participate in oral arguments before the California Supreme Court.



## BAY AREA SKEPTICS INVESTIGATE POPOFF

The May 1986 issue of the Bay Area Skeptics Information Sheet (BASIS) reports on the skeptics' investigation of the television faith healer, Peter Popoff. Directed by the famous magician, James Randi, this investigation involved flying around the country to attend Popoff's crusades, concealing electronic equipment, pretending to get cured of various diseases, and sitting through hours upon hours of sermons.

Like many other faith healers, Popoff suggests his access to God by calling out names, addresses, and other information about members of the audience. A certified security consultant set up a computerized scanning system in a stairwell of his auditorium and picked up a female voice telling "Petey" she loved him and reading him information about people in the audience from cards distributed earlier. Popoff could be receiving these messages on an earphone without wires.

At one point she said that Reeford, one of their assistants, had "a hot one" and then laughed. "Reeford's so excited he came running back here and scared us half to death. Ready for a hot one?" Then a pause. "Hot off the press! Sandra Ann Jones (not the name given).... She's standing in the back where there's no chairs.... She's against the back wall. She's got lumps in her breast. You might want to whisper it. Have her walk down. Have her run up there. Run! Oh, look at her run!" More laughter. "She's got knots in her breast." Laughter, giggles. "A home run! A home run!"

### Choosing who should be healed

Popoff's selection of people to be healed fits patterns used by other prominent faith healers. They frequently call people forward who can put on a display of temporary, but dramatic energy. They rent wheelchairs for people who are not completely dependent on them and position them prominently. Their thunderous rhetoric coerces some to agree to an improvement regardless of their symptoms. A Bay Area skeptic saw one woman walk toward Popoff unaided. Popoff had her walk back to get the cane she had forgotten so he then could heal her, break her cane, and announce that now she could walk without a cane. These faith healers usually avoid calling people with handicaps and disfigurements that will remain visibly unhealed after being "slain in the Spirit."

I was fascinated with Popoff's treatment of one skeptic who wrote, "[My doctor] says I have diabitis (sic). I'm afraid of neadles (sic) and may have to have lots of shots. What should I do?" Popoff never answered his question nor did he claim to heal his diabetes. Perhaps Popoff is aware that another evangelist told parents he had healed their son of diabetes, the parents withheld insulin as a test of faith, and the boy died in a coma. (See We Let Our Son Die by Larry Parker, Harvest House Publishers, 1980.)

While Popoff gave out the other information the skeptic had written on a prayer card, Popoff did not even say the word "diabetes." Instead, he told the skeptic that the devil had tried to torment him with fear and God would roll the fear away. Then Popoff told him he had "been having a hard time even doing [his] daily chores," promised him divine energy, and ordered him to run across the front of the hall. Perhaps even the faith healers are afraid to heal diabetes, though some of their associates apparently find healing breast cancer quite amusing.

On April 22, 1986, James Randi showed tapes on the Johnny Carson Show demonstrating how Popoff gets his information about audience members. The May issue of BASIS may be ordered for \$1.00 from Bay Area Skeptics, P. O. Box 60, Concord CA 94522.

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## CHURCH DISPUTE OVER CHILD LABOR HEADS FOR COURTS

The U. S. Department of Labor is seeking an injunction against a church-owned masonry company for allowing children to drive forklifts and work long hours at below minimum wage.

The Shiloh True Light Church of Christ outside Charlotte, North Carolina, owns McGee Brothers, one of the largest masonry firms in the Southeast. According to the Labor Department, it has hired 33 children, some as young as eight years old, to perform hazardous jobs.

Calling labor a Christian virtue, the church takes pride in its on-the-job training program, which is an extension of its home schooling. The children work after school and on Saturdays; 84 children share a trust account of more than \$400,000. for their labor.

Taken from the July 14th Newsweek.



## CHRISTIAN SCIENCE DOES MENTAL SURGERY ON HEMORRHOIDS

The June, 1986, issue of The Christian Science Journal has an article on "How obedience brings healing," which rivals Peter Popoff and other television faith-healers in crass exploitation and dishonesty.

The author credits her healing to her obedience to Mrs. Eddy's Manual of the Mother Church. She and her husband had always had a joint subscription to the church periodicals, but Eddy's manual orders "every member" to subscribe. In the past, she had thought she could not afford two subscriptions, but now she was so determined to obey Eddy that she ordered another set of periodicals.

Then she became convinced that the "mental surgery" Eddy promises could happen to her. When her first child was born, a medical nurse told her she had "a bad case of hemorrhoids." But "within seconds of pondering this truth" (about mental surgery), she had "an instantaneous healing" of hemorrhoids.

### What church members know about disease

Several things about this article irritate me, besides its pitch for money. On many talk shows I have spoken of our and other Christian Scientists' ignorance of disease. Despite our Ph.D.'s in mathematics and literature, we didn't even know that a fever was a sign of an infection, when we were in the church.

In countering my statements, the church has told the press that Christian Scientists are "not some cloistered sect. They watch TV, they read magazines, they talk with friends. They are just as likely as anyone to be aware of... new theories on treatments for kidney and heart ailments, new reservations about children's aspirin, Barney Clarke, etc. And medical developments are covered by The Christian Science Monitor." ("Assertions/Facts" by Christian Science Committee on Publication, 1983)

### Medicine's unsolved problems

Yes, they would have heard a household word like Barney Clarke. And yes, they enjoy hearing that children's aspirin may be dangerous. Indeed, a church lobbyist told a

national child protection conference that aspirin poisoning was the leading cause of death among certain groups of children. As for "theories," well, Christian Science holds that medical science is nothing but theories. "Is materia medica a science or a bundle of speculative human theories?" asks Eddy (Science and Health, p. 149). An objective reader would find the Monitor's coverage of medical events far below average and strongly slanted toward medicine's unsolved problems rather than its victories.

Hearing about Barney Clarke will not give Christian Scientists any useful information for coping with their children's illnesses. The church advises its members to avoid studying about disease and lobbies for laws exempting schoolchildren from such study. "A patient thoroughly booked in medical theories is more difficult to heal through Mind than one who is not," warns Eddy in Science and Health (p. 382).

### Misuse of diagnoses

The church says that about 30% of the healings reported in their periodicals have been medically diagnosed. Eddy argues against getting a medical diagnosis voluntarily, claiming that it "induces" disease by polluting your thinking. (See Science and Health, p. 370.) But a medical diagnosis acquired innocently, as in a childbirth case, greatly enhances the credibility of the church's healings, even among its own membership. Its story about doing mental surgery on hemorrhoids shows how specious a testimony of healing can be, even when there has been a medical diagnosis.

There is much to be said for the old adage that you can't have your cake and eat it too. The church distributes statements that doctors "are flooding the world with diseases, because they are ignorant that the human mind and body are myths." (Science and Health, p. 150) It teaches that all "knowledge gained from material sense" is "untrue and dangerous." (Science and Health, p. 299) It teaches that ignorance of disease is a spiritual advantage in healing it. Simultaneously, the church snatches bits of medical information to bolster its prestige and expects its healings to be taken seriously by the public at large. Should the church be allowed to have it both ways?



## THE SEVEN-HEADED SERPENT: CLOSING OPENED DOORS TO MEDICAL SCIENCE

Volumes have been written about the late Reverend Hobart Freeman, who has led some 97 people to preventable deaths, but little has been quoted of his actual sermons. Recently, I bought several of his tapes and would like to excerpt from one called The Seven-Headed Serpent: Closing Opened Doors to Medical Science to show his teachings on medicine.

A charismatic Christian is supposed to believe in divine healing and not trust medical science and that sort of thing. But just the contact with the medical science cult can open the door to evil spirits.

### Doctors use sorcery and paganism

Medical science originated in paganism. Its symbol is the serpent. Shamans, witch doctors, and magicians, using drugs, occult rituals, and hypnosis, provided medical care in ancient times. A medical doctor has recently written a book stating that "medical science is a religion" and that the initials MD stand for "medical deity." His temple is the hospital, and surgery, which will mutilate or kill you, is his sacrificial ritual. [The book is Confessions of a Medical Heretic by Robert Mendelssohn, M.D.]

The Greek word "pharmakeia" means drugs, poison, sorcery, or the magical arts, all one and the same thing. Your druggist is a sorcerer.

These medical deities demand your total submission before they will treat you. They play God by giving and taking away life. There isn't a doctor probably who hasn't taken a life, committed murder by performing abortions.

### Bible opposes medicine

The Scripture has a negative view of medical science throughout. In 2nd Chronicles Asa dies because he trusts in physicians rather than God. In Exodus, God told the Israelites, "I am your Physician." The book of James says to call in church elders, not doctors, for the sick. In Mark, a woman had spent all her money on physicians and only got worse. People spend thousands of dollars on doctors and don't get help. God rebukes His people who trust in the arm of the flesh. He set healing in the church because it's in the cross, it's in the atonement.

A doctor has called hospitals "temples of doom" where "ritual mutilations" of unnecessary surgery are performed by the "high priesthood" over two million times a year. The doctor writes that "the church of modern medicine is one of the most dangerous places to enter."

The doctors who write these books don't know why so many die in hospitals, but charismatic Christians know it's because of evil spirits. Hospital corridors are black with evil spirits.

Freeman gives a list of doors which open to demonic oppression:

1. In surgery, demons enter through the incision.
2. During anesthesia, which violates your God-given right to rebuke spirits; drugs come out of witchcraft and put you into an artificial deep sleep. Hospitals are infested with evil spirits that have to leave a dead body and inhabit a living one. They are swarming through those temples, and when you're drugged, you have no safeguard against evil spirits.
3. From blood transfusions, which cause personality changes as well as demonic oppression. The occult, voodoo, and satanism misuse the divine power of blood for evil purposes. Blood banks should be especially avoided because demons will claim trespass rights and go right in with the blood.
4. From birth control, which is unscriptural. You open yourself to demons by disobeying God's law against birth control, but it's double jeopardy when your disobedience is also related to the medical science cult. Even though you're no longer using birth control, you are still under demonic control until you repent and get deliverance.
5. Even after a woman has conceived and delivered a baby in this church, her reproductive organs are still under Satan's control because of her past contacts with medical science and birth control. This could be the cause for some of the deaths of our babies. Satan was given the right to take the life of the baby through past sins. Some of the deaths of our babies have been inexplicable.
6. Also a deeper deliverance is required from spirits of medical practice in regard to female reproductive organs. All probings and testings done on a woman medically were openings for Satan into the



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reproductive organs, and total deliverance is required. An example would be a doctor who was involved with abortions and then doing medical exams on a sister in the past. And this opened the door for birth control spirits and spirits of abortion to invade her organs. So you can very easily see how we can lose babies.

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Hobart Freeman delivered hundreds of sermons like that. But when his followers died, he said under oath that he had never discouraged members from going to doctors. "Each member decides for medical care or not by his or her own freedom of choice," he said.

### CHILD'S FIRST MEETING

CHILD, Inc. held its first general membership meeting at the home of Phyllis and Ford Cauffiel in Toledo, Ohio, on July 19. Twenty-five people from seven states and Canada attended.

It was a very meaningful sharing by people who care deeply about the welfare of children and have done much for our morale with their support.

Ellen Rapkin, a social worker, spoke on building support for legislative change. Naomi Twining synopsized her efforts to get repeal of Ohio's religious immunity laws last year. C. J. Saalman spoke about the impact of Faith Assembly upon him and his family. His two daughters are still in the Faith Assembly satellite in Celina, Ohio.

Braun Hamstead, former prosecutor of Jefferson County, West Virginia, spoke about his successful prosecutions in the death of 23-month-old Joey Green. The conviction of commune leader Dorothy McClellan, which he won in 1984, is the first conviction of a religious group leader who was not present during the fatal beating of a child. The West Virginia Supreme Court has declined to review her conviction for involuntary manslaughter and conspiracy to commit unlawful wounding.

Marcia Rudin spoke on cults and the countercult movement. Rudin testified at Hamstead's grand jury hearings.

Though the weather was torrid, our discussions lasted all day. Some of us were still there at midnight. Speaking for the Swans, we loved it. What a joy to be with all of you!

### JEWISH FEDERATION SPONSORS CONFERENCE ON CULT LITIGATION

On May 8 and 9 a conference entitled "Cult Litigation: Use or Abuse of the Courts?" was held in Los Angeles. It was the second national legal seminar sponsored by the Task Force on Cults and Missionary Efforts of the Community Relations Committee of the Jewish Federation Council of Greater Los Angeles.

Peter Georgiades spoke on "The Role of the Legal Activist with Respect to the Cult Phenomenon." He defined a legal activist as an attorney who represents a social interest or cause and achieves social change without working through the political process or public education. While legislation and public education may be too costly, the legal activist can work through government agencies. S/he can petition the Federal Trade Commission to challenge the business practices of cults, can petition the Secretary of State to close down businesses that use child labor, and can file a writ of mandamus to compel the Secretary of State to enforce existing laws.

Oregon attorney Gary McMurry protested that he had "beleaguered" the agencies who were supposed to protect children about the Rajneesh case, and the agencies did nothing until the very last days of the commune's existence.

There was considerable discussion of appropriate uses of child labor and minimum wage laws. One attorney suggested suing Sears and Roebuck, for example, for allowing violations of child labor laws if cults sell their products at a booth in Sears. Another attorney thought consumer complaints would be adequate to force a change in the retailer's policy.

Melody Gaidrich spoke about her work in prosecuting parents and the leader of the Stonegate Christian Commune for the beating death of toddler Joey Green.

Other speakers were Garry McMurry, Laurence Levy, Paul Morantz, and Herbert Rosedale. The Jewish Federation Council encourages attorneys to contact it for information on cult litigation.

Both audio and video cassettes of the conference may be purchased from Rachel Andres, Director of the Task Force on Cults, Jewish Federation Council, 6505 Wilshire Boulevard, Los Angeles CA 90048, ph. 213-852-1234.



## CHILD MURDERED IN EXORCISM RITUAL

On March 20, Janet Cole drowned her 5-year-old daughter Brittany in a motel bathtub, apparently because she believed the girl was possessed by demons.

For 18 years Cole belonged to the Community Chapel and Bible Training Center, in the South End of Seattle. The pastor, Donald Barnett, a former Boeing Co. engineer, founded the church in 1967. It now has 3,500 members at its \$9 million complex and has formed branches in Washington, the Philippines, Sweden, Switzerland, and Greece.

### Demonology

Barnett reportedly uses demons to explain everything negative. If the demons don't leave, it is because the afflicted person is unwilling or sinful. Last fall Janet Cole was temporarily placed in a home for disturbed church women, and at least two elders suggested she get psychiatric help. But her husband and others insisted her problems were purely demonic. An exmember said Cole became convinced she could not fight off the demons possessing her and her daughter. Because of church teaching that a child who dies before reaching the age of reason will automatically go to heaven, Cole felt that killing her child was the only way to save her from eternal damnation, the exmember said.

On April 17, Multnomah County Circuit Judge William Riggs found Janet Cole guilty of murder except for insanity and ordered her transferred to a mental hospital in Maryland.

### "Spiritual connections"

Barnett's most controversial teaching involved forming "spiritual connections" with people other than spouses. Calling it divine revelation, he advised members to express fervent love for another soulmate by dancing, hugging, and kissing, though he also condemned adultery. Observers report seeing thousands of people dancing ecstatically, staring intently into each other's eyes, and exchanging sweet phrases.

Exmembers tell of screaming and crying for hours when their husbands formed connections with other women. But when they lost control of their emotions, church leaders accused them of being demon-possessed.

Church member Kelly Scott committed suicide in December after her husband's connection moved in to nurse him back to health. Members reportedly told her that her jealousy was demonically inspired. Two prayed with her all day to exorcise the demons, but the next week she gave up and shot herself.

Problems in adjusting to the practice of spiritual connections also figured heavily in the March 10th suicide of member Scott Linderson.

This information is taken from the Seattle Post Intelligencer and Seattle Times for April 10 and 11. See also "Isolated, Strongly Led Sects Growing in U.S.," in The New York Times, June 22, 1986.

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## AUSTRALIANS CONVICTED IN STARVATION DEATH

On March 25, a Malvern, Australia couple, Joanne Eaton and Marcus Barnes, were convicted of manslaughter for the death of their daughter, Rebecca. The coroner found that the 3 and 1/2 year old girl had died of malnutrition complicated by pneumonia. She had been placed on a 3-day fast in April, broken by one day when she was given fruit and carob. Then she had been placed on a 27-day fast and given only distilled water.

Her younger brother Christopher also was suffering from malnutrition, wasting of the muscles, and moderate to severe dehydration.

The coroner said Barnes and Eaton were devotees of a strict dietary regime and that Barnes was a student of a retired naturopath, Kenneth Jaffrey. This information is taken from the May/June issue of the National Council Against Health Fraud newsletter.



## When faith healing falters

The thorny issue of faith healing has been raised anew this month by two Western Slope men who concluded that they could best cope with severe burns by putting their trust in prayer instead of professional care.

The two Collbran residents, injured in a natural gas explosion in late April, were scheduled for skin grafts at University Hospital in Denver. But they cut short their treatment May 1 and returned home to be taken care of by relatives and fellow members of the General Assembly Church of the Firstborn, a sect that believes in curing illness by spiritual means.

One of the workers has since died. The other went into seclusion and little could be learned about his condition.

It's quite clear the two men were legally entitled to do what they did; the freedom of informed adults to refuse medical treatment for religious reasons is well established. Had the burn victims been children, however, the withholding of care would have been much more controversial.

Under current law in Colorado, no parent who treats a sick child by praying can be charged with neglect for that reason alone, as long as the caretaker is a "duly accredited practitioner" (whoever that is) of a "recognized church" (whatever that is)—and as long as the child is not in imminent danger of dying.

But this provision of the Colorado Children's Code, enacted some 20 years ago, may actually do more harm than it prevents.

For one thing, it may lead ill-informed faith healers to assume wrongly that they are virtually immune from prosecution. For another, it may stifle the protective instincts of friends, neighbors or public officials who might ordinarily step in to aid a sick child.

The main problem, though, is this: In attempting to respect religious beliefs, the law abdicates the state's duty to protect children from the

misguided abuses of their elders. In reality, the law allows—indeed, it almost invites—parents to ignore medical problems that may not seem threatening at first, but can be disabling or even fatal if left untreated.

A brain tumor marked by headaches in its early stages, for instance, could later lead to paralysis, or a high fever might cause mental retardation. Similarly, juvenile diabetes and some forms of cancer might be controlled if detected soon enough. The most poignant examples may involve appendicitis, and pneumonia, ailments that have unnecessarily taken the lives of at least two Colorado children in recent years—a 14-year-old boy in Grand Junction and a baby girl in Estes Park.

The law must be careful to respect a child's right to make his own decisions on faith healing when he's mature enough. But it also should guarantee that no young child is ever denied the care necessary to sustain life and prevent permanent injury. No parent should be permitted to use prayer as a justification for keeping a child who's constantly ill from ever being seen by a doctor.

As Americans, we have every right to expect the state to stay out of our personal lives in matters concerning religion. But if we put someone else's life or health in jeopardy because of our beliefs, we should expect some scrutiny.

The legislature should amend the Children's Code to ensure that parents who practice faith healing aren't given broader rights than they deserve under the Constitution. At a time when "Baby Doe" laws are being proposed to protect the rights of severely handicapped infants, it is indeed ironic that Colorado law fails to safeguard the health of their able-bodied brothers and sisters.

[ From the Denver Post, May 11, 1986. Reprinted with permission. ]

NOTE: The Post's comment that the religious exemption applies "as long as the child is not in imminent danger of dying" is based upon a protracted court battle over a Clifton, Colorado, boy named Darwin Lyle Easter. He and his mother objected to medical treatment because of their membership in the Church of the First Born. He had suffered brain damage at birth and continued to have a series of grand mal epileptic seizures. In 1978, the Mesa County Department of Social Services attempted to have the court declare him a "neglected" and "dependent" child, so that the court could order him to receive Dilantin to control his seizures.

In July, 1980, the Colorado Supreme Court ruled against the county and declared that the religious exemption from neglect charges prevented the state from taking action because the seizures were not "life endangering unless they progressed to...a state of continual seizures."

In 1982, however, the Colorado Supreme Court reversed itself and said the medicine could be ordered because the boy's life was in imminent danger. The high court claimed it had been unaware during its previous deliberations that the boy had suffered a stroke in May, 1980.

Travis Drake, the 14-year-old boy who died in Grand Junction of a ruptured appendix in 1982, also belonged to the Church of the First Born and therefore got no medical treatment. An inquest was held, but the jurors did not recommend filing charges against the parents. The Estes Park baby was, of course, Jessica Lybarger. Her father, Jon Lybarger, had founded a sect called Jesus through Jon and Judy and believed Jesus should be his only doctor. He was convicted of child neglect for her death in 1982 and again in 1985 and intends to appeal his second conviction.

### HOUY ELECTED

Margaret Houy has been elected to serve on CHILD's board of directors. Houy is an assistant professor of law at New England College of Law in Boston. She received her J.D. degree and an M.A. in public policy from the University of Michigan. She has done extensive research on the legal rights of children associated with faith-healing sects and has presented her research at a national child abuse conference.



## NEED FOR NEWS CLIPPING SERVICE

For some time now, CHILD has been relying on its members to find information about deaths and injuries to children that are tied to their parents' religious beliefs. In all likelihood, many of these cases are not covered by the press. Even then, some of the most ghastly cases are covered only locally. For example the Christian Science boy who suffered a painful, lingering death of a simple intestinal blockage this April was covered only in Boston newspapers.

If we had the funds, we could order a nationwide clipping service to have readers in each state search for these cases. When CHILD had this service for several months in 1983, many relevant stories were found in widely scattered states. The service would cost CHILD about \$150 a month. We would welcome pledges to support the clipping service.

## TREASURER'S REPORT

CHILD has a modest balance of \$544.16 cash on hand as of June 30, 1986. The expenses and receipts for the first half of 1986 are as follows:

Postage	\$853.80
Phone	725.29
Copying	523.80
Research	136.51
Supplies	523.76
Travel	515.80
Lobbying	222.77
Total Expenses	\$3501.73

Dues	\$1280.00
Donations	2410.20
Other	39.53
Total Receipts	\$3729.73

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