

Children's Healthcare Is a Legal Duty, Inc.

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Equal rights for children under the law



Ian Lundman 1978-1989

Court denies reimbursement for Christian Science training programs

A long seesaw battle over Medicare reimbursement for the training of Christian Science nurses came to an end in November when a federal court ruled against Christian Science care facilities.

The Provider Reimbursement Review Board twice ruled that the facilities could be compensated by Medicare for their training programs, but the U.S. Department of Health and Human Services overruled the PRRB and the U.S. District Court for the District of Columbia upheld the Department's decision.

The church's care facilities were accredited by the Mother Church, its denominational headquarters, until 1997 when the church spun off accreditation to a separate organization called the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc.

The federal government requires that reimbursable training cannot be just orientation, on-the-job

training or continuing education but a program that is a necessary prerequisite for entering the profession. Also the program must enhance the quality of in-patient care.

The Court upheld the Department's conclusion that the Christian Science sanatoria's training programs were "not sufficiently accredited."

The Court pointed out that federal law requires that reimbursable care in their facilities must be by "skilled nurses." Though the Christian Scientists claimed that Medicare/Medicaid reimbursed care was provided only by nurses with a high level of skill and training, the Court found the commission had no standards for evaluating the training of skilled Christian Science nurses.

The government also complained that the commission was not independent of the care facilities since both the commission members and all staff in the care facilities had to be members of the Christian Science church.

What CS nurses have done for dying children

We doubt the government knows even the minor fraction of the inadequacies of Christian Science nurses. When 11-year-old Ian Lundman (above) lay dying in a diabetic coma in 1989, the local Christian Science nursing home sent out a nurse named Quinna Lamb to attend him. She had never cared for a seriously ill child before. For over five hours she sat at his bedside. Her care consisted of trying to get a comatose child to take a few drops

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of water from a straw, and tying a plastic sandwich bag and washcloth around his scrotum.

Later in a wrongful death suit, she testified that the only thing she had been taught specific to the care of children was how to cut sandwiches in interesting shapes.

Three years earlier as toddler Robyn Twitchell was dying of peritonitis from a twisted bowel and vomiting fecal material, a Christian Science nurse was trying to feed him and showing his mother how to stroke his jaw to encourage him to swallow.

Thankfully, no more public money will go to train caregivers to treat children like that!

Is church protecting itself from liability?

The lack of standards is no oversight. After the gruesome deaths of Ian and Robyn were aired in courts and the press, the church stated that would-be nurses should decide for themselves what kind of training or guidance they might need. If the church does not require any training, then the church may perhaps not be accountable for the harms perpetrated by nurses who cannot take a pulse or use a fever thermometer.

The number of patients in Christian Science sanatoria must be going down. In 1982 Medicare paid \$5,464,288 for care in them when the daily cost averaged \$260 per patient. In 2014 Medicare paid \$4,040,000 for care even though daily patient costs averaged \$456.27.

Sources include *Chestnut Hill Benevolent Assn., et al., vs. Burwell*, U.S. Dist. Ct. DC, civil action 14-2135, Nov. 3, 2015, and “Fresh Insights into Christian Science nursing,” *Christian Science Journal* (Nov. 1991):34-35. The sanatoria did not appeal the ruling.

One man’s quest for justice

Prophet’s Prey by Sam Brower. 328 pp. Bloomsbury. 2012. \$17.00. With preface by Jon Krakauer and a new appendix by the author.

Reviewed by Beth Young

This *New York Times* bestseller, the source material for a 2015 documentary of the same name, relates Sam Brower’s investigations into the Fundamental Church of Jesus Christ of Latter Day Saints (FLDS), a radical Mormon offshoot formed

when the official Church of Jesus Christ of Latter Day Saints renounced polygamy in 1890.

The FLDS has sometimes been depicted as a quiet, hard-working sect, much like the Amish, where women wear prairie dresses and willingly join “plural” marriages. Odd, maybe, but not malign. Brower convincingly argues that they are actually “a very large, well-organized, and elaborately funded criminal organization.”

Children cling to the world given them

Brower’s book illustrates how religion can both motivate crimes and shield criminals from prosecution. Most of all, Brower shows that children raised in an abusive religion will not only fail to protest the abuse, they will often fight efforts to rescue them from it.

Wisely, Brower begins with one of the less-lurid crimes he investigated: a family of seven being evicted from their home. Despite a court order allowing the family to stay, Brower watched as church members invaded the house, dismantled a staircase, changed the locks, and moved another family into the upstairs portion—actions enforced by the town police. In this town, the entire bureaucracy, from building inspectors to law enforcement to fire fighters to utility companies, consider it their primary duty to enforce church dictates.

Children deprived, abandoned, raped

Those dictates are shocking. Church members must donate all income and other assets to a church-owned trust that doles out provisions as it sees fit. Men who “sin” are ordered to repent at a distance—but continue to tithe—while their wives are assigned new husbands and their children are ordered to call the new husband “Father.”

Television and movies and secular books and music and dancing are forbidden; more unexpectedly, also forbidden are all toys, the color red, and pets. (The pet ban was instituted in 2001, when all existing pets were collected and killed.)

Local schools teach little besides church doctrine. Young children of elementary school age work long hours in church-owned businesses, even operating heavy construction equipment.

When the church decides a boy is a “bad seed,” he will be driven to a nearby highway and abandoned, with a warning not to contact or return to the community because no one will acknowledge him. Hundreds of boys, some as young as 12, have been

abandoned in this way. Girls, also as young as 12, are assigned to marry church-selected men.

Due to inbreeding, a crippling genetic disorder, Fumarase Deficiency, has flourished. More than half the world's children with this disorder live in the FLDS community, but the church forbids genetic testing. When one resident took her toddler to the local medical clinic (staffed by FLDS-sympathetic clinicians), they told her that the baby was “too pure a spirit to be on earth anymore” and did nothing further.

State could not stop abuses

Even when authorities uncover clear evidence of ongoing child abuse, they often fail to stop it, as a highly publicized 2008 raid on the FLDS compound in Texas demonstrated. Law enforcement, eager to avoid a repeat of the Waco tragedy, allowed FLDS men to escort CPS workers as children were interviewed. The escorts “coached” the girls’ answers to questions about their names and ages. Still, CPS workers discovered more than 18 girls apparently between the ages of 12 and 16 who were pregnant or had given birth. Worried that every child was potentially at risk, CPS transported them offsite, but eventually, faced with high costs and negative publicity, CPS returned every child to the compound. CPS did not even require the children to be released to parents.

Granted, the children themselves obstructed protective efforts. For example, 12-year-old Merrienne Jessop, one of Jeffs’ more than seventy wives, spent several months in foster care, but she refused to cooperate with social workers. Instead she obeyed text messages that her mother regularly sent (such as “Please stay angry” and “We need you to keep crying”), acting like a “real little brat.”

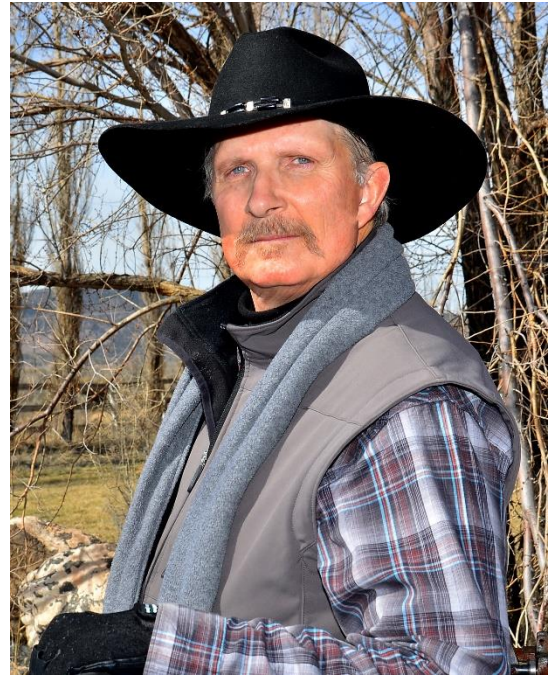
The social workers discovered another compelling influence the church held over her when they showed her a photo of a baby who looked like her and asked whose baby it was. Merrienne gasped, curled into a fetal position on the floor, and sobbed uncontrollably. As other former FLDS members have found, it is terrifying to oppose a church that controls your children.

And it’s no surprise that children who are raised from infancy to believe the church is always right are unlikely to abandon those teachings just because outsiders show up.

These events are so perverse that they are difficult to believe. Although these claims—and

more—have been repeatedly made by former FLDS members (a few examples: Carolyn Jessop’s *Escape*, Elissa Wall’s *Lost Innocence*, Brent W. Jeffs’ *Lost Boy*), it can be easy to discount them because a former church member could be biased.

By contrast, Brower is not an “apostate.” He treats those who succumb to church pressure, such as Candi Shapley (who testified to a grand jury but refused at trial) with sympathy. Because he has no personal grudge to bear, only compassion for victims, his account is very persuasive.



Sam Brower

This book relates some positive developments, such as the capture of church leader Warren Jeffs, who received a life sentence for aggravated sexual assault of a child. (An audiotope, seized during the Texas raid, of Jeffs raping a 12-year-old girl was played for jurors; it’s also played in the *Prophet’s Prey* documentary.)

However, Jeffs’ imprisonment doesn’t mean FLDS members are safe. Jeffs continues to run his church from prison. His edicts have grown weirder. For example, only a few “seed bearers” are now allowed to impregnate women (as their husbands watch). The church controls millions of dollars in assets and can easily afford to protect itself with lawyers, private security officers, and plain-old physical walls. Hundreds of families have moved to private compounds in at least five U.S. states, Canada, and Mexico, where their welfare is concealed.

Brower states that justice is too often blocked by elected officials who “have yet to be awakened” to the systematic abuse in FLDS communities. Too many people still confuse prosecuting crimes with persecuting religion. Yet Brower says he has faith in the ultimate outcome. Based on the events in this book, that outcome seems far away.

Beth Young is an associate professor of English at the University of Central Florida.

Does U.S. military allow child sex abuse as a cultural tradition?

Some American soldiers in Afghanistan say they were told by superiors to ignore sexual abuse of Afghan children because it was cultural tradition.

Sexual abuse of children has long been rampant in Afghanistan, especially a practice called *bacha bazi* or “boy play.” U.S. soldiers and Marines have been instructed not to intervene—in some cases, not even when their Afghan allies have abused boys on U.S. military bases, according to interviews and court records, *The New York Times* reports.

American policy is intended to maintain good relations with Afghan police and militia units whom the U.S. has trained to fight the Taliban and also “reflects a reluctance to impose cultural values” on them, *The Times* says.

A spokesman for the American command there said child sexual abuse by Afghan officers is a matter of domestic Afghan law and reporting it is optional. American officers have told of hearing boys scream at night and not being able to do anything.

U.S. officers aware of horrific abuses to kids

When Captain Dan Quinn, a Green Beret on his second tour of duty, reported the rape of a young teenager, the local police jailed the rapist for one day and then forced the victim to marry him. Another local commander murdered his 12-year-old daughter in an honor killing for having kissed a boy.

Whenever village elders complained about the abuses by American-backed forces, Quinn would gather the Afghan commanders and lecture them on human rights.

In 2011 a bruised woman showed up at an American base with her son, who was limping. She said a local Afghan police commander had abducted

the boy and forced him to become a sex slave chained to his bed and that she was beaten for demanding his release. The boy was eventually released but the mother said she was afraid it would happen again.

Army punishes men who tried to stop abuse

When Quinn confronted the commander, the man acknowledged it was true but laughed, saying it involved only a boy. Quinn and a Sergeant Charles Martland picked him up and threw him onto the ground to communicate the message that they would not tolerate him kidnapping the child again.

The Army then relieved Quinn of his command and pulled him from Afghanistan. Quinn has since left the military. The Army is still trying to forcibly retire Martland. Some American Army officers have said what Quinn and Martland did could have endangered other Green Berets.

The Army has also discharged Major Jason Brezler, for sending classified material on his personal email. Brezler was trying to warn that a local police commander, who had been arrested for collusion with the Taliban as well as corruption and kidnapping, was back on a U.S. base.

With the commander were a large entourage of “tea boys”—servants who are sometimes forced to be sex slaves.

Victim’s revenge?

Brezler’s warning was prescient: two weeks later a tea boy grabbed a rifle and killed three U.S. Marines. One bereaved father feels his son was murdered because the boy blamed the American military for the sexual abuse.

Over a thousand readers responded to the *Times* article with most outraged by the U.S. punishing those who tried to stop the abuses. The military says it is reviewing its non-intervention policy.

Sources include *New York Times*, Sept. 20, 2015, and *Tacoma News Tribune*, Feb. 21, 2016.

Punitive, obsessed Christians abuse adopted children

Two family members in an Arizona religion-related abuse case have pled guilty; the mother’s trial for abuse of adopted daughters has been rescheduled for June. The father, Johann Jorg, pled

guilty to abuse in April and was sentenced to fourteen years in prison. Their adult biological daughter Kourtney pled guilty to participating in the abuse and failure to report it. She was sentenced to three months in jail, ten years probation, and fines.

Christ's rules and punishments everywhere

The girls were home-schooled, and the mother Kimery Jorg was the main disciplinarian. Her walls, appliances, and cabinets were crammed with notes and papers laying out her rules, schedules, medications, and punishments. She measured out in separate bottles the exact amount of water each girl could drink each day. One document on the "21 rules" included "We obey our Lord Jesus Christ" and "When we disobey or forget any of the 21 rules of This House, we accept the discipline and instruction of the Lord."

The children were spanked with a wooden paddle several times a day. They had to first apologize for their infraction and then ask for the spanking. They got swats according to their ages, but Kimery claimed they got only three swats at a time, which stood for the words "I love you." After the spankings, the parents ritually hugged the children and expressed their love for them.

Micromanagement of 13-year-old

Jorg was hardest on her oldest adopted daughter, 13-year-old Kyla, an African-American child. One of Jorg's memos listed her punishable offenses as including "not asking for swats," "working inside the house," "wearing clothes outside," "not going poop on time," "not drinking enough water," "putting wrong amt of oatmeal in bowl," "not showing dinner dish to a parent," "not looking down in the van," "not asking for TV @dentist to be turned off," "taking all sheets out of drier at one time," and "not asking for dinner timer to be set" to name only a small fraction.

Memorizing Bible verses was a near-daily punishment. Kyla had to write a verse for each year of her age three times each. If she missed one she had to rewrite all the verses four times and the requirement kept escalating.

Degrading abuse and neglect

Running was another obsessive punishment with Kyla and another adoptee having to run from one to five hours a day. The running had to be done back and forth on the sidewalk along one side of the

home so neighbors would not see. Each time she got a Bible verse wrong, Jorg added 30 minutes to her run. She had to do those hours of daily running in Arizona barefoot. In fact one of Kyla's crimes on her mother's list was "running with shoes."

The parents had shaved the girl's head several times as punishment.

Kyla had also been in "deep prison" for six months as punishment. She had to stay outside naked in what they called a tent but it had no floor. She was given only two ice-cold towels for bedding. In the winter she was allowed to wear a diaper, a bib, and a "head diaper." She was allowed to come in the house to defecate but if the house was locked she had to defecate in a bag.

Jorg was obsessed with bowel movements and Kyla was punished if she didn't have a bowel movement by noon even though her strict diet was severely deficient. The Jorgs discontinued the Miralax recommended by a physician and performed enemas on the girl instead.

Like "concentration camp survivor"

In May, 2014, Child Protection Services became aware of the girls' situation and removed them from the home. Kyla had lost so much weight she was immediately hospitalized; the staff said she looked like a "concentration camp survivor." The skin on her buttocks was leathery and hyperpigmented, consistent with Kyla's statement that she was sometimes paddled until she bled.

Like their adoptive mother, the younger girls blamed all the family's problems on Kyla, claiming that she lied and stole so the children would be taken away but they wanted to stay with the Jorgs. They said their parents were "godly" because they know Jesus and ask Jesus into their hearts.

The Jorgs blame their discipline problems on abuse the girls experienced before they came into foster care. They claim they asked for help and didn't get it. In fact, however, they had a pattern of rejecting the help they were offered. They pulled the girls out of school because the teachers wanted to promote one girl to the next grade and the Jorgs were determined the girl should repeat the grade she had completed. When they sought counselling they got angry because the therapists did not see the oppositional defiant behavior the Jorgs claimed about the girls, so they discontinued therapy.

Kourtney admitted that once she physically stopped her mother who was hitting Kyla in the

back with closed fists but even then did not report what she was witnessing in the home because, she said, she did “not know where the line was.”

Exemplary behavior in group home

Seven weeks after Kyla and her adoptive sisters were removed from the Jorg home, Kyla’s weight had increased from 61 to 83 pounds. At the group home she had earned the highest award for behavior. Staff said she was strong, caring, and helpful. The girls had been on 20 medications in the Jorg home. Those were reduced to only one daily pill for Kyla and none for her sister.

Arizona does not monitor home schooling. All parents have to do is notify the state that they are homeschooling their children.

Sources include the Peoria Police Department report, *AP* and *Phoenix New Times*, June 6, 2014.

Curriculum on religious maltreatment for congregations

The Child-Friendly Faith Project based in Austin, Texas, has developed a curriculum to help congregations consider how their faith traditions and messaging can best nurture children. It is not a training program but rather a guide for discussion within a group of their members. It provides, CFFP says, “a way for faith communities to talk about a subject they care deeply about—meeting children’s physical, emotional, and spiritual needs—in an environment that feels private and safe.”

It consists of five 90-minute modules to be discussed about a week apart. Congregations that complete the program are designated as CFFP charter members and receive marketing support.

More information, including a video, are at <http://childfriendlyfaith.org/what-is-the-cffp-designation-program/>.

What will it take in Idaho?

The large number of Idaho children who have suffered and died because of religious beliefs against medical care are the focus of CHILD’s second webpage, www.idahochildren.org. Idaho has a religious exception for criminal injury of dependents, manslaughter, and child neglect, and a

law requiring a court to “take into consideration” spiritual “treatment” before ordering emergency medical care. These laws allow religious objectors to deprive their children of medical care regardless of the injury or death that results. No criminal charges have been filed since the exemptions were enacted, and one coroner told the press she does not even do autopsies on children who die without medical care because of parents’ religious beliefs.

Ten times higher

In one cemetery used by the anti-medical sect Followers of Christ the proportion of the graves for minor children and stillbirths is ten times higher than that of deaths among those groups statewide.

Linda Martin, who was raised in the Followers of Christ, has made massive efforts to promote a bill to repeal or modify the religious exemption statutes. The House speaker, Scott Bedke, would not allow a committee to hold a hearing on it. Linda has also gone through the FOC cemetery several times with media filming the graves of children.

Project Idaho

The Child-Friendly Faith Project launched Project Idaho to get some legal protection for the children in faith-healing sects. See www.childfriendlyfaith.org/ProjectIdaho. CFFP Executive Director Janet Heimlich made three trips to Boise to meet with Senator Lee Heider, who chairs the Senate Health and Welfare Committee. Over ten months Heider broke promise after promise and finally would not even allow a timid compromise bill to be printed.

Let Them Live Campaign

These struggles have motivated the Protect Idaho Kids Foundation to plan a public education media campaign called Let Them Live. Its founder Bruce Wingate hopes to raise enough money to produce public service announcements and paid advertisements in broadcast and print media.

In any other state there would have been extensive free media coverage of scores of preventable child fatalities plus massive public outrage. After the Oregon media learned about the 78 children buried in the Oregon Followers of Christ cemetery, *The Oregonian* newspaper sent a reporter and photographer across the country interviewing and researching on faith-based medical neglect and produced a series of articles. In Idaho, however, the

state's largest newspaper, *Idaho Statesman*, has never to our knowledge done any reporting on the deaths though we have asked for coverage and supplied information to them more than once. A search of their archives shows only one article in the *Statesman* on the issue and that was an abbreviated reprint of an Associated Press article.

CHILD has contributed \$5,000 to PIK's Let Them Live campaign. We encourage others to donate to it at www.gofundme.com/6vtbxh4s. We've got to do something to save the lives of these kids.

Scholars report on agency response to religion-related maltreatment



Three types of religion-related maltreatment are the focus of research by CHILD honorary member Bette Bottoms, Professor of Psychology at the University of Illinois at Chicago (left), and colleagues recently published in *Behavioral Sciences and the Law*.

They previously reported on mental health professionals' experiences in treating religion-related maltreatment of children. For the new study they wrote to thousands of district attorneys, law enforcement, and social service agencies soliciting information about religion-related maltreatment and obtained information on 249 cases during the 1980s and early 1990s: 88 of religion-related medical neglect (including 8 fatalities), 84 of attempts to rid the child of evil (with 6 fatalities), and 77 of abuse perpetrated by a religious authority figure, one of which caused death.

Only 11 of the 77 cases reported from law enforcement and social services were abuses perpetrated by a Catholic priest but their earlier study indicated a much larger percentage of the authority abuses reported to mental health professionals were by Catholic priests.

Exorcisms and other practices to rid the child of evil had the most sensational descriptions, such as "whippings making a cross mark," "removal of a child's eye, and locking the child under the bathroom sink without food before killing the child.

Some of the medical neglect cases also sound horrific, such as relying only on a faith healer when a child fell into a barbecue pit and suffered third-degree burns. Most of the medical neglect was chronic, lasting approximately a year.

Medical neglect best documented but least investigated or charged and often unreported

Even though the medical neglect cases had the most corroborative evidence, they were the least likely of the three types to be investigated by police and least likely to lead to charges. In the burn case, a judge ordered medical treatment but no charges were filed. The authors suggest that lack of charges may be because of religious exemption laws as well as general reluctance to prosecute parents. They also point out that their previous research on the experiences of mental health professionals indicates that many cases of religious medical neglect are not reported to social services or law enforcement.

A limitation of their study and others on religion-related maltreatment is lack of a way to obtain data on "current base rates in the general population." Also, the authors say, "we may have missed the most common form of maltreatment encouraged by some sects' religious beliefs—corporal punishment perpetrated by Biblical literalists. . . , because such abuse might not be severe enough to attract the attention of authorities."

See Bette L. Bottoms, Gail Goodman, Marina Tolon-Shams, Kathleen R. Diviak, and Phillip R. Shaver, "Religion-related child maltreatment: a profile of cases encountered by legal and social service agencies," *Behavioral Science and the Law* 33 (2015):561-79 and Bette L. Bottoms, Phillip R. Shaver, Gail Goodman, and Jain Jian Qin, "In the name of God: a profile of religion-related child abuse." *Journal of Social Issues* 51 (1995): 85-111.

Religious exemptions to pulse oximetry debated

The January 2016 issue of the *American Journal of Bioethics* included many commentaries on whether to allow religious exemptions to pulse oximetry, a noninvasive test for critical congenital heart defects of newborns. The journal invited many scholars to contribute 1500-word "open peer

commentaries” on an article by Lisa Hom et al. that argued for allowing religious exemptions.

Also Dr. John Lantos of Children’s Mercy Hospital in Kansas City contributed a superb editorial, “One exemption too many: the case for mandated CCHD screening.” Without screening there would be about 300 preventable CCHD deaths a year, Lantos says. If 1% of parents opt out of screening there would be 3 preventable deaths a year. If the state does not allow parents to refuse treatment for a CCHD, it should not allow parents to refuse the screening that detects a CCHD, Lantos concludes.

Among Hom’s arguments for religious exemptions were that the danger of CCHDs is “not immediate,” that few parents will want religious exemptions, and the cost of confronting parents in neglect proceedings is “not worth it.”

My commentary responded with these points. The danger of a CCHD can be immediate.

Risk is not zero

Even if only a small number of parents get religious exemptions from pulse oximetry, there is still a risk of missing a CCHD. For example, metabolic disorders are far less common than critical congenital heart defects yet children have died and been disabled for life because their parents refused metabolic screening.

Neglect proceedings are not the only way to gain compliance. Dependency proceedings, for example, are less confrontational and more efficient. Also, pulse oximetry can be made conditional upon registering a birth just as immunizations are conditional for enrollment in school and childcare.

What message does religious exemption send?

“Religious exemptions convey to some believers that rejecting screening and medical therapy is not only legal but safe. . . . Some religious leaders tell parents that legislators enact religious exemptions because the legislators themselves agree that prayer and ritual are adequate protection for children’s health.

“Outside of faith-healing sects, religious exemptions send a message that some children are not as valued by our society as others. The state is depriving some children of protections it extends to others.

“By contrast screening requirements for newborns without religious exemption send a message to everyone that the community values each child.

“When policymakers consider a health screening beneficial enough to mandate it, no child should be denied the benefit because of the parents’ religious beliefs. . . .

“Pulse oximetry is simple, quick, inexpensive, non-invasive, and painless. It cannot possibly do any physical or psychic harm to a newborn baby. These factors plus the grave harms it detects weigh heavily in favor of mandating it without religious exception.”

We were pleased that the majority of the commentaries opposed religious exemptions from pulse oximetry. Unfortunately, however, most states are including religious exemptions in the laws requiring pulse oximetry that they are rapidly enacting around the country.

The cite for my commentary is Pulse Oximetry Should Be Required without a Religious Exemption, *American Journal of Bioethics*, 16(1), 26-28, Jan 2016. ISSN 1526-5161; EISSN 1536-0075. Contact CHILD to request an electronic copy.

CHILD founder given lifetime achievement award

At its annual conference in October the Freedom from Religion Foundation presented CHILD founder and president Rita Swan with a lifetime achievement award “for valiant efforts to save children’s lives.”



Rita Swan and FFRF Co-president Annie Gaylor