

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

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Spring 1988  
Written and produced by  
Rita and Doug Swan

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*Matthew Swan – Appeal to be heard*

## ***Promised a Miracle* to air on CBS May 17**

*Promised a Miracle*, a film about a child's death because insulin was withheld in a test of faith, will air on CBS at 9 p.m. edt, May 17.

Based on the book *We Let our Son Die*, the film relates the experience of Larry and Lucky Parker of Barstow, California. Members of the Assembly of God Church, the Parkers become convinced that their diabetic son Wesley can be healed through prayer. The pastor and fellow church members encourage them in this belief, though in the final hours of Wesley's life, the pastor suggests taking the boy to a doctor "to verify the healing." When Wesley lapses into a coma and becomes delirious, the Parkers believe he is demon possessed and perform exorcism rituals.

The Parkers were tried and convicted for their son's death. They have publicly admitted making a mistake, saying that anything which violates love is the wrong thing to do.

The film does an outstanding job of showing how thoughtful, caring parents let simple faith turn into blinding, destructive obsession. Rosanna Arquette and Judge Reinhold turn in magnificent acting performances as the parents. The film was conceived by Roni Weisberg, producer, and made for CBS by Republic Pictures.

We are enclosing with this newsletter an insert about the film provided by Republic Pictures. We urge you to post it with the viewing time on CBS noted and/or to tell friends and neighbors.

## **Lawsuit on Matthew Swan's death to be heard by Michigan Supreme Court**

On March 7, 1988, the Michigan Supreme Court granted leave to appeal summary judgment of a civil lawsuit charging the Christian Science church and two of its practitioners with negligence and misrepresentation in the death of Matthew Swan. As shown on the

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Michigan Supreme Court  
Lansing, Michigan

Dorothy Comstock Riley  
Chief Justice

Charles L. Levin  
James H. Brickley  
Michael F. Cavanagh  
Patricia J. Boyle  
Dennis W. Archer  
Robert P. Griffin  
Associate Justices

# Order

Entered:

March 7, 1988

80118  
& (94)

THE REV. RALPH BROWN, Personal  
Representative of the Estate  
of Matthew Swan, Deceased,

Plaintiff-Appellant,

v

SC: 80118  
CoA: 73903  
LC: 80-004-605-NI

JEANNE LAITNER, JUNE AHEARN,  
and THE FIRST CHURCH OF CHRIST  
SCIENTIST in Boston, Massachusetts  
(The Mother Church), a foreign  
corporation, Jointly and  
Severally.

Defendants-Appellees.

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On order of the Court, the motion to file amicus curiae  
brief in support of plaintiff-appellant's application for leave  
to appeal is GRANTED.

The application for leave to appeal is considered, and  
it is GRANTED, limited to the issues: (1) whether the religious  
exemption to Michigan's Medical Practice Act, MCL 338.1817;  
MSA 14.542(17), repealed by 1978 PA 368; see now  
MCL 333.16171(d); MSA 14.15(16171)(d), applies to plaintiff's  
allegations that the defendant engaged in diagnosis, and (2) if  
the exemption does not apply, whether the allegations of  
diagnosis support a cause of action which may be implied from  
violation of MCL 338.1816; MSA 14.542(16), repealed by 1978 PA  
368; see now MCL 333.16294; MSA 14.15(16294), prohibiting the  
unauthorized practice of medicine.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the  
foregoing is a true and complete copy of the order entered at the direction of Court.

March 7, 1988

Corbin R. Davis

Clerk



previous page, the appeal is limited to the issue of alleged diagnoses made by the practitioners and whether such diagnoses constitute the unauthorized practice of medicine and step outside of behavior allowed by the religious exemption from medical practice licensing requirements.

The Michigan Trial Lawyers Association has entered as an amicus for the plaintiffs. The lawsuit is the first civil suit in history to charge the Christian Science church or its healers with responsibility for the death of a child. It was filed in February, 1980. The trial court granted summary judgment for the defendants on First Amendment grounds in September, 1983. Summary judgment was upheld by the Michigan Court of Appeals in December, 1986.

The trial court specifically ruled on the diagnosis issue. We charge that the Christian Science practitioners told us Matthew was just "cutting a big double tooth," that he had roseola, and that his illness should not be reported to Public Health, while he was actually dying of bacterial meningitis that by law should have been reported to Public Health.

The trial court judge, however, said that these "diagnoses" were actually done by the practitioners to help them focus their prayers and therefore were behavior protected by the First Amendment.

For the benefit of nonlawyers, I should point out that all we are currently fighting for is the right to have a trial. If the Michigan Supreme Court rules in our favor, a trial may be held as early as 1992 about a baby who died on July 7, 1977.

## Media Attention to CHILD

*NBC Nightly News* and *ABC 20/20* have come to our home and filmed interviews with us about Christian Science church claims and about **CHILD**. We know that *20/20* will not air its piece on the church until after the district attorney in Boston decides whether or not to file charges in the death of a Christian Science toddler. Although the child died two years ago, we are still expecting a decision from the district attorney "any day." NBC's piece is more focused on the deaths of California Christian Science children so it could air at any time.

On May 16 from 9 to 11 p.m., Drs. Arthur Kohrman and Rita Swan will be on WGN's *Extension 720*. Kohrman is a member of the Bioethics Committee of the American Academy of Pediatrics. WGN is a

clear-channel radio station in Chicago that can be heard in 38 states depending on weather conditions.

The Christian Science church has declined to appear on the program, charging that a trap has been set for them. As evidence, the church cites the facts that the host Milt Rosenberg has been nominated to be a fellow of the Committee for the Scientific Investigation of Claims of the Paranormal and that the program was arranged by an AMA employee. We feel that the only way the church could have learned the latter fact is by hiring a private investigator. We also wonder why church officials are so afraid to appear on a program suggested by an AMA employee when they are forever telling the press how much they love doctors.

## Series on faith deaths wins journalism prize

"When Faith is Fatal," a television series on deaths of children due to religious beliefs against medical care, has won the United Press International's prize for the best investigative reporting in Ohio during 1987.

The weeklong series aired November 9 through 13 on WJW Television of Cleveland. It was prepared by Mike O'Mara, who is a lawyer as well as an investigative reporter. O'Mara travelled to Boston and Sioux City to conduct interviews for the series in addition to many places throughout Ohio and Indiana.

## HHS Holds the Line on Ohio

Last May, the U. S. Department of Health and Human Services (HHS) advised the state of Ohio that its religious immunity laws violated new federal standards and that the state could lose federal funding as a result.

Nevertheless, Ohio House Bill 63 to repeal religious exemptions remains stalled because many legislators have promised concessions to the Christian Science church.

In an effort to get some provisions of this bill passed and resolve the impasse, the Ohio Department of Human Services (DHS) drafted an amendment retaining one ambiguous religious exemption (based on the federal government's own ambiguous model from 1974) while two other more menacing religious exemptions would be repealed.

The DHS then sent the proposed amendment to HHS



to be evaluated for compliance with federal requirements. On March 18, HHS advised Ohio that the amendment does not satisfy federal requirements and laid out a high standard of protection for children in faith-healing sects.

### **Ambiguity on reporting omissions**

HHS complained that “the proposed language is ambiguous on a critical point, i.e. the circumstances in which a child under spiritual treatment in lieu of medical care must be reported to appropriate State authorities.”

“Federal law,” said HHS, “requires the States to have a definition of ‘child abuse and neglect’ which is ‘the same in substance’ as the Federal definition.... The implementing regulations provide that the term ‘child abuse and neglect ... encompasses both acts and omissions on the part of a responsible person,’ [45 C.F.R. 1340.2(d).] and that ‘negligent treatment or maltreatment’ includes ‘failure to provide adequate medical care.’ [45 C.F.R. 1340.2(d)(3)(i).]”

### **Any failure to provide medical care must be reported**

HHS went on to say that “any parental failure to provide adequate medical care to children must be subject to the State’s child neglect reporting, investigation and intervention laws, notwithstanding the religious exception language....” Statutory language, said HHS, must “preclude any implication that children under spiritual healing are subject to a different reporting standard and to ensure that all cases of possible abuse or neglect are reported.”

HHS complained about the “ambiguity” of the famous language declaring that a child getting spiritual treatment in lieu of medical treatment is “not a neglected child for this reason alone.” HHS said, “This exception could be interpreted to mean that a child under spiritual treatment may not be considered neglected unless there is other evidence of neglect. Thus, we would require clarification by the Ohio Attorney General that under the proposed bill: 1) a child under spiritual treatment is to be considered neglected if his parents do not provide him with adequate medical treatment; 2) cases involving spiritual treatment are subject to the [same reporting requirements as all other cases]; and 3)... the reporting, investigation and intervention standards are the same for all children regardless of whether their parents act (or fail to act) for religious reasons or any other reasons.”

### **Many legislators want to compromise**

Many Ohio legislators are determined that the Christian Science church must be given something, and the problem faced by Rep. Paul Jones, the DHS, and others who have worked on this legislation for years is how to give the church some concession that will not impose second-class citizenship upon Christian Science children.

Ohio may lose as much as \$500,000. a year in federal funds if it does not repeal its religious exemptions.

### **Church leaders convicted of conspiracy to abduct child**

On March 15 the founders of a fundamentalist church in Los Gatos were convicted of conspiring to help a fugitive church member who abducted her 12-year-old son in May 1986 in violation of a court order awarding custody of the boy to his father.

Both the mother, Gloria Hoeninghaus, and her son Jason remain missing. The father has been searching for the boy for two years.

Gloria and Gary Alexander, the founders and self-ordained ministers of the West Heights Christian Church, plan to appeal in part because they believe they were hampered in their defense by their obligation not to reveal statements the mother made to them in their roles as ministers.

Gloria Alexander is a former psychic; her husband is an engineer. Their church has reportedly condoned the punching and spanking of errant members.

Taken from the *San Jose Mercury News*, March 16.

### **U. S. Supreme Court will be asked to review faith-death conviction**

Linda and William Barnhart of Beaver Valley, Pennsylvania, have stated their intention to ask the U. S. Supreme Court to review their convictions for involuntary manslaughter and child endangerment.

Their two-year-old son Justin died in September, 1981, of a Wilm’s tumor that had grown to the size of a volleyball and starved his body. Experts testified at their trial that medical intervention is successful against Wilm’s tumors more than 90% of the time.

Members of the Faith Tabernacle church, the Barnharts relied on faith rather than medicine. In April, they asked their pastor to anoint Justin with oil in a healing ritual.

The Barnharts' convictions were upheld by a state appeals court. In January, 1988, the Pennsylvania Supreme Court declined to review them.

The U.S. Supreme Court has never before been asked to review a conviction for causing a child's death through religious beliefs against medical care. Nevertheless, the High Court has upheld several other types of state action in defense of a child's right to live as against rights of religious practice.

## **Cult Awareness Network conference in Washington**

The eastern affiliate of the Cult Awareness Network (CAN) held a conference in Washington D. C. March 17-20. It was designed to increase the organization's effectiveness in communicating with Congress. It included briefings on how to talk to Congress and a seminar on cults for Congressional staff.

Through CHILD, the movie *Promised a Miracle* was obtained for showing on March 18. It deals with a child's death because of religious beliefs against medical care.

On March 19, Rita Swan, president of CHILD, spoke on "Public Policy on Sectarian Medical Neglect" as part of a panel on legal issues. Other panelists were Pittsburgh attorney, Peter Georgiades, who spoke on legal strategies for challenging the cults; Elizabeth Thornton, an attorney with the Equal Employment Opportunity Commission, who spoke on employees' rights to exemption from New Age training programs that are being required by a growing number of employers; and Margrit Vanderryn, a lawyer with the U. S. Department of Labor, who spoke about the government's successful case against the Alamo Foundation for violating the Fair Labor Standards Act.

CHILD honorary member Marcia Rudin spoke on the highly profitable mass marketing of New Age philosophy.

Rita, Doug, and Marsha Swan attended the conference and enjoyed the fellowship with many new friends along with the privilege of meeting several CHILD members in person for the first time. It was a moving experience to meet Patricia Ryan, daughter of mur-

dered Congressman Leo Ryan, and parents who cannot even find out whether their children are dead or alive. During the conference, papers were served on Gabe Cazares as part of another harassment lawsuit by Scientology.

We especially want to thank our hosts for the conference, Ann and Jerry Lindgren.

## **Law review article argues for tort suits against faith healers**

The current issue of *Hofstra Law Review*, v. 16, no. 1, has an article entitled "'Suffer the Little Children. . . :,' Toward a Judicial Recognition of a Duty of Reasonable Care owed Children by Religious Faith Healers."

Author Ivy Dodes argues that the judicial rule of preventing adjudication of a negligence action against a religious organization should not insulate faith healers from civil liability when children are injured because of their claims and advice. She examines the doctrine of church immunity, focusing upon the distinction between conduct and belief and concludes that conduct affecting children may be exempt from first amendment protection. She also addresses the reasonable person standard as a natural principle of tort law, and whether it can constitutionally be applied to an inquiry into a faith healer's conduct as such conduct affects children.

## **Maryland legislature works on religious exemptions from daycare licensing**

Maryland House leaders and representatives of the Roman Catholic Church reached accord March 17 permitting the state Department of Human Resources to regulate church-run nursery schools for health and safety conditions, but barring the state from interfering with the school's "instructional program, curriculum or teacher qualifications."

Fundamentalist Christian groups were not satisfied with this compromise and vowed to continue their opposition to any state licensing of church-run daycare facilities.

Taken from *The Baltimore Sun*, March 18, 1988.



## **Tennessee legislature moves toward granting religious exemption from daycare licensing**

On March 2, a Tennessee state Senate committee approved a bill exempting church daycare programs from state licensing.

If passed by both houses and signed by the governor, the bill will remove the Department of Human Services as the regulatory authority over daycare centers run in conjunction with Christian schools, reversing legislation passed last year.

The bill gives regulatory authority to the church administering the daycare program, requiring that the church ensure the “equivalent” safety measures now required by the state. Those safety measures include fire safety, room size and student-teacher ratios. State regulations do not address daycare curricula.

DHS Commissioner Nancy Min said the bill should demand identical safety measures rather than “equivalent” ones. She also said the state regulations do not impose a hardship on churches because Tennessee requirements are “minimal.”

But the bill’s sponsor, Senator Ray Albright, R-Chatanooga, said he would not compromise with the DHS. Identical regulations could force churches to hire teachers they do not deem religious, he charged.

Taken from the *Murfreesboro Daily News Journal*, March 3, 1988.

## **Mother to be charged in teen’s starvation death**

The Wayne County Prosecutor’s Office in Detroit, Michigan, has issued a warrant for indictment of a mother who let her wheelchair-bound teenager starve to death in February because of obsessive religious beliefs.

After the death of her own mother, the woman apparently lapsed into severe depression and became convinced that her daughter, Rishonda Jones, could walk if she would just muster enough faith.

The mother will be charged with involuntary manslaughter and felony child cruelty.

## **House of Judah convictions upheld**

On March 4 a federal appeals court affirmed a federal judge’s conviction of seven people for enslaving youngsters at a religious commune in Allegan County, Michigan.

A three-judge panel of the 6th U.S. Circuit Court of Appeals in Cincinnati rejected the defendants’ arguments that the Thirteenth Amendment prohibiting slavery did not apply to children and that commune leaders were immune from criminal liability because the children’s parents consented in writing to the beatings and threats the defendants used to make the children work.

“The Thirteenth Amendment prohibits an individual from selling himself into bondage, and it likewise prohibits a family from selling its child into bondage,” Judge Gilbert Merritt wrote in the appeals court’s unanimous opinion. “The Western legal tradition prohibits contracts in advance to suffer assaults and other criminal wrongs.”

The commune leader, “Prophet” William Lewis, his son, his girlfriend, and commune council members were convicted in 1986 of conspiracy to enslave children and of holding 12-year-old John Yarbough in “involuntary servitude” until he was beaten to death in 1983.

The federal government filed its charges after the Allegan County District Attorney failed to get convictions for other crimes.

Lewis and his followers now live in a 40-acre commune outside Wetumpka, Alabama, after closing their camp in Michigan. They call themselves Black Hebrew Israelite Jews.

Taken from the *Grand Rapids Press*, March 5, 1988.

## **Four arrested at Alamo commune in child abuse case**

On March 24, Los Angeles County sheriff’s deputies raided the Tony and Susan Alamo Foundation communes in a remote canyon, took three boys, and gave custody of them to their fathers. A week later the deputies returned and arrested four sect members over alleged child abuse.

The Alamo Foundation was formed in the 1960’s by

Tony Alamo and his late wife, Susan, when they took young runaways off the streets and subjected them to a Spartan lifestyle and fire-and-brimstone sermons. They moved most of their operations to Arkansas and Tennessee in the 1970's after raids by authorities at their California headquarters, but recently moved back when Alamo was subjected to lawsuits and federal investigations in the South.

The Internal Revenue Service revoked the foundation's tax-exempt status after concluding that one of its primary purposes was making money for its leaders. The foundation is appealing the ruling.

### **Battle for custody of children**

Two mothers attempting to regain control of their children from the Alamo foundation have recently come to our attention. One is Judy Shapiro, who has not seen her daughters, Joanna and Abigail, now 10 and 11, for more than five years. Shapiro and her husband were allowed to see each other less than 24 hours a week. Both worked seven days a week for church-run businesses without wages. As her children grew older, Shapiro became discouraged with the lack of family life, the control of her time, and the prohibition against contact with the outside world, including her family. When her husband complained of her dissident attitude and said she was not welcome at the Foundation, she filed for divorce. She was awarded custody of her children in 1982. However, her husband's attorney announced in court that her husband had fled with the children.

Mary Lou Weinzetl of Waukegan, Illinois, has recently recovered her two-year-old daughter Jacquelyn, but is still seeking her 6-month-old baby Brendan, who she believes is being hidden by the Alamo Foundation.

### **Members beaten, abused publicly**

While living at the church's armed camp in Arkansas, Weinzetl heard outsiders attacked as agents of Satan. She saw a young boy struck about 60 times at Alamo's direction with "the board of education" for insubordination. Alamo, who lives in a mansion on the grounds, uses a public address system to criticize individual members.

Weinzetl left the church several times during 1986-87, but always returned because church members, including her husband, would call and intimidate her with Scriptural quotes and threats of hell. The last time she returned she was nine months pregnant and hoped to

persuade her husband to leave with her.

She went into labor while there and gave birth to Brendan. She claims she had to sign an agreement giving her children to her husband before she was allowed to leave. She left to get legal help. She got a court order to have the children picked up, but the church blocked entry to the grounds, while her husband fled with the children.

Taken from *The Los Angeles Times*, March 25 and April 1, 1988, and *Cult Awareness Network News*, February and March, 1988, issues.

### **California Supreme Court hears arguments on deaths of Christian Science children**

On March 8, the California Supreme Court heard oral arguments in the state's case against Laurie Walker, a Christian Scientist who allowed her 4-year-old daughter Shauntay to die of untreated h-flu meningitis in 1984. She is charged with involuntary manslaughter and felony child endangerment.

California has also filed criminal charges against two other sets of Christian Science parents who allowed their children to die of h-flu meningitis without medical treatment in 1984. Lisa and Eliot Glaser were charged in the death of their 17-month-old son Seth by the Los Angeles County District Attorney's Office. Susan and Mark Rippberger have been charged in Sonoma County for the death of their 8-month-old daughter Natalie.

The Glasers claim their son was sick for only two days. Shauntay Walker, however, was out of nursery school for 17 days, and the Rippbergers describe their daughter's illness as lasting two weeks. Symptoms of paralysis, fever, convulsions, eyes rolled upward, fixed, glassy stares; and blue skin color have been described by various observers of the children.

### **Meaning of non-support law unclear**

The key issue is whether California's religious immunity law gives Christian Science parents the right to deprive their children of lifesaving medical care. The law provides an ambiguous exemption to the misdemeanor charge of nonsupport of children, while the state has charged the parents with felonies for letting their children die.



The California Civil Liberties Union has filed an amicus brief in support of Walker, claiming she was deprived of due process. The California Medical Association has filed an amicus in support of the state. The California Supreme Court's ruling on the Laurie Walker case will likely be binding on the other two cases as well.

### **Is law constitutional?**

The state has asked the religious immunity law to be declared unconstitutional. This is unusual, since prosecutors are sworn to uphold and defend the laws, but perfectly understandable to those of us who study the unconstitutional and callous injustices perpetrated by these laws.

Whether a Supreme Court ruling striking the law would also require dismissing charges against the three sets of parents, as happened twice in Ohio, is an open question.

Peter Schrag wrote an excellent column on the Walker case that was carried by several California newspapers the fourth week of March. Schrag writes:

“The question is not whether prayer helps; the question is whether the state can regard prayer as an adequate substitute for penicillin in the treatment of meningitis. And while one could imagine unfavorable comparisons between some dreadful incompetents with M.D. after their names and caring religious healers, the answer, plainly still has to be no.

“Any other result entangles government in a thicket of religious questions and makes the child's life vulnerable to an unlimited number of religious agendas and conscientious alternatives bearing no relationship to reasonable medical treatment.”

Schrag closes with an outraged protest against “the venality of the political process” that brought the religious exemption into being and concludes: “There are a lot of people in this case who are as culpable as Laurie Walker.”

CHILD adds as a postscript, especially John Knox, the legislator who sponsored the exemption for the Christian Science church and now tells the press he “does not recall” what his intention was. How many amnesiacs should we have in our statehouses?

## **Can abused children sue public officials?**

On March 21 the U.S. Supreme Court agreed to decide whether abused children may sue public officials for failing to protect them from their parents. The plaintiff is a Wisconsin boy, Joshua DeShaney, who suffered serious and permanent brain damage from beatings by his father. Social Services officials are accused of gross negligence.

One social worker visited the DeShaney home several times but allegedly failed to take any steps to remove him from the home or protect him. The boy's mother sued Social Services on grounds the agency violated his constitutional right not to be deprived of liberty without due process.

The 7th U.S. Circuit Court of Appeals threw out the suit. The court said welfare agencies should not be placed in the predicament of removing the child from a home and risking a suit by the parent or leaving the child there and risking a suit by the child.

Putting officials in that position “is unlikely to improve the welfare of American families and is not grounded in constitutional text or principle,” the appeals court said. The Supreme Court will consider reinstating the suit.

The Supreme Court's ruling might possibly open to us another line of attack against religious immunity laws.

Taken in part from the *Sacramento Bee*, March 22.

## **Boy killed for saying prayer wrong**

On March 30, a Florida mother was charged in the death of a 5-year-old foster child who police said was bashed in the head with a board for refusing to kneel to say his prayers.

Rosa Lee Jones, who officials said is a member of a Holiness church in Tampa, was charged with second-degree homicide and aggravated child abuse in the death of Albert Smith.

The boy had complained of being hit with a board and asked to leave his foster home in November, state records show. But on January 8, he died with a fractured skull before a new home was found.



Jones was a foster mother for 14 children over the last eight years. One analyst for the Florida Department of Health and Rehabilitation Services warned of Jones's rigid disciplinary practices when evaluating her for state licensing. Jones, she said, "might border on being somewhat fanatical" and might "tend to be a little rigid in some areas because she is a devout member of a fundamentalist religion." However, she concluded that Jones would not likely be "unreasonable in her expectations of the children."

### **Corporal punishment not allowed**

The first placement in February 1980, a 13-year-old girl, left seven months later after complaining about being whipped with a belt. After a warning about corporal punishment, which is against HRS rules, the Joneses took 13 more foster children in through the years.

Jones redeemed herself in the eyes of social workers by adopting three of the foster children and by accepting as many as seven children in her home at once, including mentally impaired children.

Taken from the *Sarasota Herald-Tribune*, March 31 and April 2.

### ***New England Monthly* publishes on Christian Science**

The March 1988 issue of *New England Monthly* carries an excellent article about the Christian Science church by Alfie Kohn. Entitled "Mind over Matter," it probes the testimonies of healing, the nursing homes, the adulation of Mary Baker Eddy, the church's fledgling broadcasting empire, the hypocrisy, the slick, formulaic explanations, etc.

It does not investigate unnecessary deaths of Christian Science children, but reminded me of them nonetheless. Kohn asked the director of Christian Science nurse training why these nurses are allowed to dress wounds when they can't do anything else resembling medical nursing. The director replied, "You wouldn't leave them uncovered, would you? They're unsightly."

I think of the Christian Science nurse who watched our own son in convulsions, unable to blink his eyes, unable to swallow, and told us he was being healed. I think of the other children who have died since then with Christian Science nurses looking on. Was there nothing "unsightly" about their agony?

### **Church cited for exploiting children**

U. S. District Judge Robert Potter rebuked Shiloh True Light Church of Christ for exploiting children and cited church members for contempt of court for violating federal child labor laws.

True Light families educate their children at home. The church also sponsors a job-training program that gives youths the opportunity to earn money while learning trades. Church members acknowledged during the trial they used their children, some as young as nine, at construction sites and in workshops. Children operated forklifts and other heavy machinery.

In October, Potter ordered children to stop working for the companies. When the owners of the companies continued the program for the church, the Labor Department asked that they be found in contempt.

Taken from *The Washington Post*, March 5, 1988.

### **Meeting with HHS Officials**

On Wednesday, March 16, CHILD officers Rita and Doug Swan together with a spokesman for the American Academy of Pediatrics met with three Health and Human Services officials in Washington. The meeting was held in the office of Sydney Olson, Assistant Secretary for Human Development Services.

The key concern of both the Academy, represented by Alexandra Calcagno, and the Swans was that mandated reporting is not, in fact, being required by the states nor being volunteered in cases of religiously-based medical neglect. Thus children are continuing to die of medically treatable illnesses such as ruptured appendices, diabetes, bowel obstructions, etc. Courts cannot order intervention because the state does not know of the life-threatening danger until the child is dead.

### **Reason for lack of reports**

There is a reason for the lack of reporting. HHS states that withholding medical care is reportable in all cases of actual or potential harm to the child. But the states enacted laws to comply with a now withdrawn eligibility requirement of HHS. These laws exempt parents from child abuse and neglect charges who deprive children of medical care on religious grounds. These laws do not specify that reporting of failure to provide medical care is required despite the exemption. Hence,



they are in violation of the current federal guidelines. Children continue to suffer and die when there are simple and effective medical remedies.

The HHS officials asserted their intention to require all states to comply with their eligibility requirement

## RTA SWAN / REBUTTAL

### 'Spiritual Healing' Claims Wither on the Vine of Investigation

I am dismayed by Carl Rapkins' naive review of *Spiritual Healing in a Scientific Age* by Robert Peel (*City Tribune* Dec. 9). The accounts related in Peel's book are purportedly healings achieved only by Christian Science treatments and are allegedly verified by medical doctors.

Rapkins calls the documentation of these healings impressive. One wonders if he has even looked at it. When I asked the church if I could examine the documentation, I was told that the church allows only approved applicants to do this.

By Peel's own admission, many of these accounts were collected to answer myself and my husband — critics whom he refers to only as "Mr. and Mrs. S." We lost our son in 1977 because of the Christian Science church's fallacious healing claims. Rapkins expresses no curiosity about the failures of Christian Science. He treats the book as serious scholarship even though it does not give the names of its critics or provide

**"The medical significance of the anecdotal healings described in the book cannot be assessed without access to the medical records and the doctors."**

references to them.

The medical significance of the anecdotal healings described in the book cannot be assessed without access to the medical records and the doctors. I saw mention of only two doctors who consented to have their names used in the book, and the healings they attest to are far from miraculous. Most of the doctors, who supposedly agree that Christian Science has shown healing power superior to that of medical science, are referred to only as "Dr. \_\_\_\_\_."

Peel claims that the doctors would not allow their names used because their medical colleagues would ridicule them. I think it is more likely that the doctors did not wish to participate in encouraging unnecessary deaths of children.

In my judgment, many of these accounts depend upon misunderstanding or misrepresentation of what doctors say. Consider, for example, the affidavit of Linda Thomas Russell, one that hardly illustrates Rapkins' and Peel's claim that Christian Scientists cooperate with doctors.

The Russell baby was born with inflamed lungs and pneumonia. In obedience to the inconsistent directions of Christian Science founder Mary Baker Eddy, a medical doctor attended the birth. According to the Russells, the doctors told them that the baby must be immediately transported to intensive care facilities at a larger hospital or he would be dead by morning. The Russells refused consent for the transfer. They also refused to allow the

baby to have prescribed antibiotics, but did let him stay in an incubator at the local hospital and be fed with tubes. One doctor twice resigned from the case because of the risks the parents took with the baby's life. After eight days, the baby went home well.

Any critical reader has to wonder how accurately the doctors' language is reported. Did the doctors say the baby would die or that he could die? Were the antibiotics prescribed because of a life-threatening bacterial infection or as a precaution and preventive? Most physicians would want to take every possible precaution with a newborn baby.

Yes, the parents deprived the baby of the recommended intensive care and medication and had Christian Science "treatment" instead, and yes, the baby got well. But without access to the doctors and the medical records, there is no evidence that Christian Science accomplished anything remarkable. My physician has told me that there is nothing miraculous about the baby's recovery from inflamed lungs, depending on the underlying cause. He also said it is an extremely painful condition. It is frightening to think of parents forcing a newborn baby to suffer through it without medical care.

Beyond the anecdotal level, the larger question is whether Christian Science should have state recognition as a legal substitute for the medical care needed by a desperately sick child. Peel argues that it should. The church has already distributed copies of this book to legislators in order to block efforts to protect children associated with healing sects.

Only controlled studies and comprehensive statistical data could justify the Christian Science church's claim to have appropriate health care for all diseases of helpless children. The church has no statistical evidence that it can routinely heal diseases that ordinarily require medical treatment.

Indeed, while Peel presents these anecdotes as proof that his religion is a science, he does not want them subjected to the rigors of scientific verification. He says that the Christian Science method depends on purely spiritual communion with God and would be "modified by the deliberate introduction" of a medical researcher's "alien" observations.

In lieu of controlled studies, Peel offers the lame argument that medicine fails too and only Jesus Christ has a perfect healing record.

A judge in Boston has recently recommended prosecution of Christian Science parents for allowing their toddler to die of a bowel obstruction. In Florida, Christian Science parents are charged with allowing their daughter to die of diabetes. In California, charges have been filed against three sets of Christian Science parents for allowing their children to die of h-flu meningitis. This is the same disease our son died of many years ago, and it is 100 percent fatal without medical treatment. All of those children would most likely be alive today if their parents had not believed the church's anecdotal healing claims.

Rapkins' promotion of these claims shows a shocking indifference to the welfare of children.

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