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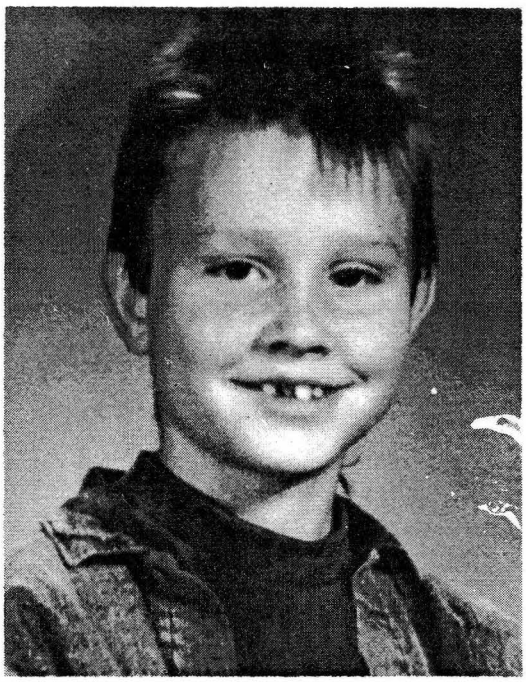

Ian Lundman

Lundman defendants ask High Court for review

On August 29, the four remaining defendants in a Minnesota wrongful death suit petitioned the U.S. Supreme Court to review. Eleven-year-old Ian Lundman died of diabetes in 1989 with no medical treatment because his mother and stepfather relied on a Christian Science faith healer. Ian's father Douglass Lundman had left Christian Science several years earlier. He was not informed of the seriousness of his son's illness.

In 1991, Lundman filed a civil suit charging the Christian Science church, several of its agents, his ex-wife, and her husband with negligence and wrongful acts causing his son's death.

Lundman's suit was tried in 1993 and was the first wrongful death suit against the Christian Science church to be presented to an American jury. The jury awarded $5.2 million in compensatory damages against seven defendants and $9 million in punitive damages against the Christian Science church.

Hennepin County District Court Judge Sean Rice reduced the compensatory damage award to $1.5 million because the largest previous award in the wrongful death of a Minnesota child was $1 million.

The Minnesota Court of Appeals overturned the punitive damage and compensatory damage awards against the church, ruling that they punished the church for teaching its religious doctrines on spiritual healing and therefore violated the church's First Amendment rights. It also ruled that Christian Science practitioner Mario Tosto and Christian Science nurse Quinna Lamb were not agents of the church and therefore the church had no liability for their actions.

The court did let stand the $1.5 million award in compensatory damages against Ian's mother and stepfather, Kathleen and William McKown, Tosto, and Lamb. The court said they had a duty to get the boy medical care, regardless of their religious beliefs. The Minnesota Supreme Court refused to review the case.

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Letter on insurance coverage enclosed

Appeal to U.S. Supreme Court

Lamb, Tosto, and the McKowns have petitioned the U.S. Supreme Court for review. The petition is signed by University of Chicago law professor Michael McConnell. He is nationally known for promoting religion-based exemptions to general regulations and claiming they are required by the free exercise clause of the First Amendment.

The petition argues that liability cannot be imposed on a clergyman for "allegedly negligent or unreasonable performance of his religious function" and that believers in faith healing should not be required to obtain medical care for sick children when other means of protecting the children are available.

New reporting law noted

McConnell points out that, since Ian Lundman's death, Minnesota has enacted laws requiring parents to report to state authorities when a child faces serious danger to his health and is not receiving medical care. (See the CHILD newsletter 1994, #3, on the struggle for statutory reform.) Such laws allow the state to provide medical treatment for the child over the parent's religious objections while exempting the parents themselves from having to obtain the medical care.

McConnell argues that such reporting laws work well. He cites laws requiring reporting of communicable diseases and claims that the Christian Science church urges obedience to them.

The state has no right to require parents to obtain medical care that violates their religious beliefs when the state has alternative means to protect the children that are less restrictive of parents' religious freedom, he concludes.

"Deaths of children in Christian Science care have been extremely rare," he says, "and there is no evidence that Christian Science children, as a group, are any less healthy, or that fewer of them survive to adulthood, than children treated by conventional medicine."

Religious coercion inadmissible

The petition argues, like many other statements from the Christian Science church, that the church does not discourage its members from going to doctors, but it would be absolute anathema for the state to require the members to do so. They must have a "wholehearted" and "undivided" commitment to Christian Science and therefore cannot summon a physician to treat illnesses, says the petition.

It further charges that the Court of Appeals required the Christian Science practitioner and nurse to admit the failure of Christian Science methods in Ian Lundman's case and to "persuade" his mother to call a doctor or obtain one themselves.

"To coerce a practitioner or parent to 'acknowledge' that Christian Science treatment is ineffective and that a medical doctor is needed is the equivalent of forcing a theist to 'acknowledge' that there is no God," McConnell argues.

The government has no authority to tell someone what to believe, he contends, citing in particular *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group*, 115 S. Ct. 2338, 2347 (1995).

The Court of Appeals' "new common law remedy" will have "a profoundly destructive effect" on the practice of Christian Science, he concludes.

Comment

The petition shows the difficulty of separating religious belief and practice. As a self-proclaimed "mind-science religion," Christian Science demands radical, persistent discipline of mental processes. And, yes, it does violate Christian Science beliefs for a church healer to admit that a medical doctor is needed because Christian Science teaches that God is the only Mind, that individuals are supposed to know only what God knows, that God does not know anything about sin, disease, or death; that God's goodness, health, and harmony are the only reality, etc.

A reporting requirement is, however, just as much a violation of Christian Science beliefs because Christian Science teaches that disease is an illusion. Furthermore, it causes more state intrusion in the family than simply requiring parents to obtain medical care. McConnell's claim that reporting requirements are an effective substitute for a parental duty of care is naive and inaccurate.

McConnell says the church urges members to obey the laws requiring reporting of contagious diseases, but does not mention that they often fail to do so. The church does indeed publish a list of the reportable diseases and tells members to report *if they suspect them*. But it provides no guidance as to how people who believe disease is an illusion and information about disease should be avoided would suspect leptospirosis, lymphogranuloma inguinale, or any other disease on the list.

The church opposes efforts to require reporting of their sick children to Protective Services. It has called such reporting laws a threat to "the spiritual welfare of all mankind" and coached parents on how to mislead public officials who inquire about sick children. See "Cherishing the babe of Christian healing," *The Christian Science Sentinel* 17 Sept. 1984 and *Legal Rights and Obligations of Christian Scientists* booklets.

CHILD absolutely rejects McConnell's claim that Christian Science heals serious diseases of children. Comprehensive data on the welfare of Christian Science children as a group cannot be obtained because the church will not cooperate with researchers, but there is no credible evidence that Christian Science heals organic diseases.

Lundman's cross-petition

Doug Lundman has filed a cross-petition asking the U.S. Supreme Court to review the state appeals court's reversal of the punitive damage award and the dismissal of James Van Horn and the First Church of Christ, Scientist, as defendants.

Van Horn is the Christian Science Committee on Publication for Minnesota. Written church policies direct parents and practitioners to call him when children under their care are seriously ill. He is supposed to advise them.

Lundman complains that the state appellate court excluded from its analysis these facts from the trial record:

- Mr. Van Horn was the person responsible for implementing First Church policy in Minnesota;
- As CoP, he held himself out as a legal *and* medical advisor;
- He knew from the beginning that Ian's poor health was not improving because he was contacted by Ms. McKown pursuant to First Church policy;
- He accepted the responsibility of remaining in constant contact with Ian's direct caregivers;
- He knew that by virtue of his powerful position within First Church's hierarchy that those caregivers were relying on his continuous advice; and
- He helped insulate Ian from the intervention that would have saved the child's life.

Jury's fact-finding overturned

Furthermore, said Lundman, the court was not allowed to overturn the jury's finding that the defendants were agents of the church unless the finding was "perverse and palpably contrary to the evidence."

Lundman charged, the Minnesota Court of Appeals "sabotaged the appropriate standard of review by engaging in improper appellate factfinding." and "rendered the jury's verdict an empty gesture."

Its decision, says Lundman, violates the Establishment Clause of the Constitution by "skewing the civil justice system in favor of religious actors."

"It is unfortunate," he says, "that, as it stands now, the decision by the Minnesota Court of Appeals is the nation's leading case on the duty of a religious organization and its officials to a seriously ill child."

In his conclusion to the U.S. Supreme Court, Lundman says:

> In the final analysis, the court of appeals ignored what gives this case national significance and makes it worthy of this Court's attention. First Church is not a small religious sect; it is a multimillion dollar national organization that receives federal benefits. As such, it has developed written policies and procedures that govern how children are treated by people who rely on First Church for their livelihood. It was these policies and economic dependence that caused the Church to assume a duty to Ian Lundman. By ignoring these facts, the lower court's decision advanced First Church at the expense of Ian.

Ohio Attorney-General appeals CHILD victory

On September 29, Ohio Attorney-General Betty Montgomery filed an appeal to the U. S. Sixth Circuit Court of Appeals claiming "absolute immunity" from a suit filed by CHILD and Steve Brown that asks a federal court to rule Ohio's religious defense to manslaughter and felony child endangerment unconstitutional.

Montgomery bases her argument on the eleventh amendment to the U.S. Constitution. The amendment prohibits suits against a state in federal court.

CHILD and Brown are relying on *Ex Parte Young*, 209 U.S. 123 (1908), in which plaintiffs were allowed to pursue declaratory and injunctive relief from an unconstitutional law by suing state officials in federal court. Compensatory and punitive damages cannot be obtained in this type of action, but the plaintiffs can ask for a ruling on the law and for their costs of suit. Suits against state officials, though not the state itself, are allowed. Because the U. S. Constitution is the supreme law of the land, there must be a way to challenge an unconstitutional state law, the U.S. Supreme Court said in *Young*.

Montgomery counters that such a suit can only be brought when the state official is "threatening" to enforce the unconstitutional law.

CHILD and Brown filed their reply brief on October 26. They argue that we should not have to wait for Brown's children or other Ohio children to be at the point of death before we ask for a ruling on the law that allows their parents to withhold medical care from them.

CHILD and Brown's reply concludes:

> The potential drastic effects of a statute are precisely the reason why the court in *Young, supra*, held that a plaintiff need not wait to suffer those effects, and allowed a preventative action for declaratory and injunctive relief to strike down the statute against the state official who would have enforcement jurisdiction if the statute were to be violated.
>
> Plaintiffs are a class of minor children who are specifically targeted for disparate treatment by the Ohio legislature. Because they are unable to vote and thus lack the representation and political power to effect a repeal of the statutes, judicial relief is particularly necessary. *Plyler v. Doe*, 457 U.S. 202, 218, n. 14(1982).

The Attorney-General's response is due November 9. Oral arguments have been requested by all parties.

First Born parents convicted in baby's death

California parents who belong to a church that opposes doctors were recently convicted and sentenced for withholding lifesaving medical care from their baby.

Jordan Northrup, 20 weeks old, died January 31, 1991, of bacterial meningitis and pneumonia. His parents, Earl and Catherine Northrup, of Redding were born into the Church of the First Born as were their parents and grandparents. Jordan was born at home without medical attention in accordance with church practices.

Many came to pray

He was sick for about two weeks. Fellow church members and relatives held healing sessions for his recovery. His symptoms worsened to fever, vomiting, constipation, seizures, and convulsions. Church members came from as far away as Sacramento and Washington state to the Northrup home to pray for Jordan and lay hands on him. Many church members were in his home when he died.

The Northrups were charged with involuntary manslaughter and felony child endangerment. In addition to their court-appointed attorneys, they were represented by Christian Science attorney David Mackenroth of Sacramento.

In 1989, Mackenroth represented Christian Science parents Mark and Susan Rippberger of Santa Rosa, California, who let their 8-month-old baby Natalie die of untreated meningitis. The Rippbergers were convicted of child endangerment.

See *People v. Rippberger*, 231 Cal. App. 3d 1667 (1991).

Defense attorney defended midwives

Earlier Mackenroth won a case involving two Church of the First Born midwives, Julia Young and Geneva Northrup, Earl Northrup's aunt, of Modoc, California. In addition to praying with church members during labor and delivery, they felt the mothers' abdomens to determine fetal position, helped enlarge vaginal openings, assisted with delivery of the babies, cut umbilical cords, and cared for the mothers.

The state charged them with the unlicensed practice of medicine in the deliveries of two stillborns. The Court of Appeals held that California's religious exemption to medical licensing requirements protected them from the charge, but also pointed out that it did not exempt them from other possible charges, such as criminal negligence. See *Northrup v. Superior Court*, 192 Cal.App.3d 276 (1987).

The midwives stated that their church had completely prohibited medical care for hundreds of years. Drawing upon evidence presented by Mackenroth, the Court of Appeals wrote that the church

> traces its origins to the Mayflower pilgrims and currently numbers 150 congregations throughout the United States. Under the tenets of the Church of the First Born, use of medical professionals is not permitted. The members "rely upon the power of God" to assist those who are ill. Pregnant members of the church do not consult obstetricians but call upon women known as "helpers" or "attendants" to assist at childbirth. The helpers are also church members, acknowledged by the church as having received a divine calling, "inspired. . . by spirit or by recognition of God through prophecy or revelation."

No to "medical care under any circumstances"

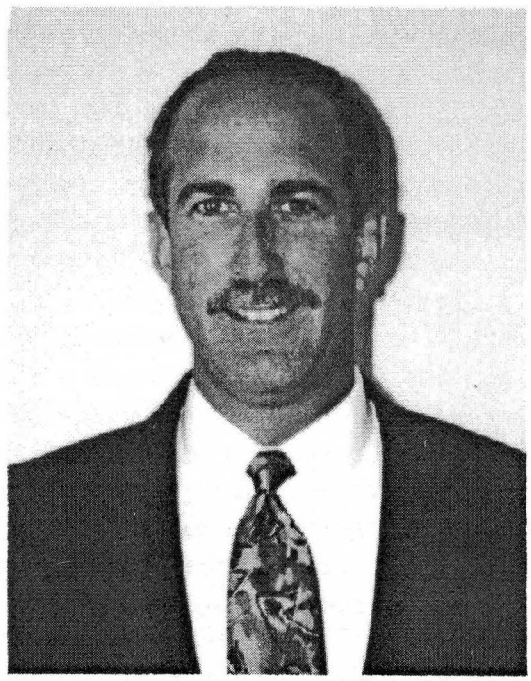
The mothers testified, reported the Court, that they were dedicated church members and "would not seek traditional medical care under any circumstances." They requested the church midwives in keeping with the church's beliefs and practices over many generations.

The Court continued:

> Testimony at the preliminary hearing established the certification requirements as antithetical to the religious practices of the Church of the First Born. . . . Helpers cannot refer cases to physicians without violating their religious beliefs nor can members of the church accept such a referral. The obligations of a certified midwife as outlined by statute conflict with these religious practices.

"We conclude," said the Court, "petitioners are exempt from the certification requirements and cannot be prosecuted under [Bus. and Prof. Code] sections 2052 and 2053 insofar as their childbirth helper activities where other church members are concerned.

"The plain, unambiguous language of section 2063 compels such a conclusion. The terms of the statute are absolute: licensing requirements cannot in any way interfere with the practice of religion. In the present case, they clearly do."



Prosecutor Greg Gaul

Sudden death at heart of defense case

After many delays, Earl Northrup's case finally came to trial in March, 1995, with Shasta County Deputy District Attorney Greg Gaul prosecuting.

The main thrust of the defense case was the claim that the baby died suddenly without warning.

Northrup's landlady testified that she saw Jordan playing in his walker the day before his death.

But Gaul's investigator had taped a phone conversation with the landlady earlier. When Gaul reminded her of the tape, the landlady changed her testimony and said she had actually seen Jordan a few days before his death. Furthermore, Northrup had originally told investigators that Jordan played in his walker three to four days before his death, but the symptoms of fever and vomiting returned the next day.

Medical professor attacks physicians

A retired professor of medicine, Dr. Eugene Robin, testified for the defense. He was not a pediatrician or an infectious disease expert. One of his claimed specialties was risk-benefit analysis. For many years he had a syndicated column, which showed a strong interest in popularizing accounts of mistakes and failures of modern medicine and related complications. He coined the term "iatroepidemic," meaning an epidemic caused by doctors.

In 1988 he wrote a column supporting the California Christian Scientists who let their children die of untreated meningitis. "It wasn't a crime, but an error of judgment," Robin wrote.

"Suppose every physician who committed an error in judgment were brought to trial," Robin continued. "If we jailed all of the pediatricians who, in the past, withheld food and water from premature babies and caused death and mental retardation in thousands of infants, we might destroy the prison system. . . . I do wish we doctors would be more compassionate and humble and less arrogant. . . . I wish we doctors would adopt the biblical statement: Let he that has not sinned amongst you cast the first stone."

The bulk of the column space went to criticism of physicians rather than defense of the Christian Scientists.

Local pediatrician counters testimony

In cross-examination, Robin's motivation for involving himself in the case and his lack of clinical experience with meningitis became obvious. He cited computer-generated summaries of research on meningitis, but Dr. Coryell, a local pediatrician, reviewed them for the state and testified that most of them supported the state's position that the symptoms of meningitis are obvious for several days.

The defense made much of the fact that the pathologist reported evidence of early Waterhouse-Friedrichsen syndrome in his autopsy on the baby. Defense experts testified that the syndrome could cause sudden death and was not treatable since it can be detected only by autopsy.

Prosecution experts pointed out that Waterhouse-Friedrichsen syndrome develops at a late stage in the course of meningitis and because of it.

Medical "advice" sought

Mr. Northrup said he called a local hospital three days before Jordan died, not to get treatment, but to get "advice." He claimed a female pediatrician recommended switching the baby to goat's milk. That was presented as evidence that even physicians did not consider him seriously ill.

There were no female pediatricians on staff then, and no nurse remembered such a call. What symptoms Northrup described to the person were unclear. It was also hard to understand why a man whose religion opposed medical treatment would be calling a hospital for advice on caring for a sick child.

Of course, the defense wanted to minimize Northrup's beliefs against medical care since the California courts had repeatedly ruled that religious beliefs are not a defense to a felony. Northrup's attorneys complained that the state was "trying to paint the defendants as choosing prayer over medical care" and claimed that the parents simply did not know Jordan had a life-threatening illness. Yet Mackenroth himself had presented evidence that Church of the First Born theology prohibited medical care when he represented the two First Born midwives, including Northrup's aunt.

Evidence of sincerity presented

Whatever the reason the Northrups withheld medical care, the defense tried to persuade the jury of their sincerity. They called their local minister who related personal experiences of faith healings

and emphasized the depth of the members' convictions.

They also called a church bishop from Sacramento who said he arrived at the Northrup home at 4:30 p.m., just two hours before Jordan died. He testified that he prayed over the baby for five to ten minutes, anointed him, and then left to get a hamburger.

Other testimony from church members indicated that Jordan had seizures beginning at 11 a.m. that morning and that there were about ten church members in the home with him all day long observing him.

Scholar on religions testified

Another defense witness about the Church of the First Born was Gordon Melton, a scholar on the history of American religions. He was used to show that the church was hundreds of years old and part of a broader tradition in American culture espousing spiritual healing.

The church's Articles of Faith were introduced into evidence. The ninth article said they "believe in being subject to Presidents, Rulers, and Magistrates in obeying, honoring and sustaining the law *as far as it harmonizes with Divine Law*" (emphasis added).

Parents' love of child presented

The most significant witness for the defense was Catherine Northrup, who was scheduled to be tried separately, but chose to testify in her husband's trial. Several jurors were so moved by her description of her love for her child that they began crying.

Mackenroth supplemented with much crying of his own, both while Mrs. Northrup was on the stand and during closing arguments.

He read the jury several Bible passages and an emotional letter from the Northrups though neither had been placed in evidence. Greg Gaul used Mackenroth's introduction of the Bible to point out that it also contains many references to the early practice of medicine and does not prohibit use of physicians.

Convicted of child endangerment

On April 20, the jury convicted Earl Northrup of felony child endangerment, but acquitted him of manslaughter. A juror later told Gaul that Mackenroth's demeanor appeared staged, insincere, and insulting to their intelligence.

Mackenroth openly told the court before the trial began that his real goal was to get *Walker v. Superior Court*, 763 P.2d 852 (Cal. 1988), overturned. In that case the California Supreme Court had ruled that a Christian Scientist must stand trial for letting her daughter die of untreated meningitis.

Status of "other remedial care"

California's definition of "other remedial care" in the non-support chapter of the criminal code includes "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." Thus, parents providing that kind of prayer cannot be charged with the misdemeanor of non-support.

In the 1980s when California Christian Science parents were charged with manslaughter and felony child endangerment in three cases for letting children die of meningitis without medical care, Mackenroth and other defense attorneys had argued that the recognition given to prayer as "other remedial care" in the non-support chapter also constituted a religious exemption to manslaughter and endangerment charges when children died.

The California Supreme Court rejected that argument in *Walker*.

Chiropractor fails to testify

Mackenroth selected witnesses for the Northrup case to testify about "alternative" methods of treating disease, presumably to bolster his contention that the state should allow parents to select them instead of medical care. One was Dr. Gary Land, a local chiropractor. He was going to testify about the kind of treatment he would have provided if Jordan Northrup had been brought to him.

The chiropractic profession has aggressively been trying to expand its treatment of children and has made many claims for its successes with various symptoms and conditions. But chiropractors cannot

legally treat meningitis in California, and Dr. Land could have been reported both to his licensing board and to the California Medical Association if he had claimed to be treating meningitis. Land did not testify.

Brian Talcott, the Christian Science Committee on Publication for Northern California, was also on Mackenroth's witness list. Greg Gaul was ready to ask him for evidence that Christian Science could heal bacterial meningitis, but Talcott's testimony was restricted to a brief account of religious exemption laws.

Also on the witness list were an Arizona couple who belonged to Church of the First Born and were forced to get emergency medical care for their child when he was sick with meningitis. The child was left with brain damage. Presumably, their testimony would be presented to show that medical treatment of meningitis was not always completely successful and therefore reasonable parents might seek non-medical methods instead. But they did not testify.

Reasonable parent standard persuasive

Greg Gaul made the reasonable parent standard the focus of the case. He did not try to discredit Church of the First Born beliefs or practices, but showed that Jordan manifested symptoms of a serious illness for many days and kept returning to the question of what reasonable parents would do when their baby was that sick.

While only Earl Northrup was on trial, the prosecutor wondered how any person could be with a baby having seizures throughout the day and not attempt to get medical care for him. Yet about ten church members were around Jordan watching him die, and the bishop was so casual about this emergency that he left for a hamburger after doing religious healing rituals over the baby for ten minutes.

After the conviction, a juror told Gaul that his emphasis on the reasonable person standard was very persuasive. Medical science may not always be successful and prayer may heal disease, but it simply is not reasonable for a parent to deprive a seriously ill child of everything medical science has to offer.

Jail time ordered

At sentencing Gaul argued for jail time. He pointed out that the Christian Scientists who had been convicted in northern California for letting their children die had served no jail time and argued that the state now needed to require jail time in order to get its message across.

Shasta County Superior Court Judge William Lund agreed. "I know that Mr. Northrup has suffered as deeply as any parent can suffer," he said, but "the bottom line is I feel that this kind of conduct needs to be deterred." He sentenced Northrup to six months in jail.

He also sentenced him to five years' probation. During that time he must notify his probation officer if one of his children is sick for more than 24 hours or if he calls church members to pray for them. He must also authorize needed medical care for his children at school, enroll in and complete a family health or first aide class, buy a fever thermometer, and read the *Good Housekeeping Family Health and Medical Guide.*

Mackenroth said Northrup was exercising his religious right to try and heal his son through prayer and did not intentionally endanger the boy.

"How this jury could come to a conclusion contrary to that is beyond me," Mackenroth said.

Wife also convicted– no appeal filed

On July 11 Catherine Northrup pleaded no contest to felony child endangerment. She was sentenced to five years' probation, with terms identical to those of her husband, and 180 days of community service.

Although Mackenroth hoped to use the Northrup case as a means of establishing a right for California parents to withhold medical care on religious grounds, he is not appealing their convictions.

Taken in part from the *Redding Record Searchlight*, 31 March, 27 May, and 24 August 1995; *The Sacramento Bee*, 5 February 1991; and conversations with the prosecutors.

David Koresh—child abuser or martyr for the disaffected?

More than two years after Branch Davidian leader David Koresh, 66 adults, and 17 children died during an FBI siege of their compound at Waco, Texas, he has become a martyr and a rallying cry for thousands more followers than he had in life.

The bombing of the federal building in Oklahoma City, which killed 169 people, took place on the second anniversary of Koresh's death and was allegedly revenge for the federal government's actions against him and his followers. Right-wing militias and hate groups distribute lurid accounts of the siege to promote a paranoid belief that they must arm themselves with automatic weapons because the government is planning to massacre them.

After the Oklahoma City bombing Congress decided to hold another round of extensive hearings on the 1993 confrontation at Waco. According to *The Los Angeles Times*, a major purpose was to embarrass the Clinton administration.

Incorrect affidavit

Democrats complained that employees of the National Rifle Association were allowed to testify and to serve on committee staffs without revealing their affiliation. Rep. John Conyers, D-Michigan, said the hearing was the NRA's "attempt to repeal the assault weapons ban by tearing down the agencies that enforce the ban."

Republicans intended to focus the opening days of the hearings on the shortcomings of an affidavit used by the Bureau of Alcohol, Tobacco and Firearms to obtain a warrant to search the Davidian complex for unlawful weapons. Among their criticisms was that the affidavit listed allegations of child abuse and molestation—crimes outside the ATF's jurisdiction.

Testimony of sex with 10-year-old

On July 19, fourteen-year-old Kiri Jewell's testimony of being forced to have sex with Koresh re-focused the hearings dramatically. Kiri and her mother Sheri lived with Koresh throughout southern California before moving to Waco.

When Kiri was 7, Koresh notified her during a motorcycle trip that she would be one of his wives. "He took me for a ride down a mountain ski trail on the chairlift," Jewell said. "There wasn't any snow but it seemed like we could see the whole world."

Although Koresh generally ordered female babies and children to be spanked by women, Koresh spanked her personally, once for going on a diet and once for buying candy. "He used the big wooden boat oar they used for adults, not the wooden spoon they called the 'little helper,'" she said.

Her descriptions of the molestation were so graphic that lawmakers warned television viewers. Jewell testified that Koresh had intercourse with her beginning when she was ten. "David told me to come to sit down by him in the bed," Jewell said. "He kissed me. I just sat there, but then he laid me down."

Afterward, she said, Koresh "read to me from the 'Song of Solomon.'"

She testified that the Davidians fully expected to be killed by the federal government. They prepared for suicide and were instructed on the best way to kill themselves.

Jewell left the Davidians in 1992 when her father won a court order removing her from the group and prohibiting Koresh and her mother from contacting her.

Jewell's mother died during the siege.

Failure of Protective Services

Rep. John Shadegg, R-AZ, called Jewell's testimony about child abuse "a major distraction," while Rep. Steven Schiff, R-NM, commented: "So details about under-age sex are going to get more attention than a faulty search warrant."

While those legislators wanted the ATF and FBI censured for alleged wrongdoing against Koresh's group, some observers criticized the state for its failure to protect the children long before the siege. Dr. Bruce Perry, a child psychiatrist at Baylor University, who treated the 21 children released by Koresh early in the standoff, was appalled that child protection services had not intervened.

"What kind of culture do we have," he asked, "when more than fifty children are being isolated, physically assaulted, probably sexually abused, certainly coerced, certainly not getting appropriate education, yet there is no mechanism for intervening, but if the group converts one semi-automatic weapon to a fully automatic weapon, we can launch a major assault on the group?"

As reported in the CHILD newsletter 1993 #1, reports of abuse and neglect among the children in Koresh's group were known to child protection services for years, but there was no intervention.

Psychological damage noted

In a lecture at a Cult Awareness Network convention, Perry described the psychological damage to the children. The young child's brain develops in response to its environment. An authoritarian, coercive environment does not provide appropriate cues for cognitive and affective functions of the brain to develop. It may not be possible to compensate for the arrested development later, Perry said.

Placed in the Methodist Children's Home in Waco, the children reorganized themselves in a structure mimicking what they had known under Koresh. Girls and boys segregated themselves; each had a scribe who monitored behavior.

They touted a passage from Revelation promoting deception of non-believers. The scribes would make the other children change their accounts of events when talking to outsiders.

Children used by Koresh, government and press

Koresh had relentlessly described his apocalyptic vision of violence and conflagration. The siege, standoff, and final conflict with the federal government all reinforced Koresh's predictions in the minds of the children.

Because of such predictions the children were convinced their parents were dead as soon as the children were released from the compound. They also believed Koresh would return from heaven after his death and therefore would always be a controlling force in their lives. Even after two months in the Methodist Children's Home, some children still wrote that "David is God."

None of the 21 children Koresh released were his biological children or children he had chosen to become his wives. The released children thought of themselves as inferior.

During the 51-day standoff, some parents in Koresh's compound said they would come out if they could see their children again. So the FBI brought the children to command posts and displayed them in view of their parents at various times.

The media also traumatized the children. Once the press came over the Children's Home in a helicopter to try to film them. Because of their preparations for war, the children were terrified. They scattered, hid under bushes, etc. After the helicopter left, the scribes started singing. The children came out from their hiding places, lined up behind the scribes, and marched.

Extreme dependence on group

When the male scribe left the home to live with a biological parent from outside Koresh's group, the remaining boys were helpless. They asked the female scribe for direction, but she refused to organize them. The boys began acting out with angry, anti-social behavior.

Perry cited these incidents as examples of the children's dependence on group responses and lack of independent ego.

He did not try to change their social views or ideas because they had nothing else to go back to. He and his team simply provided them with a safe, nurturing environment and gradually tried to encourage free will and choice.

The injuries to the children living with Koresh have received much less media attention than the right-wing extremists who promote an image of Koresh as victim of government tyranny. We are grateful to Kiri Jewell for redressing the balance to some extent.

Taken in part from *The Los Angeles Times*, 20 July 1995.

Religious exemption to autopsies thwarted in Iowa

A bill providing a religious exemption to autopsies in cases of children under two years old passed the Iowa Senate in 1995 without opposition. The bill stated that "an autopsy shall not be performed if the parent, guardian, or custodian of the deceased child is a member of an established religion whose tenets are opposed to the performance of an autopsy on the deceased child and there is no evidence that the deceased child has been physically abused." The bill did allow the medical examiner to "perform noninvasive investigative procedures upon the body of the child."

The bill also passed a House committee and was recommended for passage by the full House. Then it came to the attention of child advocates. The Attorney General, State Medical Examiner, Polk County Attorney, Polk County Medical Examiner, Commissioner of the Iowa Department of Public Safety, Director of the Iowa Chapter of the National Committee for the Prevention of Child Abuse, a medical consultant, and CHILD Inc. all protested.

Representative Christopher Rants, R-Sioux City, was very helpful in getting the bill returned to committee where it died for 1995.

Senator Elaine Szymoniak, D-Des Moines, the bill sponsor, said she had developed the bill in response to the death of a Native American infant whose parents objected to an autopsy.

Witnesses' use of medical evidence: a pediatrician responds

The Jehovah's Witness faith is well known for its opposition to blood transfusions. But the explanations for this opposition have shifted through the years. Until the 1970s the denominational headquarters, the Watchtower Bible and Tract Society, argued from the perspective of Renaissance humoral physiology that blood contains all personality characteristics and that "moral insanity" and "sexual perversions" could, therefore, be acquired from transfusions.

Today Watchtower literature is more sophisticated. It uses data and discussion from medical literature to show the dangers of transfusions, to show that transfusions are overused, and to argue that non-blood plasma expanders will stabilize a patient just as well as a blood transfusion.[1] Dr. Albert Cornelius, Director of Education and Outreach at DeVos Children's Hospital in Grand Rapids, Michigan, has responded to these arguments in letters to CHILD President Rita Swan of December 30, 1994 and February 3, 1995.

While the Watchtower says 1 in 20 patients develop "a reaction" to blood, Cornelius says most of these reactions are easily treated, minor problems. Three out of every 10,000 blood recipients will contract a serious or fatal transfusion-related disease, he reports. The risk of hepatitis B is now 1 in every 200,000 transfusions, which is essentially the same rate as found in the general population who have not been transfused. The risk for the human immunodeficiency virus is now less than 1 in every 225,000 transfusions, he reports.

The Watchtower Society complains that transfused blood often is not matched for all antigens expressed on the red blood cell.[2] Cornelius says, however, that transfused blood is typed for the most important antigens and "less than 10 of the antigens expressed on the red blood cell participate in the reactions associated with blood transfusions."

The Watchtower claims that transfusions not only carry risks of infections, but may also transmit leukemia, lymphoma, and lyme's disease. It also claims that transfusions during cancer surgery have caused immunosuppression, which in turn caused the cancer to recur, and that transfusions may cause post-operative wound infections.[3] Cornelius disputes all of these claims. He points out that those surgery patients who require transfusions likely have more serious conditions and need more complicated surgeries than those who do not. There is no evidence that transfusions cause cancer to occur or recur or that they increase wound infections.

The Watchtower disputes the value of transfusions. It argues that a transfusion will not immediately enhance the blood's oxygen-carrying capacity and therefore the transfusion is a "mere

volume expander in the initial stages."[4] But Cornelius says the transfer of oxygen is a critical benefit provided by transfusions. "The red blood cells do participate in the transfer of oxygen to the tissues at 80+% of capacity immediately after transfusion," he says, and it is only the remaining percentage points that "gradually improve to fully functioning capacity at 24 hours."

The Watchtower says that the ability of transfused blood to transfer oxygen to tissues deteriorates the longer blood is stored and uses this point to imply that it functions only as a volume expander.[5] While deterioration does take place over time in storage, Cornelius points out that even blood that has been stored for two weeks develops full oxygen delivery capacity within 24 hours of reinfusion. He also reports that physicians use blood that is less than one week in storage for transfusion to infants and children because these patients need immediate improvement in oxygen delivery.[6]

The Watchtower recommends that members ask physicians to use salt solutions or intravenous dextran (hetastarch) instead of plasma.[7] But many practitioners of emergency medicine believe that plasma is a much more reliable expander of blood volume than are salt solutions. Fewer complications of the fluid leaking out of the blood vessels occur with plasma transfusion. Also, the infusion of dextran is associated with a decrease in blood clotting and increased risk of bleeding, Cornelius writes.

The AIDS epidemic has radically changed medical practice on transfusions. Whereas physicians used to order transfusions when a patient's hemoglobin fell below a certain level and when a certain hemoglobin level was required before surgery, current practice is to require transfusions only for patients who have symptomatic anemia or symptomatic bleeding, Cornelius reports.

The AIDS epidemic and the Jehovah's Witness opposition to transfusions have also spurred development of techniques that minimize the need for transfusions, such as supplemental iron therapy, a red blood cell stimulatory agent called erythropoietin, electrocautery, hypotensive anesthesia, and hypothermia.

Witness publications cite several studies in medical journals reporting on many types of surgery successfully performed without transfusions.[8] They do not, however, offer evidence that transfusions are unnecessary for all surgery and treatment of children, especially infants.[9]

The Jehovah's Witnesses offer Bible verses prohibiting the "eating" of blood as a basis for their opposition to transfusions. But they also use medical information to justify their position. Current Witness literature uses articles from medical journals to bolster the church's opposition to transfusions. We are grateful to Dr. Cornelius for helping us sort through these arguments.

For more information, contact Dr. Albert Cornelius at DeVos Children's Hospital, Mail Code 85, Grand Rapids MI 49503-2560, Ph. 616-776-2086 and FAX 616-732-8873.

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[1] *Jehovah's Witnesses and the Question of Blood* (Brooklyn: Watchtower Bible and Tract Society 1977) and *How Can Blood Save Your Life?* (Brooklyn: WBTS 1990).

[2] *How Can Blood Save Your Life?* 8.

[3] *How Can Blood Save Your Life?* 11, 8-9.

[4] *Question of Blood* 53.

[5] *Question of Blood* 53.

[6] See also Kevy, Sherwin V. "Red cell transfusions." *Hematology of Infancy and Childhood* 4th edition. Eds. D. G. Nathan and F. A. Osky. Philadelphia: W. B. Sanders, 1992. 1770-1.

[7] *How Can Blood Save Your Life?* 13-14.

[8] Joerg Stein, Hans Gombotz et al., "Open heart surgery in children of Jehovah's Witnesses: extreme hemodilution on cardiopulmonary bypass," *Pediatric Cardiology* 12 (1991): 170-74; Leon Levinsky, V. Srinivasan et al., "Intracardiac surgery in children of Jehovah's Witnesses," *Johns Hopkins Medical Journal* 148 (1982): 196-98; C. E. Henling, M. J. Carmichael, et al., "Cardiac operation for congenital heart disease in children of Jehovah's Witnesses," *Journal of Thoracic and Cardiovascular Surgery* 89 (1985): 914-20; A. Kawaguchi, J. Bergsland et al., "Total bloodless open heart surgery in the pediatric age group," *Circulation* 70 (1984 suppl. 1): 30-37.

[9] See Naomi Luban and Sanford Leikin, "Jehovah's Witnesses and transfusions: the pediatric perspective," *Transfusion Medicine Reviews* 5 (October 1991): 254.

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October 29, 1995

Dept. of Policy Making
Principal Mutual Life Insurance Company
711 High Street
Des Moines IA 50392

Dear Policy Makers:

Last year my husband's employer, Morningside College in Sioux City, Iowa, began purchasing group health insurance for our faculty and staff from Principal.

We are dismayed to read in literature distributed by the Christian Science church that, unlike our previous carrier, Principal reimburses for Christian Science care and "treatment."

The Christian Science church does indeed use some terms from the realm of medicine for its methods. They call their faith healers "practitioners." They call their prayers "treatments;" they call the people they pray for their "patients." And they send bills by the day for these treatments. The practitioners have only two weeks of training and no training in diagnosis. They usually do not even see the "patients" they are "treating." The church has other people called "nurses," who have no training whatsoever and do almost nothing remotely resembling medical nursing.

Such terminology should not induce an insurance carrier to pay for the church's unlicensed, untrained providers.

We strongly hope that Principal is not using our premiums to support quackery that has cost the lives of many helpless children. We wonder if you are aware that the church uses its insurance reimbursements as a reason for legislators to allow Christian Science parents to withhold medical care from children.

Please advise us as to whether Principal reimburses for the services of Christian Science practitioners and nurses.

Sincerely,

Rita Swan

Rita Swan