

Children's Healthcare Is a Legal Duty, Inc.

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Written and produced by
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Dr. Norman Fost, chairman, Bioethics Committee

American Academy of Pediatrics opposes religious exemptions

After two years of work, the Bioethics Committee of the American Academy of Pediatrics, representing 34,000 pediatricians, published a statement against religious exemptions in the January, 1988, issue of *Pediatrics*, as reprinted on the following pages.

The statement received widespread media attention. One member of the Bioethics Committee had a column in the *Los Angeles Times* about the position, which we are also reprinting. Several papers have run side-by-side columns from Norman Fost, chair of the Bioethics Committee, and Nathan Talbot, the manager of the Christian Science church's lobbying network. ABC's 20/20 became interested in the issue through the AAP's stand and has filmed interviews with Fost, the Swans, et al.

Not all medical doctors have supported the AAP's stand. One AAP member, Dr. Stephen Gyland of Jacksonville, Florida, published a lengthy criticism of the AAP for threatening "religious freedom," while being neutral on abortions. Gyland claims to have instantly lengthened the deformed leg of one of his patients by praying over the child.

CHILD was credited as a catalyst for the AAP resolution in the January 9th *Washington Post*.

Inside

"Religious exemptions from child abuse statutes" published in <i>Pediatrics</i>	2
Homicide charged in diabetic boy's death	4
Home schooling in Washington	5
Abuse alleged in Texas affiliate	5
Court allows custody based on religion	6
Court rules on "mature" minor	6
Witnesses say doctors allowed son to die	6
Access to records on healings denied	7
Correction	7
Child abuse charged in mummy case	7
Olsons settle with Faith Assembly	11
Spanking with spoon ruled assault	11
Cult leader beat girls, exmembers say	11
New religious exemptions in Louisiana	12
Starvation death linked to religion	13
Court rules diocese must go on trial	13
"Children are suffering"	14

About CHILD, Inc.

CHILD, Inc. is a nonprofit, tax-exempt organization dedicated to the rights of children. CHILD speaks out against all forms of child abuse and neglect associated with religious practice. CHILD opposes all religious exemptions from parental duties of care. CHILD believes that no-one has a religious right to cause or allow injury to children.

AMERICAN ACADEMY OF PEDIATRICS

Committee on Bioethics

Religious Exemptions From Child Abuse Statutes

Children sometimes die or become disabled when they fail to receive medical treatment because of the strongly held religious or philosophical beliefs or practices of their parents. The numbers of such incidents of neglect are hard to ascertain reliably, but there are increasingly frequent reports in the mass media. We believe the reported cases represent the most extreme examples of a larger problem. According to newspaper reports, the following are some specific cases that have come to recent attention: (1) A 4-year-old girl in Sacramento, CA, died of bacterial meningitis; her only treatment was spiritual healing by a Christian Science practitioner (*Sacramento Bee*, April 21, 1984). (2) Two children died of pneumonia and meningitis in Indiana. Both sets of parents were prosecuted for withholding medical care from their children. The parents belonged to the Faith Assembly, a sect that relies exclusively on faith healing (*Medical World News*, Oct 4, 1984). (3) A 2½-year-old boy died in Boston of bowel obstruction in April 1986 following five days of treatment by a Christian Science practitioner and nurse (*Boston Globe*, April 10, 1986). (4) A 16-month-old Santa Monica, CA, boy died of bacterial meningitis; his only treatment was prayer by a Christian Science practitioner. (*Los Angeles Times*, April 30, 1984). (5) Parents of a 13-month-old boy in Coshocton, OH, who died with bacterial (*Streptococcus pneumoniae*) pericarditis were tried and released because of religious exemption protection. The child had received no medical care because the parents were members of the Christ As-

sembly, a group that believes in healing by prayer (*Columbia Citizen-Journal*, June 15, 1984). (6) A 23-month-old girl died of bronchopneumonia in Celina, OH, in April 1986. The parents have claimed that their religious beliefs prevented them from seeking medical care. Although the parents were prosecuted, charges were dismissed because of the religious exemption clause¹ (*Akron Beacon-Journal*, May 6, 1986).

ETHICAL AND LEGAL ISSUES

Religion plays an important role in the growth and development of many children and families. However, when parental practices have potentially harmful consequences for the child, state intervention may be warranted.

The boundary between parental freedom in child rearing and the interest—or even basic rights—of the child is unclear. The limits to parental decision making for children are uncertain, but it is widely accepted that parents generally will make decisions that do not directly threaten the welfare of their children. Tradition, social forces, and belief systems shape the limits of acceptable nurturance, of parental imperatives and privileges, and even of physical force used in the discipline of children. These, of course, change with time. However, the constitutional guarantees of freedom of religion do not sanction harming another person in the practice of one's religion, and they do not allow religion to be a legal defense when one harms another.

Because the efficacy or necessity of many medical practices are arguable, those who claim that much of common medical practice can be replaced or improved by various forms of nonmedical intervention or "faith healing" will inevitably find some basis for their claims. Although there will always remain areas of legitimate debate, it is the intent of this Committee to exclude from that debate for

This statement has been approved by the Council on Child and Adolescent Health.

The recommendations in this statement do not indicate an exclusive course of treatment or procedure to be followed. Variations, taking into account individual circumstances, may be appropriate.

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the purpose of defining medical neglect: medical interventions of clear efficacy that can prevent, ameliorate, or cure serious disease, incapacity, or loss of life and interventions that will clearly result in prevention of future handicaps or disability for the child.

Recognition of the prevalence and serious consequences of child abuse and neglect has led society to develop increasingly comprehensive systems for its detection and reporting and to the establishment of legislation and procedures by each of the states. Federal rules, in addition to mandating that certain procedures for reporting be adopted for each state, also confirm the inclusion of standard medical treatment in the category of those rights assured to children and establish the withholding of medical treatment in some circumstances as a form of child abuse or neglect.

In the United States, the constitutional guarantee of protection of religious practice from intrusion by government has been used by some religious groups to seek exemption from legislative or regulatory requirements regarding child abuse and neglect. Certain groups have succeeded in obtaining exemption from reporting or prosecution for child abuse and neglect, including medical neglect, in more than three quarters of the states. There are now statutes in 44 states which contain a provision stating that a child is not to be deemed abused or neglected merely because he or she is receiving treatment by spiritual means, through prayer according to the tenets of a recognized religion. Although these exemptions take various forms and interpretations in different state jurisdictions, the overall effect has been to limit the ability of the state to prosecute parents for abuse or medical neglect of children when such occurrences may be the result of "religious practice." Severe (even fatal) physical discipline, failure to seek needed medical care, or refusal of a proven efficacious treatment of a critically ill child may be protected from remedy because of the so-called religious exemption clauses now found in the majority of state codes.

Two important sets of interests are in apparent opposition—those of children in the benefits of proven medical and health care and those of parents in making decisions about their children's well-being. Some parents believe that a constitutionally protected freedom of religion allows them to deny their children some or all of the benefits of standard medical intervention. However, this interpretation of the US constitution is in contradiction to important court rulings to the effect that parents may not martyr their children based on parental beliefs² and that children cannot be denied essential medical care.^{3,4}

STATEMENT

The Committee on Bioethics asserts that (1) the opportunity to grow and develop safe from physical harm with the protection of our society is a fundamental right of every child; (2) the basic moral principles of justice and of protection of children as vulnerable citizens require that *all* parents and caretakers must be treated equally by the laws and regulations that have been enacted by state and federal governments to protect children; (3) all child abuse, neglect, and medical neglect statutes should be applied without potential or actual exemption for religious beliefs; (4) no statute should exist that permits or implies that denial of medical care necessary to prevent death or serious impairment to children can be supported on religious grounds; (5) state legislatures and regulatory agencies with interests in children should be urged to remove religious exemption clauses from statutes and regulations.

It is not the intent of the Committee to encourage the development of separate legal systems to respond to parents who abuse or neglect their children for religious or philosophical reasons. The usual procedures of detection, reporting, and remediation by established civil or criminal court processes are, in most jurisdictions, sufficiently developed and functional. Rather, it is the Committee's concern that those procedures designed to help children who are victims of their caretakers and to prevent neglect be applied evenly to *all* caretakers. Claims of exemption from responsibility for care—as defined above—should not be honored on religious or philosophical grounds, and offending parents or caretakers should not be treated more or less stringently than those who make no such claim. The Committee does not intend by this statement to advocate punishment of offending parents as a solution to the problem of child abuse and neglect, but rather, we are calling for equal treatment of all abusive parents.

RECOMMENDATIONS

The American Academy of Pediatrics recommends that all pediatricians, pediatric surgeons, and AAP state chapters vigorously take the lead to (1) increase public awareness of the hazards to children growing out of religious exemptions to child abuse and neglect legislation; (2) support legislation in each state legislature to correct statutes and regulations that permit harm to children under the shield of religious exemption; (3) work with other child advocacy organizations and agencies to develop coordinated and concerted public and

professional actions for recision of religious exemptions.

The Academy must unequivocally defend the rights of *all* children to the protection and benefits of the law and medicine when physical harm—or life itself—is in the balance.

COMMITTEE ON BIOETHICS, 1986-1987

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William B. Weil, Jr, MD

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REFERENCES

1. Ohio Rev Code 2919.22(A). [This religious exemption clause was held unconstitutional in *State v Miskimens*, 22 Ohio Misc.2d 43, 49ONE.2d 931 (Ohio Com Pl, 1984). However, because this was a lower court decision, it only applies in the local jurisdiction of that court and is not effective throughout the entire state of Ohio]
2. *Prince v Massachusetts*, 321 US 158 (1944)
3. *Jehovah's Witnesses of Washington King County Hospital*, 278 F Supp 488 (Washington, DC 1967), affirmed per curiam 390 US 598 (1968)
4. *Raleigh Fitkin—Paul Morgan Memorial Hospital v Anderson*, 42 NJ 421, 201 A. 2d 537 (1964), certiorari denied 377 US 985 (1964)

From *Pediatrics*, vol. 81 no. 1, January 1988, 169-171. Reprinted with permission.

Homicide charged in diabetic boy's death

On March 3, Bob and Judith Norman of Mead, Washington, were charged with homicide by abuse in connection with the December 20 death of their ten-year-old son Aaron.

Five other members of their fellowship group were charged with second-degree criminal mistreatment. The five include church elders and Douglas Kleber, the group's former national leader.

The press has dubbed the group "No-Name Fellowship" because it has no official name. Kleber started the group about ten years ago in Champaign, Illinois. It has affiliates in four states known by such names as The Rescue Shop and Church of the Living Waters.

Church officials called

The Normans told authorities they have not believed in doctors for the past year. According to their affidavit, they said their son had been sick for two days. He had been vomiting on Friday, December 18, but felt better and ate light foods on Saturday. On Sunday, they discovered he was not breathing. Then they attempted CPR and called Kleber and other church leaders for help. They did not call the Fire Department or an ambulance. Authorities learned of the death from the funeral home.

A deputy coroner found the boy's body "quite emaciated" with bruises on his buttocks, legs, and thighs. According to Norman's affidavit, the Holy Ghost told him Aaron had been masturbating. When Norman confronted Aaron, he denied it and was therefore

disciplined with a board, which the father called a rod.

Sin causes sickness; beating advised

Kleber was called to the parents' home several times that weekend and advised the beating. Kleber said the punishment was not abusive for it was done with love and a "whole lot more kissing and hugging going on." Kleber said "the boy confessed after the spanking and felt better."

Kleber said members believe "sickness is a result of sin and a wicked lifestyle." He said they distrust doctors and believe in prayer for healing. "We trusted the Lord," he said. "It wasn't a matter that no one was called. Our first reaction was that we trusted the Lord because of what we have seen the Lord do, because we have seen him raise the dead."

Severity of illness discussed

But Kleber added that they would not have withheld medical treatment from Aaron if they had known how sick he was. He said, in fact, that the fellowship has two adult diabetics who have not been pressured to give up their insulin.

A Spokane County sheriff's detective said, however, that the No-Name Fellowship discussed whether Aaron had diabetes at church services four days before the boy died. Several members suggested that he might have diabetes, he said.

The death of a young Champaign man has also been linked to the group's beliefs on medical care. Honor student Damon Shugart, 21, had lived with Kleber and elders, but was expelled from the group because of pride. In an effort to get readmitted, Shugart had

deliberately broken his eyeglasses and thrown them away. He was almost legally blind without them. While walking on an interstate highway, he was struck by a car and died April 29, 1987.

Effect on brothers

Aaron's younger brother David has been placed by the state in foster care. His older brothers, Dan, 20, and Chris, 18, ran away from their parents' home about two years ago to get away from the group's strict controls. They now live with their grandparents.

All children in the No-Name Fellowship were being schooled at home, which posed additional obstacles to state monitoring of their health and welfare.

Homicide by abuse, with which the Normans are charged, was established as a crime by the Washington legislature last year. The statute labels a person guilty of this crime if "under circumstances manifesting extreme indifference to human life," the person causes the death of a child and was "previously engaged in a pattern or practice of assault or torture of said child."

Taken from *The Champaign News Gazette*, January 17, 1988; *Spokane Chronicle*, March 3, 1988; *Spokane Spokesman-Review*, March 5, 1988; et al.

Home schooling in Washington

In 1985 the Washington legislature legalized home schooling and set certain requirements for it. Parents must notify the school district each year that they intend to home-school their children. The person who does the teaching must have completed one year of college or a 22-hour course in home schooling, or be supervised by a certified teacher.

Students taught at home are supposed to take a standardized test or be evaluated by a teacher each year. The results of those tests or evaluations, however, are given to school officials only if the parents later enroll the child in school.

The school district is prohibited from asking why parents want to home school their children, and it has little authority to ensure that the students are learning anything.

All children in the Spokane area No-Name Fellowship were being home schooled when Aaron Norman died. This tragedy illustrates the difficulty of state intervention when children are home schooled.

However, Kathleen McCurdy, head of a statewide home schooling advocacy group, said changing the laws to require more monitoring of home-school students would violate the rights of parents just so a tiny minority of parents can be held in check. "If we're going to have American constitutional liberties, we're going to have risks that go along with that," she said.

Taken from the *Spokesman-Review/Spokane Chronicle*, January 10, 1988.

Kleber's Texas affiliate probed for possible child abuse

A Plano, Texas, group affiliated with Douglas Kleber's ministries was investigated last year for abuse alleged by dissident member Lori Clay. Clay said her one-year-old daughter Tabitha nearly starved while the family lived with a church elder.

She said church leaders accused her of being wicked and wouldn't allow her to care for her children during the time she lived with the elder. Her other two children were ages 4 and 7. She herself was spanked twice for being rebellious, she said, and was several times required to stay in a room by herself while the other family members ate.

Her daughter was not given enough food, Clay said, and was spanked for fussing during dinner. At one meal, she was given three swats 14 different times because she wanted water with her meal, Clay said. Eventually, the child stopped eating and was then spanked for refusing to eat, she said.

Life saved by a matter of days

Clay finally left the home, taking her three children with her. The lawyer who helped her retain custody of her children after her divorce said Tabitha's life was probably saved by a matter of days.

Doug Cartland, leader of the Plano church, said Clay was a bad wife and mother who had asked to enter the home of an elder so she could learn how to properly care for her children. "She was a liar before she came, and she was a liar while she was with us and she is a liar now," he said. "We were seeking to put an end to" Clay's "tremendous neglect" of her kids, he claimed.

Other exmembers report week-long fasts, isolation from relatives, and whippings of both children and adults. Children, even infants, are expected to sit still through prayer meetings lasting five or six hours.

They are spanked for fidgeting, exmembers report.

Taken from the *Spokesman-Review/Spokane Chronicle*, January 10, 1988, and *Cult Awareness Network News*, February, 1988.

U.S. Supreme Court declines to review custody ruling based on religion

The U.S. Supreme Court has declined to review the case of Rita Mendez, who lost custody of her daughter Rebecca in 1985 partially because of her Jehovah's Witness faith.

Two Florida appeals court panels have upheld, on split decisions, the divorce court order that gave Rebecca's father, Ignacio Mendez, a Catholic, custody and decision-making power over her education and religious training.

Judge Philip Knight awarded Rita liberal visitation with her child, whom she sees almost every day, but also ruled that she must not expose Rebecca to anything that is contrary to Catholicism or allow anyone else to do so.

The judge said he simply didn't want Rebecca to grow up confused and possibly hurt by the tug of contrasting religions. He also admitted being uncomfortable with some Witness beliefs, especially their prohibition against blood transfusions.

A dissenting judge on the appellate court panel wrote, "To be forced to choose between one's religion and one's child is repugnant to a society based on constitutional principles." The American Civil Liberties Union supported the mother's appeals.

The majority on the panel upheld the trial court's right to consider "the effect on the child caused by the conflicting religious beliefs of the parties."

Taken from the *Miami News Weekender*, February 6, 1988.

"Mature" Jehovah's Witness minor may be forced to have transfusion

A California Court of Appeals held in January that a 17-year-old leukemia patient, who is a Jehovah's Witness, may be forced to have blood transfusions. The patient, Christopher Lavender, was asked to

undergo a three-year chemotherapy treatment, which would necessitate blood transfusions. Both he and his parents voiced their religious objections to them.

The Los Angeles County Department of Children's Services petitioned to have Christopher declared a dependent child. Los Angeles Superior Court Judge Michael Pirosh dismissed the petition, ruling that Christopher was mature enough to decide for himself whether to accept transfusions.

The Department then sought a pretrial writ, and the Court of Appeals has ruled that Lavender may be forced to have the transfusions against his wishes. Meanwhile, Pirosh amended his order to permit transfusions only in "life-threatening" situations and when he cannot be reached for prior confirmation.

Taken from the *San Francisco Banner Daily Journal*, February 1, 1988.

Jehovah's Witnesses say doctors allowed son to die

The family of a Winnipeg Jehovah's Witness boy who died under medical care has filed a massive lawsuit against medical and government officials. In a claim filed January 21, 1988, in Court of Queen's Bench, the family of 15-year-old Daniel Kennett says doctors trampled on the boy's religious rights to failing to find an alternative to blood transfusions.

Kennett was "entitled to treatment, notwithstanding his religious opinions," said Toronto lawyer Glen How, a member of the Witnesses' faith. "He wouldn't accept treatment because of his religious beliefs, so the doctors stood back without treating him at all. They let a kid die without treating him, and that's a violation of the law." How added that the doctors could have operated on the teenager and saved his life by using bloodless surgical methods.

The government is named in the claim because of its legislation which made Kennett a ward of the court in an emergency hearing held hours before his death. He died before any transfusion or operation was attempted. The claim also says sections of the Child and Family Services Act violate the Charter of Rights and Freedoms by allowing children of Jehovah's Witnesses to be forced to take blood transfusions against their wishes.

Taken from the *Winnipeg Sun*, January 22, 1988.

Does the Christian Science church have medical records to document its healings?

On several occasions through the years, the Christian Science church has claimed that about one third of their published testimonies about physical healings have been medically verified. After leaving the church, we gradually came to realize that such verification was basically worthless for it was not medical records but rather Christian Scientists' versions of what doctors said. On September 3, 1984, the church admitted in a *Los Angeles Times* article that they had no medical records in their possession to document their healings.

Last summer, however, the church brought out a new type of documentation in its book, *Spiritual Healing in a Scientific Age*. It excerpts from hundreds of notarized affidavits by Christian Scientists about healings observed by medical doctors. Author Robert Peel claims that these affidavits were submitted "spontaneously" in response to the appearance of "Mr. and Mrs. S" [his alias for Doug and Rita Swan] on the Donahue show and are on file at the church headquarters.

Well, notarized affidavits from Christian Scientists have no credibility with me either. But I did wonder about one comment in the book telling of an affiant collecting her medical records "to document her affidavit" (p. 73). Did the church now have medical records on file with the affidavits?

Tie to lobbying

Given the widespread distribution of this book to Ohio legislators and given my own work, I had to know the answer. So I called church headquarters, introduced myself, and asked if I could see the affidavits and medical records. I was put on hold for a long time and then told that no-one was there who could answer my question because of a snowstorm.

Thereafter, the letters reprinted on the following pages ensued. Notice that the church does not mention having any medical records.

No access to medical records

In my view, the healings recorded in this book show the same old technique of a hyperactive imagination reprocessing the comments of doctors. Did the doctor say the child would die or that he might die? Did the doctor say the child had meningitis or that he was

testing for it? Without access to the doctors or at least the medical records, we cannot possibly evaluate the validity of these anecdotes.

Will the Ohio legislators believe in this book of healings? Will they believe that dozens of medical doctors believe that Christian Science regularly heals life-threatening illnesses, but cannot allow their names published for fear of professional embarrassment? Maybe the Louisiana legislature did last year (see p. 12).

Correction

In our fall newsletter we reported on an extension of the religious exemption from immunizations by the New York Supreme Court. The court making the ruling was actually the New York Court of Appeals, which is the state's highest court.

Quackery, religion, and child abuse linked to Illinois mummy case

On January 29, the mummified remains of Carl Stevens were discovered by authorities in a rural Knoxville, Illinois home. Apparently, he died in May, 1979, and his corpse was then tended by family members for nearly nine years as if it were alive. His clothing and bedding were changed regularly.

Authorities believe that relatives supported his widow, Carole Stevens, and their children, Craig and Cindy, now 14 and 17, and that some were told Stevens was still alive.

It is believed that Carl's brother, Roger Stevens, a St. Charles lawyer, converted the family to a bizarre system of beliefs that included holistic healing and communication with the dead. A Knox County sheriff's detective said the lawyer told family and friends to stay away because Carl was sick and filed harassment suits against anyone who persisted.

Roger also introduced the family to Richard Kunc, an Aurora dentist. Kunc gave up his dental practice and has lived in Carole Stevens' home for the past year, the sheriff's office said. It is believed that Kunc and the Stevens family practiced a religion centered on preventive medicine, using dentistry, herbs, and natural healing techniques.

Police believe that Stevens, who followed the holistic health care preached by Kunc, died soon after he quit taking insulin for his diabetes.

790 Boylston Street, #17F
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January 6, 1988

Mrs. Rita Swan
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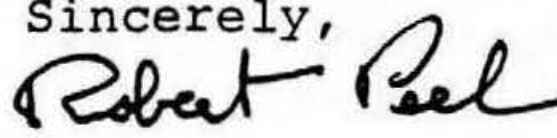
Dear Mrs. Swan:

I'm sorry for the brief delay in answering your question, but your call came at a time when I'm up to my ears in work. You ask about the general availability of the original affidavits quoted at length in my recent book, but it's not a simple matter of yes or no.

I received permission to include these sworn statements from the individual testifiers who made them and The Mother Church which owns them. Some of them have been abridged a little to make the book more readable and less repetitious, and the names of many of the hospitals and physicians mentioned in the affidavits were not included in the book, for the reasons indicated on pages 15-16, 53-54, 68, 73-76, and 149-151.

I cannot speak for the Church in regard to the question you ask. I wrote this book, like my others, entirely independently and on my own time, without any consultation with the Board of Directors until the book was completed. At that time I showed them the manuscript and asked them for permission to use the affidavits I had picked out from the large Committee on Publication collection. We agreed jointly, and also in consonance with the publisher's judgment, that out of respect for the privacy of the doctors and hospitals mentioned I should delete most of their names from the published affidavits.

For the same reason, I assume that any request to see the originals would be accepted or rejected on the basis of the applicant's credentials, purpose and known intellectual probity, as is the requirement for access to many special collections.

Sincerely,

Robert Peel

Children's Healthcare Is a Legal Duty, Inc.

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January 12, 1988

Board of Directors

The First Church of Christ, Scientist
Christian Science Center
Boston MA 02115

Dear Board:

I contacted the Committee on Publication's office a week ago for permission to examine the affidavits and medical records referred to on page 68 of Robert Peel's latest book.

The COP had Robert Peel write me a letter, and Peel says I must petition you for permission.

I hereby request permission for me and my associates to examine all affidavits and medical records supporting the accounts related in Peel's book.

My motive is to save children from health fraud, and my credentials are well known to you, I'm sure.

Sincerely,

Rita Swan

Rita Swan

The First Church of Christ, Scientist in Boston Massachusetts

Manager, Committees on Publication

February 10, 1988

Mrs. Rita Swan
P.O. Box 2604
Sioux City, Iowa 51106

Dear Mrs. Swan:

The Board of Directors, after reviewing your recent letter to them, has asked me to answer your question. I can assure you that if you wish to come to Boston and see for yourself that the affidavits quoted in the Peel book actually do exist in our files, we shall be glad to show you that they are indeed here -- and are signed by the affiants and duly notarized.

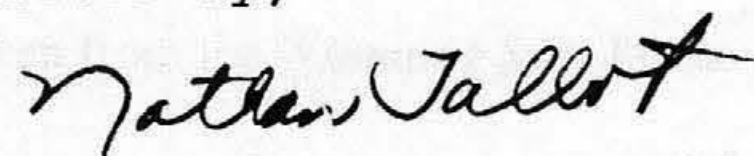
On the other hand, we could not show you the names of the doctors and hospitals that Mr. Peel, with the concurrence of the Directors and his publishers, deleted from the affidavits as presented in his book. In a number of cases doctors have freely acknowledged remarkable Christian Science healings which they have seen take place after expert and at times prolonged medical treatment had proved unsuccessful. Yet these doctors sometimes request that their names not be mentioned in any public recounting of the cases.

Because of such experiences, an effort is made not to put devoted and respected physicians in a position that might be professionally embarrassing to them. This has been church policy in regard to the testimonies published in our religious periodicals. For similar reasons, as illustrated in pages 73-78 of the Peel book, deletions from the affidavits were made and will continue to be honored.

You speak of our being aware of your "credentials." That is not exactly the word we would have chosen to describe your wholly adversarial approach. Even though we fully sympathize and even share with you the stated aim of your CHILD organization to protect children from fraudulent healing systems, we cannot accept the bias and misconceptions that regrettably mark so many of your accusations. It will be a great day when we can all sit down and discuss in an honest, humble, Christian way the issues that concern us.

In that connection, a friend indicated that in a recent mailing you attacked the Peel book. It may be your newsletters are not for the eyes of Christian Scientists; but if they are open to the public I'd be happy to be put on your mailing list.

Sincerely,



Nathan A. Talbot, Manager
Committees on Publication

Carole Stevens and Kunce have been charged with forging Stevens' name to documents and with failure to report a death.

Kunce has also been charged with cruelty to children. The indictment alleges that he instructed them in the acts of channelling, black magic, and suicide, and endangered their health by keeping their father's corpse in the house.

While the Stevens' children are honor students, they also believed that the school lunches contained "black souls" or Satan. Psychiatrists have diagnosed the children as living in a "closed delusional system." They have been placed in foster homes.

Taken the *Peoria Journal Star*, February 6 and 16.

Olsons settle with Faith Assembly out of court

Late last fall, Nigel and David Olson settled their civil suit against Faith Assembly out of court. For years they have worked tirelessly, speaking before groups about their experience with Faith Assembly and raising money to cover their legal expenses. Now, though, they feel it is time to put the "cult experience" behind them and devote themselves to raising their young children.

The suit accused Faith Assembly of thirteen acts of injury, including involuntary servitude, invasion of privacy, fraud, deceit, and infliction of emotional distress. Nigel's life in Faith Assembly became particularly traumatic during her pregnancy because of church pressures to avoid medical care.

Spanking with wooden spoon is ruled assault

Spanking a helpless child on the bare buttocks with a wooden spoon was ruled to be assault by County Court Judge Jane Godfrey in British Columbia on January 21.

Cecil Thornley, 23, told the court that he used the spoon on a three-year-old while babysitting. The boy was treated in the hospital for multiple bruises.

Thornley said he belonged to a fundamentalist religion that preached the evils of spoiling kids. He said he punished the boy after he wet his pants and the floor."

I felt he was being overly defiant with me and didn't want to accept me as a substitute parent," Thornley said. "He wanted to make a statement of power."

He said he followed the advice of a Christian child-care author who recommended using a belt or switch to discipline kids.

Judge Godfrey said Thornley was not protected by a provision in the Criminal Code allowing reasonable force to discipline a child. "Taking a wooden spoon to a child is a criminal offense," she said. "It's certainly not a method recommended by most child care specialists today."

Thornley said he felt sick to his stomach when he saw the boy's bruises and had changed his views on parenting.

CHILD member Paul Pellman, J.D., of Toronto, reports that Canadian courts are moving rapidly to limit the kinds of corporal punishment that can be administered to children.

Taken in part from the *Vancouver Province*, January 21 and 22.

Cult leader beat girls, exmembers say

Former members of a West German colony in Chile told a West German parliamentary committee on February 22 they witnessed torture, child abuse, and gun-running at the camp.

The witnesses said more than 300 members of Colonia Dignidad lived under a "regime of terror" organized by camp leader Paul Schaefer. They said they were held against their will and given electric shocks and injections until they conformed.

Lotti Packmoor, who fled the colony with her husband in 1985, said she saw Schaefer beat girls aged 10 to 12 in a building set aside for children.

The West German foreign ministry passed on testimony about the camp to Chile last December and asked the government of that country to conduct a criminal investigation into Schaefer's activities.

Christian Science church joins with other denominations to get religious exemptions in Louisiana

The October 1987 *Church & State* magazine published a letter from the Louisiana lobbyist for the Christian Science church describing one more of this church's many legislative victories. Ostensibly, the issue was exempting clergy (and Christian Science practitioners) from a legal duty to report child abuse, but actually included yet another religious exemption for parents to deprive children of lifesaving medical care.

The Christian Science lobbyist, David Smith, wrote that "under the old law [requiring clergy reporting], very few child abusers have sought out help from clergy, knowing that the clergy would be required to immediately report whatever was disclosed. Clergymen were working under a tremendous handicap in their desire to take a more active role in spiritually counseling child abusers to help them reform their behavior. The result has been to drive child abuse further underground where it has continued at a brisk pace.

"We argued that the clergy should be allowed to play a unique role . . . to reform and heal child abuse through spiritual means. The new act separates the activities of the church from activities of the state, so that each can operate more efficiently toward the common goal of protecting children.

"We had some loud opposition at one point from one judge and one police officer. . . . Many different religious groups combined their efforts, wrote letters to every senator, and mounted an education campaign on the floor itself. When the issue came up, the opposition ducked out, and the bill to restore confidentiality passed 39-0. . . .

"We hope that many other states can follow this trend toward clearer separation between church and state."

CHILD's view

This is 100% hypocritical nonsense as applied to Christian Science practitioners. Are these practitioners "spiritually consoling child abusers to help them reform their behavior"? No, they are encouraging them to continue depriving their children of medical care. They are participating in the abuse and making money from it.

New exemption for "proven" religious methods

Meanwhile, the bill, which has now been signed into law as Act 626, included a new twist on the familiar religious exemption from child abuse and neglect charges. It states:

"For the purpose of reporting, 'neglect' is the failure by a caretaker to provide for a child the proper or necessary support or medical, surgical, or any other care necessary for his well-being. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable proven record of success, the child shall not for that reason alone be considered to be neglected or abused."

Louisiana has thereby become the first state in the nation to make statutory reference to the healing record of prayer. It was likely taken verbatim from legislation proposed by the Christian Science church. The church has proposed similar legislation in Ohio. Perhaps they feel that their new book, *Spiritual Healing in a Scientific Age*, offers a "proven record of success."

Constitutionality questioned

Regardless of the church's strategy, the Louisiana legislature was stupid and callous to sabotage the rights of children. This law is, in our view, unconstitutional for several reasons. First, it establishes religion by granting a privilege to "well-recognized" religions. Second, it does not explain what methods have achieved this "reasonable proven record of success." The state should advise the mandatory reporters what methods qualify so that the reporters will know which sick children without medical care need to be reported and which do not. Also, parents have the right to be informed by the state which methods qualify—before their child is dead. Third, it is an unconstitutional delegation of authority. The legislature has no right to delegate to another party, such as the Christian Science church, the determination of success records. The legislature has the duty to evaluate and certify such records itself. In the case of medicine, it does so by licensing doctors. Is the Louisiana legislature willing to license faith healers and certify their qualifications to take life and death responsibility for helpless children? If not, then it has no business setting up their "proven record of success" as an excuse for withholding medicine.

Mother charged with murder after daughter starves to death

A well-educated Florida woman with obsessive religious beliefs has been charged with murder after she allegedly starved her four-year-old daughter to exorcise spirits.

Darlene Jackson, 31, of Milton, Florida, was arrested February 11, 1988, on an open count of murder in the death of her daughter, Kimberly McZinc. An autopsy showed the child starved to death. Authorities said the child, who would have been five years old in March, weighed 28 pounds when she died. They said the average child of that age should weigh about 46 pounds.

The Santa Rosa County Sheriff's Department said Ms. Jackson, who has a master's degree and moved to Milton after teaching elementary and secondary school in North Carolina, was apparently "obsessed with her beliefs."

Taken in part from *The Tampa Tribune*, February 12, 1988.

Court rules Catholic Diocese must go on trial

A Superior Court judge has ruled that the hierarchy of the Roman Catholic Diocese of Providence must face trial in a suit filed by a Narragansett woman and her son, who assert that the bishops were negligent in failing to remove a priest who sexually molested the boy.

The bishops and the priest had asked the court to dismiss the suit on First Amendment grounds. They contended that the suit would put the court in the position of "reviewing ecclesiastical decision-making of the Roman Catholic Church."

Judge Campanella, however, ruled that the defendants' appointment of the priest, Father O'Connell, to St. Mary's Church in Bristow "with the knowledge that [he] was a 'homosexual' and 'with the habit of making homosexual advances on young boys under the pretext of his duties as a priest,'" as alleged by the plaintiffs, can be the subject of litigation.

The plaintiffs are asking for \$14 million in compensatory and punitive damages.

Inaction on prior complaints

According to court records, assaults on boys took place at St. Mary's rectory and at Father O'Connell's summer home in South Kingstown. At least 18 months before O'Connell's arrest in February 1985, two priests who worked with him at St. Mary's expressed concern about his conduct to the bishop.

On June 23, 1986, Father O'Connell pleaded no contest to 26 molestation charges and was sentenced to one year in a work-release program.

The counts to be tried in the civil suit accuse O'Connell of committing assault and battery on the boy and intentionally inflicting emotional distress on the boy and his mother, contend that O'Connell is responsible for a "loss of consortium" suffered by the boy and his mother, and accuse the bishops and diocese of negligence and intentionally inflicting emotional distress on the boy and his mother. Campanella dismissed a sixth count alleging that the bishops were responsible for O'Connell's illegal sexual acts because they were "undertaken within the scope of his employment as a priest."

Taken from *The Providence Journal*, January 29, 1988.

Children Are Suffering as Faith Healers Hide Behind Religious-Exemption Shield

By ANTHONY SHAW

It has been four years since 4-year-old Shauntay Walker of Sacramento succumbed to bacterial meningitis after a 17-day ordeal during which her only treatment consisted of bedside prayer by a religious healer.

Now the California Supreme Court will decide whether her mother is subject to prosecution for manslaughter and felony child endangerment or, as Laurie Walker's lawyers contend, whether she is protected by a provision in the California Penal Code that exempts from the definition of child neglect "treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof."

Sporadically, over the past few years, the media have reported tragic cases similar to Shauntay's in which young children with curable life-threatening conditions like bacterial pneumonia, meningitis or intestinal obstruction died after decisions by parents to substitute spiritual for medical treatment.

This religious-exemption clause in California's child-abuse and neglect-reporting law was incorporated into the laws of all 50 states during the mid-1970s as a condition of eligibility for protective-services grants under the federal Child Abuse Prevention and Treatment Act of 1974. Although the federal law has been amended to eliminate this statutory requirement as a condition of federal funding, California remains one of 43 states to retain this confusing, unfair and harmful exemption in its child-abuse and neglect-reporting law and in recently amended juvenile-dependency provisions of the Welfare and Institutions Code.

The inherently confusing nature of the religious exemption is highlighted by the current legal controversy over Walker's culpability. California's child-abuse reporting law says that a child "receiving treatment by spiritual means . . . by a duly accredited practitioner" or "not receiving specified medical treatment for religious reasons . . . shall not for that reason alone be considered a neglected child." This vague language leaves unclear whether those responsible for choosing spiritual over medical treatment may be held legally responsible if harm comes to a child under such circumstances.

The recently enacted child-dependency legislation does permit the juvenile court to assume the jurisdiction of a child under "spiritual treatment through prayer alone"

if it is "necessary to protect the minor from suffering serious physical harm of illness." But these supposed safeguards are undermined by the ambiguities, vagueness and contradictions in the reporting requirements that in effect exempt faith healers from the provision that requires reporting of medical neglect by all "health practitioners," which includes by definition "a religious practitioner who diagnoses, examines or treats children."

Furthermore, the religious-exemption clause unfairly provides parents belonging to a "recognized" religion with immunity from prosecution for medical neglect—a status clearly denied to the larger number of negligent parents whose spiritual credentials are unrecognized, or whose denial of medical care to their children is not supported by any religious philosophy. Although the primary purpose of child-abuse reporting laws is to protect children, not to punish parents, the religious exemption, to the extent that it excuses a class of parents from legal accountability for an otherwise prosecutable offense, puts children of such parents at increased risk.

The American Academy of Pediatrics Committee on Bioethics recently argued against the religious-exemption clause, noting that it may protect "severe (even fatal) physical discipline, failure to seek needed medical care, or refusal of a proven efficacious treatment of a critically ill child."

In its published statement the committee added: "The opportunity to grow and develop safe from physical harm with the protection of our society is a fundamental right of every child. No statute should exist that permits or implies that denial of medical care necessary to prevent death or serious impairment to children can be supported on religious grounds."

The constitutionally protected freedom of religion should not permit children to be endangered by the religious practices of adults.

One can acknowledge the constructive role that religion may play in the lives of families and still agree that the religious exemption is bad law. No attempt to amend or modify it is likely to make it less confusing, unfair or harmful. Nothing short of total expungement of this clause, which permits harm to children under the shield of religious exemption, will do.

Anthony Shaw is a Los Angeles pediatric surgeon and member of the American Academy of Pediatrics Committee on Bioethics.