Maryland is #4

On May 26, 1994, Maryland Governor Donald Schaefer signed HB630 into law. It primarily dealt with domestic violence, but also included sections that added mental injury to the definition of child abuse and neglect and repealed religious exemptions from child abuse and neglect charges.

Maryland thereby became the fourth state in the nation to remove all religious exemptions from a duty to provide medical care to a sick child. The three other states without such exemptions are South Dakota, Massachusetts, and Hawaii.

Maryland still has religious exemptions from immunizations.

As in other states, victory followed an arduous struggle with spokesmen for the Christian Science church. In 1991, Delegate Michael Gordon, D-Gaithersburg, sponsored a bill for the church that added a religious exemption to the criminal code of Maryland.

"You can't throw out the Constitution just because [child advocates] don't believe that these people's medical treatment is as good as theirs," Gordon said.

Criminal exemption defeated

Ellen Mugmon, a volunteer child advocate in Columbia, Maryland and a member of the Governor's Council on Child Abuse and Neglect, contacted CHILD about the bill.

We were able to provide information about the harm done by penal code exemptions. Bobbi Seabolt, who represents the Maryland Chapter of the American Academy of Pediatrics, and Ellen provided the lobbying muscle to defeat the religious exemption bill on the House floor.
The Christian Science lobbyist urged legislators to ignore seven recent indictments of Christian Science parents for letting their children die without medical care.

"The implication that medical science is able to treat any of the child cases involved in these prosecutions successfully involves post facto speculation and is belied by such facts as the disclaimers signed before admission to any hospital," he wrote. "Medicine cannot guarantee favorable results. Neither can we" (Letter from Roberto Cuniberti to Maryland House of Delegates, 9 March 1992).

"The suggestion that parents who are Christian Scientists force choices on their children unlike other parents is an instance of cultural bias. When parents choose a particular form of medical treatment aren't they also 'forcing' decisions on their children?" he asked (loc. cit.).

**Maryland ruled out of compliance**

In 1992, the U. S. Department of Health and Human Services (HHS) advised Maryland that it was out of compliance with federal regulations because of its religious exemptions in the civil code and because it did not require reporting of mental injury or emotional abuse.

While HHS does not require repeal of religious exemptions, it raised objections to those in Maryland law and regulation. One objection was to the statutory reference to "nonmedical religious remedial care and treatment recognized by state law."

HHS said that "all nonmedical methods should be considered neglectful when there is harm or threatened harm to the child, regardless of whether they are 'recognized' for some purposes under State law" (Letter from Wade Horn to Carolyn Colvin, 5 May 1992).

**Complete repeal urged**

Ellen Mugmon argued to the Maryland Department of Human Resources (DHR) that outright repeal of the religious exemptions was the only way to insure equal protection of children. The DHR decided to have a bill introduced to repeal the exemptions and make the other changes necessary to bring Maryland into compliance.

Pamela and Don Mundell, ex-Christian Scientists and CHILD members from Piney Point, Maryland, testified to the House Judiciary Committee for the bill. Ken Scheck came from the Eastern Shore to testify about the death of his young wife Kim after years of illness. Kim had symptoms of severe respiratory infections during her childhood, but her Christian Science parents did not get medical care for her. She died of congestive heart failure and cor pulmonale syndrome brought on by lung damage from childhood.

**Federal funding forfeited**

But after hearing accounts of spiritual healings from Christian Science witnesses, the Judiciary Committee voted against the bill by 21-1.

Maryland lost about $500,000 in federal child abuse money in 1992 because the bill was defeated.

The DHR decided to negotiate a compromise bill acceptable to the Christian Scientists. Months of meetings and correspondence followed. Statutory alternatives were analyzed by the regional and central offices of HHS.

**Compromise bill introduced**

The bill introduced during the 1993 session retained religious exemptions to abuse and neglect for the "nonmedical religious remedial care and treatment recognized by State law," but added that, when there is harm or substantial risk of harm, "the child is subject to the requirements of this subtitle for the reporting, investigation, and provision of protective services to the child."

We did not understand how the bill could meet federal standards. We wrote to various HHS officials reminding them of their earlier objections.

The DHR, however, had obtained advice from the Attorney-General's office that apparently satisfied HHS. It cited the fact that Christian Science practitioners are exempt from medical licensing. According to the Deputy Attorney-General, such an exemption meant that Christian Science "treatment" was "recognized by State law" and was the only kind of prayer that had state recognition. Thus, the DHR had developed a bill that seemed to satisfy both the Christian Scientists and HHS.
Parental duty needed

CHILD argued that reporting alone was inadequate protection for children in faith-healing sects and that a parental duty of care was still needed.

The American Academy of Pediatrics stood firm on its policy adopted in 1988 that the exemptions should be repealed. It sent a pediatrician to testify against the exemptions in the bill.

Maryland was the only state in the nation that did not require reporting of mental injury or emotional abuse. Nevertheless, adding such a requirement was perhaps even more controversial in Maryland than repealing religious exemptions. The state teachers' union, for example, opposed adding mental injury to the definition of child abuse and neglect. The union said it did not want teachers to be required to report mental injury to Child Protective Services.

Church opposition kills compromise bill

Then, to everyone's surprise, the Christian Science church testified against the bill on which the DHR thought it had the church's agreement.

House Judiciary killed the bill, and Maryland lost its federal child abuse funds for a second year.

After trying for both repeal and compromise, the DHR decided not even to ask for a bill on the issue in 1994.

Repeal sought again

Indefatigable Ellen did not give up. She asked the Governor's Council to endorse another bill to repeal religious exemptions and add mental injury to the definitions of child abuse and neglect.

Ellen also began attending meetings of domestic violence groups. Eventually, she asked if her child abuse legislation could be put in their domestic violence bill.

Repeal of religious exemptions was put in both the House and Senate domestic violence bills and in the Governor's Council bill. The domestic violence bills had many co-sponsors. In fact, the House bill was cosponsored by every woman delegate. Ellen met with several sponsors to explain the rationale for repeal of religious exemptions.

She also met with a teachers' union representative. The union decided to stay out of the battle this time.

The lead sponsor of the Senate domestic violence bill was Senator Mary Boergers, D-Montgomery County. She and her staff worked extraordinarily hard for the bill, including the section repealing religious exemptions.

The Senate Judicial Proceedings Committee held hearings. Pam and Don Mundell made their first of many 65-mile trips to Annapolis that year to testify. Excerpts from their testimony are enclosed with this newsletter. Chairman Walter Baker was kind and willing to listen. Furthermore, he represented the district in which Ken Scheck and many friends of the Schecks lived.

Senate passes bill—House opposition raised

With strong support from domestic violence groups, including Ellen's testimony on the domestic violence panel, the bill sailed through the Senate.

In the House, advocates had to face the notorious "killer committee," Judiciary. We twisted the arms of every friend we ever had in Maryland to generate letters to the delegates.

Christian Science witnesses urged the committee to ignore HHS regulations and implied that the church would soon get Congress to overturn them.

Ellen and the Mundells testified about harm to children from religiously-based medical neglect and case law on the limits of religious freedom. The committee, however, gutted not only the child abuse portions, but most of the domestic violence provisions as well. Votes on its amendments to the domestic violence bill were not recorded, but only two of the 22 committee members voted for the Governor's Council bill.

Committee actions rouse public

The Judiciary Committee had gone too far. Even before that vote, it had outraged the press and public with its hostility to women's and children's issues. Three weeks earlier it killed a bill that would allow termination of parental rights after a parent abandoned his or her child for a year.
One member said at that hearing, "You mean if I find out I've fathered a child, and that information upsets me enough that I have to go off somewhere for a year and pull myself together, I could come back and find out my rights had been terminated and my child had been adopted?"

The Baltimore Sun responded with a lead editorial pointing out that some 1300 children are in the Maryland foster care system waiting to be adopted. "Does a man have a right to let a child languish for a year—an eternity for a child—while he 'pulls himself together' from the emotionally shattering news that he has fathered a child?" The Sun asked (8 March 1994).

"Neanderthals in the House"

The Sun printed another blistering lead editorial, "Neanderthals in the House," after Judiciary killed nearly all of the domestic violence bill (24 March 1994). The bill was a top priority for a broad coalition of women's organizations, but the committee had defeated even "such basic provisions as a requirement that police officers interview victims of violence and issue a report, or that officers give victims written information on their legal rights and where they can seek help," the paper pointed out.

The Sun also complained,

[T]he committee killed legislation designed merely to bring the state into compliance with federal regulations on laws governing the reporting of child abuse and neglect. Currently, Maryland does not require the reporting of emotional abuse, also known as "mental injury," and it allows exemptions from child abuse and neglect charges that seriously compromise the rights of a child to medical care. As a result, Maryland will continue to forfeit about half a million dollars a year in federal funds. (24 March 1994)

Women delegates rescue bill

The women's groups were furious. Governor Schaefer told them not to accept the crumbs given out by Judiciary, but to fight for their bill on the floor. On March 25 three women delegates introduced amendments to restore domestic violence provisions and Republican Jean Roesser introduced an amendment to restore the child abuse provisions.

A generally soft-spoken member from a very affluent district, Roesser became a tower of strength against child abuse and neglect. One delegate tried to get her amendment dropped by reminding "you women" that many women could be accused of mental injury of children. Another defended religious exemptions, saying, "If [the Christian Scientists] think it works, who are we to question it?" But the women delegates attacked, rebutted, and stood united. The Roesser amendment won by four votes with all 36 women delegates and 27 men supporting it.

The Sun ran a lead editorial calling it "a stunning—and overdue—rebuke to the House Judiciary Committee," "an unprecedented moment," and "a new day for women in Annapolis" (29 March 1994).

Church renews opposition

The Christian Science church got into high gear to try to undo the surprising victory on the House floor. They said they were speaking not just for Christian Scientists, but "for all Faiths who are experiencing the beneficial results of spiritual healing in their churches" (Letter from Philip Richebourg to Mary Boergers, 30 March 1994).

Delegate Kenneth Montague, D-Baltimore City, circulated a letter from the Attorney-General's office stating that the Christian Scientists were the only group protected by Maryland's religious exemptions (Letter from Kathryn Rowe to Montague, 11 April 1994). Presumably, he intended it as an argument for retaining the exemptions.

Final vote 129-4

But neither of these contradictory approaches derailed the bill, which had by then become a cause celebre. The bill with Roesser's amendment on it passed the House by 129 to 4 and then went over to the Senate which had already passed repeal of religious exemptions as part of its domestic violence bill. Senator Baker made sure there were no changes.

House Judiciary made a last effort to sabotage medical care for children in faith-healing sects. It restored religious exemptions to the domestic violence bill that came over from the Senate the day before the session ended. But Ellen met and talked
with several legislators on strategy. House Speaker Casper Taylor promised not to bring the bill to the floor, and so it died when the legislature gaveled out.

Ellen, who has worked for ten years on children's issues in the Maryland legislature, was elated with the victory. CHILD owes her and the Mundells a great debt of gratitude for their dedication and a tremendous amount of work. We are also grateful to several others who wrote letters, including Gina Cirincion of the National Center for the Prosecution of Child Abuse and Celia Harper, a loyal friend of Kim Scheck.

**Christian Scientists spread largest measles outbreak since 1992**

This spring the nation's largest measles outbreak since 1992 was spread by Christian Science youth, whose church disapproves of vaccinations.

During spring break in Breckenridge, Colorado, a 14-year-old Christian Science girl contracted rubella measles. She spread it to 51 people in Elsah, Illinois, where the Principia College for Christian Scientists is located and then to 156 people at the Principia K through 12 schools for Christian Scientists in suburban St. Louis.

The outbreak spread to seven other states: Texas, Maine, California, New York, Washington, Maryland, and Michigan.

The highly contagious disease also spread far beyond Christian Science children into the St. Louis public schools.

**A third of all cases in the nation**

The final count was 247 cases of measles, nearly all of them children. This one outbreak accounted for more than a third of the 730 measles cases in the nation during the first six months of 1994.

**Principia's fourth epidemic this decade**

It is the fourth major measles outbreak at the Principia schools during the past decade. One in 1985 took the lives of three young people. The Principia schools and college are the only residential institutions for Christian Science students in the United States.

There have also been large-scale measles outbreaks at Christian Science camps such as The Cedars in Lebanon, Missouri, and Adventure Unlimited in Buena Vista, Colorado.

**Missouri's immunization laws**

Missouri has had one of the country's poorest immunization laws. It allowed any child to have an exemption from immunizations if one parent objected to them in writing for any or no reason.

In 1992, the exemptions were limited to "religious beliefs or medical contraindications," and schools were required to exclude children without immunizations or legitimate exemptions from attending. Before 1992, such children could attend until October 15.

The number of children claiming exemptions from immunizations dropped from 8,863 in 1993 to under 3,000 in 1994. The current figure is less than one-third of one percent of the state's 939,553 schoolchildren.

Even that small number, however, compromise public health standards. The problem they present is greatly compounded by the fact that so many children are not vaccinated until they enter kindergarten and the school system requires it. Only 42% of Missouri two-year-olds have all their recommended shots, and only 35% of two-year-olds in St. Louis have them.

Immunizations in daycare facilities is not required by statute, but by rules of the Missouri Department of Health. The Department still allows an exemption from immunizations of a child in daycare if one parent "objects in writing."

**Care by church nurses**

Both Principia campuses were quarantined for weeks. Susceptible day students had to stay home, and boarders without vaccinations could not leave campus. A guard stopped all delivery trucks at the gatehouses and questioned drivers about their immunization histories. If they were born after 1957 and were not immunized, they were turned away or their trucks were unloaded on the spot.
Principia isolated infected students in infirmaries where they received care only from Christian Science nurses. Such nurses are not state-licensed nor do they work under the supervision of state-licensed personnel. No formal training is required to be a Christian Science nurse.

The nurses do not take temperatures or read blood pressures. They are not qualified to recognize symptoms of reportable diseases. They will not use even simple non-medical measures to relieve discomfort, such as applying heat or ice.

Though school officials refused to allow a reporter to visit the infirmaries, they did allow the county health department to send registered nurses to monitor the condition of the sick children.

Measles only "a dream"

Christian Science church officials gave out familiar rhetoric. Richard Nordahl, the church's public relations manager for Missouri, was still convinced that measles was unreal even after hundreds of cases. What non-Christian Scientists see as a rash, Christian Scientists see as "a dream" or "an unreal picture," he said.

"If you deal in the material world, which for us is the unreal, you would trace the rash to a bacteria or a virus," he said. "We would deny it because we believe that man is never less than perfect in his spiritual identity."

His comment was close to that of his leader, Mary Baker Eddy, about a century ago when she was asked if she rejected the "theory" that bacteria and viruses cause disease.

"Entirely," she said. "If I harbored that idea about a disease, I should think myself in danger of catching it" (Eddy, First Church of Christ, Scientist, and Miscellany, 344).

Peter Shays, a spokesman for Principia, told the press, "There is a silver lining in this, which is that our community has been brought so much together. Our kids are so caring for one another, and they have learned lessons from the amount of time they have been giving to spiritual ways."

Subjection to majority belief "isn't actually so"

The church headquarters in Boston issued an editorial entitled "Dominion over contagious disease" (The Christian Science Sentinel, 18 July 1994). The church claimed, as always, that contagious disease is caused by wrong thinking, but that church members can protect themselves by denying that wrong thinking exists:

The belief that there are many minds, many strongly held viewpoints, and that we are necessarily subject to what the majority believe, feel, or insist regarding disease, isn't actually so but is illusion.

When we rely solely on the Science of God and man, mental forces which before seemed irresistible are neutralized and reversed. (33,34)

Putting its own spin on the family values theme now popular with politicians, the church concluded that "moral and spiritual strengthening" of families will "afford protection from contagion."

Officials resigned to repeated epidemics

Missouri Public Health officials expressed resignation about the problems caused by religious exemptions from immunizations. "This is a disease that is vaccine-preventable and could be totally stamped out—except in St. Louis County and Elsah, Illinois, where we have this big population of unimmunized people," said Dr. Linda Fisher, St. Louis County's chief medical officer. "Every four or five years we have an outbreak, and everyone at Principia gets it who hasn't had it before and isn't inoculated."

Asked when the 1994 outbreak would end, Fisher replied, "When everyone at the Principia has had it."

Missouri health officials express a belief that religious exemptions are mandated by the first amendment of the Constitution. "The religious exemption is something we all acknowledge and accept," said Thomas Hicks, chief of Missouri's Bureau of Immunization.

Fisher said, "In this country, people have a right to choose what they wish. It's OK with me if the followers of Mary Baker Eddy wish to believe that vaccine is humbug."

Many non-Christian Scientists infected

As the outbreak spread to non-Christian Science children, however, Fisher became more
alarmed. "I am wringing my hands. I am very worried. We have so many susceptible children."

Before an effective vaccine was developed in the 1970s, the United States often had hundreds of thousands of measles cases and 500 to 1000 deaths from measles complications in a year. At the turn of the century measles was a leading cause of death among children.

Complications of measles can include pneumonia, encephalitis, neurological damage, blindness, and diarrhea.

$100,000 cost

The 1994 measles outbreak, started and spread by unvaccinated Christian Science youth, cost St. Louis County about $100,000 to contain. Local ordinances were changed to require a second dose of measles vaccine for all children, and clinics were set up to provide it.

CHILD Inc. has written a letter to the St. Louis County Health Department pointing out that the Constitution does not mandate religious exemptions from immunizations and that the Mississippi Supreme Court has ruled such exemptions unconstitutional. See Brown v. Stone, 378 So.2d 218 (Miss. 1979).


Amish teen stricken with tetanus

A 17-year-old Amish boy in Pennsylvania contracted tetanus from a splinter. He was taken to a Lancaster hospital with lock jaw symptoms in May. Dr. Joseph Kontra said the boy was given medicine to stop muscle spasms.

"The toxin causing tetanus attacks the nerves and muscles, producing spasms so violent they are capable of breaking bones," he added. It can cause fatal paralysis of the respiratory system.

The teenager was on a respirator in the intensive care unit for several weeks before making a complete recovery.

A tetanus vaccine that is safe and 100% effective in preventing the disease has been available for more than fifty years. The bacteria causing tetanus is present throughout the environment. It is on trees, weeds, rocks, metal objects, in the dirt, etc.

Amish do not have religious grounds for avoiding vaccinations, but vaccination rates among their children are low. Public health officials who have dealt with Amish communities say their failure to vaccinate is more "cultural" than religious. The Amish generally do not come to public health clinics for vaccinations, but if public health departments make vaccinations available at farmers' markets or fire halls that are part of the Amish community life, many more Amish parents will accept vaccinations for their children.

Taken in part from The Philadelphia Inquirer, 13 May 1994.

Matthew Barry

New CHILD member and ACLU win easy victory in Washington

A new CHILD member, Matthew Barry, and the American Civil Liberties Union (ACLU) have persuaded the University of Washington and an
insurance carrier to drop reimbursements for Christian Science services.

University health plans for both students and staff offered reimbursements for bills from Christian Science practitioners and nurses. Practitioners are faith healers who send bills for their prayers. The nurses do provide some physical care, but have no training, are not state licensed, and provide services only to Christian Science believers who are getting prayers from Christian Science practitioners.

Barry learned that a Christian Science lobbyist had gotten the coverage added in 1976 and that the Attorney-General's office had claimed at the time that the reimbursements did not violate a state law requiring public universities to be "forever free from religious or sectarian control or influence."

Violation of constitutions cited

Barry wrote to the university administration that coverage for Christian Science services violated state law as well as the U. S. and Washington State Constitutions. The latter says that "no public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment."

"Christian Scientists have the right to believe what they choose to believe. Christian Scientist adults have the right to reject medical treatment for themselves. They have the right to hire spiritual healers to pray for them. But they do not have the right to expect the public to pay for their religious rituals. The University has no business using my insurance premiums or any other student's premiums to subsidize religious practices and worship," Barry concluded.

After waiting three months for a reply, Matt wrote again and also enlisted the help of the ACLU of Washington.

On August 12, the university sent him a one-sentence letter: "This is to let you know that, upon advice of counsel, the student accident and illness plan at the University of Washington is discontinuing care by Christian Science practitioners as a plan of benefit."

ACLU objects to paying for prayers

On August 24th the ACLU wrote to the Washington Health Care Authority, which administers the Uniform Medical Plan for public employees. To show that the church's treatments were just prayer, the ACLU used several quotes from Christian Science literature, including the following:

[T]he practitioner's diagnosis is neither medical nor psychological, in the accepted sense of that word, but spiritual. The same thing is true of his treatment. Essentially it is prayer. (Christian Science: a Sourcebook of Contemporary Materials 140)

"Since the Christian Science practitioner treats illness exclusively through prayer," the ACLU argued, "any payment of benefits to such a practitioner amounts to payment for religious worship, exercise and instruction. For this reason, any payment of benefits for the services of a Christian Science practitioner constitutes the appropriation of public money for religious worship, exercise and instruction, and thus violates Article I, Section 11 of the Washington Constitution."

Staff coverage also dropped

On August 26, the Public Employees Benefits Board replied to the ACLU as follows:

"The Public Employees Benefits Board met yesterday, August 25, and voted that the Uniform Medical Plan would delete reference to Christian Science practitioners and discontinue the reimbursement for services provided by these practitioners."

A graduate student in geography, Matt was elated with the outcome. Several years ago he was a plaintiff in a lawsuit attempting to stop prayers at the University of Maryland commencements. His victories at the University of Washington were very easy by comparison.

CHILD wishes to point out that they are important to children's welfare. The Christian Science church uses every reimbursement and exemption as evidence that public officials believe Christian Science to be as effective as medical care. These reimbursements encourage parents to withhold medical care from sick children. Parents do not comprehend the risk they are taking with their children's lives
when Christian Science methods are given a veneer of respectability by the insurance industry.

Matthew Barry has our congratulations and our appreciation.

Taken in part from Freethought Today, September 1994.

Faith death conviction in North Carolina

On June 2, Tim Thompson pled no contest to involuntary manslaughter in the death of his 15-year-old son Timothy in Fayetteville, North Carolina. Charges were dismissed against the boy's mother Karen in a plea agreement.

The boy died of untreated diabetes on November 27, 1992. His parents belong to the Full Gospel Deliverance Church whose members generally reject medical help and rely on the teachings of their pastor, the Rev. Olive Patty.

The father was sentenced to five years of supervised probation and ordered to pay the state $1,200 for his attorney's fees. He is required to get medical care for the children and to enroll them in school. If he breaks his probation, he will be sent to prison for three years, Cumberland County Superior Court Judge Coy Brewer said.

Boy emaciated

Timothy was 5'3" tall. He weighed 103 pounds six weeks before his death and 69 pounds at his death. A pathologist who examined the body said the boy had "almost wasted away."

The sheriff's office said they believe Timothy had been dead six to eight hours before the parents brought him to a hospital. Mr. Thompson told authorities his son was in bed sleeping at his home that evening.

But a youth who attends the Thompson's church told them he saw Timothy at a prayer service that evening. "He was just laying in the man's hands," said the youth, who did not want to be named. "He didn't move. They put ice on his head."

Some of the Thompson children reportedly told investigators that their brother was not breathing when his father carried him out of the church around 8:30 p.m.

The Thompsons are expecting their twelfth child. All of the children were born at home. None of the Thompson children went to school before Timothy's death. They were taught at home by Mrs. Thompson, who has only a GED diploma.

Faith prevents and heals disease, members say

Full Gospel member Sherry Norton said the church does not prohibit medical help. "If a person gets sick and they think they need more help than they're getting, then they go to the doctor. We've never stopped anyone from going to the doctor. It depends on the person and their faith," she said.

Norton said Timothy's death did not shake her belief in God and the power of faith healing. "For me myself, it makes me more determined to praise Him and do what's right so something like that doesn't happen to me," she said.

Margaret Russ, Assistant Cumberland County District Attorney, prosecuted the case. She agreed to probation out of consideration for the ten surviving Thompson children.

Treatment would have saved his life

Russ said she had doctors who would testify that the Thompsons should have known their son was seriously ill 36 hours before his death, and that his breathing would have been very labored for the 10 to 12 hours before he died. She said treatment at any point in the illness would have saved his life.

Thompson's attorney Jim Parish said he had doctors who would testify that undiagnosed diabetes is a major health problem in North Carolina.

Such testimony may have referred to diabetes among adults, which often develops very differently than juvenile-onset diabetes.

Partial victory in Minnesota

After five years of work by CHILD members and others, the Minnesota legislature has at last modified the state's religious exemption laws. We fought for repeal, but felt morally obligated to accept a compromise that seemed to be a significant improvement over a wretched status quo.

Minnesota has religious exemptions both in the penal and civil codes. The penal code exemption to neglect in Minn. Stat. 609.378 states:

if a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment shall constitute "health care".

Prayer is appropriate health care for children by Minnesota law.

Boy's death inspired repeal effort

Our efforts to repeal the exemption were motivated by the death of 11-year-old Ian Lundman in 1989. His Christian Science mother and stepfather, Kathleen and William McKown, of suburban Minneapolis let him die of diabetes without medical care. His natural father, Doug Lundman, had left Christian Science several years earlier, but was not informed of the seriousness of his son's illness.

Fifteen days before Ian's death, Allan Spear, chairman of the Minnesota Senate Judiciary Committee, publicly stated that the legislature did not intend for Christian Science parents to be prosecuted if they let their children die without medical care.

Manslaughter charges were dismissed

The McKowns were charged with manslaughter. But the trial court dismissed the charges on due process grounds, citing Spear's statement and the statute recognizing prayer as health care. The Hennepin County Attorney's Office appealed the dismissal, but it was upheld by both the Minnesota Court of Appeals and the Minnesota Supreme Court.

The Minnesota Civil Liberties Union (MCLU) joined the county attorney as an amicus, arguing that the exemption was an unconstitutional establishment of religion. The Minnesota Supreme Court commented:

Although we find the MCLU's arguments persuasive, our disposition based on due process grounds makes it unnecessary for us to consider the establishment clause issue at this time. (State v. McKown, 475 N.W.2d 63 (Minn. 1991))

Strong case for repeal—unconstitutional law

The case for repeal could hardly have been stronger. A Christian Science child had died of diabetes. The courts had ruled that the law stripped him of his right to care. The Supreme Court had even said the law was unconstitutional.

Twin Cities CHILD members put in hundreds of hours to build support for a repeal bill. In March of 1991, Spear's Senate Judiciary Committee held hearings on a repeal bill sponsored by Senator Jane Ranum, Democratic Farm and Labor party (DFL)-Minneapolis.
Reporting duty for healers?

Several senators were startled because they had passed a law in 1989 clearly requiring Christian Science practitioners and other professionals to report cases of sick children without medical care even when the medical care was being withheld on religious grounds.

One senator asked Van Horn whether he would rather the state require the healers to report or expose the parents to criminal liability. Van Horn complained that he was being asked to choose being the frying pan and the fire.

Spear had the repeal bill tabled without a vote in 1991.

![Rep. Phil Carruthers](image)

The House held hearings on a companion bill sponsored by Rep. Phil Carruthers, DFL-Minneapolis. The MCLU, prosecutors, and medical organizations testified for the bill along with Lundman, Swan, and Joni Clark of Sioux Falls, South Dakota. Clark told about the death of her first child when she belonged to End Time Ministries, a sect that discourages medical attention for pregnancy and childbirth as well as medical treatment for disease.

Christian Scientists testified against the bill. Donna Lundman, a Christian Science teacher and practitioner, asked legislators not to use the death of her grandson Ian as a reason for limiting the rights of other Christian Scientists.

Another church member complained that repeal would deprive her of "the right to fail."

The House committee tabled the bill.

Metabolic disorder untreated

In March of 1992, the Senate Judiciary Committee held another hearing on its repeal bill. CHILD members Susan McLaughlin of Grand Forks, North Dakota, and Joni Clark testified for the bill. McLaughlin's Christian Science parents would not get her medical treatment for hypothyroidism. She suffered permanent organ damage and is only 4'2" tall. The disorder can be detected at birth through metabolic testing and is easily treatable.

Health care mediator proposed

Still determined that parents should not be prosecuted for acting out their religious beliefs, Senator Spear introduced a bill requiring the state to employ a "children's health care mediator" to talk to parents in faith-healing sects when their children were sick. The 11-page bill stated that "a parent who uses religious or philosophical healing practices shall contact the mediator if the parent believes that the child is in a life-threatening condition or faces a high probability of serious disability or disfigurement," but the parents had no legal obligation to report.

The mediator's duties included meeting regularly with faith-healing groups to become "familiar with their beliefs and practices," mediating "between parents who use religious or philosophical healing practices and traditional medical providers," making lists of symptoms of life-threatening and serious illnesses, and distributing the lists to parents who believe in faith healing.

The bill was promoted by Dr. Arthur Caplan, then director of the Center for Biomedical Ethics at the University of Minnesota. Caplan told a prosecutor that his hidden agenda was to educate the Christian Scientists out of their belief system.

The MCLU forcefully pointed out the entanglement of church and state in the concept, but the Judiciary Committee defeated the repeal bill and
instead passed the mediator bill, which later died in the Senate Finance Committee.

Multi-million dollar award boosts efforts

In August, 1993, a Hennepin County jury awarded Doug Lundman $14.2 million in punitive and compensatory damages for the wrongful death of his son. The Christian Science church and several of its agents were held responsible as well as the boy's mother and stepfather.

Child advocates thought the award could create some momentum for legislative change. It showed what ordinary citizens thought about letting children die on religious grounds. It enhanced the credibility of Doug's testimony to the legislature.

Repeal bill reintroduced

Another significant plus was that the House sponsor of the repeal bill, Rep. Phil Carruthers, DFL-Minneapolis, was now the majority floor leader.

Carruthers and Ranum again sponsored House and Senate repeal bills in 1994. They signed up distinguished co-sponsors, including the new chairmen of both the House and Senate Judiciary Committees.

House Judiciary's hearing on the bill in March, 1994, went very well. Rita Swan testified for the third time before the Minnesota legislature.

The next witness was a Christian Scientist who said she felt "like Daniel in the lions' den." She related a spiritual healing she had told the committee during the previous session. Other Christian Science witnesses also gave vague anecdotal healings and denigrated medical science.

Dr. Carolyn Leavitt, past president of the Minnesota Chapter of the American Academy of Pediatrics, gave strong testimony in support of repeal, distinguishing between treatable illnesses and self-limiting illnesses and between anecdotal evidence and the scientific method.

Mediator impractical

Representative Howard Orenstein, DFL-St. Paul, opposed the bill. He complained that medical science is always changing its theories. Because of such changes, his insurance carrier refused to pay for his son's circumcision, even though he is Jewish and his faith requires male circumcision.

Rep. Lee Greenfield proposed the mediator bill as an alternative, but the chairman said that in many cases children need emergency medical intervention and there would not be time to arrange consultations by a mediator.

Other representatives spoke of not wanting to prosecute sincere parents who are acting out their religious beliefs. Phil Carruthers responded that the criminal code is the only means for establishing a parental duty to care for children.

Metabolic testing required

After a two-hour hearing the committee voted for the repeal bill 15-5. A few weeks later Carruthers brought the bill to the House floor and it passed by 101-30 after a two-hour debate.

A sweet bonus was repeal of the religious exemption from metabolic testing of newborns, which was added on the floor. Legislators had not forgotten CHILD member Sue McLaughlin who testified two years earlier.

Spear blocks efforts in Senate

Unfortunately, Senator Allan Spear was president of the Senate. He no longer chaired Senate Judiciary, but he had the power to assign bills to committees. He assigned Ranum's repeal bill to the Crime Prevention Committee that he chaired and would not allow the committee to hear the bill.

All Carruthers could do was attach our bill to a related bill that would have a companion in the Senate. The two bills would go to a conference committee where we hoped Spear would not be able to delete our repeal sections.

Carruthers managed to get the repeal bill added to the House omnibus crime bill, but only by a vote of 65-64. We were astonished at the closeness of the vote, but several legislators told CHILD members that they did not like having the faith healing issue merged with the vicious crimes focused on in the omnibus crime bill. Carruthers, however, had nowhere else to go with the repeal bill.
Conferees unsympathetic

Unfortunately, the conference committee chosen to reconcile the omnibus crime bills had several legislators who opposed us. Because the bills dealt with so many issues, members had to be selected for their leadership on those issues, regardless of how they felt about repeal of religious exemptions.

Senator Jane Ranum was on the conference committee and fought tenaciously for the repeal bill. She protested the process by which religious exemptions are slipped into the statutes without public hearings—including a new one she discovered having to do with health screening of preschoolers.

But opponents of repeal outnumbered proponents on the committee. Finally, the committee decided to keep the religious exemptions both in the civil and criminal code, but to add a requirement that parents claiming such exemptions report to Child Protection Services when their children are seriously ill or injured.

Parental reporting required

The civil code exemption now reads:

Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that there is a duty by a person responsible for the child's care or by a person mandated to report pursuant to subdivision 3 to report if a lack of medical care may cause serious danger to the child's health (Minn. Stat. 626.656).

The repugnant Minn. Stat. 609.378 calling faith healing "health care" was reinstated and the following clause was added: "if the parent, guardian, or caretaker follows the reporting requirements contained in section 626.556."

Then all the legislators who were so determined that parents should not be prosecuted for practicing their religious beliefs had to think of a way to make such parents report. They settled upon:

A person responsible for the child's care who knows or reasonably should know that the child's health is in serious danger and who fails to report as required by subdivision 2, paragraph (c), is guilty of a gross misdemeanor if the child suffered substantial or great bodily harm, or a two-year felony if the child died because of the lack of medical care.

In other words, the state had to set forth a penalty in order to prescribe a duty.

Senator Spear was the only conferee to vote against the compromise bill. Spear also tried to extract a promise from our allies that we would not seek any further changes in the religious exemption laws. Ranum indignantly refused to make such a promise.

The bill was signed into law by Governor Arne Carlson.

Comment

Minnesota is, to our knowledge, the only state in the country requiring parents to report themselves to the state when they withhold necessary medical care from a sick child. We suspect that other states have not passed such a law because of the fifth amendment to the Constitution which protects against self-incrimination.

We consider it confused, muddled thinking for legislators to exempt one class of parents from the general duty to provide medical care, but to require them to report. Instead of having the parents report and then the state stepping in to provide the medical care, the state should just require them to take their children to doctors as other parents do.

The bill does not solve the establishment of religion problems that the Minnesota Supreme Court and the Minnesota Civil Liberties Union have complained about. The Christian Science nursing home in the Twin Cities has a medical malpractice insurance policy from the Joint Underwriting Association, which was created by the state and is regulated by the Department of Commerce. The Joint Underwriting Association is therefore responsible for the compensatory damages assessed against the nursing home by the Lundman jury. Having a statute calling faith healing "health care" simply encourages that type of church-state entanglement.

Nevertheless, the bill is a huge improvement over the previous statutes. The reporting requirement is an objective standard. It is based on what
the parent "reasonably" should have known about the child's condition.

We believe Christian Science parents are more likely to obey a reporting requirement than Christian Science practitioners. The church is adamantly opposed to the practitioners reporting to the state and claims they are protected by clergy confidentiality privileges.

Senator John Marty, Allan Spear's mouthpiece in defense of religious exemptions, has just won the DFL nomination for governor. It is probably good that we took what we could get in 1994.

Finally, we want to thank the lead sponsors of the repeal bill, Senator Jane Ranum and Representative Phil Carruthers, and the Minnesota CHILD members, especially Marie Castle, Steve Peterson, and George Erickson. Marie provided many beds for CHILD members on their way to committee hearings through the years, and Steve gave up much of his vacation time to lobby. It took an enormous amount of work to get this partial victory.

Taken in part from Minnesota Atheists May 1994.

**Excerpts from Swan's testimony**

At the Minnesota House Judiciary Committee hearing in March, 1994, Rita Swan showed slides of several children who have died because Christian Science parents withheld medical treatment. These included Minnesota child Ian Lundman, who died of diabetes, and Massachusetts children Robyn Twitchell, who died of a bowel obstruction and David Webster, who died of untreated pneumonia at 19 months old. David's mom also lost her first child, Nicholas, who died of pneumonia at 8 months old after being "treated" only by Christian Science healers. The following is excerpted from her testimony.

Christian Science is not the only religion that encourages parents to withhold medical care from children. We have tracked preventable deaths of children in sixteen other sects since 1980.

Five babies died in South Dakota in a faith-healing group called End Time Ministries. One of their moms testified before this committee in 1991. When she testified before the South Dakota legislature, legislators respected her pain and the injustice to children and repealed religious exemption laws.

A two-year-old girl died of meningitis in Hawaii because her parents withheld medical care on religious grounds. Ian Lundman's sister moved to Hawaii. Hawaii repealed its religious exemptions from child abuse and neglect.

When the Massachusetts legislature learned of the ghastly suffering of Robyn Twitchell, when David Webster's mother told of losing two of her children under Christian Science treatment—Massachusetts, the state where the international headquarters of the Christian Science church is located, repealed its religious exemption law.

It has been nearly five years since Ian Lundman died. His father testified before you three years ago. It was very painful for him to have to come and beg you to care. **It is long past time for the Minnesota legislature to stand up and give these children the same rights to medical care as other children have.**

The religious exemption in your criminal code calls faith healing "health care." But faith healing is not state-licensed. Faith healers have no accountability either to the state or their patients. You have no way of certifying their ability to take life and death responsibility for helpless children. You should therefore not recognize faith healing as a legal substitute for the medical care needed by a sick child. The Minnesota Supreme Court has said in dicta that this exemption violates the first amendment prohibition against establishing religious privilege.

In St. Louis County, Missouri, there is a K through 12 school for Christian Science children. Five students at the school, ages 5 through 17, have died there in the past decade of untreated illnesses. Comparing the enrollment at the Christian Science school to the entire population of St. Louis County children, ages 5 through 17, during the past decade, the disease-related mortality rate of the children at the Christian Science school is 670% higher.

In our files we have more than 160 cases of children who have died since January, 1975, when medical care was withheld on religious grounds. The best way to protect children associated with
faith-healing sects is to give them equal rights under the law.

**Struggle against Kentucky exemptions**

A bill to repeal a religious exemption from child neglect was defeated by two votes in the Kentucky House in 1994.

The U.S. Department of Health and Human Services (HHS) ruled Kentucky out of compliance because of a statute allowing a juvenile court to "take into consideration the religious beliefs and practices of the child and his parents or guardian" when deciding whether to order medical care for a sick child (KRS 610.310).

Kentucky would become ineligible for $537,000 in federal child abuse money unless it changed the statute.

CHILD members Nancy and Asher Tullis of Louisville decided to use this ruling as an opportunity to repeal both KRS 610.310 and KRS 600.020(1), which provides that a caretaker "legitimately practicing his religious beliefs" shall not be considered negligent because of withholding medical care.

Asher is a lobbyist for the community mental health centers; Nancy is a registered dietitian.

They lined up six sponsors from both parties for a repeal bill. The American Civil Liberties Union of Kentucky, Kentucky Pediatric Society, Home of the Innocents, Kentucky Nurses Association, and Kentucky Youth Advocates endorsed it.

At House Health and Welfare Committee hearings, Christian Scientists and The Family Foundation opposed the bill.

Rep. Bob DeWeese, R-Louisville, recalled a girl he knew as a teenager who died because of a foot infection. Her father refused medical treatment because it was God's will. "I think God also expects you to have some intelligence," DeWeese said.

"Across this country, time after time, children have died horrendous deaths," said Rep. Paul Mason, D-Whitesburg. "The God I serve would want me to do as much for my children as I could."

The bill passed the committee, but just before it went to the floor the Louisville Courier-Journal ran an editorial attacking it (2 February 1994). Entitled "Faith is not a crime," it claimed that the bill mandated prosecution of parents.

"Parents who would deny a child treatment because of their religious beliefs are misguided but not malicious. Discerning the right treatment for a seriously ill child is tough enough without making it subject to prosecution," the newspaper concluded.

Actually, Kentucky does not have a religious exemption in the criminal code. The bill had nothing to do with criminal prosecution, but rather with the civil code.

Kentucky Youth Advocates dropped its support for repeal because of the editorial.

The statute allowing courts to take parents' religious beliefs "into consideration" became a source of considerable confusion in the floor debate. Some legislators thought repeal would prevent parents from testifying about their religious beliefs. Several expressed resentment at the federal government telling the state what to do. Some pro-life legislators also opposed the bill.

Rep. Paul Mason spoke eloquently for the needs and rights of children. "These laws don't kick in until a child is in trouble," he said. "Children are not chattel."

But the bill was defeated by two votes. It cannot be presented again until 1996.

**Florida flops again**

Again in 1994, the Florida legislature did virtually nothing about its dangerous religious exemption to child abuse and neglect.

In 1992, the Florida Supreme Court overturned the conviction of Christian Science parents who let their seven-year-old daughter die of untreated diabetes. The Court unanimously ruled that the statutes providing a religious exemption "are ambiguous and result in a denial of due process because they fail to give parents notice of the point at which their reliance on spiritual treatment loses statutory approval and becomes culpably negligent" (Hermanson v. State, 604 So.2d 775 (Fla. 1991))
High court calls for legislative action

In ringing words, the Court declared: "The statutes have created a trap that the legislature should address" (loc. cit.)

Not only are Christian Science children endangered by these statutes, but also hundreds of End Time Ministries children living in or near Lake City, Florida, children in other charismatic sects, and the children of Jehovah's Witnesses. Several children in South Dakota, Illinois, Florida and other states have died after End Timers withheld medical care on religious grounds.

Court-ordered prayer treatments

Florida's religious exemption statute at FS Sec. 415.503 is the only law in the country that allows courts to order prayer "treatment" for any child in the state. After stating that a caretaker "legitimately practicing his religious beliefs, who by reason thereof does not provide specified medical treatment for a child, may not be considered abusive or neglectful for that reason alone," the law goes on to allow courts to order, "when the health of the child requires it, the provision of medical services by a physician, as defined herein, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious denomination."

Theoretically, a judge could decide that the Jewish child down the street ought to get Christian Science treatment instead of medical treatment for his illness and order him to have it.

Florida has carried the religious exemption to its logical absurd conclusion: if prayer and medicine have equal status as health care for sick children, then the courts should be able to order either method for any child.

Feds rule state out of compliance

The U.S. Department of Health and Human Services (HHS) has ruled Florida out of compliance because of the statute (Letter from Wade Horn to Robert Williams, 26 May 1992). The state stands to lose over a $1 million a year in federal money for child abuse programs because of the statute.

Called high priority for legislature

The Florida press is one of the best in the country on this issue. Several prominent Florida newspapers have run eloquent editorials calling for the repeal of the religious exemption. The Sarasota Herald-Tribune listed repeal as a top priority for the Florida legislature in 1994.

But neither the press, the Florida Supreme Court, the dead children, the threat of losing federal money, nor the exemption's blatant entanglement of church and state have motivated the Florida legislature to stand up to the Christian Science church.

In 1993 we could not even find a bill sponsor. In 1994 two legislators expressed interest in sponsoring repeal bills, Senator John McKay, R-Sarasota, and Rep. Randy Mackey, D-Lake City. Later McKay decided he could not devote enough time to handle such a controversial piece of legislation.

Bill killed without discussion

Mackey did file a repeal bill and received widespread press coverage for it (see Lake City Reporter, 31 January 1994). But House Speaker Buddy "Bo" Johnson, R-Plant City, would not even assign the bill to a committee, and so it died without any legislative consideration.

It was a bad year for children on other fronts as well. The Florida legislature changed the definition of child abuse so that bruises and welts are not considered abusive and amended the ban on corporal punishment in schools so that parents can go to school and spank their children.

Child homicide bill modified for Christian Scientists

The California legislature has made sweeping changes in a child homicide bill in response to Christian Science lobbying.

The bill AB27X, sponsored by Assemblywoman Jackie Speier, originally provided that: "Any person who, under circumstances manifesting indifference
to human life, knowingly engages in a pattern or practice of abuse and or gross neglect of a child under the age of 14 years, when one or more of the acts or omissions results in the death of a child, is guilty of murder in the second degree."

The Christian Science church persuaded Assemblyman Bob Epple, D-Long Beach, chairman of the Public Safety Committee, to support the addition of a religious exemption stating that providing a child with prayer "in lieu of medical care does not constitute reckless behavior nor does it manifest indifference to human life."

Deaf member testifies

CHILD member Carolyn Hyatt of Pleasanton, California, testified against the religious exemption at the Public Safety Committee hearing in May. Hyatt was adopted into a Christian Science family and became profoundly deaf at age seven after a series of untreated ear infections. After hearing her testimony, Epple publicly disassociated himself from the Christian Science position. AB27X passed the committee and the Assembly without a religious exemption.

Speier's office asked Hyatt to return for testimony before the Senate Judiciary Committee in July. But several hours after she arrived, she was told the Senators were in the process of removing neglect from the bill to appease the Christian Scientists and the bill sponsor did not want her testimony because it could undo the negotiations.

Neglect removed from bill

Senate Judiciary changed the bill's definition of child homicide to the following: "Any person who, having the care or custody of a child, who is under eight years of age, assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 15 years to life." Senate Judiciary's amended version of AB27X has passed both houses of the legislature and awaits Governor Wilson's signature.

The legislative counsel's digest on the bill comments: "Christian Scientists expressed concerns that earlier versions of this bill would result in the prosecution of 'parents who attentively respond to the health needs of their children with loving concern through Christian Science care and treatment.' Their opposition has been dropped in light of the most recent amendments."

The bill was originally planned to meet a need for broader penalties on child neglect. The proponents cited the case of an infant who died from a bacterial infection caused by severe open sores due to prolonged contact with fecal matter. While noting "a shocking pattern of neglect," the court held the evidence did not support the inference of conscious disregard for human life and malice aforethought. People v. Caffero, 207 Cal.App.3d 678

Thus, the Senate's concession to the Christian Science church increases risks not only to children of Christian Science parents, but to many other children as well.

A deputy prosecutor from the Los Angeles County District Attorney's office commented that it was a "bizarre" experience to sit across from a representative of a Christian church who was asking for the right to commit child homicide.

He and other bill proponents felt that, given the attitude of Senate Judiciary, they had to compromise and it was better to make the bill irrelevant to medical neglect than to add a religious exemption to it.

Christian Scientists still criminally liable

We should point out that Christian Scientists whose children suffer serious harm from medical neglect can still be charged with felony child endangerment and involuntary manslaughter in California. Two felony convictions of California Christian Science parents who let their children die of meningitis without medical care have been upheld on appeal in recent years. See People v. Ripberger, 231 Cal. App. 3d 1667 (1991) and People v. Walker, Sacramento Cty Super. Ct. #70042, affirmed by Cal. Court of Appeal, 3rd Dist. (1992).
Iowa PTA calls for repeal of religious exemptions

At its state convention in November, 1993, the Iowa Parent-Teachers Association adopted the following position against religious exemptions from child health care requirements:

Whereas, Iowa PTA has long been concerned with the health, welfare and safety of all children and youth; and

Whereas, Religiously-based medical neglect has not only jeopardized the health, welfare and safety of our children and youth but has caused unnecessary suffering and/or loss of lives; and

Whereas, Children are suffering and or dying because of their parents' religious beliefs which do not allow their children to receive medical attention for ailments such as pneumonia, meningitis, diphtheria, appendicitis, diabetes, measles (rubella and roseola), gangrene, dehydration, blood poisoning, cancer, diarrhea, respiratory infections, kidney infections, Rocky Mountain spotted fever, epilepsy, bowel obstruction, etc.; and

Whereas, The American Medical Association stated in 1987 that children with religious exemptions from immunizations "lower the general immunization level of the community" and "may become foci for a communicable disease"; and

Whereas, Measles is such a highly contagious disease that even a few unvaccinated carriers can spread the disease rapidly and to epidemic proportions; and

Whereas, Children born with congenital rubella may have central nervous system damage, mental and motor retardation, be blind or deaf, have underdeveloped pulmonary arteries and eyes (or no eyes at all); and

Whereas, The HIB vaccine prevents several diseases caused by Haemophilus influenza bacteria, the most common being H-flu meningitis, which is fatal without medical treatment; and

Whereas, All children are believed to carry Haemophilus influenza bacteria in their bodies, meaning those children who do receive the HIB vaccine will be protected while those who do not are at risk even if they are surrounded by vaccinated children; and

Whereas, Infants (of religious groups or the mainstream population) who are too young to be immunized are at great risk of contracting diseases from unvaccinated carriers of these diseases; and

Whereas, Schools today have an increasing number of immuno-suppressed children, such as those stricken with AIDS or cancer, who need to be protected from all contact with unvaccinated carriers; and

Whereas, According to the American Academy of Pediatrics about one-fourth of all preschoolers and one-third of all poor children are not fully immunized and would be at greater risk of contracting diseases when exposed to unvaccinated carriers; and

Whereas, Parents in the state of Iowa who, for religious reasons, refuse medical care for their children cannot be charged with endangerment unless they are ignoring a court order; and
Whereas, Iowa is one of only two states with religious exemption laws which can shield parents from manslaughter charges; and

Whereas, No court has ever ruled that our First Amendment right to religious freedom includes the right to deprive children of health care and in fact, have ruled religious exemptions unconstitutional for establishing religious privilege; and

Whereas, Courts have ruled religious exemptions unconstitutional as they deny children equal protection as guaranteed in the Fourteenth Amendment; therefore be it

Resolved, That Iowa PTA support legislation which removes religious exemptions from Iowa Code when the law deprives children and youth of health care; and be it further

Resolved, That Iowa PTA support legislation which removes religious exemptions from immunization; and be it further

Resolved, That Iowa PTA support legislation which removes religious exemptions from medical care for handicapped or indigent children and youth; and be it further

Resolved, That Iowa PTA support legislation which removes religious exemption from the definitions of child abuse and endangerment; and be it further

Resolved, That Iowa PTA support legislation which would impose a legal duty on parents for the health care of their children, and be it further

Resolved, That Iowa PTA support legislation which will give children and youth equal protection under the law.

CHILD wishes to express its deep gratitude to the Iowa PTA for this strong statement on behalf of children. In particular, we are grateful for the work of Laurie Musel of Clinton IA, President-elect of the Iowa PTA and Barbara Karr of Sioux City, legislative committee member of the PTA.

Ex-CS healer speaks out in Redbook

The October issue of Redbook has a lengthy article by Suzanne Shepard as told to Marti Attoun. Entitled "Suffer the Little Children," the article discusses Suzanne's childhood in a Christian Science family, her decision to become a Christian Science practitioner, the unnecessary deaths and suffering she saw because of church beliefs against medical care, the near-death of her only daughter, Marilyn, because of a ruptured appendix, and her exodus from Christian Science.

In 1993 Suzanne was excommunicated by the local Christian Science church for speaking out publicly against church practices of withholding medical care and for contacting "a disaffected Christian Scientist," presumably Rita Swan.

One member of the committee who voted for excommunication had let her own daughter die of septicemia at age 17 without medical treatment.

Suzanne is completing a doctorate in social work from Washington University. She has founded the Center for Family Support and Research in St. Louis where she provides counseling for current and former Christian Scientists.
Swan's article to appear in APSAC periodical

CHILD President Rita Swan has written an article entitled "Discrimination de jure: for children only," which will appear in the winter 1994 issue of The Advisor published by the American Professional Society on the Abuse of Children.

The winter issue focuses on the topic of child fatalities and is scheduled to be distributed in November.

Monograph on religiously-based medical neglect for sale

CHILD has 15 more copies available of Rita Swan's monograph, The Law's Response when Religious Beliefs against Medical Care Impact on Children. The study reviews case law and legislative developments on this issue in the twentieth century. It is 66 pages long with 148 citations.

These copies are now for sale at $6.00 including postage and handling.

Legal scholar calls religious exemptions unconstitutional

Ann MacLean Massie, Associate Professor of Law at Washington and Lee University School of Law, has published a brilliant analysis of religious exemption statutes in the spring 1994 issue of Hastings Constitutional Law Quarterly, v. 21, pp. 725-75. Entitled "The Religion Clauses and Parental Health Care Decisionmaking for Children: Suggestions for a New Approach," the article argues that religious exemptions from parental duties of care violate the Establishment Clause of the First Amendment to the Constitution and Fourteenth Amendment guarantees of equal protection.

Massie states:

Far from constituting an appropriate preserve of free exercise values, or even a permissible accommodation of religious diversity in a society that respects heterogeneity, these laws impermissibly allow parents to impose their own religious beliefs and practices upon their minor children, who are incapable of making either religious or medical decisions for themselves, precisely under circumstances in which those children are the most vulnerable. (731)

"In light of the particular obligations of government to protect children," she continues, "it is indefensible to hold that children who would be found abused or neglected in one context are simply the legitimate objects of their parents' religious rights in another" (732).

The article has the following sections:
I. Legislative History: the Changing Shape of Federal Policy
II. Free Exercise Values: Are Spiritual Treatment Exemption Statutes a Required Accommodation?
III. Spiritual Treatment Exemptions as Violations of the Establishment Clause
IV. The Zone of Permissible Accommodation
Conclusion: Parental Rights as the Appropriate Source for Medical Decisionmaking for Minor Children

Of particular interest is Massie's argument that the Religious Freedom Restoration Act of 1993 does not sanction religious exemptions from parental duties of care.

Judge rules on post-trial motions in Lundman case

On March 17, Hennepin County District Court Judge Sean Rice issued his 62-page ruling on post-trial motions in the Lundman case.

The plaintiff Douglass Lundman filed suit charging that negligence and wrongful acts caused his 11-year-old son Ian to die of untreated diabetes in 1989. The boy's mother and stepfather, the Christian Science church, and four of its agents were named as defendants.

In August, 1993, a jury awarded Lundman $5.2 million in compensatory damages against all seven defendants and an additional $9 million in punitive damages against the Christian Science church.
In the post-trial motions the defendants argued that the jury’s verdict violated their first amendment rights. The judge rejected this claim, citing the U. S. Supreme Court ruling in *Prince v. Massachusetts*, 321 U.S. 158 (1944), that the state's compelling interest in the lives and health of children justifies limiting a parent's right to practice religion.

**Tort liability of churches in Minnesota**

Rice cited Minnesota appellate court rulings that upheld tort liability awards against churches. In *Black v. Snyder*, 471 N.W.2d 715 (Minn.App. 1991), the court held that tort liability was the least restrictive way for the state to achieve its compelling interest of preventing sexual harassment by church officials. And in *Mrozka v. Archdiocese of St. Paul and Minneapolis*, 482 N.W.2d 806, 811 (Minn. App. 1992), the court held that punitive damages against a church which allowed child sexual abuse by a priest did not violate public policy.

Rice also ruled that the complaint in Lundman was not based upon the defendants' religious beliefs, but upon their unreasonable conduct.

The Christian Science church argued that the "punishment [of monetary damages] will be inflicted upon the innocent." Again citing *Mrozka*, Rice said that church members are "like individual shareholders in a corporation" and punitive damages can be awarded against corporations (23).

The church also claimed that the punitive damages create a serious risk to its financial integrity and take resources that would have been used to meet human needs.

Rice responded, "There was no evidence submitted at trial to demonstrate that the punitive damage award is taking money that would otherwise be used to meet human needs" (25). He also ruled that the award was not an excessive burden, given the church's wealth.

**Punitive damages promote public policy**

The church argued that the damage award will not deter church members from withholding medical care from children. The church claimed the $9 million award will "destroy the church in violation of public policy" and its constitutional rights. (24)

But Judge Rice responded that "there is no constitutional violation by deterring the unreasonable conduct of failing to provide medical treatment for an obviously sick child. In fact, the deterrent effect from the award of punitive damages should promote public policy because it will deter dangerous conduct" (24).

Rice refused to reduce the punitive damage award because the defendants "created a serious hazard to the public," were "direct and knowing participants in the withholding of medical care" from Ian, and presented no evidence "that the Church will behave differently in the future" when children are sick" (36, 37).

Rice did, however, reduce the compensatory damage award from $5.2 million to $1.5 million. He determined it was excessive by comparing it with other awards in Minnesota cases of wrongful deaths of children. The highest previous award in such a case was $1 million.

The Christian Science church and the other defendants are appealing. Nine denominations have signed an amicus brief for the defendants arguing that the first amendment protects churches from punitive damages.

The Minnesota Civil Liberties Union and the American Academy of Pediatrics plan to submit amicus briefs in support of Doug Lundman.

**Diphtheria confirmed in CS child’s death**

DNA tests done by the Center for Disease Control confirmed diphtheria as the cause of death for a Boston-area toddler.

Nathan Eberlein, age 4, died March 2nd at his home in Weston, Massachusetts, without medical care. He was not immunized. His mother, Carol Eberlein, is a Christian Scientist, but his father, John Eberlein, was not.

The coroner reported that the boy had pseudomembraneous laryngo-tracheitis and hyaline necrosis of the heart consistent with diphtheria," but the disease was not confirmed as diphtheria for months.
Diphtheria has been vaccine-preventable since 1927 and is therefore very rare. The previous last confirmed Massachusetts case was in 1973.


The Shot Not Heard Around the World
by Scott K. Sokol, M.D.

It seems the Christian Science church and other religious sects are trying to produce their own version of the Andromeda Strain. They are accomplishing this feat by denying their children routine immunizations. Here are just a few examples:

1) The Center for Disease Control reports that there were 730 cases of measles during the first six months of 1994 nationwide; 247 occurred among Christian Science youth near St. Louis and those they infected.

2) Several past outbreaks of polio among the Amish left numerous children with residual paralyses.

3) A Massachusetts child recently died of fulminant laryngeal-tracheitis due to diphtheria because his Christian Science mother objected to vaccinations.

These cases are more than likely the tip of the proverbial iceberg. One wonders how many unreported cases have occurred in the past. No matter. It is unconscionable that any case of an easily preventable childhood disease should occur, especially when immunizations are not a financial hardship for families. The morbidity and mortality of these and other childhood infections make it imperative that laws granting religious exemption from childhood immunizations be erased from the books.

Parents often have sincere concerns regarding the safety of immunizations. Such concerns have been heightened by recent media coverage on complications from immunizations. However, the press often neglects to give the probability of such complications, to compare the probability with that of contracting the disease, and to mention the complications of the disease.

Health care providers find that when most parents are given opportunity for careful and informed consent, they will opt for life-saving medical care such as childhood immunizations.

In any case, however, children should not be denied access to immunization on the basis of religious dogma.

Sokol is a pediatrician in private practice in Hicksville, New York, and a member of CHILD's board of directors.

CHILD files suit in federal court

On August 12, CHILD and Steven Brown filed a complaint in the United States District Court in Cincinnati, Ohio. It asks the court to declare religious exemptions in Ohio Revised Code Sec. 2919.22(A) and Sec. 2151.03(B) unconstitutional.

Mr. Brown is the father of two minor children who live with their Christian Science mother in the Cincinnati area.

Defendants named in the suit include the prosecuting attorney for Hamilton County, the city solicitor for Cincinnati, the county judges, the appeals court judges, the judges of the Ohio Supreme Court, and the Ohio Attorney-General.

The complaint charges that the religious exemption laws discriminate against both parents and children. It asks the court to grant declaratory and injunctive relief, declaring the spiritual treatment exemptions to be null and void and restraining the defendants from enforcing or granting recognition to the exemptions.

It is the first case in which a federal court has been asked to rule a religious exemption unconstitutional for denying a class of children rights to health care.

CHILD and Brown are represented by Robert Bruno of Burnsville, Minnesota, and Scott Greenwood of Cincinnati, Ohio.

CHILD will provide a copy of the complaint to any dues-paying member. Please send a self-addressed stamped 9 1/2" x 4" envelope.
Below are condensed versions of the testimonies given by CHILD members Pamela and Don Mundell to the Maryland House Judiciary Committee in March, 1994.

Dear Chairman Vallario and Members of the Committee:

I thank you for the opportunity to speak in favor of House Bill 630. I am Don Mundell from Piney Point in St. Mary's County. I speak as a former Christian Scientist, as a teacher of many years, and as a parent of four children.

I wish to describe from my own experience the great difference modern medical care can make in the life of a child and to illustrate the kind of life a child has in its absence. I firmly believe that when loving, but misguided parents withhold or delay needed medical care from minor children, it constitutes child abuse, whether or not it is done in the name of religion. Withholding proper medical care can and does result in needless pain, incapacitation, disfigurement, and a shortened life span for the child.

My wife has vivid memories as a small child of being taken by her Christian Science mother to a dentist to have several teeth filled. Because the use of medicine was against church doctrine (although patronizing dentists was OK), my wife was given no Novocain. Her mother arranged for two friends—who were themselves Christian Science "practitioners" (healers)—to hold her small daughter down in the chair during the painful drilling on her teeth. Her mother sat outside praying. She later explained to the child that it was the child's own "bad thoughts" which had caused the tooth decay! Because of this and many other similar experiences with pain and illness, my wife grew up afraid of her own mind. In later years, what she resented most was not knowing that Novocain existed until she was 16 and went to a new dentist who had not been told to keep her in the dark. Christian Science children are deliberately kept ignorant of medicine. Not only are they told that taking medicine is wrong, but that medicine does not cure illness or relieve pain. Exempted by law in many states from the study of disease in schools, these uninformed people can hardly make "informed choices" for the proper care of their own children.

My own most vivid childhood memory is of missing the better part of my fourth grade school year, in bed writhing with pain from unrelied headaches and burning with fever from chronic ear infections. My mother loved me, but her religious teachings led her to deny me any medical relief, even aspirin. I was lucky; I lost only about half of my hearing. My wife and I know one young ex-Christian Scientist who became profoundly deaf after repeated bouts of untreated ear infections when she was a child.

At the age of 21, I married a devout young Christian Science woman, and I agreed that our children would be brought up in that religion, even if I should—as I soon did—leave it. When my son was eight, he gashed his knee deeply on a piece of broken glass on the school playground. The school nurse phoned my wife to have somebody come and take the child to a doctor. But his mother told the nurse to put a Band-Aid without antiseptic on the knee and send the boy back to class. She told the nurse that she would call the Christian Science practitioner to pray for our son. When I returned home late in the evening, my son was feverish and his leg was swollen and stiff. Frightened, I announced that he was going to the emergency room.
immediately. My wife and her practitioner begged me not to "give in to the testimony of the physical senses," but to join them in prayer. I would have no part of it—they had been praying for hours while the wound became worse. My son was frightened and confused as he watched his parents argue over what should be done. He had never been to a hospital or a doctor, and he had been given distorted ideas about them. I eventually prevailed and got him to the emergency room, where he was cleaned, stitched, and given penicillin under the direction of a kindly doctor who did not understand why the boy had not been brought in immediately after the accident. If I had still been a practicing Christian Scientist at that time, my son would have continued to suffer needlessly for a long time; he might have been at risk of a life-threatening infection.

My present wife was in the process of leaving Christian Science when I met her. We now have two children, ages 12 and 15. Late one night, when our youngest was then only two weeks old, she had a slight temperature and flu symptoms. I was not very concerned, but my wife insisted upon phoning the pediatrician at his home. I was surprised when he asked me to get the baby to his office right away. After examining her, he told me that she needed to be admitted to the hospital at once. He said that this was the beginning of a serious disease which had a viral or a bacterial cause. The human body will itself usually fight off the viral kind, but the bacterial kind is usually fatal unless it is treated with antibiotics immediately. Our child was hospitalized, treated, and was home and healthy again in a couple of weeks.

By way of contrast, if one of my first two children had been in the same situation, we would NOT have taken her temperature (Christian Scientists don't own thermometers or even know how to use them). After being very sick for a week or two (with no medication to relieve the discomfort, let alone help heal the body) she would have recovered because of her body's own natural defenses against virus attack. (This would be counted as a Christian Science "demonstration of Divine Mind's victory over material sense" by the followers of that belief system.) But if my daughter's illness had been caused by the bacterial form of the disease, she probably would have eventually died because we would have not taken her to a doctor or because we would have waited too long for him to be able to help her anyway. Tragically, some friends did lose their baby exactly this way to spinal meningitis. They were in Christian Science at the time, and were pretty uninformed about health and disease. Much psychological pressure was applied by their practitioner to keep the baby under Christian Science care. When they were finally able to shake off this pressure and get him to a hospital, it was too late to save his life. Their experience is not an isolated or unusual case for loving, but misguided parents caught in the web of this cult or others like it.

If you maintain the law allowing parents to neglect children in the name of religion, you will be continuing the needless pain and suffering of some Maryland children. However, if you strike down this exemption, you will make it a lot more difficult for Christian Science practitioners (and leaders of similar cults) to pressure medically ignorant followers into withholding needed care from their children. Please enact House Bill 630 exactly as it is written.
Dear Chairman Vallario and Members of the Committee:

My name is Pamela Mundell and I come here today from St. Mary's County to speak in favor of House Bill 630.

I am a former Christian Scientist. As a child and young adult, I lived in a very devout household. My mother was a registered Christian Science practitioner (healer). For seven years, I attended boarding schools and camps for Christian Scientists and then lived for two years in a living unit for Christian Science students at a large state university. I was always in the company of young believers, and I shall speak from their experiences as well as my own as I attempt to give you an accurate picture of life without medical care.

Some of you may feel that having or not having a religious exemption is of no significance because any observant parent would be able to discern the signs of serious illness and be motivated by love of his child to get medical help before significant harm is done. But in the case of Christian Science parents, one cannot make this assumption. Church doctrine teaches that diseases are unreal, but that studying about them can make them real in one's thinking. A Christian Science parent takes pride in his child's—and his own—ignorance of the human body and of symptoms of disease. This biological and medical ignorance, coupled with the effects of vigorous daily denial of what the physical senses experience (which amounts to self-hypnosis), actually causes the Christian Science parent who looks at his gravely ill child not to see what you or I would see.

There are an inordinate number of people in my generation who were maimed as children by the practice of this Christian Science cult. At Daycroft, a preparatory school for Christian Scientists, I knew children who wore hearing aids due to untreated ear infections. A roommate and a dear friend endured a deforming respiratory ailment without any ease from her pain, and she died at age eighteen. Another roommate was deformed by polio; she had never been vaccinated. In my schools, I knew three children with uncontrolled epilepsy. We were told not to tell them whenever they experienced a grand mal seizure. Their knowing about the illness would make it harder to achieve a healing, we were told. I knew children with untreated large burns and unset broken bones.

In 1972, Daycroft had an outbreak of polio that spread to more than a hundred students and faculty.

Of the children I knew as I was growing up, six died either during childhood of untreated illnesses or in early adulthood from the effects of untreated childhood illnesses.

Did you know that prospective church members must sign a pledge vowing to rely solely on Christian Science for healing? "Man cannot serve two masters," says the Bible. If a Christian Scientist chooses medicine, he has placed himself outside of God's power to heal, and he is utterly lost. Given this dilemma, a young member cannot make an informed choice to seek medical care. A small number of parents will "give in to fear" (to use the scornful Christian Science phrase) and
turn to medical help. They suffer shame and guilt because their faith and understanding was not great enough.

In Christian Science theology pain is unreal. When I was ill on a school morning, I was sent off with my mother's words, "You have allowed error into your consciousness. Deny the error and affirm God's allness. There is no sensation in matter." By mid-morning, my teacher would become concerned and contact Mother. She would arrive upset that I had called attention to myself by being ill and scornful that I had not had "dominion over matter." She would take me home and put me to bed with a copy of the Christian Science textbook and the Bible. I was offered little comfort and nothing to relieve my symptoms. "You will be in school tomorrow," Mother would insist as she left me, and I was, no matter how bad I felt the next day. I never doubted her love for me, but I always knew that her religious beliefs were placed above all else.

When I was ten, I pushed on a glass door during an argument with another child. It shattered, cutting my hand deeply and severing some nerves. My mother called a Christian Science practitioner from a pay phone, talking for an hour as I sat in a car. The pain was so bad that I nearly passed out, and I was bleeding badly. The practitioner's message to me was, "Pam, you got hurt because you were not being loving." A Christian Science practitioner has a great deal of psychological power over "patients," and I would never have been taken to a doctor for bandaging had she not given my mother permission. Mother would not allow disinfectant or stitches, so he simply wrapped gauze around my hand. I was in a lot of pain while my hand healed slowly and badly. However, my strongest memory from this experience was of the guilt induced in me and being told that my pain did not exist. Christian Science children are suffering like this today. You can be sure of it because Christian Science doctrine allows no provision for change.

I am sure that a Christian Scientist plans to tell you that medical science has many more failures than Christian Science, in an effort to justify using their methods for ill or injured children. Those of us who have an average knowledge of medicine know that this is an oversimplification which obscures the facts. We know that the cure for cystic fibrosis has not been found, though it is on the way. We know there is a low cure rate for some forms of leukemia, but fortunately we also know that removing an inflamed appendix will almost certainly save a child's life. Pain matters to us, and so, under medical care, even the child with cystic fibrosis gets some relief from pain, and his parents' loving assurance that he did not cause his own disease.

It should be recognized that Christian Science parents are themselves victims. Nevertheless, we must think of the children and make their health a legal duty. House Bill 630, if enacted into law, would serve notice to any parent that if s/he fails to provide medical care when there are indications that the child's health is at substantial risk of harm, s/he cannot hide behind religion. Please pass this bill as it is written.

Thank you for your consideration.